

Official Journal

of the European Union

ISSN 1725-2555

L 47

Volume 46

21 February 2003

English edition

Legislation

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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EC) No 320/2003

of 18 February 2003

terminating the review of the anti-dumping measures applicable to imports of threaded malleable cast-iron tube or pipe fittings originating in Brazil, the Czech Republic, Japan, the People's Republic of China, the Republic of Korea and Thailand

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 384/96 of 22 December 1995 on protection against dumped imports from countries not members of the European Community⁽¹⁾, and in particular Articles 8, 9 and Article 11(3) thereof,

Having regard to Council Regulation (EC) No 1515/2001 of 23 July 2001 on the measures that may be taken by the Community following a report adopted by the WTO Dispute Settlement Body concerning anti-dumping and anti-subsidy matters⁽²⁾ and in particular Article 2 thereof,

Having regard to the proposal from the Commission, after consulting the Advisory Committee,

Whereas:

A. PROCEDURE

- (1) On 26 March 2001, the Commission received a request from an exporting producer of threaded malleable fittings in the Czech Republic, namely Moravske Zelezarny AS, to amend the definitive anti-dumping duty imposed on it by Council Regulation (EC) No 1784/2000 of 11 August 2000 imposing a definitive anti-dumping duty and collecting definitively the provisional duty imposed on imports of certain malleable cast-iron tube or pipe fittings originating in Brazil, the Czech Republic, Japan, the People's Republic of China, the Republic of Korea and Thailand⁽³⁾.
- (2) The exporting producer requested a review on the basis that its individual anti-dumping duty rate is based on methodologies which are not in line with the conclusions contained in the Appellate Body report and a panel report as modified by the Appellate Body report in the case 'European Communities — Anti-dumping measures

on imports of cotton-type bed-linen from India'⁽⁴⁾ (Reports) and in particular the legal interpretation afforded in those reports to Articles 2(2)(2)(ii) and 2(4)(2) of the WTO Anti-dumping Agreement, as adopted by the Dispute Settlement Body of the World Trade Organisation (WTO).

- (3) Consequently, the Commission offered, by notice of 5 December 2001 (hereinafter referred to as notice of initiation) published in the *Official Journal of the European Communities*⁽⁵⁾, the possibility of a review of the anti-dumping measures applicable to imports of threaded malleable cast-iron tube or pipe fittings originating in Brazil, the Czech Republic, Japan, the People's Republic of China, the Republic of Korea and Thailand.
- (4) The scope of the review was limited to the examination of dumping by those exporting producers in the countries concerned whose duty rates are based on a dumping methodology at issue in the reports and which submitted a full questionnaire reply within the time limits set out in the notice of initiation. This review was based on Article 2 of Regulation (EC) No 1515/2001.
- (5) The Commission officially advised all known exporting producers and the relevant authorities in the exporting countries of the initiation of the proceeding. The parties concerned had the opportunity to make their views known in writing and to request a hearing within the time limit set out in the notice of initiation.
- (6) The Commission sent questionnaires to all parties known to be concerned and to all other companies which made themselves known within the deadlines set out in the notice of initiation and received only one reply from an exporting producer in Thailand. The Czech producer which had originally requested a review did not respond to the questionnaire.

⁽¹⁾ OJ L 56, 6.3.1996, p. 1. Regulation as last amended by Regulation (EC) No 1972/2002 (OJ L 305, 7.11.2002, p. 1).

⁽²⁾ OJ L 201, 26.7.2001, p. 10.

⁽³⁾ OJ L 208, 18.8.2000, p. 8.

⁽⁴⁾ WT/DS 141/AB/R, 1.3.2001.

⁽⁵⁾ OJ C 342, 5.12.2001, p. 5.

- (7) Subsequently, this exporting producer in Thailand decided to withdraw its application for review. Therefore, and since no other exporter submitted a questionnaire response pursuant to the notice of initiation, the present investigation should be terminated.

B. CONCLUSIONS

- (8) On the basis of the above, it is concluded that the review should be terminated and the anti-dumping measures imposed by Regulation (EC) No 1784/2000 on imports of the product concerned originating in Brazil, the Czech Republic, Japan, the People's Republic of China, the Republic of Korea and Thailand should remain in force, without changing the level of the measures for the exporting producers in the countries concerned. Likewise, the undertakings originally accepted should remain in place,

HAS ADOPTED THIS REGULATION:

Article 1

The review of anti-dumping measures concerning imports of threaded malleable cast-iron tube or pipe fittings currently classifiable within CN code ex 7307 19 10 (TARIC code 7307 19 10 10) and originating in Brazil, the Czech Republic, Japan, the People's Republic of China, the Republic of Korea and Thailand, is hereby terminated.

Article 2

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

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

Done at Brussels, 18 February 2003.

For the Council

The President

N. CHRISTODOULAKIS

**COUNCIL REGULATION (EC) No 321/2003
of 18 February 2003**

amending Regulation (EC) No 772/1999 imposing definitive anti-dumping and countervailing duties on imports of farmed Atlantic salmon originating in Norway

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 384/96 of 22 December 1995 on protection against dumped imports from countries not members of the European Community ⁽¹⁾, and in particular Article 8 thereof,

Having regard to Council Regulation (EC) No 2026/97 of 6 October 1997 on protection against subsidised imports from countries not members of the European Community ⁽²⁾, and in particular Article 13 thereof,

Having regard to the proposal submitted by the Commission after consulting the Advisory Committee,

Whereas:

A. PREVIOUS PROCEDURE

- (1) On 31 August 1996, by means of two separate notices published in the *Official Journal of the European Communities*, the Commission announced the initiation of an anti-dumping proceeding ⁽³⁾ and an anti-subsidy proceeding ⁽⁴⁾ in respect of imports of farmed Atlantic salmon (the product concerned) originating in Norway.
- (2) These proceedings resulted in anti-dumping and countervailing duties being imposed in September 1997 by Council Regulations (EC) No 1890/97 ⁽⁵⁾ and No 1891/97 ⁽⁶⁾ in order to eliminate the injurious effects of dumping and subsidisation.
- (3) In parallel to this, by Decision 97/634/EC of 26 September 1997 accepting undertakings offered in connection with the anti-dumping and anti-subsidy proceedings concerning imports of farmed Atlantic salmon originating in Norway ⁽⁷⁾, the Commission accepted undertakings from 190 Norwegian exporters and imports of the product concerned exported to the Community by these companies were exempted from the said anti-dumping and countervailing duties.
- (4) The form of the duties was later reviewed and Regulations (EC) No 1890/97 and No 1891/97 were replaced by Regulation (EC) No 772/1999 ⁽⁸⁾.

B. NEW EXPORTERS, CHANGES OF NAME AND VOLUNTARY WITHDRAWAL OF AN UNDERTAKING

- (5) Three Norwegian companies, Vestmar AS, Gaia Seafood AS and Polar Quality AS claimed that they are 'new exporters' within the meaning of Article 2 of Regulation (EC) No 772/1999 in conjunction with Article 11(4) of Regulation (EC) No 384/96 and Article 20 of Regulation (EC) No 2026/97 and have offered undertakings identical to those previously accepted from other Norwegian companies. Having investigated the matter, it was established that the applicants fulfilled the conditions for being considered as new exporters and, accordingly, the undertakings offered have been accepted by the Commission. The exemption to the anti-dumping and countervailing duties should therefore be extended to these companies.
- (6) One Norwegian exporter, Arctic Group International, with an undertaking advised the Commission that the group of companies to which it belonged had been re-organised and that another company within the group, Arctic Group Maritime AS, was now responsible for exports to the Community. The company therefore requested that its name be changed on the list of companies from which undertakings are accepted in the Annex to Decision 97/634/EC and on the list of companies which benefit from an exemption to the anti-dumping and countervailing duties in the Annex to Regulation (EC) No 772/1999.
- (7) Another company, Fjord Seafood Midt-Norge AS, with an undertaking advised the Commission that its name had changed to Fjord Seafood Norway AS and, in addition, that a company within the same group, Fjord Seafood Måløy, also with an undertaking, had merged with it. It was therefore requested that the new name of the company appear on the above mentioned lists and, as a separate undertaking was no longer appropriate, that the name of the related company, Fjord Seafood Måløy, be deleted.

⁽¹⁾ OJ L 56, 6.3.1996, p. 1. Regulation as last amended by Regulation (EC) No 1972/2002 (OJ L 305, 7.11.2002, p. 1).

⁽²⁾ OJ L 288, 21.10.1997, p. 1. Regulation as last amended by Regulation (EC) No 1973/2002 (OJ L 305, 7.11.2002, p. 4).

⁽³⁾ OJ C 253, 31.8.1996, p. 18.

⁽⁴⁾ OJ C 253, 31.8.1996, p. 20.

⁽⁵⁾ OJ L 267, 30.9.1997, p. 1. Regulation as last amended by Regulation (EC) No 297/1999 (OJ L 37, 11.2.1999, p. 2).

⁽⁶⁾ OJ L 267, 30.9.1997, p. 19. Regulation as last amended by Regulation (EC) No 297/1999.

⁽⁷⁾ OJ L 267, 30.9.1997, p. 81. Decision as last amended by Decision 2002/743/EC (OJ L 240, 7.9.2002, p. 51).

⁽⁸⁾ OJ L 101, 16.4.1999, p. 1. Regulation as last amended by Regulation (EC) No 1593/2002 (OJ L 240, 7.9.2002, p. 22).

- (8) It is considered after verification that the requests are acceptable since the modifications do not entail any substantive changes which would affect the assessment of dumping or subsidisation, nor do they affect any of the considerations on which the acceptance of the undertakings was based. Consequently, the names of Arctic Group International and Fjord Seafood Midt-Norge AS should be changed to Arctic Group Maritime AS and Fjord Seafood Norway AS respectively on the list of companies from which undertakings are accepted in the Annex to Regulation (EC) No 772/1999 and the name of Fjord Seafood Måløy AS deleted from that list.
- (9) Another Norwegian company, Timar Seafood AS, advised the Commission that it wished to withdraw its undertaking. Accordingly, the name of this company should be deleted from the list of companies from which undertakings are accepted in the Annex to Regulation (EC) No 772/1999.

C. AMENDMENT OF THE ANNEX TO REGULATION (EC) No 772/1999

- (10) In view of all the above, the Annex to Regulation (EC) No 772/1999 which lists the companies exempted from the anti-dumping and countervailing duties should be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

The Annex to Regulation (EC) No 772/1999 shall be replaced by the text in the Annex to this Regulation.

Article 2

1. (a) Definitive countervailing and anti-dumping duties are hereby imposed on imports of farmed (other than wild) Atlantic salmon falling within CN codes ex 0302 12 00 (TARIC codes: 0302 12 00 21, 0302 12 00 22, 0302 12 00 23 and 0302 12 00 29), ex 0303 22 00 (TARIC codes: 0303 22 00 21, 0303 22 00 22, 0303 22 00 23 and 0303 22 00 29), ex 0304 10 13 (TARIC codes: 0304 10 13 21 and 0304 10 13 29) and ex 0304 20 13 (TARIC codes: 0304 20 13 21 and 0304 20 13 29) originating in Norway and exported by Fjord Seafood Måløy AS and Timar Seafood AS.
- (b) These duties shall not apply to wild Atlantic salmon (TARIC codes: 0302 12 00 11, 0304 10 13 11, 0303 22 00 11 and 0304 20 13 11). For the purpose of this Regulation, wild salmon shall be that in respect of which the competent authorities of the Member States of landing are satisfied, by means of all customs and transport documents to be provided by interested parties, that it was caught at sea.
2. (a) The rate of the countervailing duty applicable to the net free-at-Community frontier price, before duty, shall be 3,8 %.
- (b) The rate of the anti-dumping duty applicable to the net free-at-Community frontier price, before duty, shall be EUR 0,32 per kilogram net product weight. However, if the free-at-Community-frontier price, including the countervailing and anti-dumping duties, is less than the relevant Minimum Price set out in paragraph 3, the anti-dumping duty to be collected shall be the difference between that Minimum Price and the free-at-Community-frontier price, including the countervailing duty.
3. For the purpose of paragraph 2, the following minimum prices shall apply per kilogram net product weight:

Presentation of salmon	Minimum price EUR/kg net product weight	TARIC code
Whole fish, fresh or chilled	2,92	0302 12 00 21
Gutted, head-on, fresh or chilled	3,25	0302 12 00 22
Gutted, headless, fresh or chilled	3,65	0302 12 00 23
Other, fresh or chilled, including 'steaks'	3,65	0302 12 00 29
Whole fish, frozen	2,92	0303 22 00 21
Gutted, head-on, frozen	3,25	0303 22 00 22

Presentation of salmon	Minimum price EUR/kg net product weight	TARIC code
Gutted, headless, frozen	3,65	0303 22 00 23
Other, frozen, including 'steaks'	3,65	0303 22 00 29
Whole fish fillets, more than 300 gr each, fresh or chilled	5,19	0304 10 13 21
Other fish fillets or fillet portions, 300 gr or less each, fresh or chilled	6,55	0304 10 13 29
Whole fish fillets, more than 300 gr each, frozen	5,19	0304 20 13 21
Other fish fillets or fillet portions, weighing 300 gr or less each, frozen	6,55	0304 20 13 29

Article 3

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

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

Done at Brussels, 18 February 2003.

For the Council
The President
N. CHRISTODOULAKIS

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ANNEX

'ANNEX

LIST OF COMPANIES FROM WHICH UNDERTAKINGS ARE ACCEPTED AND THUS EXEMPTED FROM THE DEFINITIVE ANTI-DUMPING AND COUNTERVAILING DUTIES

UT No	Company name	TARIC Additional Code
3	Rosfjord Seafood AS	8325
7	Aqua- Export A/S	8100
8	Aqua Partner A/S	8101
11	Arctic Group Maritime AS	8109
13	Artic Superior A/S	8111
15	A/S Aalesundfisk	8113
16	Austevoll Eiendom AS	8114
17	A/S Keco	8115
20	A/S Refsnes Fiskeindustri	8118
21	A/S West Fish Ltd	8119
22	Midnor Processing AS	8120
24	Atlantic Seafood A/S	8122
26	Rossa Salmon AS	8124
27	Brødrene Aasjord A/S	8125
31	Christiansen Partner A/S	8129
32	Clipper Seafood A/S	8130
33	Coast Seafood A/S	8131
35	Dafjord Laks A/S	8133
39	Domstein Fish A/S	8136
41	Ecco Fisk & Delikatesse	8138
42	Edvard Johnsen A/S	8139
43	Fjord Marin Sales AS	8140
44	Euronor AS	8141
46	Fiskeforsyningen AS	8143
47	Fjord Aqua Group AS	8144
48	Fjord Trading Ltd AS	8145
50	Fossen AS	8147
51	Fresh Atlantic AS	8148
52	Fresh Marine Company AS	8149
56	Gje-Vi AS	8153
58	Grieg Seafood AS	8300
61	Hallvard Lerøy AS	8303
66	Marine Harvest Norway AS	8159

UT No	Company name	TARIC Additional Code
67	Hydrotech-gruppen AS	8428
72	Inter Sea AS	8174
75	Janas A/S	8177
76	Joh. H. Pettersen	8178
79	Karsten J. Ellingsen AS	8181
82	Labeyrie Norge AS	8184
83	Lafjord Group AS	8185
85	Leica Fiskeprodukter	8187
87	Lofoten Seafood Export AS	8188
92	Marine Seafood AS	8196
96	Memo Food AS	8200
98	Misundfisk AS	8202
100	Naco Trading AS	8206
101	Fjord Seafood Norway AS	8207
104	Nergård AS	8210
105	Nils Williksen AS	8211
107	Nisja Trading AS	8213
108	Nor-Food AS	8214
112	Nordreisa Laks AS	8218
114	Norfi Produkter AS	8227
115	Norfood Group AS	8228
119	Norsk Akvakultur AS	8232
120	Norsk Sjømat AS	8233
122	Nortrade AS	8308
123	Norway Royal Salmon Sales AS	8309
124	Norway Royal Salmon AS	8312
126	Frionor AS	8314
128	Norwell AS	8316
137	Pan Fish Sales AS	8242
140	Polar Salmon AS	8247
141	Prilam Norvège AS	8248
142	Pundslett Fisk	8251
144	Olsen Seafood AS	8254
145	Marine Harvest Rogaland AS	8256
146	Rørvik Fisk- og fiskematforretning AS	8257
147	Saga Lax Norge AS	8258

UT No	Company name	TARIC Additional Code
148	Prima Nor AS	8259
153	Scanfood AS	8264
154	Sea Eagle Group AS	8265
155	Sea Star International AS	8266
156	Sea Bell Salmon AS	8267
158	Seacom AS	8269
160	Seafood Farmers of Norway Ltd AS	8271
161	Seanor AS	8272
162	Sekkingstad AS	8273
164	Sirena Norway AS	8275
165	Kinn Salmon AS	8276
167	Fjord Seafood Sales AS	8278
168	SMP Marine Produkter AS	8279
172	Stjernelaks AS	8283
174	Stolt Sea Farm AS	8285
175	Storm Company AS	8286
176	Superior AS	8287
178	Terra Seafood AS	8289
182	Torris Products Ltd AS	8298
183	Troll Salmon AS	8317
188	Vikenco AS	8322
189	Wannebo International AS	8323
190	West Fish Norwegian Salmon AS	8324
193	F. Uhrenholt Seafood Norway AS	A033
195	Polaris Seafood AS	A035
196	Scanfish AS	A036
197	Normarine AS	A049
199	Emborg Foods Norge AS	A157
200	Helle Mat AS	A158
201	Norsea Food AS	A159
202	Salmon Company Fjord Norway AS	A160
203	Stella Polaris AS	A161
204	First Salmon AS	A205
205	Norlaks A/S	A206
206	Atlantis AS	A257
207	Cape Fish AS	A258

UT No	Company name	TARIC Additional Code
208	Athena Seafoods AS	A379
209	Norsk Havfisk AS	A380
210	Rodé Vis International AS	A381
211	Seaborn AS	A382
212	Triton AS	A383
213	Nordlaks Produkter AS	A386
214	Codfarms AS	A400
215	Vestmar AS	A416
216	Gaia Seafood AS	A417
217	Polar Quality AS	A418'

COMMISSION REGULATION (EC) No 322/2003
of 20 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 21 February 2003.

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

Done at Brussels, 20 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 20 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	84,3
	204	53,9
	212	111,3
	999	83,2
0707 00 05	052	132,5
	204	49,4
	220	221,4
	628	151,4
	999	138,7
0709 10 00	220	263,0
	999	263,0
0709 90 70	052	149,3
	204	230,0
	999	189,7
0805 10 10, 0805 10 30, 0805 10 50	052	48,7
	204	42,7
	212	47,5
	220	42,9
	600	41,0
	624	56,8
	999	46,6
0805 20 10	204	79,2
	999	79,2
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	052	58,1
	204	106,5
	220	41,9
	464	132,4
	600	66,5
	624	73,8
	999	79,9
0805 50 10	052	50,3
	600	68,7
	999	59,5
0808 10 20, 0808 10 50, 0808 10 90	388	126,2
	400	100,7
	404	99,4
	512	89,0
	528	115,8
	720	92,5
	728	121,0
	999	106,4
0808 20 50	388	86,1
	400	110,1
	512	75,4
	528	67,8
	720	48,1
	999	77,5

⁽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 323/2003
of 20 February 2003
amending Regulation (EC) No 896/2001 as regards the list of national authorities competent to
apply the arrangements for importing bananas into the Community

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 404/93 of 13 February 1993 on the common organisation of the market in bananas ⁽¹⁾, as last amended by Regulation (EC) No 2587/2001 ⁽²⁾,

Having regard to Commission Regulation (EC) No 896/2001 of 7 May 2001 laying down detailed rules for applying Council Regulation (EC) No 404/93 as regards the arrangements for importing bananas into the Community ⁽³⁾, as last amended by Regulation (EC) No 349/2002 ⁽⁴⁾, and in particular Article 5(4) thereof,

Whereas:

- (1) The Annex to Regulation (EC) No 896/2001 lists the authorities competent in the Member States to apply the import arrangements. Following a notification from a Member State, the list of authorities must be amended.

- (2) Regulation (EC) No 896/2001 has therefore to be amended,

HAS ADOPTED THIS REGULATION:

Article 1

The Annex to Regulation (EC) No 896/2001 is replaced by the text in the Annex hereto.

Article 2

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

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

Done at Brussels, 20 February 2003.

For the Commission
Franz FISCHLER
Member of the Commission

⁽¹⁾ OJ L 47, 25.2.1993, p. 1.

⁽²⁾ OJ L 345, 29.12.2001, p. 13.

⁽³⁾ OJ L 126, 8.5.2001, p. 6.

⁽⁴⁾ OJ L 55, 26.2.2002, p. 17.

ANNEX

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The competent authorities of the Member States:

Belgium

Bureau d'intervention et de restitution belge/Belgisch Interventie- en Restitutiebureau
Rue de Trèves, 82/Trierstraat 82
B-1040 Bruxelles/Brussel

Denmark

Ministeriet for Fødevarer, Landbrug og Fiskeri
Direktoratet for Fødevareerhverv; Eksportstøttekontoret
Kampmannsgade 3
DK-1780 København V

Germany

Bundesanstalt für Landwirtschaft und Ernährung
Referat 322
Adickesallee, 40
D-60322 Frankfurt am Main

Greece

OPEKEPE (ex-GEDIDAGEP)
Directorate Fruits and Vegetables, Wine and Industrial Products
241, Acharnon Street
GR-10446 Athens

Spain

Ministerio de Economía
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France

Office de développement de l'économie agricole des départements d'outre-mer (ODEADOM)
31, quai de Grenelle
F-75738 Paris Cedex 15

Ireland

Department of Agriculture and Rural Development
Horticulture Division
Agriculture House (7W)
Kildare Street
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Ireland

Italy

Ministero delle Attività Produttive
DG Politica Commerciale e Gestione Regime Scambi — Div. II
Viale Boston 25
I-00144 Roma

Luxembourg

Ministère de l'agriculture/Administration des services techniques de l'agriculture
Service de l'horticulture
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Boîte postale 1904
L-1014 Luxembourg

Netherlands

Produktschap Tuinbouw
Louis Pasteurlaan 6
Postbus 280
2700 AG Zoetermeer
Netherlands

Austria

Bundesministerium für Land- und Forstwirtschaft, Umwelt und Wasserwirtschaft
Abteilung III 10 — Obst, Gemüse, Sonderkulturen
Stubenring 1
A-1012 Wien

Portugal

Ministério das Finanças
Direcção-Geral das Alfândegas e dos Impostos Especiais sobre o Consumo
Direcção de Serviços de Licenciamento
Rua Terreiro do Trigo — Edifício da Alfândega
P-1149-060 Lisboa

Finland

Maa- ja Metsätalousministeriö
PL 30
FIN-00023 Valtioneuvosto, Helsinki

Sweden

Jordbruksverket
Vallgatan 8-10
S-551 82 Jönköping

United Kingdom

Rural Payments Agency
External Trade Division
Lancaster House
Hampshire Court
Newcastle Upon Tyne
NE4 7YH
United Kingdom'

**COMMISSION REGULATION (EC) No 324/2003
of 20 February 2003**

establishing the eligibility criteria for the expenditure of the Community reference laboratories receiving financial assistance under Article 28 of Decision 90/424/EEC and establishing the procedures for the submission of expenditure and the conduct of audits

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Decision 90/424/EEC of 26 June 1990 on expenditure in the veterinary field ⁽¹⁾, as last amended by Decision 2001/572/EC ⁽²⁾, and in particular Article 28(2) thereof,

Whereas:

(1) Community financial aid should be granted to the Community reference laboratories designated by the Community to assist them in carrying out the functions and duties laid down in:

- Council Directive 92/35/EEC of 29 April 1992 laying down control rules and measures to combat African horse sickness ⁽³⁾, as last amended by the Act of Accession of Austria, Sweden and Finland,
- Council Directive 92/46/EEC of 16 June 1992 laying down the health rules for the production and placing on the market of raw milk, heat-treated milk and milk-based products ⁽⁴⁾, as last amended by Directive 96/23/EC ⁽⁵⁾,
- Council Directive 92/66/EEC of 14 July 1992 introducing Community measures for the control of Newcastle disease ⁽⁶⁾, as last amended by the Act of Accession of Austria, Sweden and Finland,
- Council Directive 92/117/EEC of 17 December 1992 concerning measures for protection against certain zoonoses and specified zoonotic agents in animals and products of animal origin in order to prevent outbreaks of food-borne infections and intoxications ⁽⁷⁾, as last amended by Directive 1999/72/EC ⁽⁸⁾,
- Council Directive 92/119/EEC of 17 December 1992 introducing general Community measures for the control of certain animal diseases and specific measures relating to swine vesicular disease ⁽⁹⁾, as last amended by Decision 95/1/EC, Euratom, ECSC ⁽¹⁰⁾,

- Council Decision 93/383/EEC of 14 June 1993 on reference laboratories for the monitoring of marine biotoxins ⁽¹¹⁾, as last amended by Decision 1999/312/EC ⁽¹²⁾,
- Council Directive 93/53/EEC of 24 June 1993 introducing minimum Community measures for the control of certain fish diseases ⁽¹³⁾,
- Council Directive 95/70/EC of 22 December 1995 introducing minimum Community measures for the control of certain diseases affecting bivalve molluscs ⁽¹⁴⁾,
- Council Directive 96/23/EC of 29 April 1996 on measures to monitor certain substances and residues thereof in live animals and animal products ⁽¹⁵⁾,
- Council Decision 96/463/EC of 23 July 1996 designating the reference body responsible for collaborating in rendering uniform the testing methods and the assessment of the results for pure-bred breeding animals of the bovine species ⁽¹⁶⁾,
- Council Decision 1999/313/EC of 29 April 1999 on reference laboratories for monitoring bacteriological and viral contamination of bivalve molluscs ⁽¹⁷⁾,
- Council Decision 2000/258/EC of 20 March 2000 designating a specific institute responsible for elaborating criteria for standardising serological tests to control the efficiency of rabies vaccines ⁽¹⁸⁾,
- Council Directive 2000/75/EC of 20 November 2000 laying down specific provisions for the control and eradication of bluetongue ⁽¹⁹⁾,
- Council Directive 2001/89/EC of 23 October 2001 on Community measures for the control of classical swine fever ⁽²⁰⁾,

⁽¹⁾ OJ L 224, 18.8.1990, p. 19.

⁽²⁾ OJ L 203, 28.7.2001, p. 16.

⁽³⁾ OJ L 157, 10.6.1992, p. 19.

⁽⁴⁾ OJ L 268, 14.9.1992, p. 1.

⁽⁵⁾ OJ L 125, 23.5.1996, p. 10.

⁽⁶⁾ OJ L 260, 5.9.1992, p. 1.

⁽⁷⁾ OJ L 62, 15.3.1993, p. 38.

⁽⁸⁾ OJ L 210, 10.8.1999, p. 12.

⁽⁹⁾ OJ L 62, 15.3.1993, p. 69.

⁽¹⁰⁾ OJ L 1, 1.1.1995, p. 1.

⁽¹¹⁾ OJ L 166, 8.7.1993, p. 31.

⁽¹²⁾ OJ L 120, 8.5.1999, p. 37.

⁽¹³⁾ OJ L 175, 19.7.1993, p. 23.

⁽¹⁴⁾ OJ L 332, 30.12.1995, p. 33.

⁽¹⁵⁾ OJ L 125, 23.5.1996, p. 10.

⁽¹⁶⁾ OJ L 192, 2.8.1996, p. 19.

⁽¹⁷⁾ OJ L 120, 8.5.1999, p. 40.

⁽¹⁸⁾ OJ L 95, 15.4.2000, p. 40.

⁽¹⁹⁾ OJ L 327, 22.12.2000, p. 74.

⁽²⁰⁾ OJ L 316, 1.12.2001, p. 5.

- Council Directive 2002/60/EC laying down specific provisions for the control of African swine fever and amending Directive 92/119/EEC as regards Teschen disease and African swine fever ⁽¹⁾,
 - Regulation (EC) No 999/2001 of the European Parliament and of the Council 22 May 2001 laying down rules for the prevention, control and eradication of certain transmissible spongiform encephalopathies ⁽²⁾, as last amended by Regulation (EC) No 1326/2001 ⁽³⁾.
- (2) Financial assistance for the organisation of yearly workshops in the area of responsibility of the Community reference laboratories should also be included.
- (3) The level of financial assistance for the operation of certain Community reference laboratories is fixed on an annual basis by specific decisions in the field of veterinary public health, animal health and residues.
- (4) The Community reference laboratories designated are under the supervision of the Member States' competent authorities.
- (5) The aim of this Regulation is to:
- define within the limits of this financial assistance, the type of expenditure which is eligible for the Community financing of the laboratory (staff, capital equipment, consumables, comparative tests, overheads) and for the organisation of workshops (travel and daily allowances),
 - establish the procedures for the submission of expenditure and for the conduct of audits.
- (6) A sound financial management justifies the application of these criteria from the beginning of 2003 for the establishment of the eligible expenditures incurred during the same year.
- (7) For financial control purposes, Articles 8 and 9 of Council Regulation (EC) No 1258/1999 of 17 May 1999 on the financing of the common agricultural policy ⁽⁴⁾ are applicable.
- (8) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS REGULATION:

Article 1

Within the limits of the annual financial assistance granted to the laboratories, the eligibility rules mentioned below shall apply to expenditure linked to staff, capital equipment, consumables, shipment of samples for the comparative tests, and to overheads.

⁽¹⁾ OJ L 192, 20.7.2002, p. 27.

⁽²⁾ OJ L 147, 31.5.2001, p. 1.

⁽³⁾ OJ L 177, 30.6.2001, p. 60.

⁽⁴⁾ OJ L 160, 26.6.1999, p. 103.

1. Staff

Costs for staff, irrespective of status, are limited to actual wage costs effectively paid (remuneration, wages, social charges and pension costs) for scientific staff, postgraduates, technicians and administrative staff specifically allocated, entirely or in part, to Community tasks, as set out in the approved work programme.

All staff working time dedicated to Community tasks must be recorded and certified on a basis of minimum 12 months and 1 600 hours/year. This must be done at least once a month by the appointed project leader or a duly authorised senior member of the beneficiary's staff.

2. Capital equipment

Equipment purchased, leased or rented may be charged as a direct cost. The reimbursable amount for leased or rented equipment may not exceed the amount at which the equipment could have been purchased for the duration of the test. Reimbursable costs will be calculated as follows:

$$\frac{A \times C \times D}{B}$$

A = period in months for which the equipment is to be used for the project, from the date of delivery. Eligibility shall be restricted to equipment actually paid for during the period covered by Community financial assistance.

B = depreciation period of 60 months (36 months in the case of computer equipment costing less than EUR 25 000).

C = cost of equipment without VAT.

D = percentage use of the equipment for the project.

Non-recoverable VAT paid by the beneficiary will be regarded as eligible expenditure.

3. Consumables

Reimbursement will be based on actual costs without VAT incurred during the period in question. The beneficiary must also indicate the percentage of the laboratory's total consumables budget accounted for by the different items.

All other expenditure on administration, business travel and secretarial services are considered to be covered by 'over-heads'.

4. Comparative tests

On presentation of supporting documents, reimbursement will be based on the actual costs without VAT of forwarding samples in connection with these tests.

5. Overheads

A flat-rate contribution of 7 % of actual reimbursable costs based on all the direct costs listed above (items 1 to 4) will be made automatically.

Article 2

In order to qualify for Community financial assistance, the beneficiary shall submit and certify expenditure every year.

Provided that the action plans are efficiently carried out and that the beneficiaries supply all the necessary information to the Commission within the time limits laid down, the Community financial assistance for the operation of the laboratory shall be paid as follows:

- (a) a pre-financing of 70 % of the total amount may be paid at the request of the beneficiary;
- (b) the balance will be paid following presentation by the beneficiary of a financial report certified by the laboratory director, supporting documents for the comparative tests and a technical report;
- (c) the certified financial report shall be submitted in accordance with Annex I to this Regulation and no later than 31 March of the year following the end of the period for which the financial assistance was granted;
- (d) when the time limit is not respected, the contribution shall be reduced by 25 % on 1 May, 50 % on 1 June, 75 % on 1 July and 100 % on 1 September.

Apart from the expenditure for the comparative tests, a certified copy of the relevant documentation (invoices, salary statements, attendance sheets, etc.) must be kept by the technical director. The expenditure submitted must be recorded in the beneficiary's cost-accounting system and the beneficiary must retain all supporting documents for five years for audit

purposes. These documents, testifying to all the costs and hours spent as shown in the application for reimbursement, must be sent to the Commission on request.

Article 3

Within the limits of the annual financial assistance granted for the organisation of a workshop, the eligibility rules mentioned in Annex II shall apply to expenditure for travel and daily allowances for a maximum of two invited participants per Member State.

Article 4

Provided that the workshop has been efficiently organised and that all the necessary information is supplied to the Commission by the beneficiary within the time limits laid down, the Community financial assistance for the organisation of workshops shall be paid as follows:

- (a) a pre-financing of 70 % of the total amount may be paid at the request of the beneficiary within 60 days before the fixed date of the workshop;
- (b) the balance will be paid after acceptance by the Commission of the financial supporting documents and of a technical report on the use of the financial assistance;
- (c) the financial supporting documents shall be submitted in accordance with Annex III to this Regulation and no later than three months after the workshop;
- (d) when the time limit is not respected, the contribution will be reduced by 25 % for a delay of one month in relation to the scheduled date of submission of the documents, 50 % for two months, 75 % for three months and 100 % for four months.

Article 5

The Commission may carry out audits in accordance with Article 9 of Regulation (EC) No 1258/1999.

Article 6

This Regulation shall enter into force on the 20th day following its publication in the *Official Journal of the European Union*.

It shall apply from 1 January 2003.

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

Done at Brussels, 20 February 2003.

For the Commission

David BYRNE

Member of the Commission

ANNEX I

CERTIFIED FINANCIAL REPORT
(Article 2 (c))

From .../.../... to .../.../...

Reference No of Decision:

Name and address of beneficiary:

Maximum financial assistance:

Category of costs	Amount for the period (National currency)
1. Staff	
2. Capital equipment	
3. Consumables	
4. Comparative tests	
Subtotal:	
5. Overheads 7%	
Total:	

Certificate by the beneficiary

We certify that:

- the above costs were incurred in connection with the tasks defined in the Decision and were essential to the sound performance of those tasks,
- they are genuine costs falling within the reimbursable costs as defined in Regulation (EC) No 324/2003,
- all the documents supporting the costs are available for audit purposes.

Date:

Date:

Name of technical director:

Person financially responsible:

Signature:

Signature:

BREAKDOWN BY CATEGORY
(national currency)

Staff

Category	Monthly salary	Number of hours worked	Amount paid for staff

Total:

Capital equipment

Type	Date of delivery or rental	Cost or value	Date of payment	Depreciation over 36 or 60 months	Use in the project	Amount of depreciation

Total:

Consumables

Description	Date of payment	Amount

Total:

Percentage of laboratory's total budget for consumable goods accounted for by these items ⁽¹⁾:

Comparative tests

Description	Date of payment	Amount

Total:

⁽¹⁾ Please complete.

ANNEX II

WORKSHOP ELIGIBILITY RULES

1. Travel to the workshop venue

Eligible expenses for travel by train are those corresponding to a first-class ticket by the shortest route.

Air travel reimbursement is based on economy class at the cheapest possible fare, taking account of the constraints of the journey. When the conditions of travel allow, reduced-rate fares (APEX, PEX, Excursion, etc.) will be applied. However, if the journey is separated from a weekend by no more than 24 hours, additional daily subsistence allowances may be granted in order to qualify for a reduced-rate fare, provided this results in an overall saving (travel expenses plus allowances).

If participants use their private car instead of travelling by air and/or train, travel expenses will be reimbursed on the basis of the first-class rail fare by the shortest route, excluding any supplements and applying the cheapest fare. If two or more persons use the same car, only the owner of the car will be entitled to reimbursement of travel expenses. Parking costs or tolls incurred in using a private car will not be refunded. Participants using their private car remain fully liable for any accidents to their car or caused by their car to third parties. The workshop organiser cannot under any circumstances accept any requests for compensation, irrespective of the reasons for which participants used their private car.

Any negligence on the part of a participant (e.g. loss of vouchers), and its financial consequences, will remain the participant's own responsibility.

2. Allowances

The following allowances applicable from 24 March 1999 (date of publication of Regulation (EC, ECSC, Euratom) No 620/1999, OJ L 78, 24.3.1999) will be adjusted in line with the allowances in force on the date of the workshop.

(in EUR)

Country in which the workshop is organised	Daily allowance
Belgium	149,63
Denmark	179,28
Germany	127,1
Greece	113,19
Spain	141,3
France	130,29
Ireland	165,2
Italy	129,82
Luxembourg	143,48
Netherlands	147,69
Austria	121,81
Portugal	142,98
Finland	155,6
Sweden	156,54
United Kingdom	199,21

ANNEX III

**FINANCIAL SUPPORTING DOCUMENTS
(Article 4 (c))**

Workshop on.....

Date .../.../200... ..

Reference No of Decision:

Name and address of beneficiary:

Maximum financial assistance:

Participants	Travel			Allowances			Total travel + allowances
	Name	Rail, air or car	In national currency	Converted into EUR	Numer of days	Daily allowance	
Total							

**COMMISSION REGULATION (EC) No 325/2003
of 20 February 2003**

amending Regulation (EC) No 1291/2000 laying down common detailed rules for the application of the system of import and export licences and advance fixing certificates for agricultural products

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⁾, and in particular Article 9(2) and Article 13(11) thereof, and the corresponding provisions of the other Regulations on the common organisation of the markets in agricultural products,

Whereas:

- (1) Article 50(1) of Commission Regulation (EC) No 800/1999 of 15 April 1999 laying down common detailed rules for the application of the system of export refunds on agricultural products ⁽³⁾, as last amended by Regulation (EC) No 1253/2002 ⁽⁴⁾, provides that if the 60-day time limit by which the products must have left the Community's customs territory, referred to in Article 7(1) of Regulation (EC) No 800/1999, or the 30-day time limit by which the goods must have been placed in a victualling warehouse, referred to in Article 40(1) of that Regulation, is not complied with, then the refund is to be reduced by 15 %, followed by a further reduction for each day by which the time limit concerned is exceeded.
- (2) In addition, where these time limits are exceeded, the second subparagraph of Article 32(1) of Commission Regulation (EC) No 1291/2000 ⁽⁵⁾, as last amended by Regulation (EC) No 2299/2001 ⁽⁶⁾, provides for a penalty consisting in the forfeiture of part of the security on the export licence, followed by forfeiture of a further amount for each day by which the time limit concerned is exceeded.
- (3) The cumulation of penalties thus imposed on both the refund and the licence security when one and the same time limit is exceeded is a heavy burden on exporters and does not seem indispensable. The rules should therefore be simplified, and the penalty provided for in the second subparagraph of Article 32(1) of Regulation (EC) No 1291/2000 involving the export-l licence security should not be applied in such cases.
- (4) Article 35(3) of Regulation (EC) No 1291/2000 provides that if the licence is returned to the issuing body within the initial two thirds of its term of validity, the corresponding amount of security to be forfeited is reduced by 40 %, and if the licence is returned during the last third of its term of validity or during the month following the expiry date, the corresponding amount of the security to be forfeited is reduced by 25 %. The mechanism introduced by Article 35(3) of Regulation (EC) No 1291/2000 is intended to encourage exporters to return unused export licences with advance fixing of the refund to the issuing body rapidly so that export opportunities for agricultural products qualifying for refunds may be used to the full.
- (5) In cases where there is a substantial increase in the refund, application of the mechanism provided for in Article 35(3) of Regulation (EC) No 1291/2000 could lead to speculation by encouraging exporters not to use their licences and to return them to the issuing body if the difference between the new refund which can be received for the product concerned and the refund fixed in advance for the same product is greater than the amount of security to be forfeited. Appropriate steps should therefore be taken to prevent improper application of that provision.
- (6) Annex III to Regulation (EC) No 1291/2000, which sets the maximum quantities of agricultural products for which import or export licences or advance fixing certificates need not be presented under the fourth indent of Article 5(1) of that Regulation, should be updated.
- (7) Regulation (EC) No 1291/2000 should be amended accordingly.
- (8) The measures provided for in this Regulation are in accordance with the opinion of all the Management Committees concerned.

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 1291/2000 is hereby amended as follows:

1. the following subparagraph is added to Article 32(1):

'The security shall not be forfeited under the second subparagraph in the case of quantities for which the refund is reduced in accordance with Article 50(1) of Regulation (EC) No 800/1999 for failure to meet the deadlines referred to in Article 7(1) and Article 40(1) of that Regulation.'

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 193, 29.7.2000, p. 1.

⁽³⁾ OJ L 102, 17.4.1999, p. 11.

⁽⁴⁾ OJ L 183, 12.7.2002, p. 12.

⁽⁵⁾ OJ L 152, 24.6.2000, p. 1.

⁽⁶⁾ OJ L 308, 27.11.2001, p. 19.

2. the following subparagraphs are added to Article 35(3):

The first subparagraph shall apply unless it is temporarily suspended. Where the refund for one or more products is increased, the Commission, acting in accordance with the procedure laid down in Article 38 of Regulation No 136/66/EEC or the corresponding Articles of the other Regulations on the common organisation of the markets, they may suspend application of the first subparagraph for licences applied for before the refund is increased and not returned to the issuing body until the day before the increase.

Licences lodged under Article 25 shall be deemed to have been returned to the issuing body on the date on which the latter receives an application from the licence holder for the security to be released.;

3. Annex III shall be replaced by the text in the Annex to this Regulation.

Article 2

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

It shall apply to licences applied for from its entry into force.

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

Done at Brussels, 20 February 2003.

For the Commission
Franz FISCHLER
Member of the Commission

ANNEX

ANNEX III

Maximum quantities ⁽¹⁾ of products for which import or export licences or advance fixing certificates need not be presented pursuant to the fourth indent of Article 5(1) (provided import or export does not take place under preferential arrangements subject to a licence ⁽²⁾)

Product (Combined Nomenclature code)		Net quantity
A.	CEREALS AND RICE (Regulation (EC) No 1162/95) <i>Import licence:</i>	
	0709 90 60 0712 90 19 0714 1001 10 1001 90 91 1001 90 99 1002 00 00 1003 00 1004 00 1005 10 90 1005 90 00 1007 00 90	5 000 kg with the exception of subheading 0714 20 10
	1006 10 1006 20 1006 30 1006 40 00 1008 1101 00 11 1101 00 15 1101 00 90 1102 1103 1104 1106 20 1107 1108 1109 00 00 1702 30 51 1702 30 59 1702 30 91 1702 30 99 1702 40 90 1702 90 50 1702 90 75 1702 90 79 2106 90 55 2302 2303 10 2303 30 00	1 000 kg with the exception of subheading 1006 10 10 with the exception of subheading 1108 20 00 with the exception of subheading 2302 50

Product (Combined Nomenclature code)		Net quantity
2306 70 00 2308 00 40 2308 10 00 ex 2309	Containing starch, glucose, maltodextrine, glucose syrup or maltodextrine syrup falling within subheadings 1702 30 51 to 1702 30 99, 1702 40 90, 1702 90 50 and 2106 90 55 or milk products (*) except preparations and feedingstuffs containing 50 % or more by weight of milk products	
B	OILS AND FATS: <i>Import licence</i> (Regulation (EC) No 1476/95)	
0709 90 39 0711 20 90 1509 1510 00 1522 00 31 1522 00 39 2306 90 19		100 kg
<i>Export licence with or without advance fixing of the refund</i> (Regulation (EC) No 2543/95)		
1509 1510 00		100 kg
C.	SUGAR (Regulation (EC) No 1464/95) <i>Import licence:</i>	
1212 91 20 1212 91 80 1212 99 20 1701 11 10 1701 11 90 1701 12 10 1701 12 90 1701 91 00 1701 99 10 1701 99 90 1702 20 10 1702 20 90 1702 30 10 1702 40 10 1702 60 10 1702 60 80 1702 60 95 1702 90 30 1702 90 60 1702 90 71 1702 90 80		2 000 kg
1702 90 99 1703 10 00 1703 90 00 2106 90 30 2106 90 59		

Product (Combined Nomenclature code)		Net quantity
<i>Export licence with or without advance fixing of the refund:</i>		
1212 91 20 1212 91 80 1212 99 20 1701 11 10 1701 11 90 1701 12 10 1701 12 90 1701 91 00 1701 99 10 1701 99 90 1702 20 10 1702 20 90 1702 30 10 1702 40 10 1702 60 10 1702 60 80 1702 60 95 1702 90 30 1702 90 60 1702 90 71 1702 90 80	2 000 kg	
1702 90 99 1703 10 00 1703 90 00 2106 90 30 2106 90 59		
D.	MILK AND MILK PRODUCTS <i>Import licence (Regulation (EC) No 2535/2001)</i>	
0401 0402 0403 10 11 to 0403 10 39 0403 90 11 to 0403 90 69 0404 0405 10 0405 20 90 0405 90 0406 1702 11 00 1702 19 00 2106 90 51 2309 10 15 2309 10 19 2309 10 39 2309 10 59	Preparations of a kind used in animal feed; preparations and foodstuffs containing products to which Regulation (EC) No 1255/1999 ^(?) applies, directly or under Regulation (EEC) No 2730/75 ⁽⁶⁾ , with the exception of preparations and foodstuffs to which Regulation (EEC) No 1766/92 ⁽⁷⁾ applies	150 kg

Product (Combined Nomenclature code)		Net quantity
2309 10 70 2309 90 35 2309 90 39 2309 90 49 2309 90 59 2309 90 70		
<i>Export licence with advance fixing of the refund (Regulation (EC) No 174/1999)</i>		
0401 0402 0403 10 11 to 0403 10 39 0403 90 11 to 0403 90 69 0404 0405 10 0405 20 90 0405 90 0406 2309 10 15 2309 10 19 2309 10 70 2309 90 35 2309 90 39 2309 90 70	Preparations of a kind used in animal feed; preparations and foodstuffs containing products to which Regulation (EC) No 1255/1999 ⁽⁵⁾ applies, directly or under Regulation (EEC) No 2730/75 ⁽⁶⁾ , with the exception of preparations and foodstuffs to which Regulation (EEC) No 1766/92 ⁽⁷⁾ applies	150 kg
E.	BEEF AND VEAL (Regulation (EC) No 1445/95) <i>Import licence:</i>	
0102 90 05 to 0102 90 79		One animal
0201 0202 0206 10 95 0206 29 91 0210 20 0210 99 51 0210 99 90 1602 50 10 1602 50 31 1602 50 39 1602 50 80 1602 90 61 1602 90 69		200 kg
<i>Export licence with advance fixing of the refund:</i>		
0102 10 0102 90 05 to 0102 90 79		One animal
0201 0202 0206 10 95 0206 29 91		200 kg

Product (Combined Nomenclature code)		Net quantity
0210 20 0210 99 51 0210 99 90 1602 50 10 1602 50 31 1602 50 39 1602 50 80 1602 90 61 1602 90 69		
<i>Export licence without refund (Article 7 of Regulation (EC) No 1445/95)</i>		
0102 10 0102 90 05 to 0102 90 79		Nine animals
0201 0202 0206 10 95 0206 29 91 0210 20 0210 99 51 0210 99 90 1602 50 10 1602 50 31 1602 50 39 1602 50 80 1602 90 61 1602 90 69		2 000 kg
F.	SHEEPMET AND GOATMEAT <i>Import licence (Regulation (EC) No 1439/95)</i>	
0204 0210 99 21 0210 99 29 1602 90 72 1602 90 74 1602 90 76 1602 90 78		100 kg
0104 10 30 0104 10 80 0104 20 90		Five animals
G.	PIGMEAT <i>Export licence with advance fixing of the refund (Regulation (EC) No 1370/95)</i>	
ex 0203 ex 1601 ex 1602		250 kg
0210		150 kg

Product (Combined Nomenclature code)		Net quantity
H.	POULTRYMEAT <i>Export licence with advance fixing of the refund and ex-post export licence (Regulation (EC) No 1372/95)</i>	
	0105 11 11 9000 0105 11 19 9000 0105 11 91 9000 0105 11 99 9000	4 000 chicks
	0105 12 00 9000 0105 19 20 9000	2 000 chicks
	ex 0207	250 kg
I.	EGGS <i>Export licence with advance fixing of the refund and ex-post export licence (Regulation (EC) No 1371/95)</i>	
	0407 00 11 9000	2 000 eggs
	0407 00 19 9000	4 000 eggs
	0407 00 30 9000	400 kg
	0408 11 80 9100 0408 91 80 9100	100 kg
	0408 19 81 9100 0408 19 89 9100 0408 99 80 9100	250 kg
J.	SEEDS <i>Import licence (Regulation (EEC) No 1119/79)</i>	
	1005 10 11 to 1005 10 19 1007 00 10	100 kg
K.	WINE (Regulation (EC) No 883/2001) <i>Import licence</i>	
	2009 61 2009 69	3 000 kg
	2204 10 2204 21 2204 29 2204 30	30 hl
	<i>Export licence with advance fixing of the refund:</i>	
	2009 61 2009 69	10 hl
	2204 21 2204 29 2204 30	10 hl

Product (Combined Nomenclature code)		Net quantity
L.	FRUIT AND VEGETABLES <i>Export licence with advance fixing of the refund (Regulation (EC) No 1961/2001)</i>	
	0702 00 ex 0802 08 05 0806 10 10 0808 0809	300 kg
M.	PRODUCTS PROCESSED FROM FRUIT AND VEGETABLES <i>Export licence with advance fixing of the refund (Regulation (EC) No 1429/95)</i>	
	0806 20 ex 0812 20 02 ex 2006 00 ex 2008 ex 2009	300 kg

(¹) Maximum quantities of products which may be imported or exported without licences, corresponding to an eight-figure combined-nomenclature (CN) subheading and, in the case of exports with refunds, a 12-figure subheading under the export refund nomenclature for agricultural products.

(²) For example, the quantities indicated in this document do not cover imports under quantitative quotas or preferential arrangements, for which licences are always required for all quantities. The quantities indicated here refer to imports under normal arrangements, i.e. with payment of full duties and with no limits on quantities.

(³) For the purposes of this subheading, "milk products" means products falling within headings 0401 to 0406 and subheadings 1702 10 and 2106 90 51.

(⁴) For the purposes of this subheading, "milk products" means products falling within headings 0401 to 0406 and subheadings 1702 10 and 2106 90 51.

(⁵) OJ L 160, 26.6.1999, p. 48.

(⁶) OJ L 281, 1.11.1975, p. 20.

(⁷) OJ L 181, 1.7.1992, p. 21.'

COMMISSION REGULATION (EC) No 326/2003
of 20 February 2003
correcting Regulation (EEC) No 1274/91 introducing detailed rules for implementing Council Regulation (EEC) No 1907/90 on certain marketing standards for eggs

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1907/90 of 26 June 1990 on certain marketing standards for eggs ⁽¹⁾, as last amended by Regulation (EC) No 5/2001 ⁽²⁾, and in particular Article 10(3) and Article 20(1) and (4) thereof,

Whereas:

- (1) The Greek authorities have suggested using more appropriate terms for the indications on packs and eggs concerning the farming methods for laying hens kept on the floor. Therefore certain terms, in Greek language, in the Commission Regulation (EEC) No 1274/91 ⁽³⁾, as last amended by Regulation (EC) No 1651/2001 ⁽⁴⁾, should be corrected accordingly.
- (2) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Poultrymeat and Eggs,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 1274/91 is corrected as follows:

1. Concerns only the Greek version.
2. In Annex II, the terms in the Greek language in column 2 are replaced by the following:

‘Αυγά Αχυρώνα

Αχυρώνα’.

Article 2

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

However, the Greek terms used on packs and eggs before the entry into force of this Regulation may continue to be used until 1 June 2003.

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

Done at Brussels, 20 February 2003.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 173, 6.7.1990, p. 5.

⁽²⁾ OJ L 2, 5.1.2001, p. 1.

⁽³⁾ OJ L 121, 16.5.1991, p. 11.

⁽⁴⁾ OJ L 220, 15.8.2001, p. 5.

**COMMISSION REGULATION (EC) No 327/2003
of 20 February 2003**

fixing the export refunds on cereals and on wheat or rye flour, groats and meal

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⁾, and in particular Article 13(2) thereof,

Whereas:

- (1) Article 13 of Regulation (EEC) No 1766/92 provides that the difference between quotations or prices on the world market for the products listed in Article 1 of that Regulation and prices for those products in the Community may be covered by an export refund.
- (2) The refunds must be fixed taking into account the factors referred to in Article 1 of Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules under Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals ⁽³⁾, as last amended by Regulation (EC) No 1163/2002 ⁽⁴⁾, as amended by Regulation (EC) No 1324/2002 ⁽⁵⁾.
- (3) As far as wheat and rye flour, groats and meal are concerned, when the refund on these products is being calculated, account must be taken of the quantities of cereals required for their manufacture. These quantities were fixed in Regulation (EC) No 1501/95.
- (4) The world market situation or the specific requirements of certain markets may make it necessary to vary the refund for certain products according to destination.
- (5) The refund must be fixed once a month. It may be altered in the intervening period.
- (6) It follows from applying the detailed rules set out above to the present situation on the market in cereals, and in particular to quotations or prices for these products within the Community and on the world market, that the refunds should be as set out in the Annex hereto.
- (7) 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 export refunds on the products listed in Article 1(a), (b) and (c) of Regulation (EEC) No 1766/92, excluding malt, exported in the natural state, shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 21 February 2003.

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

Done at Brussels, 20 February 2003.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 193, 29.7.2000, p. 1.

⁽³⁾ OJ L 147, 30.6.1995, p. 7.

⁽⁴⁾ OJ L 170, 29.6.2002, p. 46.

⁽⁵⁾ OJ L 194, 23.7.2002, p. 26.

ANNEX

to the Commission Regulation of 20 February 2003 fixing the export refunds on cereals and on wheat or rye flour, groats and meal

Product code	Destination	Unit of measurement	Amount of refunds	Product code	Destination	Unit of measurement	Amount of refunds
1001 10 00 9200	—	EUR/t	—	1101 00 15 9130	C09	EUR/t	12,80
1001 10 00 9400	—	EUR/t	—	1101 00 15 9150	C09	EUR/t	11,80
1001 90 91 9000	—	EUR/t	—	1101 00 15 9170	C09	EUR/t	10,90
1001 90 99 9000	C05	EUR/t	0	1101 00 15 9180	C09	EUR/t	10,20
1002 00 00 9000	C06	EUR/t	0	1101 00 15 9190	—	EUR/t	—
1003 00 10 9000	—	EUR/t	—	1101 00 90 9000	—	EUR/t	—
1003 00 90 9000	C07	EUR/t	0	1102 10 00 9500	C10	EUR/t	30,25
1004 00 00 9200	—	EUR/t	—	1102 10 00 9700	C10	EUR/t	23,75
1004 00 00 9400	C06	EUR/t	0	1102 10 00 9900	—	EUR/t	—
1005 10 90 9000	—	EUR/t	—	1103 11 10 9200	C11	EUR/t	0 ⁽¹⁾
1005 90 00 9000	C08	EUR/t	0	1103 11 10 9400	C11	EUR/t	0 ⁽¹⁾
1007 00 90 9000	—	EUR/t	—	1103 11 10 9900	—	EUR/t	—
1008 20 00 9000	—	EUR/t	—	1103 11 90 9200	C11	EUR/t	0 ⁽¹⁾
1101 00 11 9000	—	EUR/t	—	1103 11 90 9800	—	EUR/t	—
1101 00 15 9100	C09	EUR/t	13,70				

⁽¹⁾ No refund is granted when this product contains compressed meal.

NB: The product codes and the 'A' series destination codes are set out in Commission Regulation (EC) No 3846/87 (OJ L 366, 24.12.1987, p. 1) as amended.

The other destinations are as follows:

C05 All destinations except for Bulgaria, Estonia, Hungary, Latvia, Lithuania, Poland, the Czech Republic, Romania, Slovakia and Slovenia.

C06 All destinations except for Bulgaria, Estonia, Hungary, Latvia, Lithuania, the Czech Republic, Slovakia and Slovenia.

C07 All destinations except for Bulgaria, Estonia, Hungary, Latvia, the Czech Republic, Slovakia and Slovenia.

C08 All destinations except for Bulgaria, Estonia, Hungary, the Czech Republic, Romania, Slovakia and Slovenia.

C09 All destinations except for Estonia, Hungary, Latvia, Lithuania, Poland and Romania.

C10 All destinations except for Bulgaria, Estonia, Hungary, Latvia, Lithuania, Poland and Slovenia.

C11 All destinations except for Estonia, Hungary, Latvia, Lithuania and Romania.

COMMISSION REGULATION (EC) No 328/2003
of 20 February 2003
fixing the maximum export refund on barley in connection with the invitation to tender issued in
Regulation (EC) No 901/2002

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 1501/95 of 29 June 1995 laying down certain detailed rules for the application of Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals ⁽³⁾, as last amended by Regulation (EC) No 1163/2002 ⁽⁴⁾, as amended by Regulation (EC) No 1324/2002 ⁽⁵⁾, and in particular Article 4 thereof,

Whereas:

- (1) An invitation to tender for the refund for the export of barley to all third countries except for the United States of America, Canada, Estonia and Latvia was opened pursuant to Commission Regulation (EC) No 901/2002 ⁽⁶⁾, as amended by Regulation (EC) No 1230/2002 ⁽⁷⁾.
- (2) Article 7 of Regulation (EC) No 1501/95 provides that the Commission may, on the basis of the tenders notified, in accordance with the procedure laid down in

Article 23 of Regulation (EEC) No 1766/92, decide to fix a maximum export refund taking account of the criteria referred to in Article 1 of Regulation (EC) No 1501/95. In that case a contract is awarded to any tenderer whose bid is equal to or lower than the maximum refund.

- (3) The application of the abovementioned criteria to the current market situation for the cereal 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

For tenders notified from 14 to 20 February 2003, pursuant to the invitation to tender issued in Regulation (EC) No 901/2002, the maximum refund on exportation of barley shall be EUR 12,35/t.

Article 2

This Regulation shall enter into force on 21 February 2003.

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

Done at Brussels, 20 February 2003.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 193, 29.7.2000, p. 1.

⁽³⁾ OJ L 147, 30.6.1995, p. 7.

⁽⁴⁾ OJ L 170, 29.6.2002, p. 46.

⁽⁵⁾ OJ L 194, 23.7.2002, p. 26.

⁽⁶⁾ OJ L 142, 31.5.2002, p. 17.

⁽⁷⁾ OJ L 180, 10.7.2002, p. 3.

COMMISSION REGULATION (EC) No 329/2003
of 20 February 2003
concerning tenders notified in response to the invitation to tender for the export of oats issued in
Regulation (EC) No 1582/2002

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 1501/95 of 29 June 1995 laying down certain detailed rules for the application of Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals ⁽³⁾, as last amended by Regulation (EC) No 1163/2002 ⁽⁴⁾, as amended by Regulation (EC) No 1324/2002 ⁽⁵⁾, and in particular Article 4 thereof,

Having regard to Commission Regulation (EC) No 1582/2002 of 5 September 2002 on a special intervention measure for cereals in Finland and Sweden ⁽⁶⁾, as amended by Regulation (EC) No 2329/2002 ⁽⁷⁾, and in particular Article 8 thereof,

Whereas:

- (1) An invitation to tender for the refund for the export of oats produced in Finland and Sweden for export from Finland or Sweden to all third countries was opened pursuant to Regulation (EC) No 1582/2002.

(2) According to Article 8 of Regulation (EC) No 1582/2002 the Commission may, on the basis of the tenders notified, in accordance with the procedure laid down in Article 23 of Regulation (EEC) No 1766/92, decide to make no award.

(3) On the basis of the criteria laid down in Article 1 of Regulation (EC) No 1501/95, a maximum refund 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 notified from 14 January to 20 February 2003 in response to the invitation to tender for the refund for the export of oats issued in Regulation (EC) No 1582/2002.

Article 2

This Regulation shall enter into force on 21 February 2003.

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

Done at Brussels, 20 February 2003.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 193, 29.7.2000, p. 1.

⁽³⁾ OJ L 147, 30.6.1995, p. 7.

⁽⁴⁾ OJ L 170, 29.6.2002, p. 46.

⁽⁵⁾ OJ L 194, 23.7.2002, p. 26.

⁽⁶⁾ OJ L 239, 6.9.2002, p. 3.

⁽⁷⁾ OJ L 349, 24.12.2002, p. 17.

COMMISSION REGULATION (EC) No 330/2003
of 20 February 2003
fixing the maximum export refund on common wheat in connection with the invitation to tender
issued in Regulation (EC) No 899/2002

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 1501/95 of 29 June 1995 laying down certain detailed rules for the application of Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals ⁽³⁾, as last amended by Regulation (EC) No 1163/2002 ⁽⁴⁾, as amended by Regulation (EC) No 1324/2002 ⁽⁵⁾, and in particular Article 4 thereof,

Whereas:

- (1) An invitation to tender for the refund on exportation of common wheat to all third countries with the exclusion of Poland, Estonia, Lithuania and Latvia was opened pursuant to Commission Regulation (EC) No 899/2002 ⁽⁶⁾, as last amended by Regulation (EC) No 2331/2002 ⁽⁷⁾.
- (2) Article 7 of Regulation (EC) No 1501/95 provides that the Commission may, on the basis of the tenders notified, in accordance with the procedure laid down in

Article 23 of Regulation (EEC) No 1766/92, decide to fix a maximum export refund taking account of the criteria referred to in Article 1 of Regulation (EC) No 1501/95. In that case a contract is awarded to any tenderer whose bid is equal to or lower than the maximum refund.

- (3) The application of the abovementioned criteria to the current market situation for the cereal 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

For tenders notified from 14 to 20 February 2003, pursuant to the invitation to tender issued in Regulation (EC) No 899/2002, the maximum refund on exportation of common wheat shall be EUR 10,00/t.

Article 2

This Regulation shall enter into force on 21 February 2003.

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

Done at Brussels, 20 February 2003.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 193, 29.7.2000, p. 1.

⁽³⁾ OJ L 147, 30.6.1995, p. 7.

⁽⁴⁾ OJ L 170, 29.6.2002, p. 46.

⁽⁵⁾ OJ L 194, 23.7.2002, p. 26.

⁽⁶⁾ OJ L 142, 31.5.2002, p. 11.

⁽⁷⁾ OJ L 349, 24.12.2002, p. 19.

COMMISSION REGULATION (EC) No 331/2003
of 20 February 2003

fixing the maximum reduction in the duty on maize imported in connection with the invitation to tender issued in Regulation (EC) No 256/2003

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⁾, and in particular Article 12(1) thereof,

Whereas:

(1) An invitation to tender for the maximum reduction in the duty on maize imported into Spain from third countries was opened pursuant to Commission Regulation (EC) No 256/2003⁽³⁾.

(2) Pursuant to Article 5 of Commission Regulation (EC) No 1839/95⁽⁴⁾, as last amended by Regulation (EC) No 2235/2000⁽⁵⁾, the Commission, acting under the procedure laid down in Article 23 of Regulation (EEC) No 1766/92, may decide to fix maximum reduction in the import duty. In fixing this maximum the criteria provided for in Articles 6 and 7 of Regulation (EC) No 1839/95 must be taken into account. A contract is awarded to any tenderer whose tender is equal to or less than the maximum reduction in the duty.

(3) The application of the abovementioned criteria to the current market situation for the cereal in question results in the maximum reduction in the import duty 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

For tenders notified from 14 to 20 February 2003, pursuant to the invitation to tender issued in Regulation (EC) No 256/2003, the maximum reduction in the duty on maize imported shall be 33,91 EUR/t and be valid for a total maximum quantity of 39 250 t.

Article 2

This Regulation shall enter into force on 21 February 2003.

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

Done at Brussels, 20 February 2003.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 193, 29.7.2000, p. 1.

⁽³⁾ OJ L 36, 12.2.2003, p. 10.

⁽⁴⁾ OJ L 177, 28.7.1995, p. 4.

⁽⁵⁾ OJ L 256, 10.10.2000, p. 13.

COMMISSION REGULATION (EC) No 332/2003
of 20 February 2003

fixing the maximum reduction in the duty on maize imported in connection with the invitation to tender issued in Regulation (EC) No 60/2003

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⁾, and in particular Article 12(1) thereof,

Whereas:

- (1) An invitation to tender for the maximum reduction in the duty on maize imported into Portugal from third countries was opened pursuant to Commission Regulation (EC) No 60/2003⁽³⁾.
- (2) Pursuant to Article 5 of Commission Regulation (EC) No 1839/95⁽⁴⁾, as last amended by Regulation (EC) No 2235/2000⁽⁵⁾, the Commission, acting under the procedure laid down in Article 23 of Regulation (EEC) No 1766/92, may decide to fix maximum reduction in the import duty. In fixing this maximum the criteria provided for in Articles 6 and 7 of Regulation (EC) No 1839/95 must be taken into account. A contract is awarded to any tenderer whose tender is equal to or less than the maximum reduction in the duty.

(3) The application of the abovementioned criteria to the current market situation for the cereal in question results in the maximum reduction in the import duty 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

For tenders notified from 14 to 20 February 2003, pursuant to the invitation to tender issued in Regulation (EC) No 60/2003, the maximum reduction in the duty on maize imported shall be 35,96 EUR/t and be valid for a total maximum quantity of 53 750 t.

Article 2

This Regulation shall enter into force on 21 February 2003.

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

Done at Brussels, 20 February 2003.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 193, 29.7.2000, p. 1.

⁽³⁾ OJ L 11, 16.1.2003, p. 11.

⁽⁴⁾ OJ L 177, 28.7.1995, p. 4.

⁽⁵⁾ OJ L 256, 10.10.2000, p. 13.

COMMISSION REGULATION (EC) No 333/2003
of 20 February 2003
determining the world market price for unginning cotton

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Protocol 4 on cotton, annexed to the Act of Accession of Greece, as last amended by Council Regulation (EC) No 1050/2001 ⁽¹⁾,

Having regard to Council Regulation (EC) No 1051/2001 of 22 May 2001 on production aid for cotton ⁽²⁾, and in particular Article 4 thereof,

Whereas:

- (1) In accordance with Article 4 of Regulation (EC) No 1051/2001, a world market price for unginning cotton is to be determined periodically from the price for ginned cotton recorded on the world market and by reference to the historical relationship between the price recorded for ginned cotton and that calculated for unginning cotton. That historical relationship has been established in Article 2(2) of Commission Regulation (EC) No 1591/2001 of 2 August 2001 ⁽³⁾, as amended by Regulation (EC) No 1486/2002 ⁽⁴⁾. Where the world market price cannot be determined in this way, it is to be based on the most recent price determined.
- (2) In accordance with Article 5 of Regulation (EC) No 1051/2001, the world market price for unginning cotton is to be determined in respect of a product of specific characteristics and by reference to the most favourable

offers and quotations on the world market among those considered representative of the real market trend. To that end, an average is to be calculated of offers and quotations recorded on one or more European exchanges for a product delivered cif to a port in the Community and coming from the various supplier countries considered the most representative in terms of international trade. However, there is provision for adjusting the criteria for determining the world market price for ginned cotton to reflect differences justified by the quality of the product delivered and the offers and quotations concerned. Those adjustments are specified in Article 3(2) of Regulation (EC) No 1591/2001.

- (3) The application of the above criteria gives the world market price for unginning cotton determined hereinafter,

HAS ADOPTED THIS REGULATION:

Article 1

The world price for unginning cotton as referred to in Article 4 of Regulation (EC) No 1051/2001 is hereby determined as equalling EUR 27,844/100 kg.

Article 2

This Regulation shall enter into force on 21 February 2003.

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

Done at Brussels, 20 February 2003.

For the Commission

J. M. SILVA RODRÍGUEZ

Agriculture Director-General

⁽¹⁾ OJ L 148, 1.6.2001, p. 1.

⁽²⁾ OJ L 148, 1.6.2001, p. 3.

⁽³⁾ OJ L 210, 3.8.2001, p. 10.

⁽⁴⁾ OJ L 223, 20.8.2002, p. 3.

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 18 February 2003

concerning the external auditors of the European Central Bank and Suomen Pankki

(2003/116/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Protocol on the Statute of the European System of Central Banks and of the European Central Bank, and in particular to Article 27.1 thereof,

Having regard to the Recommendation of the European Central Bank (hereinafter referred to as the ECB) of 19 December 2002 to the Council of the European Union on the external auditors of the European Central Bank and Suomen Pankki ⁽¹⁾,

Whereas:

- (1) The accounts of the ECB and of the national central banks of the Eurosystem are to be audited by independent external auditors recommended by the Governing Council of the ECB and approved by the Council of the European Union.
- (2) The mandate of the current external auditor of the ECB expires in 2003. It is therefore necessary to appoint an external auditor from 2003. The mandate of the external auditor should be for five years.
- (3) The mandate of Suomen Pankki's external auditor was not renewed from 2003 due to the closure of the external auditor expected for the middle of 2003 and due to the policy of inviting tenders at regular intervals. It is therefore necessary to appoint an external auditor from 2003. The mandate of the external auditor should be for five years.
- (4) It is appropriate to follow the above recommendation of the ECB and to approve the external auditors recommended by them,

HAS DECIDED AS FOLLOWS:

Article 1

1. KPMG Deutsche Treuhand-Gesellschaft AG Wirtschaftsprüfungsgesellschaft is approved as the external auditor of the ECB for a five-year period for the annual accounts starting from the financial year 2003.

2. Ernst and Young Oy is approved as the external auditor of Suomen Pankki for a five-year period for the annual accounts starting from the financial year 2003.

Article 2

This Decision shall be notified to the ECB.

Article 3

This Decision shall be published in the *Official Journal of the European Union*.

Done at Brussels, 18 February 2003.

For the Council

The President

N. CHRISTODOULAKIS

⁽¹⁾ OJ C 331, 31.12.2002, p. 56.

DECISION No 3/2002 OF THE EU-BULGARIA ASSOCIATION COUNCIL
of 20 November 2002
adopting the terms and conditions for Bulgaria's participation in the Community Fiscalis programme

(2003/117/EC)

THE ASSOCIATION COUNCIL,

HAS DECIDED AS FOLLOWS:

Having regard to the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and Bulgaria, of the other part ⁽¹⁾,

Having regard to the Additional Protocol to the Europe Agreement ⁽²⁾, concerning Bulgaria's participation in Community programmes, and in particular Articles 1 and 2 thereof,

Whereas:

- (1) According to Article 1 of the Additional Protocol, Bulgaria may participate in Community framework programmes, specific programmes, projects or other actions dealing with a wide range of areas.
- (2) Article 1 also provides that fields of Community activities other than those listed may be included too.
- (3) According to Article 2 of the Additional Protocol, the Association Council is to decide upon the terms and conditions for Bulgaria's participation in the activities referred to in Article 1 thereof,

Article 1

Bulgaria shall participate in the Community Fiscalis programme (hereinafter referred to as the Programme) according to the terms and conditions set out in Annexes I and II which shall form an integral part of this Decision.

Article 2

This Decision shall apply for the duration of the remaining lifetime of the Programme. Nevertheless, should the Community decide to extend the duration without any substantial change within the Programme, this Decision would also be extended correspondingly and automatically if no Party denounces it.

Article 3

This Decision shall enter into force on the day of its adoption by the Association Council.

Done at Brussels, 20 November 2002.

For the Association Council

The President

M. S. PASSY

⁽¹⁾ OJ L 358, 31.12.1994, p. 3.

⁽²⁾ OJ L 317, 30.12.1995, p. 25.

ANNEX I

TERMS AND CONDITIONS FOR BULGARIA'S PARTICIPATION IN THE FISCALIS PROGRAMME

1. As stated in Article 7 of Decision No 888/98/EC of the European Parliament and of the Council of 30 March 1998 establishing a programme of Community action to ameliorate the indirect taxation systems of the internal market (Fiscalis programme) ⁽¹⁾, Bulgaria's participation in the Fiscalis Programme (hereinafter referred to as the Programme) shall take place in accordance with the conditions laid down in the Europe Agreement, the Additional Protocol and in so far as Community law on indirect taxation so permits. Accordingly, Bulgaria's participation in the Programme's activities shall take place under the following conditions:
 - activities envisaged by Article 4 (communication and information-exchange systems, manuals and guides) will be allowed in so far as Community indirect taxation provisions make it possible;
 - activities envisaged by Article 5(1) (exchanges of officials) and (2) (seminars) as well as those envisaged by Article 6 (common training initiative) will be allowed under the conditions laid down in these Articles;
 - activities envisaged by Article 5(3) (multilateral controls) will not be allowed, as the Community legal framework for cooperation in this domain, pursuant to Directive 77/799/EEC ⁽²⁾ and Regulation (EEC) No 218/1992 ⁽³⁾ is applicable only to countries which are Member States of the European Union.
2. The terms and conditions for the submission, assessment and selection of applications for seminars and exchanges related to officials of Bulgaria shall be the same as those applicable to officials of the 15 national administrations of the Member States of the European Union.
3. Annex II establishes the financial contribution to the general budget of the European Union that Bulgaria will have to pay to cover the costs resulting from its participation in the Programme for 2002. The Association Committee is entitled to adapt this contribution whenever necessary in accordance with the principles laid down in Article 109(2) of the Europe Agreement between the European Communities and their Member States, of the one part, and the Republic of Bulgaria, of the other part.
4. Representatives of Bulgaria will participate, as observers and for the points which concern them, in the Standing Committee on Administrative Cooperation in the field of Indirect Taxation provided for in Article 11(1) of Decision No 888/98/EC. This Committee shall meet without the presence of representatives of Bulgaria for the rest of the points, as well as at the time of voting.
5. The Member States of the European Union and Bulgaria will make every effort, within the framework of the existing provisions, to facilitate the free movement and residence of all persons eligible under the Programme moving between Bulgaria and the EU Member States for the purpose of participating in activities covered by the Decision.
6. Without prejudice to the responsibilities of the Commission of the European Communities and the Court of Auditors of the European Communities in relation to the monitoring and evaluation of the Programme pursuant to Decision No 888/98/EC, the participation of Bulgaria in the Programme will be continuously monitored on a partnership basis involving Bulgaria and the Commission. Bulgaria will submit the necessary reports to the Commission and take part in other specific activities set out by the Community in that context.
7. The language to be used as regards the application process, contracts, reports to be submitted and other administrative arrangements for the Programme, will be one of the official languages of the European Community.
8. The Community and Bulgaria may terminate activities under this Decision at any time upon 12 months' notice in writing. Activities in progress at the time of termination shall continue until their completion under the conditions laid down in this Decision.

⁽¹⁾ OJ L 126, 28.4.1998, p. 1.

⁽²⁾ OJ L 336, 27.12.1977, p. 15. Directive as last amended by the 1994 Act of Accession.

⁽³⁾ OJ L 24, 1.2.1992, p. 1.

ANNEX II

BULGARIA'S FINANCIAL CONTRIBUTION TO THE FISCALIS PROGRAMME

1. Bulgaria's financial contribution will be added to the amount available each year in the general budget of the European Union for commitment appropriations to meet the Commission's financial obligations stemming from work to be carried out for the implementation, management and operation of the Fiscalis programme (hereinafter referred to as the Programme).
2. The financial contribution has been calculated considering an average daily allowance of EUR 146 and an average travel allowance of EUR 695 representing costs incurred for participating in seminars and exchanges. It is estimated for the calculation of the financial contribution that Bulgaria will participate in 15 seminars and 20 exchanges, as an average number of activities per year. The financial contribution may be adjusted at the beginning of each year to take into account the actual number of activities in which Bulgaria plans to participate during that year. The adjustment will take place by means of the required call for funds that Bulgaria will receive from the Commission, as referred to under point 4.
3. Bulgaria's contribution will be EUR 94 984 for every single year of participation, unless determined otherwise within the conditions under point 2. From this sum, an amount of EUR 6 214, or 7 % of the adjusted sum of the annual contribution pursuant to the provisions of point 2, will cover supplementary costs of an administrative nature related to the management of the Programme by the Commission stemming from Bulgaria's participation.
4. The Financial Regulation of 21 December 1977 applicable to the general budget of the European Union ⁽¹⁾ will apply, in particular to the management of Bulgaria's contribution.

Upon entry into force of this Decision, the Commission will send to Bulgaria one or more calls for funds corresponding to its contribution to the costs of the activities for the current year. The contribution will be expressed in euro and paid into a euro bank account of the Commission.

Bulgaria will pay its contribution to the annual cost under this Decision according to the calls for funds and at the latest three months after the calls for funds are sent. Any delay in the payment of the contribution shall give rise to the payment of interest by Bulgaria on the outstanding amount from the due date. The interest rate corresponds to the rate applied by the European Central Bank, on the due date, for its operations in euro, increased by 1,5 percentage points.

5. The daily subsistence allowances are applicable to all participants in the Programme and are determined on a country per country basis by the Commission. Bulgaria will receive a first budget advance from the Commission at the beginning of every year. A second advance may be paid at the middle of the year depending on the actual participation of Bulgaria in the Programme activities and on the expected participation for the rest of the year. The Bulgarian department concerned will use these advances to pay for the travel tickets and daily subsistence allowances for Bulgarian participants.
6. Travel costs and subsistence costs incurred by representatives and experts of Bulgaria for the purposes of taking part as observers in the work of the committee referred to in point 4 of Annex I shall be reimbursed by the Commission on the same basis as for the Member States of the European Union.

⁽¹⁾ OJ L 356, 31.12.1977, p. 1. Regulation as last amended by Regulation (EEC) No 762/2001 (OJ L 111, 20.4.2001, p. 1).

**DECISION No 4/2002 OF THE EU-BULGARIA ASSOCIATION COUNCIL
of 20 November 2002**

amending, through the setting up of a Joint Consultative Committee between the Committee of the Regions and the Bulgarian Liaison Committee for Cooperation with the Committee of the Regions, Decision No 1/95 adopting the rules of procedure of the Association Council

(2003/118/EC)

THE ASSOCIATION COUNCIL,

Having regard to the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republic of Bulgaria, of the other part ⁽¹⁾, and in particular Article 110 thereof,

Whereas:

- (1) Dialogue and cooperation between the regional and local authorities in the European Community and those in the Republic of Bulgaria can make a major contribution to the development of their relations and to the integration of Europe.
- (2) It seems appropriate that such cooperation should be organised at the level of the Committee of the Regions of the one part, and of the Bulgarian Liaison Committee for Cooperation with the Committee of the Regions, of the other part, by setting up a Joint Consultative Committee.
- (3) This means that the rules of procedure of the Association Council, adopted by Decision No 1/95 ⁽²⁾, need to be amended accordingly,

HAS DECIDED AS FOLLOWS:

Article 1

The following Articles shall be added to the rules of procedure of the Association Council:

'Article 15

A Joint Consultative Committee (hereinafter referred to as Committee) is hereby established with the task of assisting the Association Council with a view to promoting dialogue and cooperation between the regional and local authorities in the European Community and those in the Republic of Bulgaria. Such dialogue and cooperation shall be aimed in particular at:

- (1) preparing Bulgarian regions and local authorities for activity in the framework of future membership of the European Union;
- (2) preparing Bulgarian regions and local authorities for their participation in the work of the Committee of the Regions after accession of the Republic of Bulgaria;

- (3) exchanging information on current issues of mutual interest, in particular on up-to-date state of play concerning EU regional policy and accession process as well as preparation of Bulgarian regions and local authorities for these policies;
- (4) encouraging multilateral structured dialogue between (a) Bulgarian regions and local authorities and (b) regions and local authorities from EU Member States, including through networking in specific areas where direct contacts and cooperation between regions and local authorities from the Republic of Bulgaria and EU Member States might prove the most effective way of solving particular problems;
- (5) providing regular exchange of information on inter-regional cooperation between regional and local authorities from the Republic of Bulgaria and Member States;
- (6) encouraging exchange of experience and knowledge in the field of regional policy and structural interventions, between (a) Bulgarian regions and local authorities and (b) regions and local authorities from EU Member States, in particular know-how and techniques concerning preparation of regional and local development plans or strategies and most efficient use of Structural Funds;
- (7) assisting Bulgarian regional and local authorities by means of information exchange in practical implementation of the principle of subsidiarity in all aspects of life on regional and local level;
- (8) discussing any other relevant matters proposed by any side, as they can arise in the context of implementation of the Europe Agreement and in the framework of the pre-accession strategy.

Article 16

The Committee shall comprise eight representatives of the Committee of the Regions, on the one hand, and eight representatives of the Bulgarian Liaison Committee for Cooperation with the Committee of the Regions, on the other hand. An equal number of alternate members shall be appointed.

The Committee shall carry out its activities on the basis of consultation by the Association Council or, as concerns the promotion of the dialogue between the regional and local authorities, on its own initiative.

The Committee may make recommendations to the Association Council.

⁽¹⁾ OJ L 358, 31.12.1994, p. 3.

⁽²⁾ OJ L 255, 25.10.1995, p. 19.

Members shall be chosen to ensure that the Committee is as faithful a reflection as possible of the various levels of regional and local authorities in both the European Community and the Republic of Bulgaria.

The Committee shall adopt its own Rules of Procedure.

The Committee shall meet at intervals, which it shall itself determine in its Rules of Procedure.

The Committee shall be co-chaired by a member of the Committee of the Regions and a member of the Bulgarian Liaison Committee for cooperation with the Committee of the Regions.

Article 17

The Committee of the Regions, on the one hand, and the Bulgarian Liaison Committee for Cooperation with the Committee of the Regions, on the other hand, shall each defray the expenses they incur by reason of their participation in the meetings of the Committee with regard to staff, travel and subsistence expenditure and to postal and telecommunications expenditure.

Expenditure in connection with interpreting at meetings, translation and reproduction of documents shall be borne by the Committee of the Regions, with the exception of expenditure in connection with interpreting or translation into or from Bulgarian, which shall be borne by the Bulgarian Liaison Committee for Cooperation with the Committee of the Regions.

Other expenditure relating to the material organisation of meetings shall be borne by the Party which hosts the meetings.'

Article 2

This Decision shall enter into force on the first day of the second month following the date of its adoption.

Done at Brussels, 20 November 2002.

For the Association Council

The Chairman

M. S. PASSY

COMMISSION

COMMISSION DECISION

of 22 January 2003

amending Decision 97/634/EC accepting undertakings offered in connection with the anti-dumping and anti-subsidy proceedings concerning imports of farmed Atlantic salmon originating in Norway

(2003/119/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 384/96 of 22 December 1995 on protection against dumped imports from countries not members of the European Community ⁽¹⁾, as last amended by Regulation (EC) No 1972/2002 ⁽²⁾, and in particular Article 8 thereof,

Having regard to Council Regulation (EC) No 2026/97 of 6 October 1997 on protection against subsidised imports from countries not members of the European Community ⁽³⁾, as last amended by Regulation (EC) No 1973/2002 ⁽⁴⁾, and in particular Article 13 thereof,

After consulting the Advisory Committee,

Whereas:

A. PREVIOUS PROCEDURE

- (1) On 31 August 1996, by means of two separate notices published in the *Official Journal of the European Communities*, the Commission announced the initiation of an anti-dumping proceeding ⁽⁵⁾ and an anti-subsidy proceeding ⁽⁶⁾ in respect of imports of farmed Atlantic salmon (the product concerned) originating in Norway.
- (2) These proceedings resulted in anti-dumping and countervailing duties being imposed in September 1997 by Council Regulations (EC) No 1890/97 ⁽⁷⁾ and 1891/97 ⁽⁸⁾ in order to eliminate the injurious effects of dumping and subsidisation.

⁽¹⁾ OJ L 56, 6.3.1996, p. 1.

⁽²⁾ OJ L 305, 7.11.2002, p. 1.

⁽³⁾ OJ L 288, 21.10.1997, p. 1.

⁽⁴⁾ OJ L 305, 7.11.2002, p. 4.

⁽⁵⁾ OJ C 253, 31.8.1996, p. 18.

⁽⁶⁾ OJ C 253, 31.8.1996, p. 20.

⁽⁷⁾ OJ L 267, 30.9.1997, p. 1.

⁽⁸⁾ OJ L 267, 30.9.1997, p. 19.

- (3) In parallel to this, by Decision 97/634/EC ⁽⁹⁾, as last amended by Decision 2002/743/EC ⁽¹⁰⁾, the Commission accepted undertakings from 190 Norwegian exporters and imports of the product concerned to the Community by these companies were exempted from the said anti-dumping and countervailing duties.

- (4) The form of the duties was later reviewed and Regulations (EC) No 1890/97 and 1891/97 were replaced by Council Regulation (EC) No 772/1999 ⁽¹¹⁾, as last amended by Regulation (EC) No 1593/2002 ⁽¹²⁾.

B. NEW EXPORTERS, CHANGES OF NAME AND VOLUNTARY WITHDRAWAL OF AN UNDERTAKING

1. New exporter

- (5) Since the original imposition of definitive anti-dumping and countervailing duties, certain Norwegian companies have made themselves known to the Commission, claiming to be new exporters, and requested, in accordance with Article 2 of Regulation (EC) No 772/1999 in conjunction with Article 11(4) of Regulation (EC) No 384/96 and Article 20 of Regulation (EC) No 2026/97, that the exemption to the duties be extended to them.
- (6) In this regard, three such exporters, Vestmar AS, Gaia Seafood AS and Polar Quality AS all demonstrated that they had not exported the product concerned to the Community during the investigation period which led to the current anti-dumping and countervailing duties.

⁽⁹⁾ OJ L 267, 30.9.1997, p. 81.

⁽¹⁰⁾ OJ L 240, 7.9.2002, p. 51.

⁽¹¹⁾ OJ L 101, 16.4.1999, p. 1.

⁽¹²⁾ OJ L 240, 7.9.2002, p. 22.

- (7) The companies also showed that they are not related to any of the companies in Norway which are subject to anti-dumping and countervailing duties. In addition, they provided evidence that they had entered into irrevocable contractual obligations to export a significant amount of the product concerned to the Community.
- (8) The companies have offered undertakings which are identical to those previously accepted from other Norwegian companies exporting farmed Atlantic salmon originating in Norway and by doing so have agreed *inter alia* to respect the minimum import price levels (MIPs) laid down therein and to provide the Commission with regular and detailed information concerning their exports to the Community.
- (9) Since the undertakings offered by the companies concerned can be monitored by the Commission in the same way as those already in place, and they eliminate the injurious effects of dumping and subsidisation, the offers are considered acceptable. The companies have been informed of the essential facts, considerations and obligations upon which this acceptance is based.
- (10) Notwithstanding the fact that the anti-dumping and anti-subsidy measures are currently subject to an interim review, the names of Vestmar AS, Gaia Seafood AS and Polar Quality AS should nevertheless be added in the meantime to the list of companies from which undertakings are accepted in the Annex to Decision 97/634/EC.

2. Changes of name

- (11) One Norwegian exporter with an undertaking, Arctic Group International (UT No 1/11, TARIC additional code 8109) advised the Commission that the group of companies to which it belonged had been reorganised and that another company within the group was now responsible for exports of salmon to the Community. Arctic Group International therefore requested that its name be replaced by that of Arctic Group Maritime AS on the list of companies from which undertakings are accepted in the Annex to Decision 97/634/EC.
- (12) Another Norwegian company with an undertaking, Fjord Seafood Midt-Norge AS (UT No 1/101, TARIC Additional Code 8207) advised the Commission that its name had changed to Fjord Seafood Norway AS. It therefore requested that its name be amended on the list of companies from which undertakings are accepted in the Annex to Decision 97/634/EC. The company also advised the Commission that a related company, Fjord Seafood Måløy AS (UT No 1/62, TARIC additional code 8304), had merged with it and that the undertaking

offered by Fjord Seafood Måløy AS was no longer appropriate and that this name should be deleted on the above mentioned list of companies from which undertakings are accepted.

- (13) The Commission considers after verification that the requests are acceptable since the modifications do not entail any substantive changes which would affect the assessment of dumping or subsidisation, nor do they affect any of the considerations on which the acceptance of the undertakings was based.
- (14) Consequently, the names of Arctic Group International and Fjord Seafood Midt-Norge AS should be changed to Arctic Group Maritime AS and Fjord Seafood Norway AS respectively on the list of companies from which undertakings are accepted in the Annex to Decision 97/634/EC and the name of Fjord Seafood Måløy AS deleted from that list.

3. Voluntary withdrawal of an undertaking

- (15) Another Norwegian company, Timar Seafood AS (UT No 1/180, TARIC additional code 8294), advised the Commission that it wished to withdraw its undertaking. Accordingly, the name of this company should be deleted from the list of companies from which undertakings are accepted in the Annex to Decision 97/634/EC.

C. AMENDMENT OF THE ANNEX TO DECISION 97/634/EC

- (16) In view of the all the above, the list of companies from which undertakings are accepted in the Annex to Decision 97/634/EC should be amended accordingly.
- (17) The Advisory Committee has been consulted on all of the above and has raised no objections.
- (18) For the sake of clarity, an updated version of the Annex to that Decision is published herewith, showing all the exporters whose undertakings are currently in force.
- (19) In parallel to this Decision, the Council, by Regulation (EC) No 321/2003⁽¹⁾ has granted an exemption from the anti-dumping and anti-subsidy duties to Vestmar AS, Gaia Seafood AS and Polar Quality AS, changed the names of Arctic Group International and Fjord Seafood Midt-Norge AS to Arctic Group Maritime AS and Fjord Seafood Norway AS respectively, withdrawn exemption from the anti-dumping and anti-subsidy duties by deleting the names of Fjord Seafood Måløy AS and Timar Seafood AS, by amending the Annex to Regulation (EC) No 772/1999,

⁽¹⁾ See page 3 of this Official Journal.

HAS DECIDED AS FOLLOWS:

Article 1

The undertakings offered by Vestmar AS, Gaia Seafood AS and Polar Quality AS in connection with the anti-dumping and anti-subsidy proceedings concerning imports of farmed Atlantic salmon originating in Norway are hereby accepted.

Article 2

The Annex to Commission Decision 97/634/EC is replaced by the Annex hereto.

Article 3

This Decision shall be applicable from the day following that of its publication in the *Official Journal of the European Union*.

Done at Brussels, 22 January 2003.

For the Commission

Pascal LAMY

Member of the Commission

ANNEX

'ANNEX

LIST OF COMPANIES FROM WHICH UNDERTAKINGS ARE ACCEPTED

UT No	Company name	TARIC Additional Code
3	Rosfjord Seafood AS	8325
7	Aqua- Export A/S	8100
8	Aqua Partner A/S	8101
11	Arctic Group Maritime AS	8109
13	Artic Superior A/S	8111
15	A/S Aalesundfisk	8113
16	Austevoll Eiendom AS	8114
17	A/S Keco	8115
20	A/S Refsnes Fiskeindustri	8118
21	A/S West Fish Ltd	8119
22	Midnor Processing AS	8120
24	Atlantic Seafood A/S	8122
26	Rossa Salmon AS	8124
27	Brødrene Aasjord A/S	8125
31	Christiansen Partner A/S	8129
32	Clipper Seafood A/S	8130
33	Coast Seafood A/S	8131
35	Dafjord Laks A/S	8133
39	Domstein Fish A/S	8136
41	Ecco Fisk & Delikatesse	8138
42	Edvard Johnsen A/S	8139
43	Fjord Marin Sales AS	8140
44	Euronor AS	8141
46	Fiskeforsyningen AS	8143
47	Fjord Aqua Group AS	8144
48	Fjord Trading Ltd AS	8145
50	Fossen AS	8147
51	Fresh Atlantic AS	8148
52	Fresh Marine Company AS	8149
56	Gje-Vi AS	8153
58	Grieg Seafood AS	8300
61	Hallvard Lerøy AS	8303
66	Marine Harvest Norway AS	8159

UT No	Company name	TARIC Additional Code
67	Hydrotech-gruppen AS	8428
72	Inter Sea AS	8174
75	Janas A/S	8177
76	Joh. H. Pettersen	8178
79	Karsten J. Ellingsen AS	8181
82	Labeyrie Norge AS	8184
83	Lafjord Group AS	8185
85	Leica Fiskeprodukter	8187
87	Lofoten Seafood Export AS	8188
92	Marine Seafood AS	8196
96	Memo Food AS	8200
98	Misundfisk AS	8202
100	Naco Trading AS	8206
101	Fjord Seafood Norway AS	8207
104	Nergård AS	8210
105	Nils Williksen AS	8211
107	Nisja Trading AS	8213
108	Nor-Food AS	8214
112	Nordreisa Laks AS	8218
114	Norfi Produkter AS	8227
115	Norfood Group AS	8228
119	Norsk Akvakultur AS	8232
120	Norsk Sjømat AS	8233
122	Nortrade AS	8308
123	Norway Royal Salmon Sales AS	8309
124	Norway Royal Salmon AS	8312
126	Frionor AS	8314
128	Norwell AS	8316
137	Pan Fish Sales AS	8242
140	Polar Salmon AS	8247
141	Prilam Norvège AS	8248
142	Pundslett Fisk	8251
144	Olsen Seafood AS	8254
145	Marine Harvest Rogaland AS	8256
146	Rørvik Fisk- og fiskematforretning AS	8257
147	Saga Lax Norge AS	8258

UT No	Company name	TARIC Additional Code
148	Prima Nor AS	8259
153	Scanfood AS	8264
154	Sea Eagle Group AS	8265
155	Sea Star International AS	8266
156	Sea Bell Salmon AS	8267
158	Seacom AS	8269
160	Seafood Farmers of Norway Ltd AS	8271
161	Seanor AS	8272
162	Sekkingstad AS	8273
164	Sirena Norway AS	8275
165	Kinn Salmon AS	8276
167	Fjord Seafood Sales AS	8278
168	SMP Marine Produkter AS	8279
172	Stjernelaks AS	8283
174	Stolt Sea Farm AS	8285
175	Storm Company AS	8286
176	Superior AS	8287
178	Terra Seafood AS	8289
182	Torris Products Ltd AS	8298
183	Troll Salmon AS	8317
188	Vikenco AS	8322
189	Wannebo International AS	8323
190	West Fish Norwegian Salmon AS	8324
193	F. Uhrenholt Seafood Norway AS	A033
195	Polaris Seafood AS	A035
196	Scanfish AS	A036
197	Normarine AS	A049
199	Emborg Foods Norge AS	A157
200	Helle Mat AS	A158
201	Norsea Food AS	A159
202	Salmon Company Fjord Norway AS	A160
203	Stella Polaris AS	A161
204	First Salmon AS	A205
205	Norlaks A/S	A206
206	Atlantis AS	A257
207	Cape Fish AS	A258

UT No	Company name	TARIC Additional Code
208	Athena Seafoods AS	A379
209	Norsk Havfisk AS	A380
210	Rodé Vis International AS	A381
211	Seaborn AS	A382
212	Triton AS	A383
213	Nordlaks Produkter AS	A386
214	Codfarms AS	A400
215	Vestmar AS	A416
216	Gaia Seafood AS	A417
217	Polar Quality AS	A418'

COMMISSION RECOMMENDATION

of 20 February 2003

on the protection and information of the public with regard to exposure resulting from the continued radioactive caesium contamination of certain wild food products as a consequence of the accident at the Chernobyl nuclear power station

(notified under document number C(2003) 510)

(2003/120/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Atomic Energy Community, and in particular Article 38(1), and the second indent of Article 124 thereof,

Having regard to the opinion of the Group of Experts appointed by the Scientific and Technical Committee pursuant to Article 31 of the Treaty,

Whereas:

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| <p>(1) Following the accident at the Chernobyl nuclear power station on 26 April 1986, considerable quantities of radioactive materials were released into the atmosphere.</p> <p>(2) The fallout of radioactive caesium from the accident at the Chernobyl nuclear power station has affected a wide range of third countries.</p> <p>(3) Significant fallout has affected certain parts of the territories of a number of Member States and countries applying for accession to the European Union.</p> <p>(4) Council Regulation (EEC) No 737/90 of 22 March 1990 on the conditions governing imports of agricultural products originating in third countries following the accident at the Chernobyl nuclear power-station⁽¹⁾, as last amended by Regulation (EC) No 616/2000⁽²⁾, fixed for agricultural products in third countries intended for human consumption, maximum permitted levels of radioactive caesium with which imports must comply and in connection with which checks are carried out by Member States.</p> <p>(5) In a statement to the Council, on 12 May 1986 in connection to the adoption of Council Regulation (EEC) No 1707/86 of 30 May 1986 on the conditions governing imports of agricultural products originating in third countries following the accident at the Chernobyl nuclear power-station⁽³⁾, Member States committed themselves to apply the same maximum permitted levels to trade within the Community.</p> | <p>(6) Commission Regulation (EC) No 1661/1999 of 27 July 1999 laying down detailed rules for the application of Council Regulation (EEC) No 737/90 on the conditions governing imports of agricultural products originating in third countries following the accident at the Chernobyl nuclear power-station⁽⁴⁾, as last amended by Regulation (EC) No 1608/2002⁽⁵⁾, has, <i>inter alia</i>, introduced specific conditions strengthening the controls on the imports of non-cultivated mushrooms from a number of third countries.</p> <p>(7) Member States have applied and still apply when necessary, similar checks and conditions for the placing on the market of foodstuffs emanating from their national agro-industrial food supply chains in particular with regard to meat from sheep and reindeer.</p> <p>(8) The measures <i>in situ</i> in the territories of the Member States flow from existing legal obligations set out in Council Directive 96/29/Euratom of 13 May 1996 laying down basic safety standards for the protection of the health of the workers and the general public against the dangers arising from ionising radiation⁽⁶⁾ and in Articles 35 and 36 of the Euratom Treaty.</p> <p>(9) Natural and semi-natural ecosystems such as forests and wooded areas generally are the natural habitat of wild game, berries and mushrooms and such ecosystems tend to retain radioactive caesium in a cyclic exchange between upper soil layers (litter), bacteria, microfauna, microflora and vegetation. In addition, the soil of such ecosystems which consists for the most part of organic matter tends to increase the biological availability of radioactive caesium.</p> <p>(10) The forest plants likely to be consumed by man are the edible fruit species, in particular wild berries like bilberries, cloudberries, cranberries, raspberries, blackberries and wild strawberries. Radioactive caesium contamination trends in wild berries show that contamination has decreased slowly or remained stable in particular in perennial species, since the Chernobyl accident.</p> |
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⁽¹⁾ OJ L 82, 29.3.1990, p. 1.⁽²⁾ OJ L 75, 24.3.2000, p. 1.⁽³⁾ OJ L 146, 31.5.1986, p. 88.⁽⁴⁾ OJ L 197, 29.7.1999, p. 17.⁽⁵⁾ OJ L 243, 11.9.2002, p. 7.⁽⁶⁾ OJ L 159, 29.6.1996, p. 1.

- (11) Many species of edible wild mushrooms (chanterelles, bay boletus, hedgehogs and other well-known edible mushrooms), due to the impact of the nature of forest soils on the availability of radioactive caesium, continue to develop levels of radioactive caesium exceeding 600 Bq/kg. Mushrooms of the mycorrhizal species living in symbiosis with trees and having a deep-growing mycelium (*Boletus edulis*, for example) were affected much later by the fallout and today present very high levels of radioactive caesium contamination.
- (12) Radioactive caesium contamination also affects animal species such as wild game and carnivorous freshwater fish from lakes in areas with the highest deposition. In particular, the presence of highly contaminated species in the diet (lichen, mosses, and in particular certain species of mushrooms) clearly contributes to increasing the contamination of the wild game consuming them.
- (13) It is assumed that the duration of radioactive caesium contamination following the Chernobyl accident of a number of products originating from species living and growing in forests and other natural and semi-natural ecosystems essentially relates to the physical half-life of that radionuclide which is some 30 years and that therefore no appreciable change as regards the radioactive caesium contamination of these products will be observed in the next decades.
- (14) In recent years, data provided by some Member States to the Commission has shown that high levels of radioactive caesium could be found in wild game, berries, mushrooms and carnivorous lake fish.
- (15) The incidence of wild game meat exceeding 600 Bq/kg of radioactive caesium is slowly decreasing except for wild boar, non-negligible quantities of wild game meat originated in certain parts of the territories of a number of Member States and applicant countries continue to exceed the above limits.
- (16) In certain regions of the Federal Republic of Germany the radioactive caesium levels in meat of wild boar can be ten or more times higher than levels in roe deer or red deer. For example, the incidence of cases of wild boar exceeding 600 Bq/kg of radioactive caesium has been constantly rising since 1996 and was about 51 % in 1999 with peak values exceeding 10 000 Bq/kg.
- (17) It can be assumed that parts of the territories of a number of other Member States and applicant countries, presenting similar levels of radioactive caesium deposition would have contamination levels in meat from wild game and in particular in wild boar comparable to those in the Federal Republic of Germany.
- (18) Recent data indicate that radioactive caesium concentrations remain high in carnivorous freshwater fish from lakes in areas with the highest deposition, with peak values exceeding 10 000 Bq/kg in pike and 5 000 Bq/kg in perch.
- (19) The placing on the market of edible wild products does not necessarily proceed through the agro-industrial food supply chains, the national statutory monitoring and checks could therefore be bypassed.
- (20) Member States have informed the population of the health risk resulting from consumption of certain food categories in the aftermath of the Chernobyl accident, public awareness of the continued contamination of wild food products tends to decline.
- (21) Although the implication of the contamination of wild products for the health of the general public is very low, the health risk to persons who consume large quantities of such products from affected regions cannot be neglected, and it is therefore necessary to strengthen the public awareness of those dangers.
- (22) Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety⁽¹⁾ has set up a system for the rapid exchange of information. It is necessary to use that system for exchanging information between the Member States on recorded cases of exceedance of the maximum permitted levels,

HEREBY RECOMMENDS:

1. For the purpose of protecting the health of the consumer, Member States should take appropriate steps to ensure that the maximum permitted levels in terms of caesium-134 and 137 referred to in Article 3 of Regulation (EEC) No 737/90 are respected in the Community for the placing on the market of wild game, wild berries, wild mushrooms and carnivorous lake fish.
2. Member States should inform the population, in regions where there is a potential for such products to exceed the maximum permitted levels, of the health risk involved.

⁽¹⁾ OJ L 31, 1.2.2002, p. 1.

3. Member States should inform the Commission and each other of recorded cases of such products placed on the Community market exceeding the maximum permitted levels through the Community Rapid Alert System laid down in Regulation 2002/178/EC.
4. Member States should inform the Commission and the other Member States of the action taken in response to this recommendation.

Done at Brussels, 20 February 2003.

For the Commission
Margot WALLSTRÖM
Member of the Commission

COMMISSION DECISION
of 11 February 2003
establishing the ecological criteria for the award of the Community eco-label to vacuum cleaners

(notified under document number C(2003) 114)

(Text with EEA relevance)

(2003/121/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Regulation (EC) No 1980/2000 of the European Parliament and of the Council of 17 July 2000 on a revised Community eco-label award scheme⁽¹⁾, and in particular the second subparagraph of Article 6(1) thereof,

Whereas:

- (1) Under Regulation (EC) No 1980/2000, the Community eco-label may be awarded to a product possessing characteristics which enable it to contribute significantly to improvements in relation to key environmental aspects.
- (2) Regulation (EC) No 1980/2000 provides that specific eco-label criteria are to be established according to product groups.
- (3) The measures provided for in this Decision are based on the draft criteria developed by the European Union Eco-Labeling Board established under Article 13 of Regulation (EC) No 1980/2000.
- (4) The measures provided for in this Decision are in accordance with the opinion of the Committee instituted by Article 17 of Regulation (EC) No 1980/2000,

HAS ADOPTED THIS DECISION:

Article 1

In order to be awarded the Community eco-label under Regulation (EC) No 1980/2000, a vacuum cleaner must fall within the product group as defined in Article 2 of this Decision and must comply with the criteria set out in the Annex.

Article 2

The product group 'vacuum cleaners' shall comprise all self-contained vacuum cleaners, such as cylinder and upright vacuum cleaners, which are fit to aspirate dust on surfaces of at least 10 m² per use.

The product group shall not include cordless or battery operated vacuum cleaners and central vacuum cleaning systems.

Article 3

For administrative purposes the code number assigned to vacuum cleaners shall be '23'.

Article 4

This Decision shall apply from 1 April 2003 until 31 March 2007. If on 31 March 2007 revised criteria have not been adopted, this Decision shall apply until 31 March 2008.

Article 5

This Decision is addressed to the Member States.

Done at Brussels, 11 February 2003.

For the Commission
Margot WALLSTRÖM
Member of the Commission

⁽¹⁾ OJ L 237, 21.9.2000, p. 1.

ANNEX

FRAMEWORK

The aims of the criteria

These criteria aim in particular at promoting:

- the reduction of environmental damage or risks related to the use of energy (global warming, acidification, depletion of non-renewable resources) by reducing energy consumption,
- the reduction of environmental damage related to the use of natural resources by encouraging the durability, recyclability and maintainability of a vacuum cleaner (hereinafter referred to as the product),
- the reduction of environmental damage or risks related to the use of hazardous substances by reducing the use of such substances.

The criteria encourage the implementation of best practice (optimal environmental use) and enhance consumers' environmental awareness. Furthermore, the marking of plastic components encourages recycling.

The criteria are set at levels that promote the labelling of vacuum cleaners that are produced with low environmental impact.

Assessment and verification requirements

The specific assessment and verification requirements are indicated within each criterion.

Where appropriate, test methods other than those indicated for each criterion may be used if their equivalence is accepted by the competent body assessing the application.

Where possible, testing should be performed by appropriately accredited laboratories or laboratories that meet the requirements expressed in standard EN ISO 17025 and are competent to perform the relevant tests.

Where the applicant is required to provide declarations, documentation, analyses test reports or other evidence to the competent body assessing the application in order to show compliance with the criteria, it is understood that these may originate from the applicant and/or his supplier(s) and/or their supplier(s), et cetera, as appropriate.

Where appropriate, competent bodies may require supporting documentation and may carry out independent verifications.

The competent bodies are recommended to take into account the implementation of recognised environmental management schemes, such as EMAS or ISO 14001, when assessing applications and monitoring compliance with the criteria (*note: it is not required to implement such management schemes*).

CRITERIA

1. Energy consumption and dust removal efficiency

- (a) After five strokes on a Wilton carpet, the dust removal efficiency shall be at least 70 % and the energy consumed shall be less than 345 Wh.
- (b) After one stroke on the hard floor surface specified in point 5.2 of EN 60312, the dust removal efficiency shall be at least 98 % and the energy consumed shall be less than 69 Wh.

Assessment and verification: For each of the above criteria (a)-(b), the applicant shall provide test reports indicating the amount of dust removal following EN 60312 as specified above, carried out with an empty bag or dust container/reservoir (as applicable). The hard floor surface shall consist of untreated stratified pinewood or of a board equivalent to a minimum of 15 mm of thickness.

2. Durability

- (a) The motor shall have a lifetime of at least 550 hours.

Assessment and verification: the applicant shall provide a test report, following test method IEC 312 article 19.1 or EN 60312.

- (b) The power nozzle shall have a lifetime of at least 1 000 drum rotations.
- Assessment and verification: the applicant shall provide a test report, following test method IEC 312 article 20.1 or EN 60312.*
- (c) The hose shall have a lifetime of at least 40 000 oscillations.
- Assessment and verification: the applicant shall provide a test report, following test method IEC 312 article 20.2 or EN 60312.*
- (d) The main on-off switch shall function both mechanically and electrically at least 2 500 times.
- Assessment and verification: the applicant shall provide a test report, indicating the procedure followed. The test shall be made on the vacuum cleaner with the nozzle disconnected.*
- (e) The manufacturer shall offer a commercial guarantee to ensure that the vacuum cleaner will function for at least two years. This guarantee shall be valid from the date of delivery to the customer.
- Assessment and verification: the applicant shall provide a copy of the guarantee distributed with the product.*
- (f) The availability of all replacement parts necessary to ensure correct functioning of the product shall be guaranteed for at least 10 years from the time that production ceases.
- Assessment and verification: the applicant shall provide a declaration to this effect together with appropriate supporting documentation.*

3. Recyclability, take-back and recycling

- (a) The manufacturer shall check the disassembly of the product and provide a disassembly report that shall be made available to third parties on request.
- Assessment and verification: the applicant shall provide a declaration to this effect together with a copy of the disassembly report.*
- (b) The electrical parts shall be mechanically connected so as to facilitate disassembly and recycling.
- Assessment and verification: the applicant shall provide a declaration to this effect together with appropriate supporting documentation, indicating the design of the product and the mechanical connections between the electrical parts. The disassembly report provided by the applicant (as above) shall confirm this.*
- (c) The metal parts shall be easily accessible so as to facilitate disassembly and recycling.
- Assessment and verification: the applicant shall provide a declaration to this effect together with appropriate supporting documentation, indicating the design of the product and accessibility of the metal parts. The disassembly report provided by the applicant (as above) shall confirm this.*
- (d) The vacuum cleaner (including the power nozzle and the hose) shall not contain lead, mercury, cadmium, hexavalent chromium, polybrominated biphenyls (PBBs) and/or polybrominated biphenyl ethers (PBDEs), except as allowed in the Annex to Directive 2002/95/EC of the European Parliament and of the Council of 27 January 2003 on the restriction of the use of certain hazardous substances in electrical and electronic equipment (RoHS) ⁽¹⁾ and its subsequent amendments.
- Assessment and verification: the applicant shall provide a declaration to this effect together with appropriate supporting documentation, indicating what flame retardants (if any) have been used. Until such time as the maximum concentration values tolerated for these substances are established within the framework of the abovementioned Directive, the applicant and/or his supplier(s) shall declare that these substances have not been intentionally added to the vacuum cleaner or to any of its components.*
- (e) Plastic parts shall contain no metal inlays that cannot be separated.
- Assessment and verification: the applicant shall provide a declaration to this effect together with appropriate supporting documentation, indicating the nature of any metal inlays. The disassembly report provided by the applicant (as above) shall confirm this.*
- (f) Plastic parts heavier than 25 grams shall not contain chloroparaffins with chain length 10-13 C atoms, chlorine content > 50 % by weight (CAS 85535-84-8).
- Assessment and verification: the applicant shall provide a declaration to this effect together with appropriate supporting documentation indicating what flame retardants (if any) have been used.*

⁽¹⁾ OJ L 37, 13.2.2003, p. 19.

- (g) Plastic parts heavier than 25 grams shall not contain flame retardant substances or preparations containing substances, that are assigned or may be assigned at the time of application any of the risk phrases R45 (may cause cancer), R46 (may cause heritable genetic damage), R50 (very toxic to aquatic organisms), R51 (toxic to aquatic organisms), R52 (harmful to aquatic organisms), R53 (may cause long-term adverse effects in the aquatic environment), R60 (may impair fertility) or R61 (may cause harm to the unborn child), as defined in Council Directive 67/548/EEC of 27 June 1967 on the approximation of the laws, regulations and administrative provisions relating to the classification, packaging and labelling of dangerous substances (1) and its subsequent amendments.

Assessment and verification: the applicant and/or his suppliers shall provide a declaration to this effect together with appropriate supporting documentation indicating what flame retardants (if any) have been used together with their related material safety and data sheets.

- (h) Plastic parts heavier than 25 grams shall have a permanent marking identifying the material, in conformity with ISO 11469.

Assessment and verification: the applicant shall provide a declaration to this effect together with appropriate supporting documentation.

- (i) The manufacturer shall offer the take-back for recycling of the product, and of any component being replaced, except dust bags and filters. This shall be free of charge, except where local or national authorities have established a fee for this.

Assessment and verification: the applicant shall provide a declaration to this effect together with appropriate supporting documentation.

4. Noise

The noise (sound power) shall be declared on the product and shall not exceed 76 dBA (reference 1 picoWatt).

Assessment and verification: the applicant shall provide a test report, using test method EN 60704-2-1, and the declaration of the noise shall be made according to method EN 60704-3. The applicant shall provide a copy of the way the declaration is made.

5. Dust emissions

- (a) The quantity of dust emitted (Q) shall be less than per 0,01 mg/m³.

Assessment and verification: the applicant shall provide a test report, using test method EN 60312.

- (b) The dust filters shall be replaceable and/or washable, and shall be light coloured.

Assessment and verification: the applicant shall provide a declaration of compliance with this requirement.

6. Suction head motion resistance

The suction head motion resistance (R) shall be less than 25 N.

Assessment and verification: the applicant shall provide a test report, using test EN 60312.

7. User instructions and information

The product shall be sold with relevant user information, which provides advice on its proper environmental use and, in particular:

- (a) Information that the energy consumed during use can be significantly reduced if the dust container or bag is emptied when full (*note: this criterion need not be complied with if the manufacturer can show that this is not the case*).
- (b) Recommendation that the vacuum cleaner should be switched off when not actually being used.
- (c) Information on the guarantee and the availability of spare parts.
- (d) Information about the fact that the product has been designed to enable proper recycling and should not be thrown away. Advice on how the consumer can make use of the manufacturer's take-back for recycling offer.

(1) OJ 196, 16.8.1967, p. 1.

- (e) Information that the product has been awarded the Flower (the EU ecolabel) with a brief explanation as to what this means together with an indication that more information on the ecolabel can be found at the web-site address: <http://europa.eu.int/ecolabel>.
- (f) Information on the various maintenance procedures, in particular changing bags (or emptying the dust container) and filters.
- (g) An indicator shall indicate when the bag or dust container is full and needs replacing or emptying, unless this is clearly visible during normal use.
- (h) Information on the weight of the product.

Assessment and verification: the applicant shall declare the compliance of the product with these requirements, and shall provide a copy of the instruction manual to the competent body assessing the application.

8. Information appearing on the eco-label

Box 2 of the eco-label shall include the following text:

- efficient cleaning, low dust emissions, low noise,
- low energy consumption,
- improved durability and recyclability.

Assessment and verification: the applicant shall declare the compliance of the product with this requirement, and shall provide a copy of the eco-label as it appears on the packaging and/or product and/or accompanying documentation.
