

English edition

Legislation

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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EC) No 278/2003
of 6 February 2003
adopting autonomous and transitional measures concerning the importation of certain processed
agricultural products originating in Poland

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community and in particular Article 133 thereof,

Having regard to the proposal from the Commission,

Whereas:

- (1) Protocol 3 to the Europe Agreement between the European Communities and their Member States, of the one part, and the Republic of Poland, of the other part, hereinafter referred to as 'Europe Agreement with Poland' ⁽¹⁾, provides for tariff concessions for processed agricultural products originating in Poland. Protocol 3 has been amended by the Adaptation Protocol ⁽²⁾ adjusting trade aspects of the Europe Agreement with Poland.
- (2) The procedure for adopting a decision to amend the said Adaptation Protocol was not completed in time for it to enter into force on 1 January 2003. It is therefore necessary to provide for the application of the concessions granted in that Protocol to Poland on an autonomous basis from 1 February 2003.
- (3) The new annual quotas provided for in the Annex should be opened for the period from 1 February to 31 December 2003 and from 1 January to 31 December in the following years. Furthermore, it should be specified that any imports originating in Poland already made after 1 February 2003 pursuant to the tariff quotas provided for in Regulation (EC) No 2364/2002 ⁽³⁾ are to be considered as coming under the new tariff quotas. It should be noted in this respect that the duties applied to such imports made after 1 February 2003 shall be reimbursed as appropriate in accordance with the provisions of Articles 878 to 898 of Commission Regulation (EEC) No 2454/93 of 2 July 1993 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code ⁽⁴⁾.
- (4) Provision should be made for the tariff quotas to be managed by the Community authorities and the Member States in conformity with Regulation (EEC) No 2454/93.

- (5) The measures necessary to implement this Regulation should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission ⁽⁵⁾,

HAS ADOPTED THIS REGULATION:

Article 1

From 1 February 2003 the processed agricultural products originating in Poland listed in the Annex shall be granted tariff concessions under the conditions indicated in that Annex. The basic amounts to be taken into consideration in calculating the reduced agricultural components (EAR) and additional duties applicable to imports into the Community from Poland are shown in Table 4 in the Annex.

Article 2

The quantities of goods which are subject to tariff quotas and are released for free circulation as from 1 February 2003 in accordance with Regulation (EC) No 2364/2002 before this Regulation enters into force shall be included in the quantities set out in the Annex.

Article 3

If Poland discontinues the application of the reciprocal measures in favour of the Community, the Commission may, in accordance with the procedure laid down in Article 5(2), suspend application of the measures provided for in Article 1.

Article 4

The annual tariff quotas referred to in Table 1 of the Annex shall be administered by the Commission in accordance with Articles 308a, 308b and 308c of Regulation (EEC) No 2454/93.

⁽⁵⁾ OJ L 184, 17.7.1999, p. 23.

⁽¹⁾ OJ L 348, 31.12.1993, p. 2.

⁽²⁾ OJ L 27, 30.1.2002, p. 3.

⁽³⁾ OJ L 351, 28.12.2002, p. 66.

⁽⁴⁾ OJ L 253, 11.10.1993, p. 1. Regulation as last amended by Regulation (EC) No 444/2002 (OJ L 68, 12.3.2002, p. 11).

Article 5

1. The Commission shall be assisted by the Committee referred to in Article 16 of Council Regulation (EC) No 3448/93 ⁽¹⁾.

2. Where reference is made to this paragraph, Articles 4 and 7 of Decision 1999/468/EC shall apply.

The period laid down in Article 4(3) of Decision 1999/468/EC shall be set at one month.

3. The Committee shall adopt its rules of procedure.

Article 6

This Regulation shall enter into force on the third day following its publication in the *Official Journal of the European Union*.

It shall apply as from 1 February 2003.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 6 February 2003.

For the Council
The President
P. EFTHYMIU

⁽¹⁾ OJ L 318, 20.12.1993, p. 18. Regulation as last amended by Regulation (EC) No 2580/2000 (OJ L 298, 25.11.2000, p. 5).

ANNEX

Table 1: Annual tariff quotas applicable upon import into the Community of goods originating in Poland

EAR: see Table 4.

Quota order numbers	CN code	Description	Quota volume (× 1 000 kg) (1)	Duty (%) within quota from 1.2.2003		
09.5401	0403	Buttermilk, curdled milk and cream, yogurt, kephir and other fermented or acidified milk and cream, whether or not concentrated or containing added sugar or other sweetening matter or flavoured or containing added fruit, nuts or cocoa:	23			
	0403 10	– Yogurt: – – Flavoured or containing added fruit, nuts or cocoa: – – – In powder, granules or other solid forms, of a milk fat content, by weight:				
	0403 10 51	– – – Not exceeding 1,5 %		0 + EAR		
	0403 10 53	– – – Exceeding 1,5 % but not exceeding 27 %		0 + EAR		
	0403 10 59	– – – Exceeding 27 % – – – Other, of a milk fat content, by weight:		0 + EAR		
	0403 10 91	– – – – Not exceeding 3 %		0 + EAR		
	0403 10 93	– – – – Exceeding 3 % but not exceeding 6 %		0 + EAR		
	0403 10 99	– – – – Exceeding 6 %		0 + EAR		
	0403 90	– Other: – – Flavoured or containing added fruit, nuts or cocoa: – – – In powder, granules or other solid forms, of a milkfat content, by weight:				
	0403 90 71	– – – – Not exceeding 1,5 %		0 + EAR		
	0403 90 73	– – – – Exceeding 1,5 % but not exceeding 27 %		0 + EAR		
	0403 90 79	– – – – Exceeding 27 % – – – Other, of a milkfat content, by weight:		0 + EAR		
	0403 90 91	– – – – Not exceeding 3 %		0 + EAR		
	0403 90 93	– – – – Exceeding 3 % but not exceeding 6 %		0 + EAR		
	0403 90 99	– – – – Exceeding 6 %		0 + EAR		
	09.5403	1704		Sugar confectionery (including white chocolate), not containing cocoa:	15 000	
		1704 10		– Chewing gum, whether or not sugar-coated: – – Containing less than 60 % by weight of sucrose (including invert sugar expressed as sucrose):		
1704 10 11		– – – Gum in strips	0			

Quota order numbers	CN code	Description	Quota volume (× 1 000 kg) (1)	Duty (%) within quota from 1.2.2003
	1704 10 19	--- Other		0
		-- Containing 60 % or more by weight of sucrose (including invert sugar expressed as sucrose):		
	1704 10 91	--- Gum in strips		0
	1704 10 99	--- Other		0
	1704 90	- Other:		
	1704 90 30	-- White chocolate		0
		-- Other:		
	1704 90 55	--- Throat pastilles and cough drops		0
	ex 1704 60 61	--- Sugar coated (panned) goods containing less than 70 % by weight of sucrose (including invert sugar expressed as sucrose)		0
		--- Other:		
	1704 90 71	---- Boiled sweets whether or not filled		0
	1704 90 75	---- Toffees, caramels and similar sweets		0
		---- Other:		
	ex 1704 90 99	Other, containing less than 70 % by weight of sucrose (including invert sugar expressed as sucrose)		0
09.5404	1806	Chocolate and other food preparations containing cocoa:	20 000	
	1806 10	- Cocoa powder, containing added sugar or other sweet- ening matter:		
	1806 10 20	-- Containing 5 % or more but less than 65 % by weight of sucrose (including invert sugar expressed as sucrose) or isoglucose expressed as sucrose		0
	1806 20	- Other preparations in block, slabs or bars weighing more than 2 kg or in liquid, paste, powder, granular or other bulk form in containers or immediate pack- ings, of a content exceeding 2 kg:		0
		- Other, in blocks, slabs or bars:		
	1806 31	-- Filled		0
	1806 32	-- Not filled		0
	1806 90	- Other		0
09.5405	1902	Pasta, whether or not cooked or stuffed (with meat or other substances) or otherwise prepared such as spaghetti, macaroni, noodles, lasagne, gnocchi, ravioli, cannelloni, couscous, whether or not prepared:	3 525	
		- Uncooked pasta, not stuffed or otherwise prepared:		
	1902 11 00	-- Containing eggs		0
	1902 19	-- Other:		0

Quota order numbers	CN code	Description	Quota volume (× 1 000 kg) (1)	Duty (%) within quota from 1.2.2003
	1902 20	– Stuffed pasta whether or not cooked or otherwise prepared:		
		– – Other:		
	1902 20 91	– – – Cooked		0
	1902 20 99	– – – Other		0
	1902 30	– Other pasta:		0
	1902 40	– Couscous:		0
09.5407	1903 00 00	Tapioca and substitutes therefor prepared from starch, in the form of flakes, grains, pearls, siftings or similar forms	59	0 + EAR
09.5408	1905	Bread, pastry, cakes, biscuits and other bakers' wares, whether or not containing cocoa; communion wafers, empty cachets of a kind suitable for pharmaceutical use, sealing wafers, rice paper and similar products	15 000	0
09.5409	2001	Vegetables, fruits, nuts and other edible parts of plants, prepared or preserved by vinegar or acetic acid:	36	
	2001 90	– Other:		
	2001 90 40	– – Yams, sweet potatoes and similar edible parts of plants containing 5 % or more by weight of starch		0 + EAR
	2004	Other vegetables prepared or preserved otherwise than by vinegar or acetic acid, frozen, other than products of heading 2006:		
	2004 10	– Potatoes:		
		– – Other:		
	2004 10 91	– – – In the form of flour, meal or flakes		0 + EAR
	2005	Other vegetables prepared or preserved otherwise than by vinegar or acetic or acetic acid, not frozen, other than products of heading 2006:		
	2005 20	– Potatoes:		
	2005 20 10	– – In the form of flour, meal or flakes		0 + EAR
	2008	Fruits, nuts and other edible parts of plants, otherwise prepared or preserved, whether or not containing added sugar or other sweetening matter or spirit, not elsewhere specified or included:		
		– Nuts, groundnuts and other seeds, whether or not mixed together:		
	2008 99	– – Other:		
		– – – Not containing added spirit:		
		– – – – Not containing added sugar:		
	2008 99 91	– – – – Yams, sweet potatoes and similar edible parts of plants, containing 5 % or more by weight of starch		0 + EAR

Quota order numbers	CN code	Description	Quota volume (× 1 000 kg) ⁽¹⁾	Duty (%) within quota from 1.2.2003
09.5411	2101	Extracts, essences and concentrates, of coffee, tea or maté and preparations with a basis of these products or with a basis of coffee, tea or maté; roasted chicory and other roasted coffee substitutes, and extracts, essences and concentrates thereof:	23	0 + EAR
		– Extracts, essences and concentrates of coffee, and preparations with a basis of these extracts, essences or concentrates or with a basis of coffee:		
	2101 12	-- Preparations with a basis of these extracts, essences or concentrates or with a basis of coffee:		
	2101 12 98	--- Other		
	2101 20	– Extracts, essences and concentrates, of tea or maté, and preparations with a basis of these extracts, essences and concentrates or with a basis of tea or maté:		
	2101 20 98	--- Other	0 + EAR	
09.5413	2101 30	Roasted chicory and other roasted coffee substitutes and extracts, essences and concentrates thereof:	450	0 + EAR
		-- Roasted chicory and other roasted coffee substitutes:		
	2101 30 19	--- Other		
	2101 30 99	-- Extracts, essences and concentrates of roasted chicory and other roasted coffee substitutes: --- Other	0 + EAR	
09.5415	2106	Food preparations not elsewhere specified or included:	675	0 + EAR MAX EUR 25 /100 kg
	2106 90	– Other:		
	2106 90 10	-- Cheese fondues ⁽²⁾		

⁽¹⁾ The annual tariff quotas as shown in the column are valid for the period 1 February 2003 to 31 December 2003. They remain identical for the following years from 1 January to 31 december.

⁽²⁾ Eligibility to benefit from this preference is subject to conditions laid down in the relevant Community provisions.

Table 2: Duties applicable upon import into the Community of goods originating in Poland

EA is the agricultural component calculated in accordance with Annex I of Council Regulation (EEC) No 2658/87

CN Code	Description	Duty (%) from 1.2.2003
0403	Buttermilk, curdled milk and cream, yogurt, kephir and other fermented or acidified milk and cream, whether or not concentrated or containing added sugar or other sweetening matter or flavoured or containing added fruit, nuts or cocoa:	
0403 10	– Yogurt:	
	– – Flavoured or containing added fruit, nuts or cocoa:	
	– – – In powder, granules or other solid forms, of a milk fat content, by weight:	
0403 10 51	– – – – Not exceeding 1,5 %	0 + EA
0403 10 53	– – – – Exceeding 1,5 % but not exceeding 27 %	0 + EA
0403 10 59	– – – – Exceeding 27 %	0 + EA
	– – – Other, of a milk fat content, by weight:	
0403 10 91	– – – – Not exceeding 3 %	0 + EA
0403 10 93	– – – – Exceeding 3 % but not exceeding 6 %	0 + EA
0403 10 99	– – – – Exceeding 6 %	0 + EA
0403 90	– Other:	
	– – Flavoured or containing added fruit, nuts or cocoa:	
	– – – In powder, granules or other solid forms, of a milkfat content, by weight:	
0403 90 71	– – – – Not exceeding 1,5 %	0 + EA
0403 90 73	– – – – Exceeding 1,5 % but not exceeding 27 %	0 + EA
0403 90 79	– – – – Exceeding 27 %	0 + EA
	– – – Other, of a milkfat content, by weight:	
0403 90 91	– – – – Not exceeding 3 %	0 + EA
0403 90 93	– – – – Exceeding 3 % but not exceeding 6 %	0 + EA
0403 90 99	– – – – Exceeding 6 %	0 + EA
0405	Butter and other fats and oils derived from milk; dairy spreads:	
0405 20	– Dairy spreads:	
0405 20 10	– – Of a fat content, by weight, of 39 % or more but less than 60 %	0 + EA
0405 20 30	– – Of a fat content, by weight, of 60 % or more but not exceeding 75 %	0 + EA
0509 00	Natural sponges of animal origin:	
0509 00 90	– Other	0
0710	Vegetables (uncooked or cooked by steaming or boiling in water), frozen:	
0710 40 00	– Sweet corn	0 + EA
0711	Vegetables provisionally preserved (for example, by sulphur dioxide gas, in brine, in sulphur water or in other preservative solutions), but unsuitable in that state for immediate consumption:	
0711 90	– Other vegetables; mixtures of vegetables:	
	– – Vegetables:	
0711 90 30	– – – Sweet corn	0 + EA
1302	Vegetable saps and extracts; pectic substances, pectinates and pectates; agar-agar and other mucilages and thickeners, whether or not modified, derived from vegetable products:	
	– Vegetable saps and extracts:	
1302 12 00	– – Of liquorice	0

CN Code	Description	Duty (%) from 1.2.2003
1505 1505 00 10	Wool grease and fatty substances derived therefrom (including lanolin): – Wool grease, crude	0
1516 1516 20 1516 20 10	Animal or vegetable fats and oils and their fractions, partly or wholly hydrogenated, inter-esterified, re-esterified or elaidinized, whether or not refined, but not further prepared: – Vegetable fats and oils and their fractions: – – Hydrogenated castor oil, so called 'opal-wax'	0
1517 1517 10 1517 10 10 1517 90 1517 90 10 1517 90 93	Margarine; edible mixtures or preparations of animal or vegetable fats or oils or of fractions of different fats or oils of this chapter, other than edible fats or oils or their fractions of heading No 1516: – Margarine, excluding liquid margarine: – – Containing more than 10 % but not more than 15 % by weight of milk fats – Other: – – Containing more than 10 % but not more than 15 % by weight of milk fats – – Other: – – – Edible mixtures or preparations of a kind used as mould release preparations	0 + EA 0 + EA 0
1518 00 1518 00 10 1518 00 91 1518 00 95 1518 00 99	Animal or vegetable fats and oils and their fractions, boiled, oxidized, dehydrated, sulphurised, blown, polymerized by heat in vacuum or in inert gas or otherwise chemically modified, excluding those of heading No 1516; inedible mixtures or preparations of animal or vegetable fats or oils or of fractions of different fats or oils of this chapter, not elsewhere specified or included: – Linoxyn – Other: – – Animal or vegetable fats and oils and their fractions, boiled, oxidized, dehydrated, sulphurized, blown, polymerized by heat in vacuum or in inert gas or otherwise chemically modified, excluding those of heading No 1516 – – Other: – – – Inedible mixtures or preparations of animal or of animal and vegetable fats and oils and their fractions – – – Other	0 0 0 0
1521 1521 90 1521 90 99	Vegetable waxes (other than triglycerides), beeswax, other insect waxes and spermaceti, whether or not refined or coloured: – Other: – – Other	0
1522 00 1522 00 10	Degras; residues resulting from the treatment of fatty substances or animal or vegetable waxes: – Degras	0
1704 1704 10 1704 10 11 1704 10 19 1704 10 91 1704 10 99 1704 90	Sugar confectionery (including white chocolate), not containing cocoa: – Chewing gum, whether or not sugar-coated: – – Containing less than 60 % by weight of sucrose (including invert sugar expressed as sucrose): – – – Gum in strips – – – Other – – Containing 60 % or more by weight of sucrose (including invert sugar expressed as sucrose): – – – Gum in strips – – – Other – Other:	0 + EA MAX 17,9 0 + EA MAX 17,9 0 + EA MAX 18 0 + EA MAX 18

CN Code	Description	Duty (%) from 1.2.2003
1704 90 10	-- Liquorice extract containing more than 10 % by weight of sucrose but not containing other added substances	5,8
1704 90 30	-- White chocolate	0 + EA MAX 18,9 + AD S/Z
	-- Other:	
1704 90 51	--- Pastes, including marzipan, in immediate packings of a net content of 1 kg or more	0 + EA MAX 18,7 + AD S/Z
1704 90 55	--- Throat pastilles and cough drops	0 + EA MAX 18,7 + AD S/Z
1704 90 61	--- Sugar coated (panned) goods	0 + EA MAX 18,7 + AD S/Z
	--- Other:	
1704 90 65	---- Gum confectionery and jelly confectionery including fruit pastes in the form of sugar confectionery	0 + EA MAX 18,7 + AD S/Z
1704 90 71	---- Boiled sweets whether or not filled	0 + EA MAX 18,7 + AD S/Z
1704 90 75	---- Toffees, caramels and similar sweets	0 + EA MAX 18,7 + AD S/Z
	---- Other:	
1704 90 81	----- Compressed tablets	0 + EA MAX 18,7 + AD S/Z
1704 90 99	----- Other	0 + EA MAX 18,7 + AD S/Z
1803	Cocoa paste, whether or not defatted:	0
1804 00 00	Cocoa butter, fat and oil	0
1805 00 00	Cocoa powder, not containing added sugar or other sweetening matter	0
1806	Chocolate and other food preparations containing cocoa:	
1806 10	- Cocoa powder, containing added sugar or other sweetening matter:	
1806 10 15	-- Containing no sucrose or containing less than 5 % by weight of sucrose (including invert sugar expressed as sucrose) or isoglucose expressed as sucrose	
1806 10 20	-- Containing 5 % or more but less than 65 % by weight of sucrose (including invert sugar expressed as sucrose) or isoglucose expressed as sucrose	0 + EA
1806 10 30	-- Containing 65 % or more but less than 80 % by weight of sucrose (including invert sugar expressed as sucrose) or isoglucose expressed as sucrose	0 + EA
1806 10 90	-- Containing 80 % or more by weight of sucrose (including invert sugar expressed as sucrose) or isoglucose expressed as sucrose	0 + EA
1806 20	- Other preparations in block, slabs or bars weighing more than 2 kg or in liquid, paste, powder, granular or other bulk form in containers or immediate packings, of a content exceeding 2 kg:	
1806 20 10	-- Containing 31 % or more by weight of cocoa butter or containing a combined weight of 31 % or more of cocoa butter and milk fat	0 + EA MAX 18,7 + AD S/Z
1806 20 30	-- Containing a combined weight of 25 % or more, but less than 31 % of cocoa butter and milk fat	0 + EA MAX 18,7 + AD S/Z
	-- Other:	
1806 20 50	--- Containing 18 % or more by weight of cocoa butter	0 + EA MAX 18,7 + AD S/Z
1806 20 70	--- Chocolate milk crumb	0 + EA
1806 20 80	--- Chocolate flavour coating	0 + EA MAX 18,7 + AD S/Z
1806 20 95	--- Other	0 + EA MAX 18,7 + AD S/Z
	- Other, in blocks, slabs or bars:	

CN Code	Description	Duty (%) from 1.2.2003
1806 31 00	-- Filled	0 + EA MAX 18,7 + AD S/Z
1806 32	-- Not filled:	
1806 32 10	--- With added cereal, fruit or nuts	0 + EA MAX 18,7 + AD S/Z
1806 32 90	--- Other	0 + EA MAX 18,7 + AD S/Z
1806 90	- Other:	
	-- Chocolate and chocolate products:	
	--- Chocolates, whether or not filled:	
1806 90 11	---- Containing alcohol	0 + EA MAX 18,7 + AD S/Z
1806 90 19	---- Other	0 + EA MAX 18,7 + AD S/Z
	--- Other:	
1806 90 31	---- Filled	0 + EA MAX 18,7 + AD S/Z
1806 90 39	---- Not filled	0 + EA MAX 18,7 + AD S/Z
1806 90 50	-- Sugar confectionery and substitutes therefor made from sugar substitution products, containing cocoa	0 + EA MAX 18,7 + AD S/Z
1806 90 60	-- Spreads containing cocoa	0 + EA MAX 18,7 + AD S/Z
1806 90 70	-- Preparations containing cocoa for making beverages	0 + EA MAX 18,7 + AD S/Z
1806 90 90	-- Other	0 + EA MAX 18,7 + AD S/Z
1901	Malt extract; food preparations of flour, meal, starch or malt extract, not containing cocoa or containing less than 40 % by weight of cocoa calculated on a totally defatted basis, not elsewhere specified or included; food preparations of goods of heading Nos 0401 to 0404, not containing cocoa or containing less than 5 % by weight of cocoa calculated on a totally defatted basis, not elsewhere specified or included:	
1901 10 00	- Preparations for infant use, put up for retail sale	0 + EA
1901 20 00	- Mixes and doughs for the preparation of bakers' wares of heading No 1905	0 + EA
1901 90	- Other:	
	-- Malt extract:	
1901 90 11	--- With a dry extract content of 90 % or more by weight	0 + EA
1901 90 19	--- Other	0 + EA
	-- Other:	
1901 90 91	--- Containing no milk fats, sucrose, isoglucose, glucose or starch or containing less than 1,5 % milk fat, 5 % sucrose (including invert sugar) or isoglucose, 5 % glucose or starch, excluding food preparations in powder form of goods of heading Nos 0401 to 0404)	0
1901 90 99	--- Other	0 + EA
1902	Pasta, whether or not cooked or stuffed (with meat or other substances) or otherwise prepared such as spaghetti, macaroni, noodles, lasagne, gnocchi, ravioli, cannelloni, couscous, whether or not prepared:	
	- Uncooked pasta, not stuffed or otherwise prepared:	
1902 11 00	-- Containing eggs	0 + EA
1902 19	-- Other:	0 + EA

CN Code	Description	Duty (%) from 1.2.2003
1902 20	– Stuffed pasta whether or not cooked or otherwise prepared:	
	– – Other:	
1902 20 91	– – – Cooked	0 + EA
1902 20 99	– – – Other	0 + EA
1902 30	– Other pasta:	0 + EA
1902 40	– Couscous:	0 + EA
1903 00 00	Tapioca and substitutes therefor prepared from starch, in the form of flakes, grains, pearls, siftings or similar forms	0 + EA
1904	Prepared foods obtained by the swelling or roasting of cereals or cereal products (for example, cornflakes); cereals (other than maize (corn)), in grain form, or in the form of flakes or other worked grains (except flour and meal), pre-cooked, or otherwise prepared, not elsewhere specified or included:	
1904 10	– Prepared foods obtained by the swelling or roasting of cereals or cereal products:	0 + EA
1904 20	– Prepared foods obtained from unroasted cereal flakes or from mixtures of unroasted cereal flakes and roasted cereal flakes or swelled cereals:	
1904 20 10	– – Preparation of the Müsli type based on unroasted cereal flakes	0 + EA
1904 30 00	– Bulgur wheat	0 + EA
1904 90	– Other:	0 + EA
1905	Bread, pastry, cakes, biscuits and other bakers' wares, whether or not containing cocoa; communion wafers, empty cachets of a kind suitable for pharmaceutical use, sealing wafers, rice paper and similar products:	
1905 10 00	– Crispbread	0 + EA
1905 20	– Gingerbread and the like:	0 + EA
	– Sweet biscuits; waffles and wafers:	
1905 31	– – Sweet biscuits:	
	– – – Completely or partially coated or covered with chocolate or other preparations containing cocoa:	
1905 31 11	– – – – In immediate packings of a net content not exceeding 85 g	0 + EA MAX 24,2 + AD S/Z
1905 31 19	– – – – Other	0 + EA MAX 24,2 + AD S/Z
	– – – Other:	
1905 31 30	– – – – Containing 8 % or more by weight of milk fats	0 + EA MAX 24,2 + AD S/Z
	– – – – Other:	
1905 31 91	– – – – – Sandwich biscuits	0 + EA MAX 24,2 + AD S/Z
1905 31 99	– – – – – Other	0 + EA MAX 24,2 + AD S/Z
1905 32	– – Waffles and wafers:	
	– – – Completely or partially coated or covered with chocolate or other preparations containing cocoa:	
1905 32 11	– – – – In immediate packings of a net content not exceeding 85 g	0 + EA MAX 24,2 + AD S/Z
1905 32 19	– – – – Other	0 + EA MAX 24,2 + AD S/Z
	– – – Other:	
1905 32 91	– – – – Salted, whether or not filled	0 + EA MAX 20,7 + AD S/Z
1905 32 99	– – – – Other	0 + EA MAX 24,2 + AD S/Z

CN Code	Description	Duty (%) from 1.2.2003
1905 40	- Rusks, toasted bread and similar toasted products:	0 + EA
1905 90	- Other:	
1905 90 10	-- Matzos	0 + EA
1905 90 20	-- Communion wafers, empty cachets of a kind suitable for pharmaceutical use, sealing wafers, rice paper and similar products	0 + EA
	-- Other:	
1905 90 30	--- Bread, not containing added honey, eggs, cheese or fruit, and containing by weight in the dry matter state not more than 5 % of sugars and not more than 5 % of fat	0 + EA
1905 90 40	--- Waffles and wafers with a water content exceeding 10 % by weight	0 + EA MAX 20,7 + AD F/M
1905 90 45	--- Biscuits	0 + EA MAX 20,7 + AD F/M
1905 90 55	--- Extruded or expanded products, savoury or salted	0 + EA MAX 20,7 + AD F/M
	--- Other:	
1905 90 60	---- With added sweetening matter	0 + EA MAX 24,2 + AD S/Z
1905 90 90	---- Other	0 + EA MAX 20,7 + AD F/M
2001	Vegetables, fruits, nuts and other edible parts of plants, prepared or preserved by vinegar or acetic acid:	
2001 90	- Other:	
2001 90 60	-- Palm hearts	0
2004	Other vegetables prepared or preserved otherwise than by vinegar or acetic acid, frozen, other than products of heading 2006	
2004 90	- Other vegetables and mixtures of vegetables:	
2004 90 10	-- Sweet corn (<i>Zea mays</i> var. <i>saccharata</i>)	0 + EA
2005	Other vegetables prepared or preserved otherwise than by vinegar or acetic acid, not frozen, other than products of heading 2006	
2005 20	- Potatoes:	
2005 20 10	-- In the form of flour, meal or flakes	0 + EA
2005 80 00	- Sweet corn (<i>Zea mays</i> var. <i>saccharata</i>)	0 + EA
2005 90	- Other vegetables and mixtures of vegetables	
2005 90 80	-- Other	0
2008	Fruits, nuts and other edible parts of plants, otherwise prepared or preserved, whether or not containing added sugar or other sweetening matter or spirit, not elsewhere specified or included:	
	- Nuts, groundnuts and other seeds, whether or not mixed together:	
2008 11	-- Groundnuts:	
2008 11 10	--- Peanut butter	0
	- Other, including mixtures other than those of subheading 2008 19:	
2008 91 00	-- Palm hearts	0
2101	Extracts, essences and concentrates, of coffee, tea or maté, and preparations with a basis of these products or with a basis of coffee, tea or maté; roasted chicory and other roasted coffee substitutes, and extracts, essences and concentrates thereof:	
	- Extracts, essences and concentrates of coffee, and preparations with a basis of these extracts, essences or concentrates or with a basis of coffee:	
2101 12	-- Preparations with a basis of these extracts, essences or concentrates or with a basis of coffee:	
2101 12 92	--- Preparations with a basis of these extracts, essences or concentrates of coffee	0

CN Code	Description	Duty (%) from 1.2.2003
2101 12 98	--- Other	0 + EA
2101 20	- Extracts, essences and concentrates, of tea or maté, and preparations with a basis of these extracts, essences and concentrates or with a basis of tea or maté:	
2101 20 20	-- Extracts, essences or concentrates	0
	-- Preparations:	
2101 20 92	--- With a basis of extracts, essences or concentrates of tea or maté	0
2101 20 98	--- Other	0 + EA
2101 30	- Roasted chicory and other roasted coffee substitutes and extracts, essences and concentrates thereof:	
	-- Roasted chicory and other roasted coffee substitutes:	
2101 30 11	--- Roasted chicory	4,9
2101 30 19	--- Other	0 + EA
	-- Extracts, essences and concentrates of roasted chicory and other roasted coffee substitutes:	
2101 30 91	--- Of roasted chicory	0
2101 30 99	--- Other	0 + EA
2102	Yeasts (active or inactive); other single-cell micro-organisms, dead (but not including vaccines of heading 3002); prepared baking powders:	
2102 10	- Active yeasts:	
2102 10 10	-- Culture yeast	4,7
	-- Baker's yeast:	
2102 10 31	--- Dried	12
2102 10 39	--- Other	12
2102 10 90	-- Other	5,6
2102 20	- Inactive yeasts; other single-cell micro-organisms, dead:	
	-- Inactive yeasts:	
2102 20 11	--- In tablet, cube or similar form, or in immediate packings of a net content not exceeding 1 kg	1,9
2102 20 19	--- Other	5,1
2102 20 90	-- Other	0
2102 30 00	- Prepared baking powders	1,9
2103	Sauces and preparations therefor; mixed condiments and mixed seasonings; mustard flour and meal and prepared mustard:	
2103 10 00	- Soya sauce	0
2103 20 00	- Tomato ketchup and other tomato sauces	3,8
2103 30	- Mustard flour and meal and prepared mustard:	
2103 30 90	-- Prepared mustard	4,2
2103 90	- Other:	
2103 90 90	-- Other	3,2
2105 00	Ice cream and other edible ice, whether or not containing cocoa:	
2105 00 10	- Containing no milk fats or containing less than 3 % by weight of such fats	0 + EA MAX 19,4 + AD S/Z
	- Containing by weight of milk fats:	
2105 00 91	-- 3 % or more but less than 7 %	0 + EA MAX 18,1 + AD S/Z
2105 00 99	-- 7 % or more	0 + EA MAX 17,8 + AD S/Z

CN Code	Description	Duty (%) from 1.2.2003
2106	Food preparations not elsewhere specified or included:	
2106 10	– Protein concentrates and textured protein substances:	
2106 10 20	– – Containing no milk fats, sucrose, isoglucose, glucose or starch or containing, by weight, less than 1,5 % milk fat, 5 % sucrose or isoglucose, 5 % glucose or starch	5,2
2106 10 80	– – Other	0 + EA
2106 90	– Other:	
2106 90 10	Cheese fondues (!)	0 + EA MAX EUR 25/100 kg net
	– – Other:	
2106 90 92	– – Containing no milk fats, sucrose, isoglucose, glucose or starch or containing, by weight, less than 1,5 % milk fat, 5 % sucrose or isoglucose, 5 % glucose or starch:	2,8
2106 90 98	– – – Other	0 + EA
2205	Vermouth and other wine of fresh grapes flavoured with plants or aromatic substances:	
2205 10	– In containers holding 2 litres or less:	
2205 10 10	– – Of an actual alcoholic strength by volume of 18 % vol or less	0
2205 10 90	– – Of an actual alcoholic strength by volume exceeding 18 % vol	0
2905	Acyclic alcohols and their halogenated, sulphonated, nitrated or nitrosated derivatives:	
	– Other polyhydric alcohols:	
2905 43 00	– – Mannitol	0 + EUR 125,8/100 kg net
2905 44	– – D-glucitol (sorbitol):	
	– – – In aqueous solution:	
2905 44 11	– – – – Containing 2 % or less by weight of D-mannitol, calculated on the D-glucitol content	0 + EUR 16,1/100 kg net
2905 44 19	– – – – Other	0 + EUR 37,8/100 kg net
	– – – Other:	
2905 44 91	– – – – Containing 2 % or less by weight of D-mannitol, calculated on the D-glucitol content	0 + EUR 23/100 kg net
2905 44 99	– – – – Other	0 + EUR 53,7/100 kg net
3302	Mixtures of odoriferous substances and mixtures (including alcoholic solutions) with a basis of one or more of these substances, of a kind used as a raw materials in industry; other preparations based on odoriferous substances, of a kind used for the manufacture of beverages:	
3302 10	– Of a kind used in the food or drink industries:	
	– – Of the type used in the drink industries:	
	– – – Preparations containing all flavouring agents characterizing a beverage:	
	– – – – Other:	
3302 10 21	– – – – – Containing no milkfats, sucrose, isoglucose, glucose, or starch or containing, by weight, less than 1,5 % milkfat, 5 % sucrose or isoglucose, 5 % glucose or starch	0
3302 10 29	– – – – – Other	0 + EA
3505	Dextrins and other modified starches (for example, pregelatinised or esterified starches); glues based on starches, or on dextrins or other modified starches:	
3505 10	– Dextrins and other modified starches:	
3505 10 10	– – Dextrins	0 + EUR 17,7/100 kg net
	– – Other modified starches:	
3505 10 90	– – – Other	0 + EUR 17,7/100 kg net

CN Code	Description	Duty (%) from 1.2.2003
3505 20	– Glues:	
3505 20 10	– – Containing, by weight, less than 25 % of starches or dextrans or other modified starches	0 + EUR 4,5/100 kg net MAX 11,5
3505 20 30	– – Containing, by weight, 25 % or more but less than 55 % of starches or dextrans or other modified starches	0 + EUR 8,9/100 kg net MAX 11,5
3505 20 50	– – Containing, by weight, 55 % or more but less than 80 % of starches or dextrans or other modified starches	0 + EUR 14,2/100 kg net MAX 11,5
3505 20 90	– – Containing by weight 80 % or more of starches or dextrans or other modified starches	0 + EUR 17,7/100 kg net MAX 11,5
3809	Finishing agents, dye carriers to accelerate the dyeing or fixing of dyestuffs and other products and preparations (for example, dressings and mordants), of a kind used in the textile, paper, leather or like industries, not elsewhere specified or included:	
3809 10	– With a basis of amylaceous substances:	
3809 10 10	– – Containing by weight of such substances less than 55 %	0 + EUR 8,9/100 kg net MAX 12,8
3809 10 30	– – Containing by weight of such substances 55 % or more but less than 70 %	0 + EUR 12,4/100 kg net MAX 12,8
3809 10 50	– – Containing by weight of such substances 70 % or more but less than 83 %	0 + EUR 15,1/100 kg net MAX 12,8
3809 10 90	– – Containing by weight of such substances 83 % or more	0 + EUR 17,7/100 kg net MAX 12,8
3823	Industrial monocarboxylic fatty acids; acid oils from refining; industrial fatty alcohols:	
	– Industrial monocarboxylic fatty acids, acid oils from refining:	
3823 11 00	– – Stearic acid	0
3823 12 00	– – Oleic acid	0
3823 13 00	– – Tall oil fatty acids	0
3823 19	– – Other:	0
3823 70 00	– Industrial fatty alcohols	0
3824	Prepared binders for foundry moulds or cores; chemical products and preparations of the chemical or allied industries (including those consisting of mixtures of natural products), not elsewhere specified or included; residual products of the chemical or allied industries, not elsewhere specified or included:	
3824 60	– Sorbitol other than that of subheading 2905 44:	
	– – in aqueous solution:	
3824 60 11	– – – Containing 2 % or less by weight of D-mannitol, calculated on the D-glucitol content	0 + EUR 16,1/100 kg net
3824 60 19	– – – Other	0 + EUR 37,8/100 kg net
	– – Other:	
3824 60 91	– – – Containing 2 % or less by weight of D-mannitol, calculated on the D-glucitol content	0 + EUR 23/100 kg net
3824 60 99	– – – Other	0 + EUR 53,7/100 kg net

(¹) Eligibility to benefit from this preference is subject to conditions laid down in the relevant Community provisions.

Table 3: Schedule of reduction of duties applicable upon import into the Community of goods originating in Poland

This schedule does not prejudice the date of accession. The obligations of membership will, on accession supersede this schedule.

CN code	Description	Duty from 1.2.2003	Duty from 1.1.2004
1302	Vegetable saps and extracts; pectic substances, pectinates and pectates; agar-agar and other mucilages and thickeners, whether or not modified, derived from vegetable products:		
1302 20	– Vegetable saps and extracts:		
1302 20 90	– Pectic substances, pectinates and pectates: – – Other	8,4 %	5,6 %
2001	Vegetables, fruits, nuts and other edible parts of plants, prepared or preserved by vinegar or acetic acid:		
2001 90	– Other:		
2001 90 40	– – Yams, sweet potatoes and similar edible parts of plants containing 5 % or more by weight of starch	0 + (EUR 2,8/100 kg net eda)	0 + (EUR 1,9/100 kg net eda)
2004	Other vegetables prepared or preserved otherwise than by vinegar or acetic acid, frozen, other than products of heading 2006:		
2004 10	– Potatoes:		
2004 10 91	– – Other – – – In the form of flour, meal or flakes	0 + (0,75 × EA)	0 + (0,5 × EA)
2008	Fruits, nuts and other edible parts of plants, otherwise prepared or preserved, whether or not containing added sugar or other sweetening matter or spirit, not elsewhere specified or included:		
2008 99	– Nuts, groundnuts and other seeds, whether or not mixed together: – – Other:		
2008 99 91	– – – Not containing added spirit: – – – – Not containing added sugar: – – – – – Yams, sweet potatoes and similar edible parts of plants, containing 5 % or more by weight of starch	0 + (EUR 2,8/100 kg net eda)	0 + (EUR 1,9/100 kg net eda)

Table 4: Basic amounts taken into consideration in calculating the reduced agricultural components (EAR) and additional duties applicable on importation into the Community of goods listed in Table 1

Basic product	Preferential rate on 1.2.2003 (EUR/100 kg)
Common wheat	6,653
Durum wheat	10,326
Rye	6,483
Barley	6,483
Maize	6,577
Long-grain husked rice	18,502
Skimmed-milk powder	23,760
Whole-milk powder	26,086
Butter	37,912
White sugar	29,350

COMMISSION REGULATION (EC) No 279/2003
of 14 February 2003
establishing the standard import values for determining the entry price of certain fruit and vegetables

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 3223/94 of 21 December 1994 on detailed rules for the application of the import arrangements for fruit and vegetables ⁽¹⁾, as last amended by Regulation (EC) No 1947/2002 ⁽²⁾, and in particular Article 4(1) thereof,

Whereas:

- (1) Regulation (EC) No 3223/94 lays down, pursuant to the outcome of the Uruguay Round multilateral trade negotiations, the criteria whereby the Commission fixes the standard values for imports from third countries, in respect of the products and periods stipulated in the Annex thereto.

- (2) In compliance with the above criteria, the standard import values must be fixed at the levels set out in the Annex to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The standard import values referred to in Article 4 of Regulation (EC) No 3223/94 shall be fixed as indicated in the Annex hereto.

Article 2

This Regulation shall enter into force on 15 February 2003.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 14 February 2003.

For the Commission

J. M. SILVA RODRÍGUEZ

Agriculture Director-General

⁽¹⁾ OJ L 337, 24.12.1994, p. 66.

⁽²⁾ OJ L 299, 1.11.2002, p. 17.

ANNEX

to the Commission Regulation of 14 February 2003 establishing the standard import values for determining the entry price of certain fruit and vegetables

(EUR/100 kg)

CN code	Third country code ⁽¹⁾	Standard import value
0702 00 00	052	103,0
	204	48,1
	212	114,9
	999	88,7
0707 00 05	052	133,1
	204	49,4
	220	244,4
	628	151,4
	999	144,6
0709 10 00	220	140,1
	999	140,1
0709 90 70	052	155,5
	204	197,1
	999	176,3
0805 10 10, 0805 10 30, 0805 10 50	052	56,6
	204	40,8
	212	44,0
	220	37,9
	624	79,0
	999	51,7
0805 20 10	204	79,2
	512	64,2
	999	71,7
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	052	61,4
	204	74,3
	220	61,7
	464	137,8
	600	74,2
	624	88,4
	999	83,0
0805 50 10	052	57,0
	600	66,5
	999	61,8
0808 10 20, 0808 10 50, 0808 10 90	400	92,0
	404	100,3
	508	97,2
	528	101,4
	720	118,5
	728	112,0
	999	103,6
0808 20 50	388	95,7
	400	131,4
	512	81,8
	528	77,1
	720	40,9
	999	85,4

⁽¹⁾ Country nomenclature as fixed by Commission Regulation (EC) No 2020/2001 (OJ L 273, 16.10.2001, p. 6). Code '999' stands for 'of other origin'.

COMMISSION REGULATION (EC) No 280/2003
of 14 February 2003
providing for the rejection of applications for export licences in the cereal sector in relation to
products of CN code 1101 00 15

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organisation of the market in cereals ⁽¹⁾, as last amended by Regulation (EC) No 1666/2000 ⁽²⁾,

Having regard to Commission Regulation (EC) No 1162/95 of 23 May 1995 laying down special detailed rules for the application of the system of import and export licences for cereals and rice ⁽³⁾, as last amended by Regulation (EC) No 2305/2002 ⁽⁴⁾, and in particular Article 7(3) thereof,

Whereas:

The quantity covered by applications for advance fixing of refunds on wheat flour is of great importance and could give rise to speculation. It has therefore been decided to reject all applications for export licences of such products made on 13 February 2003,

HAS ADOPTED THIS REGULATION:

Article 1

In accordance with Article 7(3) of Regulation (EC) No 1162/95, applications for export licences with advance fixing of refunds for products falling within CN code 1101 00 15 made on 13 February 2003 shall be rejected.

Article 2

This Regulation shall enter into force on 15 February 2003.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 14 February 2003.

For the Commission
J. M. SILVA RODRÍGUEZ
Agriculture Director-General

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 193, 29.7.2000, p. 1.

⁽³⁾ OJ L 117, 24.5.1995, p. 2.

⁽⁴⁾ OJ L 348, 21.12.2002, p. 92.

COMMISSION REGULATION (EC) No 281/2003
of 14 February 2003

fixing the minimum selling prices for butter and the maximum aid for cream, butter and concentrated butter for the 113th individual invitation to tender under the standing invitation to tender provided for in Regulation (EC) No 2571/97

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1255/1999 of 17 May 1999 on the common organisation of the market in milk and milk products ⁽¹⁾, as last amended by Commission Regulation (EC) No 509/2002 ⁽²⁾, and in particular Article 10 thereof,

Whereas:

- (1) The intervention agencies are, pursuant to Commission Regulation (EC) No 2571/97 of 15 December 1997 on the sale of butter at reduced prices and the granting of aid for cream, butter and concentrated butter for use in the manufacture of pastry products, ice-cream and other foodstuffs ⁽³⁾, as last amended by Regulation (EC) No 635/2000 ⁽⁴⁾, to sell by invitation to tender certain quantities of butter that they hold and to grant aid for cream, butter and concentrated butter. Article 18 of that Regulation stipulates that in the light of the tenders received in response to each individual invitation to tender a minimum selling price shall be fixed for butter and maximum aid shall be fixed for cream, butter and concentrated butter. It is further stipulated that the price

or aid may vary according to the intended use of the butter, its fat content and the incorporation procedure, and that a decision may also be taken to make no award in response to the tenders submitted. The amount(s) of the processing securities must be fixed accordingly.

- (2) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Milk and Milk Products,

HAS ADOPTED THIS REGULATION:

Article 1

The minimum selling prices and the maximum aid and processing securities applying for the 113th individual invitation to tender, under the standing invitation to tender provided for in Regulation (EC) No 2571/97, shall be fixed as indicated in the Annex hereto.

Article 2

This Regulation shall enter into force on 15 February 2003.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 14 February 2003.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 160, 26.6.1999, p. 48.

⁽²⁾ OJ L 79, 22.3.2002, p. 15.

⁽³⁾ OJ L 350, 20.12.1997, p. 3.

⁽⁴⁾ OJ L 76, 25.3.2000, p. 9.

ANNEX

to the Commission Regulation of 14 February 2003 fixing the minimum selling prices for butter and the maximum aid for cream, butter and concentrated butter for the 113th individual invitation to tender under the standing invitation to tender provided for in Regulation (EC) No 2571/97

(EUR/100 kg)

Formula			A		B	
Incorporation procedure			With tracers	Without tracers	With tracers	Without tracers
Minimum selling price	Butter \geq 82 %	Unaltered	—	—	—	—
		Concentrated	—	—	—	—
Processing security		Unaltered	—	—	—	—
		Concentrated	—	—	—	—
Maximum aid	Butter \geq 82 %		85	81	—	81
	Butter $<$ 82 %		83	79	—	—
	Concentrated butter		105	101	105	101
	Cream		—	—	36	34
Processing security	Butter		94	—	—	—
	Concentrated butter		116	—	116	—
	Cream		—	—	40	—

COMMISSION REGULATION (EC) No 282/2003**of 14 February 2003****fixing the maximum purchasing price for butter for the 66th invitation to tender carried out under the standing invitation to tender governed by Regulation (EC) No 2771/1999**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1255/1999 of 17 May 1999 on the common organisation of the market in milk and milk products ⁽¹⁾, as last amended by Commission Regulation (EC) No 509/2002 ⁽²⁾, and in particular Article 10 thereof,

Whereas:

- (1) Article 13 of Commission Regulation (EC) No 2771/1999 of 16 December 1999 laying down detailed rules for the application of Council Regulation (EC) No 1255/1999 as regards intervention on the market in butter and cream ⁽³⁾, as last amended by Regulation (EC) No 1614/2001 ⁽⁴⁾, provides that, in the light of the tenders received for each invitation to tender, a maximum buying-in price is to be fixed in relation to the intervention price applicable and that it may also be decided not to proceed with the invitation to tender.

- (2) As a result of the tenders received, the maximum buying-in price should be fixed as set out below.
- (3) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Milk and Milk Products,

HAS ADOPTED THIS REGULATION:

Article 1

For the 66th invitation to tender issued under Regulation (EC) No 2771/1999, for which tenders had to be submitted not later than 11 February 2003, the maximum buying-in price is fixed at 295,38 EUR/100 kg.

Article 2

This Regulation shall enter into force on 15 February 2003.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 14 February 2003.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 160, 26.6.1999, p. 48.

⁽²⁾ OJ L 79, 22.3.2002, p. 15.

⁽³⁾ OJ L 333, 24.12.1999, p. 11.

⁽⁴⁾ OJ L 214, 8.8.2001, p. 20.

COMMISSION REGULATION (EC) No 283/2003
of 14 February 2003

fixing the maximum aid for concentrated butter for the 285th special invitation to tender opened under the standing invitation to tender provided for in Regulation (EEC) No 429/90

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1255/1999 of 17 May 1999 on the common organisation of the market in milk and milk products ⁽¹⁾, as last amended by Commission Regulation (EC) No 509/2002 ⁽²⁾, and in particular Article 10 thereof,

Whereas:

- (1) In accordance with Commission Regulation (EEC) No 429/90 of 20 February 1990 on the granting by invitation to tender of an aid for concentrated butter intended for direct consumption in the Community ⁽³⁾, as last amended by Regulation (EC) No 124/1999 ⁽⁴⁾, the intervention agencies are opening a standing invitation to tender for the granting of aid for concentrated butter; Article 6 of that Regulation provides that in the light of the tenders received in response to each special invitation to tender, a maximum amount of aid is to be fixed for concentrated butter with a minimum fat content of 96 % or a decision is to be taken to make no award; the end-use security must be fixed accordingly.

- (2) In the light of the tenders received, the maximum aid should be fixed at the level specified below and the end-use security determined accordingly.

- (3) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Milk and Milk Products,

HAS ADOPTED THIS REGULATION:

Article 1

For the 285th special invitation to tender under the standing invitation to tender opened by Regulation (EEC) No 429/90, the maximum aid and the amount of the end-use security shall be as follows:

- | | |
|---------------------|-----------------|
| — maximum aid: | EUR 105/100 kg, |
| — end-use security: | EUR 116/100 kg. |

Article 2

This Regulation shall enter into force on 15 February 2003.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 14 February 2003.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 160, 26.6.1999, p. 48.

⁽²⁾ OJ L 79, 22.3.2002, p. 15.

⁽³⁾ OJ L 45, 21.2.1990, p. 8.

⁽⁴⁾ OJ L 16, 21.1.1999, p. 19.

COMMISSION REGULATION (EC) No 284/2003

of 14 February 2003

opening an invitation to tender for the allocation of export licences for fruit and vegetables

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2200/96 of 28 October 1996 on the common organisation of the market in fruit and vegetables ⁽¹⁾, as last amended by Commission Regulation (EC) No 47/2003 ⁽²⁾, and in particular Article 35(3) thereof,

Whereas:

- (1) Commission Regulation (EC) No 1961/2001 ⁽³⁾, as last amended by Regulation (EC) No 1176/2002 ⁽⁴⁾, lays down detailed rules on export refunds on fruit and vegetables.
- (2) Article 35(1) of Regulation (EC) No 2200/96 provides that, to the extent necessary for economically significant quantities of the products listed in that Article to be exported, the difference between the international market prices for those products and their prices in the Community may be covered by export refunds.
- (3) Article 35(4) of Regulation (EC) No 2200/96 provides that refunds must be fixed in the light of the existing situation or the outlook for fruit and vegetable prices on the Community market and supplies available on the one hand, and prices on the international market on the other hand. Account must also be taken of the costs referred to in Article 35(4)(b) of that Regulation and of the economic aspect of the exports planned.
- (4) Under Article 35(1) of Regulation (EC) No 2200/96, refunds are to be set with due regard to the limits resulting from agreements concluded in accordance with Article 300 of the Treaty.
- (5) In accordance with Article 35(5) of Regulation (EC) No 2200/96, prices on the Community market are to be established in the light of the most favourable prices from the export standpoint. International trade prices are to be established in the light of the prices referred to in the second subparagraph of that paragraph.
- (6) The international trade situation or the special requirements of certain markets may call for the refund on a given product to vary according to its destination.
- (7) Tomatoes, oranges, lemons and apples of classes Extra, I and II of the common quality standards can currently be exported in economically significant quantities.
- (8) Application of the above rules to the present and forecast market situation, and in particular to fruit and vegetable prices in the Community and international trade, gives the refund rates set out in the Annex hereto.
- (9) Under Article 35(2) of Regulation (EC) No 2200/96, the resources available should be used as efficiently as possible while avoiding discrimination between traders. Therefore, care should be taken not to disturb the trade flows previously induced by the refund arrangements. For those reasons and because of the seasonal nature of exports of fruit and vegetables, quotas should be fixed for each product.
- (10) Commission Regulation (EEC) No 3846/87 ⁽⁵⁾, as last amended by Regulation (EC) No 118/2003 ⁽⁶⁾, establishes an agricultural product nomenclature for export refunds.
- (11) Commission Regulation (EC) No 1291/2000 ⁽⁷⁾, as last amended by Regulation (EC) No 2299/2001 ⁽⁸⁾, lays down common detailed rules for the application of the system of import and export licences and advance fixing certificates for agricultural products.
- (12) Owing to the market situation, in order to make the most efficient use of the resources available and given the structure of Community exports, the most appropriate method should be selected for export refunds on certain products and certain destinations and consequently refunds under the A1, A2 and A3 licence arrangements referred to in Article 1 of Regulation (EC) No 1961/2001 should not be fixed simultaneously for the export period in question.
- (13) The quantities laid down for the various products should be distributed in accordance with the different systems for the grant of the refund, taking account in particular of their perishability.

⁽¹⁾ OJ L 297, 21.11.1996, p. 1.

⁽²⁾ OJ L 7, 11.1.2003, p. 64.

⁽³⁾ OJ L 268, 9.10.2001, p. 8.

⁽⁴⁾ OJ L 170, 29.6.2002, p. 69.

⁽⁵⁾ OJ L 366, 24.12.1987, p. 1.

⁽⁶⁾ OJ L 20, 24.1.2003, p. 3.

⁽⁷⁾ OJ L 152, 24.6.2000, p. 1.

⁽⁸⁾ OJ L 308, 27.11.2001, p. 19.

- (14) It should be specified that Regulation (EC) No 1961/2001, and in particular Articles 4 and 5 thereof, are to apply to this invitation to tender.
- (15) The Management Committee for Fresh Fruit and Vegetables has not delivered an opinion within the time limit set by its chairman,
2. Quantities covered by licences issued for food aid as referred to in Article 16 of Regulation (EC) No 1291/2000 shall not count against the eligible quantities covered by the Annex.
3. Without prejudice to the application of Article 5(6) of Regulation (EC) No 1961/2001, the term of validity of A3 licences shall be two months.

HAS ADOPTED THIS REGULATION:

Article 1

1. The tender submission period, the indicative refund amounts and the scheduled quantities for A3 export licences for fruit and vegetables shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 24 February 2003.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 14 February 2003.

For the Commission
Franz FISCHLER
Member of the Commission

ANNEX

to Commission Regulation (EC) No 284/2003 opening an invitation to tender for the allocation of export licences for fruit and vegetables

Product code	Destination	System A3 Tender submission period 24 to 25.2.2003	
		Indicative refund amount (EUR/t net weight)	Scheduled quantity (t)
0702 00 00 9100	F08	20	4 855
0805 10 10 9100 0805 10 30 9100 0805 10 50 9100	F00	21	24 939
0805 50 10 9100	F00	18	11 741
0808 10 20 9100 0808 10 50 9100 0808 10 90 9100	F09	10	3 674

N.B.: The product codes and the 'A' series destination codes are set out in Regulation (EEC) No 3846/87.

The numeric destination codes are set out in Commission Regulation (EC) No 2020/2001 (OJ L 273, 16.10.2001, p. 6).

The other destinations are defined as follows:

F00: All destinations except Estonia.

F03: All destinations except Switzerland and Estonia.

F04: Hong Kong SAR, Singapore, Malaysia, Sri Lanka, Indonesia, Thailand, Taiwan, Papua New Guinea, Laos, Cambodia, Vietnam, Japan, Uruguay, Paraguay, Argentina, Mexico and Costa Rica.

F08: All destinations except Slovakia, Latvia, Lithuania, Bulgaria and Estonia.

F09: Norway, Iceland, Greenland, Faeroe Islands, Poland, Hungary, Romania, Albania, Bosnia and Herzegovina, Croatia, Slovenia, Former Yugoslav Republic of Macedonia, Serbia and Montenegro, Malta, Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Russia, Tajikistan, Turkmenistan, Uzbekistan, Ukraine, destinations referred to in Article 36 of Commission Regulation (EC) No 800/1999 (OJ L 102, 17.4.1999, p. 11), African countries and territories except South Africa, countries of the Arabian Peninsula (Saudi Arabia, Bahrain, Qatar, Oman, United Arab Emirates (Abu Dhabi, Dubai, Sharjah, Ajman, Umm al Qalwain, Ras al Khaimah, Fujairah), Kuwait, Yemen), Syria, Iran, Jordan, Bolivia, Brazil, Venezuela, Peru, Panama, Ecuador and Colombia.

**COMMISSION REGULATION (EC) No 285/2003
of 14 February 2003**

on the issue of import licences for sheepmeat and goatmeat products under GATT-WTO non-country-specific tariff quotas for the first quarter of 2003

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 1439/95 of 26 June 1995 laying down detailed rules for the application of Council Regulation (EC) No 2467/98 as regards the import and export of products in the sheepmeat and goatmeat sector ⁽¹⁾, as last amended by Regulation (EC) No 272/2001 ⁽²⁾, and in particular Article 16(4) thereof,

Whereas:

- (1) Title II B of Regulation (EC) No 1439/95 contains detailed rules for imports under GATT/WTO non-country-specific tariff quotas. Under Article 16(4) of Regulation (EC) No 1439/95, it is necessary to decide the extent to which import licences may be issued for applications lodged for the first quarter of 2003.
- (2) Under Article 15 of Regulation (EC) No 1439/95, the maximum quantity available for the first quarter of 2003 is one quarter of the total quota for the current year. Accordingly, the quantity available for the first quarter of 2003 is limited to 125 tonnes for quota No 09.4147 (countries in group 4) and 50 tonnes for quota No 09.4037 (countries in group 5) in the Annex to Commission Regulation (EC) No 2366/2002 of 27 December 2002 opening Community tariff quotas for 2003 for sheep, goats, sheepmeat and goatmeat ⁽³⁾.
- (3) If the quantities covered by licence applications exceed the quantities which may be imported under Article 15 of Regulation (EC) No 1439/95, those quantities should be reduced by a single percentage in accordance with Article 16(4)(b) of that Regulation.
- (4) If the quantities covered by licence applications do not exceed the quantities provided for in Regulation (EC) No 1439/95, then all the licence applications may be accepted for the full quantity.
- (5) The quantities applied for between 1 and 10 January 2003 were 33 967 tonnes for group 4 and 129 333 tonnes for group 5. In view of the quantities available for the first quarter, the acceptance percentage shall be 100 % for group 4 and 38,6599 % for group 5.
- (6) Licences may be used only for products meeting all the requirements of the veterinary rules currently in force in the Community.
- (7) Applications have been lodged in Germany and France for products originating in South Africa, and in Greece and Italy for products originating in Namibia,

⁽¹⁾ OJ L 143, 27.6.1995, p. 7.

⁽²⁾ OJ L 41, 10.2.2001, p. 3.

⁽³⁾ OJ L 351, 28.12.2002, p. 73.

HAS ADOPTED THIS REGULATION:

Article 1

In accordance with Article 16(5) of Regulation (EC) No 1439/95, Germany may issue import licences as provided for in Title II B of that Regulation for which applications were lodged between 1 and 10 January 2003. The following quantities shall be authorised:

Member State: Germany - 1 January tot 31 March - Import terms

Country of origin	Quantity applied for (in tonnes)	Percentage of applications accepted	Quantity authorised ⁽¹⁾ ⁽²⁾ (in tonnes)	CN code	Quota number	Ad valorem duty	Specific duties
South Africa (group 5) ⁽³⁾	33,333	38,6599	12,887	0204	09.4037	0	0

⁽¹⁾ Note: Quantities expressed in tonnes of carcase equivalent.

⁽²⁾ In accordance with Article 15 of Regulation (EC) No 1439/95.

⁽³⁾ Note: Group 5 in the Annex to Regulation (EC) No 2366/2002.

Article 2

In accordance with Article 16(5) of Regulation (EC) No 1439/95, Greece may issue import licences as provided for in Title II B of that Regulation for which applications were lodged between 1 and 10 January 2003. The following quantities shall be authorised:

Member State: Greece - 1 January to 31 March - Import terms

Country of origin	Quantity applied for (in tonnes)	Percentage of applications accepted	Quantity authorised ⁽¹⁾ ⁽²⁾ (in tonnes)	CN code	Quota number	Ad valorem duty	Specific duties
Namibia (group 4) ⁽³⁾	12,800	100,00	12,800	ex 0204 domestic sheep	09.4147	0	65 % reduction

⁽¹⁾ Note: Quantities expressed in tonnes of carcase equivalent.

⁽²⁾ In accordance with Article 15 of Regulation (EC) No 1439/95.

⁽³⁾ Note: Group 4 in the Annex to Regulation (EC) No 2366/2002.

Article 3

In accordance with Article 16(5) of Regulation (EC) No 1439/95, France may issue import licences as provided for in Title II B of that Regulation for which applications were lodged between 1 and 10 January 2003. The following quantities shall be authorised:

Member State: France - 1 January to 31 March - Import terms

Country of origin	Quantity applied for (in tonnes)	Percentage of applications accepted	Quantity authorised ⁽¹⁾ ⁽²⁾ (in tonnes)	CD code	Quota number	Ad valorem duty	Specific duties
South Africa (group 5) ⁽³⁾	96	38,6599	37,114	0204	09.4037	0	0

⁽¹⁾ Note: Quantities expressed in tonnes of carcase equivalent.

⁽²⁾ In accordance with Article 15 of Regulation (EC) No 1439/95.

⁽³⁾ Note: Group 5 in the Annex to Regulation (EC) No 2366/2002.

Article 4

In accordance with Article 16(5) of Regulation (EC) No 1439/95, Italy may issue import licences as provided for in Title II B of that Regulation for which applications were lodged between 1 and 10 January 2003. The following quantities shall be authorised:

Member State: Italy - 1 January to 31 March - Import terms

Country of origin	Quantity applied for (in tonnes)	Percentage of applications accepted	Quantity authorised ⁽¹⁾ ⁽²⁾ (in tonnes)	CN code	Quota number	<i>Ad valorem</i> duty	Specific duties
Namibia ⁽³⁾ (group 4)	21,167	100,00	21,167	ex 0204 domestic sheep	09.4147	0	65 % reduction

⁽¹⁾ Note: Quantities expressed in tonnes of carcase equivalent.

⁽²⁾ In accordance with Article 15 of Regulation (EC) No 1439/95.

⁽³⁾ Note: Group 4 in the Annex to Regulation (EC) No 2366/2002.

Article 5

This Regulation shall enter into force on the day of its publication in the *Official Journal of the European Union*.

It shall apply from 25 January 2003.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 14 February 2003.

For the Commission
 J. M. SILVA RODRÍGUEZ
 Agriculture Director-General

COMMISSION REGULATION (EC) No 286/2003
of 14 February 2003

fixing the maximum export refund on wholly milled long grain B rice to certain third countries in connection with the invitation to tender issued in Regulation (EC) No 1898/2002

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organisation of the market in rice ⁽¹⁾, as last amended by Commission Regulation (EC) No 411/2002 ⁽²⁾, and in particular Article 13(3) thereof,

Whereas:

(1) An invitation to tender for the export refund on rice was issued pursuant to Commission Regulation (EC) No 1898/2002 ⁽³⁾.

(2) Article 5 of Commission Regulation (EEC) No 584/75 ⁽⁴⁾, as last amended by Regulation (EC) No 1948/2002 ⁽⁵⁾, allows the Commission to fix, in accordance with the procedure laid down in Article 22 of Regulation (EC) No 3072/95 and on the basis of the tenders submitted, a maximum export refund. In fixing this maximum, the criteria provided for in Article 13 of Regulation (EC) No 3072/95 must be taken into account. A contract is awarded to any tenderer whose tender is equal to or less than the maximum export refund.

(3) The application of the abovementioned criteria to the current market situation for the rice in question results in the maximum export refund being fixed at the amount specified in Article 1.

(4) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

Article 1

The maximum export refund on wholly milled long grain B rice to be exported to certain third countries pursuant to the invitation to tender issued in Regulation (EC) No 1898/2002 is hereby fixed on the basis of the tenders submitted from 10 to 13 February 2003 at 285,00 EUR/t.

Article 2

This Regulation shall enter into force on 15 February 2003.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 14 February 2003.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 329, 30.12.1995, p. 18.

⁽²⁾ OJ L 62, 5.3.2002, p. 27.

⁽³⁾ OJ L 287, 25.10.2002, p. 11.

⁽⁴⁾ OJ L 61, 7.3.1975, p. 25.

⁽⁵⁾ OJ L 299, 1.11.2002, p. 18.

**COMMISSION REGULATION (EC) No 287/2003
of 14 February 2003**

**fixing the maximum export refund on wholly milled round grain rice to certain third countries in
connection with the invitation to tender issued in Regulation (EC) No 1896/2002**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organisation of the market in rice ⁽¹⁾, as last amended by Commission Regulation (EC) No 411/2002 ⁽²⁾, and in particular Article 13(3) thereof,

Whereas:

(1) An invitation to tender for the export refund on rice was issued pursuant to Commission Regulation (EC) No 1896/2002 ⁽³⁾.

(2) Article 5 of Commission Regulation (EEC) No 584/75 ⁽⁴⁾, as last amended by Regulation (EC) No 1948/2002 ⁽⁵⁾, allows the Commission to fix, in accordance with the procedure laid down in Article 22 of Regulation (EC) No 3072/95 and on the basis of the tenders submitted, a maximum export refund. In fixing this maximum, the criteria provided for in Article 13 of Regulation (EC) No 3072/95 must be taken into account. A contract is awarded to any tenderer whose tender is equal to or less than the maximum export refund.

(3) The application of the abovementioned criteria to the current market situation for the rice in question results in the maximum export refund being fixed at the amount specified in Article 1.

(4) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

Article 1

The maximum export refund on wholly milled round grain rice to be exported to certain third countries pursuant to the invitation to tender issued in Regulation (EC) No 1896/2002 is hereby fixed on the basis of the tenders submitted from 10 to 13 February 2003 at 160,00 EUR/t.

Article 2

This Regulation shall enter into force on 15 February 2003.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 14 February 2003.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 329, 30.12.1995, p. 18.

⁽²⁾ OJ L 62, 5.3.2002, p. 27.

⁽³⁾ OJ L 287, 25.10.2002, p. 5.

⁽⁴⁾ OJ L 61, 7.3.1975, p. 25.

⁽⁵⁾ OJ L 299, 1.11.2002, p. 18.

COMMISSION REGULATION (EC) No 288/2003
of 14 February 2003
concerning tenders submitted in response to the invitation to tender for the export of husked long grain B rice to the island of Réunion referred to in Regulation (EC) No 1895/2002

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organisation of the market in rice ⁽¹⁾, as last amended by Commission Regulation (EC) No 411/2002 ⁽²⁾, and in particular Article 10(1) thereof,

Having regard to Commission Regulation (EEC) No 2692/89 of 6 September 1989 laying down detailed rules for exports of rice to Réunion ⁽³⁾, as amended by Regulation (EC) No 1453/1999 ⁽⁴⁾, and in particular Article 9(1) thereof,

Whereas:

- (1) Commission Regulation (EC) No 1895/2002 ⁽⁵⁾ opens an invitation to tender for the subsidy on rice exported to Réunion.
- (2) Article 9 of Regulation (EEC) No 2692/89 allows the Commission to decide, in accordance with the procedure laid down in Article 22 of Regulation (EC) No 3072/95 and on the basis of the tenders submitted, to make no award.

(3) On the basis of the criteria laid down in Articles 2 and 3 of Regulation (EEC) No 2692/89, a maximum subsidy should not be fixed.

(4) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

Article 1

No action shall be taken on the tenders submitted from 10 to 13 February 2003 in response to the invitation to tender referred to in Regulation (EC) No 1895/2002 for the subsidy on exports to Réunion of husked long grain B rice falling within CN code 1006 20 98.

Article 2

This Regulation shall enter into force on 15 February 2003.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 14 February 2003.

For the Commission
Franz FISCHLER
Member of the Commission

⁽¹⁾ OJ L 329, 30.12.1995, p. 18.

⁽²⁾ OJ L 62, 5.3.2002, p. 27.

⁽³⁾ OJ L 261, 7.9.1989, p. 8.

⁽⁴⁾ OJ L 167, 2.7.1999, p. 19.

⁽⁵⁾ OJ L 299, 1.11.2002, p. 18.

COMMISSION REGULATION (EC) No 289/2003
of 14 February 2003

fixing the maximum export refund on wholly milled round grain, medium grain and long grain A rice to be exported to certain third countries in connection with the invitation to tender issued in Regulation (EC) No 1897/2002

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organisation of the market in rice ⁽¹⁾, as last amended by Commission Regulation (EC) No 411/2002 ⁽²⁾, and in particular Article 13(3) thereof,

Whereas:

- (1) An invitation to tender for the export refund on rice was issued pursuant to Commission Regulation (EC) No 1897/2002 ⁽³⁾.
- (2) Article 5 of Commission Regulation (EEC) No 584/75 ⁽⁴⁾, as last amended by Regulation (EC) No 1948/2002 ⁽⁵⁾, allows the Commission to fix, in accordance with the procedure laid down in Article 22 of Regulation (EC) No 3072/95 and on the basis of the tenders submitted, a maximum export refund. In fixing this maximum, the criteria provided for in Article 13 of Regulation (EC) No 3072/95 must be taken into account. A contract is awarded to any tenderer whose tender is equal to or less than the maximum export refund.

(3) The application of the abovementioned criteria to the current market situation for the rice in question results in the maximum export refund being fixed at the amount specified in Article 1.

(4) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

Article 1

The maximum export refund on wholly milled grain, medium grain and long grain A rice to be exported to certain third countries pursuant to the invitation to tender issued in Regulation (EC) No 1897/2002 is hereby fixed on the basis of the tenders submitted from 10 to 13 February 2003 at 165,00 EUR/t.

Article 2

This Regulation shall enter into force on 15 February 2003.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 14 February 2003.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 329, 30.12.1995, p. 18.

⁽²⁾ OJ L 62, 5.3.2002, p. 27.

⁽³⁾ OJ L 287, 25.10.2002, p. 8.

⁽⁴⁾ OJ L 61, 7.3.1975, p. 25.

⁽⁵⁾ OJ L 299, 1.11.2002, p. 18.

COMMISSION REGULATION (EC) No 290/2003
of 14 February 2003
fixing the import duties in the cereals sector

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organisation of the market in cereals ⁽¹⁾, as last amended by Regulation (EC) No 1666/2000 ⁽²⁾,

Having regard to Commission Regulation (EC) No 1249/96 of 28 June 1996 laying down detailed rules for the application of Council Regulation (EEC) No 1766/92 as regards import duties in the cereals sector ⁽³⁾, as last amended by Regulation (EC) No 1900/2002 ⁽⁴⁾, and in particular Article 2(1) thereof,

Whereas:

- (1) Article 10 of Regulation (EEC) No 1766/92 provides that the rates of duty in the Common Customs Tariff are to be charged on import of the products referred to in Article 1 of that Regulation. However, in the case of the products referred to in paragraph 2 of that Article, the import duty is to be equal to the intervention price valid for such products on importation and increased by 55 %, minus the cif import price applicable to the consignment in question. However, that duty may not exceed the rate of duty in the Common Customs Tariff.
- (2) Pursuant to Article 10(3) of Regulation (EEC) No 1766/92, the cif import prices are calculated on the basis of the representative prices for the product in question on the world market.

- (3) Regulation (EC) No 1249/96 lays down detailed rules for the application of Council Regulation (EEC) No 1766/92 as regards import duties in the cereals sector.
- (4) The import duties are applicable until new duties are fixed and enter into force. They also remain in force in cases where no quotation is available for the reference exchange referred to in Annex II to Regulation (EC) No 1249/96 during the two weeks preceding the next periodical fixing.
- (5) In order to allow the import duty system to function normally, the representative market rates recorded during a reference period should be used for calculating the duties.
- (6) Application of Regulation (EC) No 1249/96 results in import duties being fixed as set out in the Annex to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The import duties in the cereals sector referred to in Article 10(2) of Regulation (EEC) No 1766/92 shall be those fixed in Annex I to this Regulation on the basis of the information given in Annex II.

Article 2

This Regulation shall enter into force on 16 February 2003.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 14 February 2003.

For the Commission
J. M. SILVA RODRÍGUEZ
Agriculture Director-General

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 193, 29.7.2000, p. 1.

⁽³⁾ OJ L 161, 29.6.1996, p. 125.

⁽⁴⁾ OJ L 287, 25.10.2002, p. 15.

ANNEX I

Import duties for the products covered by Article 10(2) of Regulation (EEC) No 1766/92

CN code	Description	Import duty ⁽¹⁾ (EUR/tonne)
1001 10 00	Durum wheat high quality	0,00
	medium quality	0,00
	low quality	0,00
1001 90 91	Common wheat seed	0,00
1001 90 99	Common high quality wheat other than for sowing ⁽²⁾	0,00
1002 00 00	Rye	28,75
1005 10 90	Maize seed other than hybrid	47,62
1005 90 00	Maize other than seed ⁽³⁾	47,62
1007 00 90	Grain sorghum other than hybrids for sowing	28,75

⁽¹⁾ For goods arriving in the Community via the Atlantic Ocean or via the Suez Canal (Article 2(4) of Regulation (EC) No 1249/96), the importer may benefit from a reduction in the duty of:

— EUR 3 per tonne, where the port of unloading is on the Mediterranean Sea, or

— EUR 2 per tonne, where the port of unloading is in Ireland, the United Kingdom, Denmark, Sweden, Finland or the Atlantic coasts of the Iberian peninsula.

⁽²⁾ Importers are entitled to a flat-rate reduction of EUR 14 per tonne.

⁽³⁾ The importer may benefit from a flat-rate reduction of EUR 24 per tonne, where the conditions laid down in Article 2(5) of Regulation (EC) No 1249/96 are met.

ANNEX II

Factors for calculating duties

(period from 31 January 2003 to 13 February 2003)

1. Averages over the two-week period preceding the day of fixing:

Exchange quotations	Minneapolis	Chicago	Minneapolis	Minneapolis	Minneapolis	Minneapolis
Product (% proteins at 12 % humidity)	HRS2. 14 %	YC3	HAD2	Medium quality (*)	Low quality (**)	USbarley 2
Quotation (EUR/t)	130,35	87,29	212,99 (***)	202,99 (***)	182,99 (***)	120 (***)
Gulf premium (EUR/t)	33,16	13,84	—	—	—	—
Great Lakes premium (EUR/t)	—	—	—	—	—	—

(*) A discount of 10 EUR/t (Article 4(1) of Regulation (EC) No 1249/96).

(**) A discount of 30 EUR/t (Article 3 of Regulation (EC) No 2378/2002).

(***) Fob Gulf.

2. Freight/cost: Gulf of Mexico–Rotterdam: 14,05 EUR/t; Great Lakes–Rotterdam: 22,48 EUR/t.

3. Subsidy within the meaning of the third paragraph of Article 4(2) of Regulation (EC) No 1249/96: 0,00 EUR/t (HRW2)
0,00 EUR/t (SRW2).

DIRECTIVE 2003/10/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL
of 6 February 2003
on the minimum health and safety requirements regarding the exposure of workers to the risks
arising from physical agents (noise)
(Seventeenth individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 137(2) thereof,

Having regard to the proposal from the Commission ⁽¹⁾, submitted after consultation with the Advisory Committee on Safety, Hygiene and Health Protection at Work,

Having regard to the opinion of the Economic and Social Committee ⁽²⁾,

Having consulted the Committee of the Regions,

Acting in accordance with the procedure laid down in Article 251 of the Treaty ⁽³⁾, in the light of the joint text approved by the Conciliation Committee on 8 November 2002,

Whereas:

(1) Under the Treaty, the Council may adopt, by means of directives, minimum requirements for encouraging improvements, especially in the working environment, to guarantee a better level of protection of the health and safety of workers. Such directives are to avoid imposing administrative, financial and legal constraints in a way which would hold back the creation and development of small and medium-sized undertakings.

(2) While, in accordance with the Treaty, this Directive does not prevent any Member State from maintaining or introducing more stringent protective measures, its implementation should not serve to justify any regression in relation to the situation which already prevails in each Member State.

(3) Council Directive 86/188/EEC of 12 May 1986 on the protection of workers from the risks related to exposure to noise at work ⁽⁴⁾ made provision for its re-examination by the Council on a proposal from the Commission and with a view to reducing the risks concerned, taking into account in particular progress made in scientific knowledge and technology.

(4) The communication from the Commission on its programme concerning safety, hygiene and health at work ⁽⁵⁾ provides for the adoption of measures to promote safety at work, particularly with a view to extending the scope of Directive 86/188/EEC and the re-evaluation of the threshold values. The Council, in its resolution of 21 December 1987 on safety, hygiene and health at work ⁽⁶⁾, took note of this.

(5) The communication from the Commission concerning its action programme relating to the implementation of the Community Charter of the Fundamental Social Rights of Workers provides for the introduction of minimum health and safety requirements regarding the exposure of workers to the risks caused by physical agents. In September 1990 the European Parliament adopted a resolution concerning this action programme ⁽⁷⁾, inviting the Commission in particular to draw up a specific directive on the risks caused by noise and vibration and by any other physical agent at the workplace.

(6) As a first step, the European Parliament and the Council adopted on 25 June 2002 Directive 2002/44/EC on the minimum health and safety requirements regarding the exposure of workers to the risks arising from physical agents (vibration) (sixteenth individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC) ⁽⁸⁾.

(7) As a second step, it is considered appropriate to introduce measures protecting workers from the risks arising from noise owing to its effects on the health and safety of workers, in particular damage to hearing. These measures are intended not only to ensure the health and safety of each worker on an individual basis, but also to create a minimum basis of protection for all Community workers in order to avoid possible distortions of competition.

(8) Current scientific knowledge of the effects which exposure to noise may have on health and safety is not sufficient to enable precise exposure levels covering all risks to health and safety, especially as regards the effects of noise other than those of an auditory nature, to be set.

⁽¹⁾ OJ C 77, 18.3.1993, p. 12 and OJ C 230, 19.8.1994, p. 3.

⁽²⁾ OJ C 249, 13.9.1993, p. 28.

⁽³⁾ Opinion of the European Parliament of 20 April 1994 (OJ C 128, 9.5.1994, p. 146), confirmed on 16 September 1999 (OJ C 54, 25.2.2000, p. 75), Council Common Position of 29 October 2001 (OJ C E 45, 19.2.2002, p. 41) and decision of the European Parliament of 13 March 2002 (not yet published in the Official Journal).

⁽⁴⁾ OJ L 137, 24.5.1986, p. 28. Directive as amended by Directive 98/24/EC (OJ L 131, 5.5.1998, p. 11).

⁽⁵⁾ OJ C 28, 3.2.1988, p. 3.

⁽⁶⁾ OJ C 28, 3.2.1988, p. 1.

⁽⁷⁾ OJ C 260, 15.10.1990, p. 167.

⁽⁸⁾ OJ L 177, 6.7.2002, p. 13.

- (9) A system of protection against noise must limit itself to a definition, free of excessive detail, of the objectives to be attained, the principles to be observed and the fundamental values to be used, in order to enable Member States to apply the minimum requirements in an equivalent manner.
- (10) The level of exposure to noise can be more effectively reduced by incorporating preventive measures into the design of work stations and places of work and by selecting work equipment, procedures and methods so as to give priority to reducing the risks at source. Provisions relating to work equipment and methods thus contribute to the protection of the workers involved. In accordance with the general principles of prevention as laid down in Article 6(2) of Council Directive 89/391/EEC of 12 June 1989 on the introduction of measures to encourage improvements in the safety and health of workers at work ⁽¹⁾, collective protection measures have priority over individual protection measures.
- (11) The Code on noise levels on board ships of the International Maritime Organisation Resolution A 468(12) provides guidance for achieving a reduction of noise at source on board ships. Member States should be entitled to provide for a transitional period with regard to the personnel on board seagoing vessels.
- (12) In order to correctly assess the exposure of workers to noise it is useful to apply an objective measuring method, and thus references to the generally recognised standard ISO 1999:1990 are made. The assessed or objectively measured values should be decisive for initiating the actions envisaged at the lower and upper exposure action values. Exposure limit values are needed to avoid irreversible damage to workers' hearing; the noise reaching the ear should be kept below the exposure limit values.
- (13) The particular characteristics of the music and entertainment sectors require practical guidance to allow for an effective application of the provisions laid down by this Directive. Member States should be entitled to make use of a transitional period for the development of a code of conduct providing for practical guidelines which would help workers and employers in those sectors to attain the levels of protection established in this Directive.
- (14) Employers should make adjustments in the light of technical progress and scientific knowledge regarding risks related to exposure to noise, with a view to improving the health and safety protection of workers.
- (15) Since this Directive is an individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC, that Directive applies to the exposure of workers to noise, without prejudice to more stringent and/or specific provisions contained in this Directive.
- (16) This Directive constitutes a practical step towards creating the social dimension of the internal market.
- (17) The measures necessary for the implementation of this Directive should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission ⁽²⁾,

HAVE ADOPTED THIS DIRECTIVE:

SECTION I

GENERAL PROVISIONS

Article 1

Aim and scope

1. This Directive, which is the 17th individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC, lays down minimum requirements for the protection of workers from risks to their health and safety arising or likely to arise from exposure to noise and in particular the risk to hearing.
2. The requirements of this Directive shall apply to activities in which workers are or are likely to be exposed to risks from noise as a result of their work.
3. Directive 89/391/EEC shall apply fully to the whole area referred to in paragraph 1, without prejudice to more stringent and/or specific provisions contained in this Directive.

Article 2

Definitions

For the purposes of this Directive, the physical parameters used as risk predictors are defined as follows:

- (a) peak sound pressure (p_{peak}): maximum value of the 'C'-frequency weighted instantaneous noise pressure;

⁽¹⁾ OJ L 183, 29.6.1989, p. 1.

⁽²⁾ OJ L 184, 17.7.1999, p. 23.

- (b) daily noise exposure level ($L_{EX,8h}$) (dB(A) re. 20 μ Pa): time-weighted average of the noise exposure levels for a nominal eight-hour working day as defined by international standard ISO 1999: 1990, point 3.6. It covers all noises present at work, including impulsive noise;
- (c) weekly noise exposure level ($L_{EX,8h}$): time-weighted average of the daily noise exposure levels for a nominal week of five eight-hour working days as defined by international standard ISO 1999:1990, point 3.6 (note 2).

Article 3

Exposure limit values and exposure action values

1. For the purposes of this Directive the exposure limit values and exposure action values in respect of the daily noise exposure levels and peak sound pressure are fixed at:

- (a) exposure limit values: $L_{EX,8h} = 87$ dB(A) and $p_{peak} = 200$ Pa ⁽¹⁾ respectively;
- (b) upper exposure action values: $L_{EX,8h} = 85$ dB(A) and $p_{peak} = 140$ Pa ⁽²⁾ respectively;
- (c) lower exposure action values: $L_{EX,8h} = 80$ dB(A) and $p_{peak} = 112$ Pa ⁽³⁾ respectively.

2. When applying the exposure limit values, the determination of the worker's effective exposure shall take account of the attenuation provided by the individual hearing protectors worn by the worker. The exposure action values shall not take account of the effect of any such protectors.

3. In duly justified circumstances, for activities where daily noise exposure varies markedly from one working day to the next, Member States may, for the purposes of applying the exposure limit values and the exposure action values, use the weekly noise exposure level in place of the daily noise exposure level to assess the levels of noise to which workers are exposed, on condition that:

- (a) the weekly noise exposure level as shown by adequate monitoring does not exceed the exposure limit value of 87 dB(A); and
- (b) appropriate measures are taken in order to reduce the risk associated with these activities to a minimum.

SECTION II

OBLIGATIONS OF EMPLOYERS

Article 4

Determination and assessment of risks

1. In carrying out the obligations laid down in Articles 6(3) and 9(1) of Directive 89/391/EEC, the employer shall assess and, if necessary, measure the levels of noise to which workers are exposed.

⁽¹⁾ 140 dB (C) in relation to 20 μ Pa.
⁽²⁾ 137 dB (C) in relation to 20 μ Pa.
⁽³⁾ 135 dB (C) in relation to 20 μ Pa.

2. The methods and apparatus used shall be adapted to the prevailing conditions particularly in the light of the characteristics of the noise to be measured, the length of exposure, ambient factors and the characteristics of the measuring apparatus.

These methods and this apparatus shall make it possible to determine the parameters defined in Article 2 and to decide whether, in a given case, the values fixed in Article 3 have been exceeded.

3. The methods used may include sampling, which shall be representative of the personal exposure of a worker.

4. The assessment and measurement referred to in paragraph 1 shall be planned and carried out by competent services at suitable intervals, taking particular account of the provisions of Article 7 of Directive 89/391/EEC concerning the necessary competent services or persons. The data obtained from the assessment and/or measurement of the level of exposure to noise shall be preserved in a suitable form so as to permit consultation at a later stage.

5. When applying this Article, the assessment of the measurement results shall take into account the measurement inaccuracies determined in accordance with metrological practice.

6. Pursuant to Article 6(3) of Directive 89/391/EEC, the employer shall give particular attention, when carrying out the risk assessment, to the following:

- (a) the level, type and duration of exposure, including any exposure to impulsive noise;
- (b) the exposure limit values and the exposure action values laid down in Article 3 of this Directive;
- (c) any effects concerning the health and safety of workers belonging to particularly sensitive risk groups;
- (d) as far as technically achievable, any effects on workers' health and safety resulting from interactions between noise and work-related ototoxic substances, and between noise and vibrations;
- (e) any indirect effects on workers' health and safety resulting from interactions between noise and warning signals or other sounds that need to be observed in order to reduce the risk of accidents;
- (f) information on noise emission provided by manufacturers of work equipment in accordance with the relevant Community directives;
- (g) the existence of alternative work equipment designed to reduce the noise emission;
- (h) the extension of exposure to noise beyond normal working hours under the employer's responsibility;

- (i) appropriate information obtained following health surveillance, including published information, as far as possible;
- (j) the availability of hearing protectors with adequate attenuation characteristics.

7. The employer shall be in possession of an assessment of the risk in accordance with Article 9(1)(a) of Directive 89/391/EEC, and shall identify which measures must be taken in accordance with Articles 5, 6, 7 and 8 of this Directive. The risk assessment shall be recorded on a suitable medium, according to national law and practice. The risk assessment shall be kept up to date on a regular basis, particularly if there have been significant changes which could render it out of date, or when the results of health surveillance show it to be necessary.

Article 5

Provisions aimed at avoiding or reducing exposure

1. Taking account of technical progress and of the availability of measures to control the risk at source, the risks arising from exposure to noise shall be eliminated at their source or reduced to a minimum.

The reduction of such risks shall be based on the general principles of prevention set out in Article 6(2) of Directive 89/391/EEC, and take into account in particular:

- (a) other working methods that require less exposure to noise;
- (b) the choice of appropriate work equipment, taking account of the work to be done, emitting the least possible noise, including the possibility of making available to workers work equipment subject to Community provisions with the aim or effect of limiting exposure to noise;
- (c) the design and layout of workplaces and work stations;
- (d) adequate information and training to instruct workers to use work equipment correctly in order to reduce their exposure to noise to a minimum;
- (e) noise reduction by technical means:
 - (i) reducing airborne noise, e.g. by shields, enclosures, sound-absorbent coverings;
 - (ii) reducing structure-borne noise, e.g. by damping or isolation;
- (f) appropriate maintenance programmes for work equipment, the workplace and workplace systems;
- (g) organisation of work to reduce noise:
 - (i) limitation of the duration and intensity of the exposure;
 - (ii) appropriate work schedules with adequate rest periods.

2. On the basis of the risk assessment referred to in Article 4, if the upper exposure action values are exceeded, the employer shall establish and implement a programme of technical and/or organisational measures intended to reduce the exposure to noise, taking into account in particular the measures referred to in paragraph 1.

3. On the basis of the risk assessment referred to in Article 4, workplaces where workers are likely to be exposed to noise exceeding the upper exposure action values shall be marked with appropriate signs. The areas in question shall also be delimited and access to them restricted where this is technically feasible and the risk of exposure so justifies.

4. Where, owing to the nature of the activity, a worker benefits from the use of rest facilities under the responsibility of the employer, noise in these facilities shall be reduced to a level compatible with their purpose and the conditions of use.

5. Pursuant to Article 15 of Directive 89/391/EEC, the employer shall adapt the measures referred to in this Article to the requirements of workers belonging to particularly sensitive risk groups.

Article 6

Personal protection

1. If the risks arising from exposure to noise cannot be prevented by other means, appropriate, properly fitting individual hearing protectors shall be made available to workers and used by them in accordance with the provisions of Council Directive 89/656/EEC of 30 November 1989 on the minimum health and safety requirements for the use by workers of personal protective equipment at the workplace (third individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC) ⁽¹⁾ and Article 13(2) of Directive 89/391/EEC and under the conditions set out below:

- (a) where noise exposure exceeds the lower exposure action values, the employer shall make individual hearing protectors available to workers;
- (b) where noise exposure matches or exceeds the upper exposure action values, individual hearing protectors shall be used;
- (c) the individual hearing protectors shall be so selected as to eliminate the risk to hearing or to reduce the risk to a minimum.

2. The employer shall make every effort to ensure the wearing of hearing protectors and shall be responsible for checking the effectiveness of the measures taken in compliance with this Article.

⁽¹⁾ OJ L 393, 30.12.1989, p. 18.

*Article 7***Limitation of exposure**

1. Under no circumstances shall the exposure of the worker as determined in accordance with Article 3(2) exceed the exposure limit values.
2. If, despite the measures taken to implement this Directive, exposures above the exposure limit values are detected, the employer shall:
 - (a) take immediate action to reduce the exposure to below the exposure limit values;
 - (b) identify the reasons why overexposure has occurred; and
 - (c) amend the protection and prevention measures in order to avoid any recurrence.

*Article 8***Worker information and training**

Without prejudice to Articles 10 and 12 of Directive 89/391/EEC the employer shall ensure that workers who are exposed to noise at work at or above the lower exposure action values, and/or their representatives, receive information and training relating to risks resulting from exposure to noise concerning, in particular:

- (a) the nature of such risks;
- (b) the measures taken to implement this Directive in order to eliminate or reduce to a minimum the risks from noise, including the circumstances in which the measures apply;
- (c) the exposure limit values and the exposure action values laid down in Article 3 of this Directive;
- (d) the results of the assessment and measurement of the noise carried out in accordance with Article 4 of this Directive together with an explanation of their significance and potential risks;
- (e) the correct use of hearing protectors;
- (f) why and how to detect and report signs of hearing damage;
- (g) the circumstances in which workers are entitled to health surveillance and the purpose of health surveillance, in accordance with Article 10 of this Directive;
- (h) safe working practices to minimise exposure to noise.

*Article 9***Consultation and participation of workers**

Consultation and participation of workers and/or of their representatives shall take place in accordance with Article 11 of Directive 89/391/EEC on the matters covered by this Directive, in particular:

- the assessment of risks and identification of measures to be taken, referred to in Article 4,
- the actions aimed at eliminating or reducing risks arising from exposure to noise, referred to in Article 5,
- the choice of individual hearing protectors referred to in Article 6(1)(c).

SECTION III

MISCELLANEOUS PROVISIONS*Article 10***Health surveillance**

1. Without prejudice to Article 14 of Directive 89/391/EEC, Member States shall adopt provisions to ensure the appropriate health surveillance of workers where the results of the assessment and measurement provided for in Article 4(1) of this Directive indicate a risk to their health. Those provisions, including the requirements specified for health records and their availability, shall be introduced in accordance with national law and/or practice.

2. A worker whose exposure exceeds the upper exposure action values shall have the right to have his/her hearing checked by a doctor or by another suitably qualified person under the responsibility of a doctor, in accordance with national law and/or practice. Preventive audiometric testing shall also be available for workers whose exposure exceeds the lower exposure action values, where the assessment and measurement provided for in Article 4(1) indicate a risk to health.

The objectives of these checks are to provide early diagnosis of any loss of hearing due to noise, and to preserve the hearing function.

3. Member States shall establish arrangements to ensure that, for each worker who undergoes surveillance in accordance with paragraphs 1 and 2, individual health records are made and kept up to date. Health records shall contain a summary of the results of the health surveillance carried out. They shall be kept in a suitable form so as to permit any consultation at a later date, taking into account any confidentiality.

Copies of the appropriate records shall be supplied to the competent authority on request. The individual worker shall, at his or her request, have access to the health records relating to him or her personally.

4. Where, as a result of surveillance of the hearing function, a worker is found to have identifiable hearing damage, a doctor, or a specialist if the doctor considers it necessary, shall assess whether the damage is likely to be the result of exposure to noise at work. If this is the case:

- (a) the worker shall be informed by the doctor or other suitably qualified person of the result which relates to him or her personally;
- (b) the employer shall:
 - (i) review the risk assessment carried out pursuant to Article 4;
 - (ii) review the measures provided for to eliminate or reduce risks pursuant to Articles 5 and 6;
 - (iii) take into account the advice of the occupational healthcare professional or other suitably qualified person or the competent authority in implementing any measures required to eliminate or reduce risk in accordance with Articles 5 and 6, including the possibility of assigning the worker to alternative work where there is no risk of further exposure; and
 - (iv) arrange systematic health surveillance and provide for a review of the health status of any other worker who has been similarly exposed.

Article 11

Derogations

1. In exceptional situations where, because of the nature of the work, the full and proper use of individual hearing protectors would be likely to cause greater risk to health or safety than not using such protectors, Member States may grant derogations from the provisions of Articles 6(1)(a) and (b) and 7.

2. The derogations referred to in paragraph 1 shall be granted by Member States following consultation with both sides of industry and, where appropriate, with the medical authorities responsible, in accordance with national laws and/or practice. Such derogations must be accompanied by conditions which guarantee, taking into account the special circumstances, that the resulting risks are reduced to a minimum and that the workers concerned are subject to increased health surveillance. Such derogations shall be reviewed every four years and withdrawn as soon as the justifying circumstances no longer obtain.

3. Every four years Member States shall forward to the Commission a list of derogations referred to in paragraph 1, indicating the exact reasons and circumstances which made them decide to grant the derogations.

Article 12

Technical amendments

Amendments of a strictly technical nature shall be adopted in accordance with the regulatory procedure laid down in Article 13(2) and in line with:

- (a) the adoption of directives in the field of technical harmonisation and standardisation with regard to the design, building, manufacture or construction of work equipment and/or workplaces; and
- (b) technical progress, changes in the most appropriate harmonised European standards or specifications and new findings concerning noise.

Article 13

Committee

1. The Commission shall be assisted by the Committee referred to in Article 17 of Directive 89/391/EEC.

2. Where reference is made to this paragraph, Articles 5 and 7 of Council Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.

3. The Committee shall adopt its Rules of Procedure.

Article 14

Code of conduct

In the context of the application of this directive Member States shall draw up in consultation with the social partners, in accordance with national law and practice, a code of conduct providing for practical guidelines to help workers and employers in the music and entertainment sectors to meet their legal obligations as laid down in this Directive.

Article 15

Repeal

Directive 86/188/EEC is hereby repealed with effect from the date set out in the first subparagraph of Article 17(1).

SECTION IV

FINAL PROVISIONS

Article 16

Reports

Every five years Member States shall provide a report to the Commission on the practical implementation of this Directive, indicating the points of view of both sides of industry. It shall contain a description of best practice for preventing noise with a harmful effect on health and of other forms of work organisation, together with the action taken by the Member States to impart knowledge of such best practice.

On the basis of those reports, the Commission shall carry out an overall assessment of the implementation of this Directive, including implementation in the light of research and scientific information, and, *inter alia*, taking into account the implications of this Directive for the music and entertainment sectors. The Commission shall inform the European Parliament, the Council, the European Economic and Social Committee and the Advisory Committee on Safety, Hygiene and Health Protection at Work thereof and, if necessary, propose amendments.

Article 17

Transposition

1. The Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive before 15 February 2006. They shall forthwith inform the Commission thereof.

When Member States adopt these measures, they shall contain a reference to this Directive or shall be accompanied by such reference on the occasion of their official publication. The methods of making such reference shall be laid down by the Member States.

2. In order to take account of particular conditions, Member States may, if necessary, have an additional period of five years from 15 February 2006, that is to say a total of eight years, to implement the provisions of Article 7 with regard to the personnel on board seagoing vessels.

In order to allow for the drawing up of a code of conduct providing for practical guidelines for the implementation of the provisions of this Directive, Member States shall be entitled to make use of a maximum transitional period of two years from 15 February 2006, that is to say a total of five years from the entry into force of this Directive, to comply with this Directive, with regard to the music and entertainment sectors on the condition that during this period the levels of protection already achieved in individual Member States, with regard to the personnel in these sectors, are maintained.

3. The Member States shall communicate to the Commission the text of the provisions of national law which they adopt or have already adopted in the field covered by this Directive.

Article 18

Entry into force

This Directive shall enter into force on the day of its publication in the *Official Journal of the European Union*.

Article 19

Addressees

This Directive is addressed to the Member States.

Done at Brussels, 6 February 2003.

For the European Parliament

The President

P. COX

For the Council

The President

G. EFTHYMIU

**DIRECTIVE 2003/11/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL
of 6 February 2003**

amending for the 24th time Council Directive 76/769/EEC relating to restrictions on the marketing and use of certain dangerous substances and preparations (pentabromodiphenyl ether, octabromodiphenyl ether)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 95 thereof,

Having regard to the proposals from the Commission ⁽¹⁾,

Having regard to the opinion of the Economic and Social Committee ⁽²⁾,

Acting in accordance with the procedure laid down in Article 251 of the Treaty ⁽³⁾, in the light of the joint text approved by the Conciliation Committee on 8 November 2002,

Whereas:

- (1) Under Article 14 of the Treaty, an area without internal frontiers is to be established, in which the free movement of goods, persons, services and capital is ensured.
- (2) The risks to the environment of pentabromodiphenyl ether (pentaBDE) and octabromo-diphenyl ether (octaBDE) have been assessed under Council Regulation (EEC) No 793/93 of 23 March 1993 on the evaluation and control of the risks of existing substances ⁽⁴⁾. The risk assessments on pentaBDE and octaBDE identified a need for reducing risks from these substances to the environment. In its opinions of 4 February 2000 and 31 October 2002, the Scientific Committee on toxicity, ecotoxicity and the environment (CSTEE) confirmed the conclusions of these assessments of pentaBDE and octaBDE on the need to reduce risks to protect the environment. Furthermore, the CSTEE confirmed, in its opinion of 19 June 2000, the concern about exposure of breast-fed children to pentaBDE and that the increasing levels of pentaBDE in breast milk might be the result of a use not yet identified.
- (3) The Commission has adopted Recommendations in the framework of Regulation (EEC) No 793/93 on a risk reduction strategy for pentaBDE ⁽⁵⁾ and octaBDE ⁽⁶⁾ providing for restrictions on marketing and use to control risks to the environment. They also recommended that any measures should take account of the concerns about infants exposed via milk.

(4) In order to protect health and the environment the placing on the market and the use of pentaBDE and octaBDE and the placing on the market of articles containing one or both of these substances should be prohibited.

(5) The presence of pentaBDE or octaBDE in concentrations higher than 0,1 % can be identified using standard analytical techniques such as GC-MS (gas chromatography-mass spectrometry).

(6) The risk assessment on decaBDE was concluded in August 2002 and has revealed a number of uncertainties concerning possible effects on the environment of this substance. Risk reduction measures should be taken by the Community without delay and a risk reduction strategy has therefore to be established immediately. The Commission expects the results of the risk reduction strategy not later than 30 June 2003. It should then immediately assess these results and propose appropriate and strict measures to address risks identified. The European Parliament and the Council should consider this proposal without delay. Restrictions approved by the Community on the marketing and use of decaBDE are to enter into force without further delay, unless the further testing provided for in the above risk assessment resolves the current uncertainties by concluding that decaBDE gives no cause for concern.

(7) This Directive does not affect Community legislation laying down minimum requirements for the protection of workers contained in Council Directive 89/391/EEC of 12 June 1989 on the introduction of measures to encourage improvements in the safety and health of workers at work ⁽⁷⁾, and in individual directives based thereon, in particular Council Directive 90/394/EEC of 28 June 1990 on the protection of workers from the risks related to exposure to carcinogens at work (Sixth individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC) ⁽⁸⁾ and Council Directive 98/24/EC of 7 April 1998 on protection of health and safety of workers from the risks related to chemical agents at work (14th individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC) ⁽⁹⁾,

⁽¹⁾ OJ C 154 E, 29.5.2001, p. 112 and OJ C 25, 29.1.2002, p. 472.

⁽²⁾ OJ C 193, 10.7.2001, p. 27.

⁽³⁾ Opinion of the European Parliament of 6 September 2001 (OJ C 72 E, 21.3.2002, p. 235), Council Common Position of 6 December 2001 (OJ C 110 E, 7.5.2002, p. 23) and Decision of the European Parliament of 10 April 2002 (not yet published in the Official Journal).

⁽⁴⁾ OJ L 84, 5.4.1993, p. 1.

⁽⁵⁾ OJ L 69, 10.3.2001, p. 30.

⁽⁶⁾ OJ L 249, 17.9.2002, p. 27.

⁽⁷⁾ OJ L 183, 29.6.1989, p. 1.

⁽⁸⁾ OJ L 196, 26.7.1990, p. 1. Directive as last amended by Directive 1999/38/EC (OJ L 138, 1.6.1999, p. 66).

⁽⁹⁾ OJ L 131, 5.5.1998, p. 11.

HAVE ADOPTED THIS DIRECTIVE:

Article 3

Article 1

Annex I to Directive 76/769/EEC is hereby amended as set out in the Annex to this Directive.

This Directive shall enter into force on the day of its publication in the *Official Journal of the European Union*.

Article 2

Member States shall adopt and publish the laws, regulations and administrative provisions necessary to comply with this Directive no later than 15 February 2004. They shall forthwith inform the Commission thereof.

Article 4

This Directive is addressed to the Member States.

They shall apply those measures from 15 August 2004.

Done at Brussels, 6 February 2003.

When Member States adopt these measures, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. The methods of making such a reference shall be laid down by the Member States.

For the European Parliament

For the Council

The President

The President

P. COX

P. EFTHYMIU

ANNEX

The following point [XX] shall be added to Annex I of Directive 76/769/EEC:

'[XX] diphenylether, pentabromo derivative C₁₂H₃Br₅O

1. May not be placed on the market or used as a substance or as a constituent of substances or of preparations in concentrations higher than 0,1 % by mass.
2. Articles may not be placed on the market if they, or flame-retarded parts thereof, contain this substance in concentrations higher than 0,1 % by mass.'

The following point [XXa] shall be added to Annex I of Directive 76/769/EEC:

'[XXa] diphenylether, octabromo derivative C₁₂H₂Br₈O

1. May not be placed on the market or used as a substance or as a constituent of substances or of preparations in concentrations higher than 0,1 % by mass.
 2. Articles may not be placed on the market if they, or flame-retardant parts thereof, contain this substance in concentrations higher than 0,1 % by mass.'
-

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 14 February 2003

excluding from Community financing certain expenditure incurred by the Member States under the Guarantee Section of the European Agricultural Guidance and Guarantee Fund (EAGGF)

(notified under document number C(2003) 500)

(only the Danish, German, English, Spanish, French, Greek, Italian, Dutch and Portuguese texts are authentic)

(2003/102/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 729/70 of 21 April 1970 on the financing of the common agricultural policy ⁽¹⁾, as last amended by Regulation (EC) No 1287/95 ⁽²⁾, and in particular Article 5(2)(c) thereof,

Having regard to Council Regulation (EC) No 1258/1999 of 17 May 1999 on the financing of the common agricultural policy ⁽³⁾, and in particular Article 7(4) thereof,

After consulting the Committee for the European Agricultural Guidance and Guarantee Fund,

Whereas:

(1) Article 5(2)(c) of Regulation (EEC) No 729/70 and Article 7(4) of Regulation (EC) No 1258/1999 stipulate that the Commission is to exclude expenditure from Community financing where it finds that it has not been incurred in accordance with Community rules.

(2) The above Articles of Regulation (EEC) No 729/70 and Regulation (EC) No 1258/1999 as well as Article 8(1) and (2) of Commission Regulation (EC) No 1663/95 of 7 July 1995 laying down detailed rules for the application of Council Regulation (EEC) No 729/70 regarding the procedure for the clearance of the accounts of the EAGGF Guarantee Section ⁽⁴⁾, as last amended by Regulation (EC) No 2025/2001 ⁽⁵⁾, provide that the Commission is to carry out the necessary checks, forward its findings to the Member States, consider any comments from the latter, enter into bilateral discussions to reach an agreement with the Member States concerned and formally communicate its conclusions to them, referring to Commission Decision 94/442/EC of 1 July 1994 setting up a conciliation procedure in the context of the clearance of the accounts of the European Agricultural Guidance and Guarantee Fund (EAGGF) Guarantee Section ⁽⁶⁾, as last amended by Decision 2001/535/EC ⁽⁷⁾.

(3) The Member States have had the opportunity to request that a conciliation procedure be initiated. That procedure has been applied in some cases and the reports issued on the outcome have been considered by the Commission.

(4) Articles 2 and 3 of Regulation (EEC) No 729/70 and Article 2 of Regulation (EC) No 1258/1999 provide that refunds on exports to third countries and intervention intended to stabilise agricultural markets may be financed only where they are either granted or undertaken in accordance with the Community rules governing the common organisations of agricultural markets.

⁽¹⁾ OJ L 94, 28.4.1970, p. 13.

⁽²⁾ OJ L 125, 8.6.1995, p. 1.

⁽³⁾ OJ L 160, 26.6.1999, p. 103.

⁽⁴⁾ OJ L 158, 8.7.1995, p. 6.

⁽⁵⁾ OJ L 274, 17.10.2001, p. 3.

⁽⁶⁾ OJ L 182, 16.7.1994, p. 45.

⁽⁷⁾ OJ L 193, 17.7.2001, p. 25.

- (5) The findings of checks performed, the results of bilateral discussions and the outcome of the conciliation procedures have shown that some expenditure declared by the Member States does not meet those conditions and cannot therefore be financed under the EAGGF Guarantee Section.
- (6) The Annex to this Decision sets out the amounts that are not recognised as being chargeable to the EAGGF Guarantee Section. Those amounts do not relate to expenditure incurred more than 24 months before the Commission's written notification of the results of the checks to the Member States.
- (7) As regards the cases covered by this Decision, the assessment of the amounts to be excluded on grounds of non-compliance with Community rules was notified by the Commission to the Member States and is set out in a summary report on the subject.
- (8) This Decision is without prejudice to any financial conclusions that the Commission may draw from the judgments of the Court of Justice in cases pending on 14 October 2002 and relating to its content,

HAS ADOPTED THIS DECISION:

Article 1

The expenditure itemised in the Annex hereto that has been incurred by the Member States' accredited paying agencies and declared under the EAGGF Guarantee Section is hereby excluded from Community financing because it does not comply with Community rules.

Article 2

This Decision is addressed to the Kingdom of Denmark, the Federal Republic of Germany, the French Republic, the Hellenic Republic, the Kingdom of Spain, Ireland, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the Portuguese Republic and the United Kingdom of Great Britain and Northern Ireland.

Done at Brussels, 14 February 2003.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX

Total corrections

Sector	Member State	Budget item	Reason	Currency	Expenditure excluded from financing	Deductions already made	Financial impact of decision	Financial year
Olive oil	E	1220	flat-rate correction of 2,75 %	EUR	- 3 372 844,42	0,00	- 3 372 844,42	1997-1999
Livestock premiums	E	2120-2125	inadequate and insufficient number of checks	EUR	- 5 593 699,06	0,00	- 5 593 699,06	1998-2000
Livestock premiums	E	2120-2128	flat-rate corrections — major shortcomings	EUR	- 964 109,17	0,00	- 964 109,17	1999-2000
Financial audit	E	4051	cancellation of a previous correction (recovery under heading 3990-060)	EUR	1 267,78	0,00	1 267,78	1999
Financial audit	E	various	non-compliance with payment deadlines	EUR	- 1 916 896,26	- 1 916 896,26	0,00	2001
		Total E			- 11 846 281,13	- 1 916 896,26	- 9 929 384,87	
Arable crops	D	1041-1310	major shortcomings in checks	EUR	- 26 446 505,00	0,00	- 26 446 505,00	1999-2000
		Total D			- 26 446 505,00	0,00	- 26 446 505,00	
Livestock premiums	DK	2122	major shortcomings in checks	DKK	- 377 788,09	0,00	- 377 788,09	1998
		Total DK			- 377 788,09	0,00	- 377 788,09	
Fruit and vegetables	F	1512	flat-rate correction of 5 % — major shortcomings	EUR	- 3 510 799,21	0,00	- 3 510 799,21	1998-2000
Livestock premiums	F	2120-2125	shortcomings in the management of beef premiums	EUR	- 360 148,00	0,00	- 360 148,00	1998-2000
Livestock premiums	F	2120-2125	shortcomings in key checks	EUR	- 827 926,05	0,00	- 827 926,05	1998-2000
Financial audit	F	various	shortcomings in management of advance payments, guarantees and debtors	EUR	- 6 989 874,95	0,00	- 6 989 874,95	2000
Financial audit	F	1210-2125	non-compliance with payment deadlines	EUR	- 233 570,54	- 233 570,54	0,00	2001
		Total F			- 11 922 318,75	- 233 570,54	- 11 688 748,21	
Public storage	EL	3231	flat-rate correction of 25 % — major shortcomings	EUR	- 9 926 005,21	0,00	- 9 926 005,21	1999-2001
		Total EL			- 9 926 005,21	0,00	- 9 926 005,21	
Rural development	IRL	4072	correction overestimated in Decision No 9	EUR	892 975,00	0,00	892 975,00	
Financial audit	IRL	1041-2125	non-compliance with payment deadlines	EUR	- 59 864,81	- 59 864,81	0,00	2001
		Total IRL			833 110,19	- 59 864,81	892 975,00	
Rural development	I	4051-5012	flat-rate correction of 2 % — major shortcomings	EUR	- 8 022 916,00	0,00	- 8 022 916,00	1998-2000
Rural development	I	4051-5012	flat-rate correction of 5 % — major shortcomings (Region of Lazio)	EUR	- 660 035,00	0,00	- 660 035,00	1998-2000
Rural development	I	4051-5012	flat-rate correction of 5 % — major shortcomings (Region of Piedmont)	EUR	- 951,00	0,00	- 951,00	1998-2000

Sector	Member State	Budget item	Reason	Currency	Expenditure excluded from financing	Deductions already made	Financial impact of decision	Financial year
Rural development	I	4051-5012	flat-rate correction of 5 % — major shortcomings (Region of Tuscany)	EUR	- 2 911 483,00	0,00	- 2 911 483,00	1998-2000
Rural development	I	4051-5012	flat-rate correction of 5 % — major shortcomings (Region of Sicily)	EUR	- 161 175,00	0,00	- 161 175,00	1998-2000
Financial audit	I	various	non-compliance with payment deadlines	EUR	- 14 498 092,31	- 14 498 092,31	0,00	2001
		Total I			- 26 254 652,31	- 14 498 092,31	- 11 756 560,00	
Arable crops	L	1041	cancellation of previous correction following judgment of Court of Justice	EUR	1 390 851,24	0,00	1 390 851,24	1996-1998
		Total L			1 390 851,24	0,00	1 390 851,24	
Milk and milk products	NL	2024	cancellation of previous correction following judgment of Court of Justice	EUR	847 818,45	0,00	847 818,45	1996
Milk and milk products	NL	2024	cancellation of previous correction following judgment of Court of Justice	EUR	14 859 727,01	0,00	14 859 727,01	1995
		Total NL			15 707 545,46	0,00	15 707 545,46	
Fruit and vegetables	P	1515	non-compliance with Regulation (EC) No 1169/97	EUR	- 28 515,69	0,00	- 28 515,69	2000
		Total P			- 28 515,69	0,00	- 28 515,69	
Public storage	UK	2111-2114	flat-rate correction of 10 % — major shortcomings	GBP	- 492 177,00	0,00	- 492 177,00	1998
Livestock premiums	UK	2120-2125	shortcomings in key checks	GBP	- 14 346 980,09	0,00	- 14 346 980,09	2000
Financial audit	UK	1050-1060	non-compliance with payment deadlines	EUR	- 55 047,63	- 55 047,63	0,00	2001
		Total UK		GBP	- 14 839 157,09	0,00	- 14 839 157,09	
				EUR	- 55 047,63	- 55 047,63	0,00	