

English edition

## Legislation

### Contents

#### I Acts whose publication is obligatory

- ★ **Council Regulation (EC) No 343/2003 of 18 February 2003 establishing the criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged in one of the Member States by a third-country national** ..... 1
- Commission Regulation (EC) No 344/2003 of 24 February 2003 establishing the standard import values for determining the entry price of certain fruit and vegetables ..... 11
- ★ **Commission Regulation (EC) No 345/2003 of 24 February 2003 opening a preferential tariff quota for imports of raw cane sugar originating in the ACP States for supply to refineries during the period 1 March to 30 June 2003** ..... 13
- ★ **Commission Regulation (EC) No 346/2003 of 24 February 2003 on the opening of a standing invitation to tender for the resale on the Community market of rice held by the French intervention agency for use in animal feed** ..... 15

#### II Acts whose publication is not obligatory

##### Commission

2003/124/EC:

- ★ **Commission Decision of 24 February 2003 on financial assistance from the Community for the operation of certain Community reference laboratories in the veterinary public health field (residues) for the year 2003 (notified under document number C(2003) 556)** ..... 20

2003/125/EC:

- ★ **Commission Decision of 24 February 2003 on financial aid from the Community for the operation of certain Community reference laboratories in the field of animal health and live animals in 2003 (notified under document number C(2003) 562)** ... 22

2003/126/EC:

- \* **Commission Decision of 24 February 2003 on financial aid from the Community for the operation of certain Community reference laboratories in the field of veterinary public health (biological risks) for the year 2003** (notified under document number C(2003) 565) ..... 25

2003/127/EC:

- \* **Commission Decision of 24 February 2003 amending Decision 2001/218/EC requiring Member States temporarily to take additional measures against the dissemination of *Bursaphelenchus xylophilus* (Steiner et Buhner) Nickle *et al.* (the pinewood nematode) as regards areas in Portugal, other than those in which it is known not to occur** (notified under document number C(2003) 581) ..... 27

## I

(Acts whose publication is obligatory)

**COUNCIL REGULATION (EC) No 343/2003**

**of 18 February 2003**

**establishing the criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged in one of the Member States by a third-country national**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 63, first paragraph, point (1)(a),

Having regard to the proposal from the Commission <sup>(1)</sup>,

Having regard to the opinion of the European Parliament <sup>(2)</sup>,

Having regard to the opinion of the European Economic and Social Committee <sup>(3)</sup>,

Whereas:

- (1) A common policy on asylum, including a Common European Asylum System, is a constituent part of the European Union's objective of progressively establishing an area of freedom, security and justice open to those who, forced by circumstances, legitimately seek protection in the Community.
- (2) The European Council, at its special meeting in Tampere on 15 and 16 October 1999, agreed to work towards establishing a Common European Asylum System, based on the full and inclusive application of the Geneva Convention relating to the Status of Refugees of 28 July 1951, as supplemented by the New York Protocol of 31 January 1967, thus ensuring that nobody is sent back to persecution, i.e. maintaining the principle of non-refoulement. In this respect, and without affecting the responsibility criteria laid down in this Regulation, Member States, all respecting the principle of non-refoulement, are considered as safe countries for third-country nationals.
- (3) The Tampere conclusions also stated that this system should include, in the short term, a clear and workable method for determining the Member State responsible for the examination of an asylum application.
- (4) Such a method should be based on objective, fair criteria both for the Member States and for the persons concerned. It should, in particular, make it possible to determine rapidly the Member State responsible, so as to

guarantee effective access to the procedures for determining refugee status and not to compromise the objective of the rapid processing of asylum applications.

- (5) As regards the introduction in successive phases of a common European asylum system that should lead, in the longer term, to a common procedure and a uniform status, valid throughout the Union, for those granted asylum, it is appropriate at this stage, while making the necessary improvements in the light of experience, to confirm the principles underlying the Convention determining the State responsible for examining applications for asylum lodged in one of the Member States of the European Communities <sup>(4)</sup>, signed in Dublin on 15 June 1990 (hereinafter referred to as the Dublin Convention), whose implementation has stimulated the process of harmonising asylum policies.
- (6) Family unity should be preserved in so far as this is compatible with the other objectives pursued by establishing criteria and mechanisms for determining the Member State responsible for examining an asylum application.
- (7) The processing together of the asylum applications of the members of one family by a single Member State makes it possible to ensure that the applications are examined thoroughly and the decisions taken in respect of them are consistent. Member States should be able to derogate from the responsibility criteria, so as to make it possible to bring family members together where this is necessary on humanitarian grounds.
- (8) The progressive creation of an area without internal frontiers in which free movement of persons is guaranteed in accordance with the Treaty establishing the European Community and the establishment of Community policies regarding the conditions of entry and stay of third country nationals, including common efforts towards the management of external borders, makes it necessary to strike a balance between responsibility criteria in a spirit of solidarity.

<sup>(1)</sup> OJ C 304 E, 30.10.2001, p. 192.

<sup>(2)</sup> Opinion of 9 April 2002 (not yet published in the Official Journal).

<sup>(3)</sup> OJ C 125, 27.5.2002, p. 28.

<sup>(4)</sup> OJ C 254, 19.8.1997, p. 1.

- (9) The application of this Regulation can be facilitated, and its effectiveness increased, by bilateral arrangements between Member States for improving communications between competent departments, reducing time limits for procedures or simplifying the processing of requests to take charge or take back, or establishing procedures for the performance of transfers.
- (10) Continuity between the system for determining the Member State responsible established by the Dublin Convention and the system established by this Regulation should be ensured. Similarly, consistency should be ensured between this Regulation and Council Regulation (EC) No 2725/2000 of 11 December 2000 concerning the establishment of 'Eurodac' for the comparison of fingerprints for the effective application of the Dublin Convention <sup>(1)</sup>.
- (11) The operation of the Eurodac system, as established by Regulation (EC) No 2725/2000 and in particular the implementation of Articles 4 and 8 contained therein should facilitate the implementation of this Regulation.
- (12) With respect to the treatment of persons falling within the scope of this Regulation, Member States are bound by obligations under instruments of international law to which they are party.
- (13) The measures necessary for the implementation of this Regulation should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission <sup>(2)</sup>.
- (14) The application of the Regulation should be evaluated at regular intervals.
- (15) The Regulation observes the fundamental rights and principles which are acknowledged in particular in the Charter of Fundamental Rights of the European Union <sup>(3)</sup>. In particular, it seeks to ensure full observance of the right to asylum guaranteed by Article 18.
- (16) Since the objective of the proposed measure, namely the establishment of criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged in one of the Member States by a third-country national, cannot be sufficiently achieved by the Member States and, given the scale and effects, can therefore be better achieved at Community level, the Community may adopt measures in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve that objective.

- (17) In accordance with Article 3 of the Protocol on the position of the United Kingdom and Ireland, annexed to the Treaty on European Union and to the Treaty establishing the European Community, the United Kingdom and Ireland gave notice, by letters of 30 October 2001, of their wish to take part in the adoption and application of this Regulation.
- (18) In accordance with Articles 1 and 2 of the Protocol on the position of Denmark, annexed to the Treaty on European Union and to the Treaty establishing the European Community, Denmark does not take part in the adoption of this Regulation and is not bound by it nor subject to its application.
- (19) The Dublin Convention remains in force and continues to apply between Denmark and the Member States that are bound by this Regulation until such time an agreement allowing Denmark's participation in the Regulation has been concluded.

HAS ADOPTED THIS REGULATION:

#### CHAPTER I

#### SUBJECT-MATTER AND DEFINITIONS

##### Article 1

This Regulation lays down the criteria and mechanisms for determining the Member State responsible for examining an application for asylum lodged in one of the Member States by a third-country national.

##### Article 2

For the purposes of this Regulation:

- (a) 'third-country national' means anyone who is not a citizen of the Union within the meaning of Article 17(1) of the Treaty establishing the European Community;
- (b) 'Geneva Convention' means the Convention of 28 July 1951 relating to the status of refugees, as amended by the New York Protocol of 31 January 1967;
- (c) 'application for asylum' means the application made by a third-country national which can be understood as a request for international protection from a Member State, under the Geneva Convention. Any application for international protection is presumed to be an application for asylum, unless a third-country national explicitly requests another kind of protection that can be applied for separately;
- (d) 'applicant' or 'asylum seeker' means a third country national who has made an application for asylum in respect of which a final decision has not yet been taken;

<sup>(1)</sup> OJ L 316, 15.12.2000, p. 1.

<sup>(2)</sup> OJ L 184, 17.7.1999, p. 23.

<sup>(3)</sup> OJ C 364, 18.12.2000, p. 1.

- (e) 'examination of an asylum application' means any examination of, or decision or ruling concerning, an application for asylum by the competent authorities in accordance with national law except for procedures for determining the Member State responsible in accordance with this Regulation;
- (f) 'withdrawal of the asylum application' means the actions by which the applicant for asylum terminates the procedures initiated by the submission of his application for asylum, in accordance with national law, either explicitly or tacitly;
- (g) 'refugee' means any third-country national qualifying for the status defined by the Geneva Convention and authorised to reside as such on the territory of a Member State;
- (h) 'unaccompanied minor' means unmarried persons below the age of eighteen who arrive in the territory of the Member States unaccompanied by an adult responsible for them whether by law or by custom, and for as long as they are not effectively taken into the care of such a person; it includes minors who are left unaccompanied after they have entered the territory of the Member States;
- (i) 'family members' means insofar as the family already existed in the country of origin, the following members of the applicant's family who are present in the territory of the Member States:
- (i) the spouse of the asylum seeker or his or her unmarried partner in a stable relationship, where the legislation or practice of the Member State concerned treats unmarried couples in a way comparable to married couples under its law relating to aliens;
  - (ii) the minor children of couples referred to in point (i) or of the applicant, on condition that they are unmarried and dependent and regardless of whether they were born in or out of wedlock or adopted as defined under the national law;
  - (iii) the father, mother or guardian when the applicant or refugee is a minor and unmarried;
- (j) 'residence document' means any authorisation issued by the authorities of a Member State authorising a third-country national to stay in its territory, including the documents substantiating the authorisation to remain in the territory under temporary protection arrangements or until the circumstances preventing a removal order from being carried out no longer apply, with the exception of visas and residence authorisations issued during the period required to determine the responsible Member State as established in this Regulation or during examination of an application for asylum or an application for a residence permit;
- (k) 'visa' means the authorisation or decision of a Member State required for transit or entry for an intended stay in that Member State or in several Member States. The nature of the visa shall be determined in accordance with the following definitions:
- (ii) 'short-stay visa' means the authorisation or decision of a Member State required for entry for an intended stay in that State or in several Member States for a period whose total duration does not exceed three months;
  - (iii) 'transit visa' means the authorisation or decision of a Member State for entry for transit through the territory of that Member State or several Member States, except for transit at an airport;
  - (iv) 'airport transit visa' means the authorisation or decision allowing a third-country national specifically subject to this requirement to pass through the transit zone of an airport, without gaining access to the national territory of the Member State concerned, during a stopover or a transfer between two sections of an international flight.

## CHAPTER II

### GENERAL PRINCIPLES

#### Article 3

1. Member States shall examine the application of any third-country national who applies at the border or in their territory to any one of them for asylum. The application shall be examined by a single Member State, which shall be the one which the criteria set out in Chapter III indicate is responsible.
2. By way of derogation from paragraph 1, each Member State may examine an application for asylum lodged with it by a third-country national, even if such examination is not its responsibility under the criteria laid down in this Regulation. In such an event, that Member State shall become the Member State responsible within the meaning of this Regulation and shall assume the obligations associated with that responsibility. Where appropriate, it shall inform the Member State previously responsible, the Member State conducting a procedure for determining the Member State responsible or the Member State which has been requested to take charge of or take back the applicant.
3. Any Member State shall retain the right, pursuant to its national laws, to send an asylum seeker to a third country, in compliance with the provisions of the Geneva Convention.
4. The asylum seeker shall be informed in writing in a language that he or she may reasonably be expected to understand regarding the application of this Regulation, its time limits and its effects.

#### Article 4

1. The process of determining the Member State responsible under this Regulation shall start as soon as an application for asylum is first lodged with a Member State.

2. An application for asylum shall be deemed to have been lodged once a form submitted by the applicant for asylum or a report prepared by the authorities has reached the competent authorities of the Member State concerned. Where an application is not made in writing, the time elapsing between the statement of intention and the preparation of a report should be as short as possible.

3. For the purposes of this Regulation, the situation of a minor who is accompanying the asylum seeker and meets the definition of a family member set out in Article 2, point (i), shall be indissociable from that of his parent or guardian and shall be a matter for the Member State responsible for examining the application for asylum of that parent or guardian, even if the minor is not individually an asylum seeker. The same treatment shall be applied to children born after the asylum seeker arrives in the territory of the Member States, without the need to initiate a new procedure for taking charge of them.

4. Where an application for asylum is lodged with the competent authorities of a Member State by an applicant who is in the territory of another Member State, the determination of the Member State responsible shall be made by the Member State in whose territory the applicant is present. The latter Member State shall be informed without delay by the Member State which received the application and shall then, for the purposes of this Regulation, be regarded as the Member State with which the application for asylum was lodged.

The applicant shall be informed in writing of this transfer and of the date on which it took place.

5. An asylum seeker who is present in another Member State and there lodges an application for asylum after withdrawing his application during the process of determining the Member State responsible shall be taken back, under the conditions laid down in Article 20, by the Member State with which that application for asylum was lodged, with a view to completing the process of determining the Member State responsible for examining the application for asylum.

This obligation shall cease, if the asylum seeker has in the meantime left the territories of the Member States for a period of at least three months or has obtained a residence document from a Member State.

### CHAPTER III

#### HIERARCHY OF CRITERIA

##### *Article 5*

1. The criteria for determining the Member State responsible shall be applied in the order in which they are set out in this Chapter.

2. The Member State responsible in accordance with the criteria shall be determined on the basis of the situation obtaining when the asylum seeker first lodged his application with a Member State.

##### *Article 6*

Where the applicant for asylum is an unaccompanied minor, the Member State responsible for examining the application shall be that where a member of his or her family is legally present, provided that this is in the best interest of the minor.

In the absence of a family member, the Member State responsible for examining the application shall be that where the minor has lodged his or her application for asylum.

##### *Article 7*

Where the asylum seeker has a family member, regardless of whether the family was previously formed in the country of origin, who has been allowed to reside as a refugee in a Member State, that Member State shall be responsible for examining the application for asylum, provided that the persons concerned so desire.

##### *Article 8*

If the asylum seeker has a family member in a Member State whose application has not yet been the subject of a first decision regarding the substance, that Member State shall be responsible for examining the application for asylum, provided that the persons concerned so desire.

##### *Article 9*

1. Where the asylum seeker is in possession of a valid residence document, the Member State which issued the document shall be responsible for examining the application for asylum.

2. Where the asylum seeker is in possession of a valid visa, the Member State which issued the visa shall be responsible for examining the application for asylum, unless the visa was issued when acting for or on the written authorisation of another Member State. In such a case, the latter Member State shall be responsible for examining the application for asylum. Where a Member State first consults the central authority of another Member State, in particular for security reasons, the latter's reply to the consultation shall not constitute written authorisation within the meaning of this provision.

3. Where the asylum seeker is in possession of more than one valid residence document or visa issued by different Member States, the responsibility for examining the application for asylum shall be assumed by the Member States in the following order:

- (a) the Member State which issued the residence document conferring the right to the longest period of residency or, where the periods of validity are identical, the Member State which issued the residence document having the latest expiry date;
- (b) the Member State which issued the visa having the latest expiry date where the various visas are of the same type;
- (c) where visas are of different kinds, the Member State which issued the visa having the longest period of validity, or, where the periods of validity are identical, the Member State which issued the visa having the latest expiry date.

4. Where the asylum seeker is in possession only of one or more residence documents which have expired less than two years previously or one or more visas which have expired less than six months previously and which enabled him actually to enter the territory of a Member State, paragraphs 1, 2 and 3 shall apply for such time as the applicant has not left the territories of the Member States.

Where the asylum seeker is in possession of one or more residence documents which have expired more than two years previously or one or more visas which have expired more than six months previously and enabled him actually to enter the territory of a Member State and where he has not left the territories of the Member States, the Member State in which the application is lodged shall be responsible.

5. The fact that the residence document or visa was issued on the basis of a false or assumed identity or on submission of forged, counterfeit or invalid documents shall not prevent responsibility being allocated to the Member State which issued it. However, the Member State issuing the residence document or visa shall not be responsible if it can establish that a fraud was committed after the document or visa had been issued.

#### Article 10

1. Where it is established, on the basis of proof or circumstantial evidence as described in the two lists mentioned in Article 18(3), including the data referred to in Chapter III of Regulation (EC) No 2725/2000, that an asylum seeker has irregularly crossed the border into a Member State by land, sea or air having come from a third country, the Member State thus entered shall be responsible for examining the application for asylum. This responsibility shall cease 12 months after the date on which the irregular border crossing took place.

2. When a Member State cannot or can no longer be held responsible in accordance with paragraph 1, and where it is established, on the basis of proof or circumstantial evidence as described in the two lists mentioned in Article 18(3), that the asylum seeker — who has entered the territories of the Member States irregularly or whose circumstances of entry cannot be established — at the time of lodging the application has been previously living for a continuous period of at least five months in a Member State, that Member State shall be responsible for examining the application for asylum.

If the applicant has been living for periods of time of at least five months in several Member States, the Member State where this has been most recently the case shall be responsible for examining the application.

#### Article 11

1. If a third-country national enters into the territory of a Member State in which the need for him or her to have a visa is waived, that Member State shall be responsible for examining his or her application for asylum.

2. The principle set out in paragraph 1 does not apply, if the third-country national lodges his or her application for asylum in another Member State, in which the need for him or her to have a visa for entry into the territory is also waived. In this case, the latter Member State shall be responsible for examining the application for asylum.

#### Article 12

Where the application for asylum is made in an international transit area of an airport of a Member State by a third-country national, that Member State shall be responsible for examining the application.

#### Article 13

Where no Member State responsible for examining the application for asylum can be designated on the basis of the criteria listed in this Regulation, the first Member State with which the application for asylum was lodged shall be responsible for examining it.

#### Article 14

Where several members of a family submit applications for asylum in the same Member State simultaneously, or on dates close enough for the procedures for determining the Member State responsible to be conducted together, and where the application of the criteria set out in this Regulation would lead to them being separated, the Member State responsible shall be determined on the basis of the following provisions:

- (a) responsibility for examining the applications for asylum of all the members of the family shall lie with the Member State which the criteria indicate is responsible for taking charge of the largest number of family members;
- (b) failing this, responsibility shall lie with the Member State which the criteria indicate is responsible for examining the application of the oldest of them.

### CHAPTER IV

#### HUMANITARIAN CLAUSE

#### Article 15

1. Any Member State, even where it is not responsible under the criteria set out in this Regulation, may bring together family members, as well as other dependent relatives, on humanitarian grounds based in particular on family or cultural considerations. In this case that Member State shall, at the request of another Member State, examine the application for asylum of the person concerned. The persons concerned must consent.

2. In cases in which the person concerned is dependent on the assistance of the other on account of pregnancy or a newborn child, serious illness, severe handicap or old age, Member States shall normally keep or bring together the asylum seeker with another relative present in the territory of one of the Member States, provided that family ties existed in the country of origin.

3. If the asylum seeker is an unaccompanied minor who has a relative or relatives in another Member State who can take care of him or her, Member States shall if possible unite the minor with his or her relative or relatives, unless this is not in the best interests of the minor.

4. Where the Member State thus approached accedes to the request, responsibility for examining the application shall be transferred to it.

5. The conditions and procedures for implementing this Article including, where appropriate, conciliation mechanisms for settling differences between Member States concerning the need to unite the persons in question, or the place where this should be done, shall be adopted in accordance with the procedure referred to in Article 27(2).

#### CHAPTER V

#### TAKING CHARGE AND TAKING BACK

##### Article 16

1. The Member State responsible for examining an application for asylum under this Regulation shall be obliged to:

- (a) take charge, under the conditions laid down in Articles 17 to 19, of an asylum seeker who has lodged an application in a different Member State;
- (b) complete the examination of the application for asylum;
- (c) take back, under the conditions laid down in Article 20, an applicant whose application is under examination and who is in the territory of another Member State without permission;
- (d) take back, under the conditions laid down in Article 20, an applicant who has withdrawn the application under examination and made an application in another Member State;
- (e) take back, under the conditions laid down in Article 20, a third-country national whose application it has rejected and who is in the territory of another Member State without permission.

2. Where a Member State issues a residence document to the applicant, the obligations specified in paragraph 1 shall be transferred to that Member State.

3. The obligations specified in paragraph 1 shall cease where the third-country national has left the territory of the Member States for at least three months, unless the third-country national is in possession of a valid residence document issued by the Member State responsible.

4. The obligations specified in paragraph 1(d) and (e) shall likewise cease once the Member State responsible for examining the application has adopted and actually implemented, following the withdrawal or rejection of the application, the provisions that are necessary before the third-country national can go to his country of origin or to another country to which he may lawfully travel.

##### Article 17

1. Where a Member State with which an application for asylum has been lodged considers that another Member State is responsible for examining the application, it may, as quickly as possible and in any case within three months of the date on which the application was lodged within the meaning of Article 4(2), call upon the other Member State to take charge of the applicant.

Where the request to take charge of an applicant is not made within the period of three months, responsibility for examining the application for asylum shall lie with the Member State in which the application was lodged.

2. The requesting Member State may ask for an urgent reply in cases where the application for asylum was lodged after leave to enter or remain was refused, after an arrest for an unlawful stay or after the service or execution of a removal order and/or where the asylum seeker is held in detention.

The request shall state the reasons warranting an urgent reply and the period within which a reply is expected. This period shall be at least one week.

3. In both cases, the request that charge be taken by another Member State shall be made using a standard form and including proof or circumstantial evidence as described in the two lists mentioned in Article 18(3) and/or relevant elements from the asylum seeker's statement, enabling the authorities of the requested Member State to check whether it is responsible on the basis of the criteria laid down in this Regulation.

The rules on the preparation of and the procedures for transmitting requests shall be adopted in accordance with the procedure referred to in Article 27(2).

##### Article 18

1. The requested Member State shall make the necessary checks, and shall give a decision on the request to take charge of an applicant within two months of the date on which the request was received.

2. In the procedure for determining the Member State responsible for examining the application for asylum established in this Regulation, elements of proof and circumstantial evidence shall be used.

3. In accordance with the procedure referred to in Article 27(2) two lists shall be established and periodically reviewed, indicating the elements of proof and circumstantial evidence in accordance with the following criteria:

(a) Proof:

- (i) This refers to formal proof which determines responsibility pursuant to this Regulation, as long as it is not refuted by proof to the contrary.
- (ii) The Member States shall provide the Committee provided for in Article 27 with models of the different types of administrative documents, in accordance with the typology established in the list of formal proofs.

(b) Circumstantial evidence:

- (i) This refers to indicative elements which while being refutable may be sufficient, in certain cases, according to the evidentiary value attributed to them.
- (ii) Their evidentiary value, in relation to the responsibility for examining the application for asylum shall be assessed on a case-by-case basis.

4. The requirement of proof should not exceed what is necessary for the proper application of this Regulation.

5. If there is no formal proof, the requested Member State shall acknowledge its responsibility if the circumstantial evidence is coherent, verifiable and sufficiently detailed to establish responsibility.

6. Where the requesting Member State has pleaded urgency, in accordance with the provisions of Article 17(2), the requested Member State shall make every effort to conform to the time limit requested. In exceptional cases, where it can be demonstrated that the examination of a request for taking charge of an applicant is particularly complex, the requested Member State may give the reply after the time limit requested, but in any case within one month. In such situations the requested Member State must communicate its decision to postpone a reply to the requesting Member State within the time limit originally requested.

7. Failure to act within the two-month period mentioned in paragraph 1 and the one-month period mentioned in paragraph 6 shall be tantamount to accepting the request, and entail the obligation to take charge of the person, including the provisions for proper arrangements for arrival.

#### Article 19

1. Where the requested Member State accepts that it should take charge of an applicant, the Member State in which the application for asylum was lodged shall notify the applicant of the decision not to examine the application, and of the obligation to transfer the applicant to the responsible Member State.

2. The decision referred to in paragraph 1 shall set out the grounds on which it is based. It shall contain details of the time limit for carrying out the transfer and shall, if necessary, contain information on the place and date at which the applicant should appear, if he is travelling to the Member State responsible by his own means. This decision may be subject to an appeal or a review. Appeal or review concerning this deci-

sion shall not suspend the implementation of the transfer unless the courts or competent bodies so decide on a case by case basis if national legislation allows for this.

3. The transfer of the applicant from the Member State in which the application for asylum was lodged to the Member State responsible shall be carried out in accordance with the national law of the first Member State, after consultation between the Member States concerned, as soon as practically possible, and at the latest within six months of acceptance of the request that charge be taken or of the decision on an appeal or review where there is a suspensive effect.

If necessary, the asylum seeker shall be supplied by the requesting Member State with a *laissez passer* of the design adopted in accordance with the procedure referred to in Article 27(2).

The Member State responsible shall inform the requesting Member State, as appropriate, of the safe arrival of the asylum seeker or of the fact that he did not appear within the set time limit.

4. Where the transfer does not take place within the six months' time limit, responsibility shall lie with the Member State in which the application for asylum was lodged. This time limit may be extended up to a maximum of one year if the transfer could not be carried out due to imprisonment of the asylum seeker or up to a maximum of eighteen months if the asylum seeker absconds.

5. Supplementary rules on carrying out transfers may be adopted in accordance with the procedure referred to in Article 27(2).

#### Article 20

1. An asylum seeker shall be taken back in accordance with Article 4(5) and Article 16(1)(c), (d) and (e) as follows:

- (a) the request for the applicant to be taken back must contain information enabling the requested Member State to check that it is responsible;
- (b) the Member State called upon to take back the applicant shall be obliged to make the necessary checks and reply to the request addressed to it as quickly as possible and under no circumstances exceeding a period of one month from the referral. When the request is based on data obtained from the Eurodac system, this time limit is reduced to two weeks;
- (c) where the requested Member State does not communicate its decision within the one month period or the two weeks period mentioned in subparagraph (b), it shall be considered to have agreed to take back the asylum seeker;
- (d) a Member State which agrees to take back an asylum seeker shall be obliged to readmit that person to its territory. The transfer shall be carried out in accordance with the national law of the requesting Member State, after consultation between the Member States concerned, as soon as practically possible, and at the latest within six months of acceptance of the request that charge be taken by another Member State or of the decision on an appeal or review where there is a suspensive effect;

(e) the requesting Member State shall notify the asylum seeker of the decision concerning his being taken back by the Member State responsible. The decision shall set out the grounds on which it is based. It shall contain details of the time limit on carrying out the transfer and shall, if necessary, contain information on the place and date at which the applicant should appear, if he is travelling to the Member State responsible by his own means. This decision may be subject to an appeal or a review. Appeal or review concerning this decision shall not suspend the implementation of the transfer except when the courts or competent bodies so decide in a case-by-case basis if the national legislation allows for this.

If necessary, the asylum seeker shall be supplied by the requesting Member State with a *laissez passer* of the design adopted in accordance with the procedure referred to in Article 27(2).

The Member State responsible shall inform the requesting Member State, as appropriate, of the safe arrival of the asylum seeker or of the fact that he did not appear within the set time limit.

2. Where the transfer does not take place within the six months' time limit, responsibility shall lie with the Member State in which the application for asylum was lodged. This time limit may be extended up to a maximum of one year if the transfer or the examination of the application could not be carried out due to imprisonment of the asylum seeker or up to a maximum of eighteen months if the asylum seeker absconds.

3. The rules of proof and evidence and their interpretation, and on the preparation of and the procedures for transmitting requests, shall be adopted in accordance with the procedure referred to in Article 27(2).

4. Supplementary rules on carrying out transfers may be adopted in accordance with the procedure referred to in Article 27(2).

## CHAPTER VI

### ADMINISTRATIVE COOPERATION

#### Article 21

1. Each Member State shall communicate to any Member State that so requests such personal data concerning the asylum seeker as is appropriate, relevant and non-excessive for:

- (a) the determination of the Member State responsible for examining the application for asylum;
- (b) examining the application for asylum;
- (c) implementing any obligation arising under this Regulation.

2. The information referred to in paragraph 1 may only cover:

- (a) personal details of the applicant, and, where appropriate, the members of his family (full name and where appropriate, former name; nicknames or pseudonyms; nationality, present and former; date and place of birth);

- (b) identity and travel papers (references, validity, date of issue, issuing authority, place of issue, etc.);
- (c) other information necessary for establishing the identity of the applicant, including fingerprints processed in accordance with Regulation (EC) No 2725/2000;
- (d) places of residence and routes travelled;
- (e) residence documents or visas issued by a Member State;
- (f) the place where the application was lodged;
- (g) the date any previous application for asylum was lodged, the date the present application was lodged, the stage reached in the proceedings and the decision taken, if any.

3. Furthermore, provided it is necessary for the examination of the application for asylum, the Member State responsible may request another Member State to let it know on what grounds the asylum seeker bases his application and, where applicable, the grounds for any decisions taken concerning the applicant. The Member State may refuse to respond to the request submitted to it, if the communication of such information is likely to harm the essential interests of the Member State or the protection of the liberties and fundamental rights of the person concerned or of others. In any event, communication of the information requested shall be subject to the written approval of the applicant for asylum.

4. Any request for information shall set out the grounds on which it is based and, where its purpose is to check whether there is a criterion that is likely to entail the responsibility of the requested Member State, shall state on what evidence, including relevant information from reliable sources on the ways and means asylum seekers enter the territories of the Member States, or on what specific and verifiable part of the applicant's statements it is based. It is understood that such relevant information from reliable sources is not in itself sufficient to determine the responsibility and the competence of a Member State under this Regulation, but it may contribute to the evaluation of other indications relating to the individual asylum seeker.

5. The requested Member State shall be obliged to reply within six weeks.

6. The exchange of information shall be effected at the request of a Member State and may only take place between authorities whose designation by each Member State has been communicated to the Commission, which shall inform the other Member States thereof.

7. The information exchanged may only be used for the purposes set out in paragraph 1. In each Member State such information may, depending on its type and the powers of the recipient authority, only be communicated to the authorities and courts and tribunals entrusted with:

- (a) the determination of the Member State responsible for examining the application for asylum;
- (b) examining the application for asylum;
- (c) implementing any obligation arising under this Regulation.

8. The Member State which forwards the information shall ensure that it is accurate and up-to-date. If it transpires that that Member State has forwarded information which is inaccurate or which should not have been forwarded, the recipient Member States shall be informed thereof immediately. They shall be obliged to correct such information or to have it erased.

9. The asylum seeker shall have the right to be informed, on request, of any data that is processed concerning him.

If he finds that this information has been processed in breach of this Regulation or of Directive 95/46/EC of the European Parliament and the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data <sup>(1)</sup>, in particular because it is incomplete or inaccurate, he is entitled to have it corrected, erased or blocked.

The authority correcting, erasing or blocking the data shall inform, as appropriate, the Member State transmitting or receiving the information.

10. In each Member State concerned, a record shall be kept, in the individual file for the person concerned and/or in a register, of the transmission and receipt of information exchanged.

11. The data exchanged shall be kept for a period not exceeding that which is necessary for the purposes for which it is exchanged.

12. Where the data is not processed automatically or is not contained, or intended to be entered, in a file, each Member State should take appropriate measures to ensure compliance with this Article through effective checks.

#### Article 22

1. Member States shall notify the Commission of the authorities responsible for fulfilling the obligations arising under this Regulation and shall ensure that those authorities have the necessary resources for carrying out their tasks and in particular for replying within the prescribed time limits to requests for information, requests to take charge of and requests to take back asylum seekers.

2. Rules relating to the establishment of secure electronic transmission channels between the authorities mentioned in paragraph 1 for transmitting requests and ensuring that senders automatically receive an electronic proof of delivery shall be established in accordance with the procedure referred to in Article 27(2).

#### Article 23

1. Member States may, on a bilateral basis, establish administrative arrangements between themselves concerning the practical details of the implementation of this Regulation, in order to facilitate its application and increase its effectiveness. Such arrangements may relate to:

(a) exchanges of liaison officers;

(b) simplification of the procedures and shortening of the time limits relating to transmission and the examination of requests to take charge of or take back asylum seekers;

2. The arrangements referred to in paragraph 1 shall be communicated to the Commission. The Commission shall verify that the arrangements referred to in paragraph 1(b) do not infringe this Regulation.

### CHAPTER VII

#### TRANSITIONAL PROVISIONS AND FINAL PROVISIONS

##### Article 24

1. This Regulation shall replace the Convention determining the State responsible for examining applications for asylum lodged in one of the Member States of the European Communities, signed in Dublin on 15 June 1990 (Dublin Convention).

2. However, to ensure continuity of the arrangements for determining the Member State responsible for an application for asylum, where an application has been lodged after the date mentioned in the second paragraph of Article 29, the events that are likely to entail the responsibility of a Member State under this Regulation shall be taken into consideration, even if they precede that date, with the exception of the events mentioned in Article 10(2).

3. Where, in Regulation (EC) No 2725/2000 reference is made to the Dublin Convention, such reference shall be taken to be a reference made to this Regulation.

##### Article 25

1. Any period of time prescribed in this Regulation shall be calculated as follows:

(a) where a period expressed in days, weeks or months is to be calculated from the moment at which an event occurs or an action takes place, the day during which that event occurs or that action takes place shall not be counted as falling within the period in question;

(b) a period expressed in weeks or months shall end with the expiry of whichever day in the last week or month is the same day of the week or falls on the same date as the day during which the event or action from which the period is to be calculated occurred or took place. If, in a period expressed in months, the day on which it should expire does not occur in the last month, the period shall end with the expiry of the last day of that month;

(c) time limits shall include Saturdays, Sundays and official holidays in any of the Member States concerned.

2. Requests and replies shall be sent using any method that provides proof of receipt.

<sup>(1)</sup> OJ L 281, 23.11.1995, p. 31.

*Article 26*

As far as the French Republic is concerned, this Regulation shall apply only to its European territory.

*Article 27*

1. The Commission shall be assisted by a committee.
2. Where reference is made to this paragraph, Articles 5 and 7 of Decision 1999/468/EC shall apply.

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

3. The Committee shall draw up its rules of procedure.

*Article 28*

At the latest three years after the date mentioned in the first paragraph of Article 29, the Commission shall report to the European Parliament and the Council on the application of this Regulation and, where appropriate, shall propose the necessary

amendments. Member States shall forward to the Commission all information appropriate for the preparation of that report, at the latest six months before that time limit expires.

Having submitted that report, the Commission shall report to the European Parliament and the Council on the application of this Regulation at the same time as it submits reports on the implementation of the Eurodac system provided for by Article 24(5) of Regulation (EC) No 2725/2000.

*Article 29*

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

It shall apply to asylum applications lodged as from the first day of the sixth month following its entry into force and, from that date, it will apply to any request to take charge of or take back asylum seekers, irrespective of the date on which the application was made. The Member State responsible for the examination of an asylum application submitted before that date shall be determined in accordance with the criteria set out in the Dublin Convention.

This Regulation shall be binding in its entirety and directly applicable in the Member States in conformity with the Treaty establishing the European Community.

Done at Brussels, 18 February 2003.

*For the Council*

*The President*

N. CHRISTODOULAKIS

---

**COMMISSION REGULATION (EC) No 344/2003**  
**of 24 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 <sup>(1)</sup>, as last amended by Regulation (EC) No 1947/2002 <sup>(2)</sup>, 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 25 February 2003.

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

Done at Brussels, 24 February 2003.

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

---

<sup>(1)</sup> OJ L 337, 24.12.1994, p. 66.

<sup>(2)</sup> OJ L 299, 1.11.2002, p. 17.

## ANNEX

**to the Commission Regulation of 24 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 <sup>(1)</sup>	Standard import value
0702 00 00	052	74,5
	204	51,7
	212	129,8
	999	85,3
0707 00 05	052	144,2
	204	49,4
	220	221,4
	999	138,3
0709 10 00	220	87,3
	999	87,3
0709 90 70	052	139,9
	204	237,3
	999	188,6
0805 10 10, 0805 10 30, 0805 10 50	052	52,3
	204	43,7
	212	53,4
	220	43,8
	624	68,6
	999	52,4
0805 20 10	204	98,8
	999	98,8
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	052	59,5
	204	107,3
	220	41,9
	464	129,2
	600	85,2
	624	82,9
	999	84,3
0805 50 10	052	50,3
	600	71,9
	999	61,1
0808 10 20, 0808 10 50, 0808 10 90	039	115,6
	388	126,2
	400	89,3
	404	96,8
	512	89,0
	528	103,8
	720	98,0
	728	121,0
	999	105,0
0808 20 50	388	79,4
	400	110,1
	512	71,5
	528	72,9
	720	56,7
	999	78,1

<sup>(1)</sup> 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 345/2003

of 24 February 2003

**opening a preferential tariff quota for imports of raw cane sugar originating in the ACP States for supply to refineries during the period 1 March to 30 June 2003**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1260/2001 of 19 June 2001 on the common organisation of the markets in the sugar sector <sup>(1)</sup>, as amended by Commission Regulation (EC) No 680/2002 <sup>(2)</sup>, and in particular Article 23(2) and Article 39(6) thereof,

Whereas:

- (1) Article 39 of Regulation (EC) No 1260/2001 provides that, during the marketing years 2001/2002 to 2005/2006 and in order to ensure adequate supplies to Community refineries, a special reduced rate of duty is to be levied on imports of raw cane sugar originating in States with which the Community has concluded supply agreements on preferential terms. At present such agreements have been concluded by Council Decision 2001/870/EC <sup>(3)</sup> with the African, Caribbean and Pacific States (ACP States) that are parties to Protocol 3 on ACP sugar in Annex V to the ACP-EC Partnership Agreement and with the Republic of India.
- (2) The quantities of special preferential sugar to be imported are calculated in accordance with the said Article 39 on the basis of an annual Community forecast supply balance. The balance shows the need at this stage to import raw sugar and to open tariff quotas for the 2002/2003 marketing year at the special reduced rate of duty provided for in the above agreements in order to meet the Community refineries' supply needs for part of that marketing year. Under Commission Regulation (EC) No 1096/2002 <sup>(4)</sup>, quotas were opened for the period 1 July 2002 to 28 February 2003. Since the forecasts for raw cane sugar production are now available for the 2002/2003 marketing year, the necessary quota should be opened for the second part of that marketing year. In view of the presumed maximum refining needs fixed for each Member State and the shortfall predicted in the forecast supply balance, provision should be made to authorise imports for each refining Member State for the period 1 March to 30 June 2003.
- (3) The agreements concluded by Decision 2001/870/EC provide that the refiners in question are to pay a minimum purchase price equal to the guaranteed price

for raw sugar, less the adjustment aid fixed for the marketing year in question. That minimum price should therefore be fixed in the light of the factors applicable in the 2002/2003 marketing year.

- (4) Commission Regulation (EC) No 2513/2001 of 20 December 2001 laying down detailed rules of application for the import of raw cane sugar for refining under preferential agreements on tariff quotas <sup>(5)</sup> must apply to the new quota.
- (5) In order to avoid any interruption in supplies, for quantities to be imported under Regulation (EC) No 1096/2002 and not covered by licence applications submitted by 1 March 2003, the Member States concerned should be authorised to issue the corresponding licences after that date in the course of the 2002/2003 marketing year.
- (6) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Sugar,

HAS ADOPTED THIS REGULATION:

*Article 1*

For the period 1 March to 30 June 2003, a tariff quota is hereby opened under Decision 2001/870/EC for imports of raw cane sugar for refining falling within CN code 1701 11 10, amounting to 33 798 tonnes expressed as white sugar originating in the ACP States.

The tariff quota shall bear the serial number 09.4097.

*Article 2*

1. A special reduced duty of EUR 0 per 100 kg of standard-quality raw sugar shall apply to imports of the quantity referred to in Article 1.

2. The minimum purchase price to be paid by Community refiners for the period referred to in Article 1 shall be EUR 49,68 per 100 kg of standard-quality raw sugar.

<sup>(1)</sup> OJ L 178, 30.6.2001, p. 1.

<sup>(2)</sup> OJ L 104, 20.4.2002, p. 26.

<sup>(3)</sup> OJ L 325, 8.12.2001, p. 21.

<sup>(4)</sup> OJ L 166, 25.6.2002, p. 6.

<sup>(5)</sup> OJ L 339, 21.12.2001, p. 19.

*Article 3*

The Member States may issue import licences under the quota fixed in Article 1 and on the terms laid down in Article 2 for the following quantities expressed as white sugar:

- (a) Finland: 10 713 tonnes;
- (b) metropolitan France: 5 126 tonnes;
- (c) mainland Portugal: 13 082 tonnes;
- (d) United Kingdom: 4 876 tonnes.

*Article 4*

Regulation (EC) No 2513/2001 shall apply to the new tariff quota opened by this Regulation.

*Article 5*

The Member States referred to in Article 3 of Regulation (EC) No 1096/2002 are hereby authorised to issue licences for the import and refining by 30 June 2003 of the quantities listed in that Article and not covered by import licence applications submitted before 1 March 2003.

*Article 6*

This Regulation shall enter into force on 1 March 2003.

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

Done at Brussels, 24 February 2003.

*For the Commission*  
Frederik BOLKESTEIN  
*Member of the Commission*

---

## COMMISSION REGULATION (EC) No 346/2003

of 24 February 2003

**on the opening of a standing invitation to tender for the resale on the Community market of rice held by the French intervention agency for use in animal feed**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organisation of the market in rice <sup>(1)</sup>, as last amended by Regulation (EC) No 411/2002 <sup>(2)</sup>, and in particular Article 8(b) thereof,

Whereas:

- (1) Commission Regulation (EEC) No 75/91 of 11 January 1991 laying down the procedures and conditions for the disposal of paddy rice held by intervention agencies <sup>(3)</sup> provides among other things that rice held by intervention agencies is to be sold by tendering procedure at prices preventing market disturbance.
- (2) France has intervention stocks of paddy rice from harvests earlier than 1999 the quality of which is in danger of deteriorating if kept in prolonged storage.
- (3) Disposing of this rice on traditional markets inside the Community would inevitably trigger off — in the present production situation where concessions for rice imports are being granted under international agreements — the placing of an equivalent quantity in intervention, which must be avoided.
- (4) This rice could be disposed of in the animal feed sector, on special conditions.
- (5) In order to ensure that the rice is used for the purpose specified, provision should be made for special monitoring and for the successful tenderer to provide a security, the conditions for the release of which should be laid down.
- (6) The undertakings given by tenderers must be regarded as primary requirements within the meaning of Commission Regulation (EEC) No 2220/85 of 22 July 1985 laying down common detailed rules for the application of the system of securities for agricultural products <sup>(4)</sup>, as last amended by Regulation (EC) No 1932/1999 <sup>(5)</sup>.

(7) Commission Regulation (EEC) No 3002/92 <sup>(6)</sup>, as last amended by Regulation (EC) No 770/96 <sup>(7)</sup>, lays down common detailed rules for verifying the use of products from intervention. Procedures should also be laid down to ensure the traceability of the products used for animal feed.

(8) 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 French intervention agency shall offer for sale by standing invitation to tender on the Community internal market a quantity of rice as referred to in Annex I from the 1998 harvest for use in preparations of a kind used in animal feeding (products falling within CN code 2309).

*Article 2*

1. The sale provided for in Article 1 shall take place in accordance with Regulation (EEC) No 75/91.

However, notwithstanding Article 5 of that Regulation:

- (a) tenders shall be drawn up on the basis of the actual quality of the lot to which they apply;
- (b) the minimum sale price shall be set at a level that does not disturb the market for cereals within the Community.

2. Tenderers shall give an undertaking:

- (a) where they are feed manufacturers:
  - to use in animal feed, within three months of the date of the award of the contract, rice for which they are declared the successful tenderer, save in cases of *force majeure*,
  - to carry out immediately, under the supervision of the competent authorities at a place determined by agreement with them, the treatments described in Annex II or in Annex III, designed to ensure verification of the use made of the rice and the traceability of the products;

<sup>(1)</sup> OJ L 329, 30.12.1995, p. 18.

<sup>(2)</sup> OJ L 62, 5.3.2002, p. 27.

<sup>(3)</sup> OJ L 9, 12.1.1991, p. 15.

<sup>(4)</sup> OJ L 205, 3.8.1985, p. 5.

<sup>(5)</sup> OJ L 240, 10.9.1999, p. 11.

<sup>(6)</sup> OJ L 301, 17.10.1992, p. 17.

<sup>(7)</sup> OJ L 104, 27.4.1996, p. 13.

- (b) where they are rice mills:
- to carry out, within two months of the date of the award of the contract, the treatments described in Annex III of rice for which they are declared the successful tenderer;
  - to ensure that this product is incorporated in feed within four months of the date of the award of the contract, save in cases of *force majeure*;
- (c) to bear the costs of the processing and treatment of the products;
- (d) to keep stock records so that checks may be made that they have respected their undertakings.

#### Article 3

1. A notice of invitation to tender shall be published by the French intervention agency at least eight days before the final day of the first period for the submission of tenders. The notice, and any changes to it, shall be forwarded to the Commission before publication.

2. The notice of invitation to tender shall contain:

- (a) the additional clauses and conditions of sale compatible with this Regulation;
- (b) the places of storage and the name and address of the storer;
- (c) details of the competent authorities responsible for monitoring the operation;
- (d) the main physical and technological characteristics of the various lots established upon buying in by the intervention agency or during checks carried out subsequently.

3. The French intervention agency shall take all additional steps necessary to enable the parties concerned to assess the quality of the rice put up for sale before submitting their tenders.

#### Article 4

1. Tenders shall be valid only if they are accompanied by:

- (a) evidence that the tenderer has lodged a security of EUR 15 per tonne;
- (b) evidence that the tenderer is an animal feed manufacturer or rice mill;
- (c) a written undertaking by the tenderer to lodge a security for an amount equivalent to the difference between the intervention price for paddy rice applicable on the tender date plus EUR 15 and the price tendered per tonne of rice not later than two working days after the date of receipt of the notice of award of contract.

2. Once submitted, a tender may not be altered or withdrawn.

#### Article 5

1. The closing date for the submission of tenders for the first partial invitation to tender shall be 5 March 2003 at 12.00 (Brussels time).

2. The closing dates for the submission of tenders for subsequent partial invitations to tender shall be each Wednesday at 12.00 (Brussels time), with the exception of Wednesday 16 April 2003 and Wednesday 30 April 2003.

3. The closing date for the submission of tenders for the last partial invitation to tender shall be 21 May 2003 at 12.00 (Brussels time).

Tenders must be lodged with the French intervention agency:

Office National Interprofessionnel des Céréales (ONIC)  
Service Intervention  
21, Avenue Bosquet  
F-75341 Paris Cedex 07  
Tel.:(+33-0) 144 18 21 87  
Fax: (+33-0) 144 18 20 80.

#### Article 6

Not later than 10.00 (Brussels time) on the Thursday following the expiry of the deadline for the submission of tenders, the French intervention agency shall notify the Commission of the tenders received. The information shall be forwarded using the form given in Annex IV and the fax and telex numbers shown in Annex V. Details of inadmissible tenders shall be notified separately. The reasons for their rejection shall also be given.

#### Article 7

The Commission shall set the minimum sale price or decide not to accept the tenders. The decision shall be taken in accordance with the procedure laid down in Article 22 of Regulation (EC) No 3072/95.

#### Article 8

The intervention agency shall immediately notify all tenderers of the outcome of their participation in the tendering procedure.

Within three working days of the notification referred to in the first paragraph, it shall send notices of award of contract to successful tenderers by registered letter or written telecommunication.

#### Article 9

Successful tenderers shall pay for the rice before it is removed, and at the latest within one month of the date of dispatch of the notice referred to in the second paragraph of Article 8. The risks and costs of storing rice that is not removed within the payment period shall be borne by the successful tenderers.

Following the expiry of the payment period, rice for which a contract is awarded and which is not removed shall be regarded for all purposes as having been removed from storage.

Where a successful tenderer fails to pay for the rice within the period referred to in the first paragraph, the contract shall be terminated by the intervention agency, where appropriate in respect of the quantity not paid for.

*Article 10*

1. The security referred to in Article 4(1)(c) shall be released in respect of quantities for which:

- (a) no award is made;
- (b) payment of the sale price is made within the period set and the security referred to in Article 4(1)(d) has been lodged;
- (c) however, the security shall be released in full:
  - if proof of the treatments referred to in Annex II is provided and not less than 95 % of the fine broken grains and/or fragments obtained are used in feed;
  - if proof of the treatments referred to in Annex III is provided and not less than 95 % of the wholly milled rice obtained is used in compound feed.

2. The security referred to in Article 4(1)(c) shall be released in proportion to the quantities used only if the intervention agency has carried out all the checks necessary to ensure that the product is used in accordance with the provisions laid down in this Regulation.

3. Proof that the rice has been used in feed as referred to in this Regulation shall be provided in accordance with Regulation (EEC) No 3002/92.

*Article 11*

The obligation set out in Article 2(2) shall be regarded as a primary requirement within the meaning of Article 20 of Regulation (EEC) No 2220/85.

*Article 12*

In addition to the particulars provided for in Regulation (EEC) No 3002/92, box 104 of the control copy T5 shall bear one or more of the following entries:

- Destinos a la transformación [Reglamento (CE) n.º 346/2003]
- Til forarbejdning (forordning (EF) nr. 346/2003)
- Zur Verarbeitung bestimmt (Verordnung (EG) Nr. 346/2003)
- Προορίζονται για μεταποίηση [Κανονισμός (ΕΚ) αριθ. 346/2003]
- For processing (Regulation (EC) No 346/2003)
- Destinées à la transformation [règlement (CE) n.º 346/2003]
- Destinate alla trasformazione [regolamento (CE) n. 346/2003]
- Bestemd om te worden verwerkt (Verordening (EG) nr. 346/2003)
- Para transformação [Regulamento (CE) n.º 346/2003]
- Tarkoitettu jalostukseen (Asetus (EY) N:o 346/2003)
- För bearbetning (förordning (EG) nr 346/2003)

*Article 13*

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, 24 February 2003.

*For the Commission*  
Franz FISCHLER  
*Member of the Commission*

## ANNEX I

<i>(tonnes)</i>	
Place of storage	Quantity
Marseille region: Arles	740 1 542,040
Lyon region: Salaise/Sanne	3 843,660
Montpellier region: Saint Gilles	520
Total	6 645,700

## ANNEX II

**Treatment provided for in the second indent of Article 2(2)(a)**

At the time of being taken over, the rice must undergo the following treatment:

1. the paddy rice must be husked and broken in such a way as to produce not less than 77 %, by weight of paddy rice, of fine broken grains and/or fragments of husked rice as defined in the Annex to Regulation (EC) No 3073/95;
2. the product obtained after processing (not including the husk) must be marked using the colourant E131 patent blue V or E142 acid brilliant green BS (lissamine green) to enable it to be identified.

## ANNEX III

**Treatment provided for in the second indent of Article 2(2)(a) and in the first indent of Article 2(2)(b)**

1. The paddy rice must be milled in such a way as to produce not less than 70 % of wholly milled rice, by weight of paddy rice.

The wholly milled rice obtained:

- must contain a percentage of whole grains equivalent to that established for the representative sample taken at the time of taking over of the rice for which the contract is awarded;
  - must have the same characteristics and be of the same variety as the rice for which the contract is awarded.
2. The product obtained after processing must be marked using the colourant E131 patent blue V or E142 acid brilliant green BS (lissamine green) to enable it to be identified.

## ANNEX IV

**Standing invitation to tender for the resale of around 6 646 tonnes of rice by the French intervention agency for use in animal feed**

(Regulation (EC) No 346/2003)

1	2	3	4
Serial number of tenderers	Lot No	Quantity	Tender price (EUR/t)
1			
2			
3			
etc.			

## ANNEX V

The form shown in Annex IV is to be sent to the DG for Agriculture in Brussels by:

fax

(32-2) 296 60 21

(32-2) 295 25 15.

---

## II

(Acts whose publication is not obligatory)

## COMMISSION

## COMMISSION DECISION

of 24 February 2003

**on financial assistance from the Community for the operation of certain Community reference laboratories in the veterinary public health field (residues) for the year 2003**

(notified under document number C(2003) 556)

(Only the Dutch, French, German and Italian texts are authentic)

(2003/124/EC)

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 <sup>(1)</sup>, as last amended by Decision 2001/572/EC <sup>(2)</sup>, and in particular Article 28(2) thereof,

Whereas:

- (1) Community financial assistance 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 96/23/EC of 29 April 1996 on measures to monitor certain substances and residues thereof in live animals and animal products <sup>(3)</sup>.
- (2) The financial contribution from the Community shall be granted provided that the actions planned are efficiently carried out and that the authorities supply all the necessary information within the time limits laid down.
- (3) For budgetary reasons, Community assistance should be granted for a period of one year.
- (4) Additional financial assistance for the organisation of yearly workshops in the area of responsibility of the Community reference laboratories can be granted during the same period.
- (5) Pursuant to Article 3(2) of Council Regulation (EC) No 1258/1999 <sup>(4)</sup>, veterinary and plant health measures undertaken in accordance with Community rules shall be financed under the Guarantee Section of the

European Agricultural Guidance and Guarantee Fund; for financial control purposes, Articles 8 and 9 of Council Regulation (EC) No 1258/1999 apply.

- (6) Commission Regulation (EC) No 324/2003 <sup>(5)</sup>, establishes the eligible expenditures of the Community reference laboratories receiving financial assistance under Article 28 of Decision 90/424/EEC and establishes the procedures for the submission of expenditures and audits.
- (7) the measures provided for in this Decision are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS DECISION:

*Article 1*

1. The Community shall grant financial assistance to the Netherlands for the functions and duties referred to in Annex V, Chapter 2, to Directive 96/23/EC to be carried out by the Rijksinstituut voor de Volksgezondheid en Milieuhygiëne, Bilthoven, the Netherlands, for the detection of residues of certain substances.
2. The Community's financial assistance shall amount to a maximum of EUR 410 000 for the period from 1 January 2003 to 31 December 2003.
3. The Community's financial assistance for organisation of a technical workshop shall amount to a maximum of EUR 20 000.

<sup>(1)</sup> OJ L 224, 18.8.1990, p. 19.

<sup>(2)</sup> OJ L 203, 28.7.2001, p. 16.

<sup>(3)</sup> OJ L 125, 23.5.1996, p. 10.

<sup>(4)</sup> OJ L 160, 26.6.1999, p. 103.

<sup>(5)</sup> OJ L 47, 21.2.2003, p. 14.

*Article 2*

1. The Community shall grant financial assistance to France for the functions and duties referred to in Annex V, Chapter 2, to Directive 96/23/EC to be carried out by the Laboratoire d'études et de recherches sur les médicaments vétérinaires et les désinfectants de L'Agence Française de Sécurité Sanitaire des aliments, (formerly the Laboratoire des médicaments vétérinaires), Fougères, France, for the detection of residues of certain substances.

2. The Community's financial assistance shall amount to a maximum of EUR 410 000 for the period from 1 January 2003 to 31 December 2003.

3. The Community's financial assistance for organisation of a technical workshop shall amount to a maximum of EUR 28 000.

*Article 3*

1. The Community shall grant financial assistance to Germany for the functions and duties referred to in Annex V, Chapter 2, to Directive 96/23/EC to be carried out by the Bundesamt für Verbraucherschutz und Lebensmittelsicherheit (formerly the Bundesinstitut für gesundheitlichen Verbraucherschutz und Veterinärmedizin), Berlin, Germany, for the detection of residues of certain substances.

2. The Community's financial assistance shall amount to a maximum of EUR 410 000 for the period from 1 January to 31 December 2003.

3. The Community's financial assistance for organisation of a technical workshop shall amount to a maximum of EUR 22 000.

*Article 4*

1. The Community shall grant financial assistance to Italy for the functions and duties referred to in Annex V, Chapter 2, to Directive 96/23/EC to be carried out by the Istituto Superiore di Sanità, Rome, Italy, for the detection of residues of certain substances.

2. The Community's financial assistance shall amount to a maximum of EUR 410 000 for the period from 1 January to 31 December 2003.

3. The Community's financial assistance for organisation of two technical workshops shall amount to a maximum of EUR 32 000.

*Article 5*

This Decision is addressed to the Federal Republic of Germany, the French Republic, the Italian Republic and the Kingdom of the Netherlands.

Done at Brussels, 24 February 2003.

*For the Commission*

David BYRNE

*Member of the Commission*

**COMMISSION DECISION**  
**of 24 February 2003**

**on financial aid from the Community for the operation of certain Community reference laboratories in the field of animal health and live animals in 2003**

(notified under document number C(2003) 562)

(Only the Danish, English, French, German, Spanish and Swedish texts are authentic)

(2003/125/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

control of certain fish diseases <sup>(8)</sup>, as last amended by Commission Decision 2001/288/EC <sup>(9)</sup>,

Having regard to the Treaty establishing the European Community,

— Council Directive 95/70/EC of 22 December 1995 introducing minimum Community measures for the control of certain diseases affecting bivalve molluscs <sup>(10)</sup>, as last amended by Commission Decision 2001/293/EC <sup>(11)</sup>,

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

— Council Directive 92/35/EEC of 29 April 1992 laying down control rules and measures to combat African horse sickness <sup>(12)</sup>, as last amended by the Act of Accession of Austria, Sweden and Finland,

Whereas:

— Council Directive 2000/75/EC of 20 November 2000 laying down specific provisions for the control and eradication of bluetongue <sup>(13)</sup>,

(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 the following Directives and Decisions:

— Council Decision 2000/258/EC of 20 March 2000 designating a specific institute responsible for establishing the criteria necessary for standardising the serological tests to monitor the effectiveness of rabies vaccines <sup>(14)</sup>,

— Council Directive 2001/89/EC of 23 October 2001 on Community measures for the control of classical swine fever <sup>(3)</sup>,

— Council Directive 2002/60/EC of 27 June 2002 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 <sup>(15)</sup>,

— Council Directive 92/66/EEC of 14 July 1992 introducing Community measures for the control of Newcastle disease <sup>(4)</sup>, as last amended by the Act of Accession of Austria, Sweden and Finland,

— 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 <sup>(16)</sup>.

— Council Directive 92/40/EEC of 19 May 1992 introducing Community measures for the control of avian influenza <sup>(5)</sup>, as last amended by the Act of Accession of Austria, Sweden and Finland,

— Council Directive 92/119/EEC of 17 December 1992 introducing general Community measures for the control of certain animals diseases and specific measures relating to swine vesicular disease <sup>(6)</sup>, as last amended by Directive 2002/60/EC <sup>(7)</sup>,

(2) The financial contribution from the Community shall be granted provided that the actions planned are efficiently carried out and that the authorities supply all the necessary information within the time limits laid down.

— Council Directive 93/53/EEC of 24 June 1993 introducing minimum Community measures for the

<sup>(1)</sup> OJ L 224, 18.8.1990, p. 19.

<sup>(2)</sup> OJ L 203, 28.7.2001, p. 16.

<sup>(3)</sup> OJ L 316, 1.12.2001, p. 5.

<sup>(4)</sup> OJ L 260, 5.9.1992, p. 1.

<sup>(5)</sup> OJ L 167, 22.6.1992, p. 1.

<sup>(6)</sup> OJ L 62, 15.3.1993, p. 69.

<sup>(7)</sup> OJ L 192, 20.7.2002, p. 27.

<sup>(8)</sup> OJ L 175, 19.7.1993, p. 23.

<sup>(9)</sup> OJ L 99, 10.4.2001, p. 11.

<sup>(10)</sup> OJ L 332, 30.12.1995, p. 33.

<sup>(11)</sup> OJ L 100, 11.4.2001, p. 30.

<sup>(12)</sup> OJ L 157, 10.6.1992, p. 19.

<sup>(13)</sup> OJ L 327, 22.12.2000, p. 74.

<sup>(14)</sup> OJ L 79, 30.3.2000, p. 40.

<sup>(15)</sup> OJ L 192, 20.7.2002, p. 27.

<sup>(16)</sup> OJ L 192, 2.8.1996, p. 19.

- (3) For budgetary reasons, Community assistance should be granted for a period of one year.
- (4) Additional financial assistance for the organisation of a yearly workshop in the area of responsibility of the Community reference laboratories should be granted during the same period in one case.
- (5) Pursuant to Article 3, paragraph 2, of Council Regulation (EC) No 1258/1999 <sup>(1)</sup>, veterinary and plant health measures undertaken in accordance with Community rules shall be financed under the Guarantee Section of the European Agricultural Guidance and Guarantee Fund; for financial control purposes, Articles 8 and 9 of Regulation (EC) No 1258/1999 apply.
- (6) Commission Regulation (EC) No 324/2003 <sup>(2)</sup>, establishes the eligible expenditures of the Community reference laboratories receiving financial assistance under Article 28 of Decision 90/424/EEC and the procedures for the submission of expenditures and audits.
- (7) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS DECISION:

#### Article 1

For classical swine fever, the Community shall grant financial assistance to Germany for the functions and duties referred to in Annex IV to Directive 2001/89/EC, to be carried out by the Institut für Virologie der Tierärztlichen Hochschule, Hanover, Germany.

The Community's financial assistance shall amount to a maximum of EUR 190 000 for the period from 1 January to 31 December 2003. The Community's financial assistance for organisation of a technical workshop on classical swine fever diagnostic techniques shall amount to a maximum of EUR 20 000.

#### Article 2

For Newcastle disease, the Community shall grant financial assistance to the United Kingdom for the functions and duties referred to in Annex V to Directive 92/66/EEC, to be carried out by the Central Veterinary Laboratory, Addlestone, United Kingdom.

The Community's financial assistance shall amount to a maximum of EUR 60 000 for the period from 1 January to 31 December 2003.

<sup>(1)</sup> OJ L 160, 26.6.1999, p. 103.  
<sup>(2)</sup> OJ L 47, 21.2.2003, p. 14.

#### Article 3

For avian influenza, the Community shall grant financial assistance to the United Kingdom for the functions and duties referred to in Annex V to Directive 92/40/EEC, to be carried out by the Central Veterinary Laboratory, Addlestone, United Kingdom.

The Community's financial assistance shall amount to a maximum of EUR 120 000 for the period from 1 January to 31 December 2003.

#### Article 4

For swine vesicular disease, the Community shall grant financial assistance to the United Kingdom for the functions and duties referred to in Annex III to Directive 92/119/EEC to be carried out by the Pirbright Laboratory, United Kingdom.

The Community's financial assistance shall amount to a maximum of EUR 95 000 for the period from 1 January to 31 December 2003.

#### Article 5

For fish diseases, the Community shall grant financial assistance to Denmark for the functions and duties referred to in Annex C to Directive 93/53/EEC, to be carried out by the Danish Veterinary Institute, Aarhus, Denmark.

The Community's financial assistance shall amount to a maximum of EUR 135 000 for the period from 1 January to 31 December 2003.

#### Article 6

For diseases of bivalve molluscs, the Community shall grant financial assistance to France for the functions and duties referred to in Annex B to Directive 95/70/EC, to be carried out by the IFREMER, La Tremblade, France.

The Community's financial assistance shall amount to a maximum of EUR 85 000 for the period from 1 January to 31 December 2003.

#### Article 7

For African horse sickness, the Community shall grant financial assistance to Spain for the functions and duties referred to in Annex I to Directive 92/35/EEC, to be carried out by the Laboratorio de sanidad y producción animal, Algete, Spain.

The Community's financial assistance shall amount to a maximum of EUR 45 000 for the period from 1 January to 31 December 2003.

#### Article 8

For bluetongue, the Community shall grant financial assistance to the United Kingdom for the functions and duties referred to in Annex II to Directive 2000/75/EC, to be carried out by the Pirbright Laboratory, United Kingdom.

The Community's financial assistance shall amount to a maximum of EUR 120 000 for the period from 1 January to 31 December 2003.

*Article 9*

For rabies serology, the Community shall grant financial assistance to France for the functions and duties referred to in Annex II to Council Decision 2000/258/EC, to be carried out by the laboratory of the AFSSA Nancy, France.

The Community's financial assistance shall amount to a maximum of EUR 130 000 for the period from 1 January to 31 December 2003.

*Article 10*

For African swine fever, the Community shall grant financial assistance to Spain for the functions and duties referred to in Annex V to Directive 2002/60/EC, to be carried out by the Centro de Investigación en Sanidad Animal, Valdeolmos, Madrid, Spain.

The Community's financial assistance shall amount to a maximum of EUR 100 000 for the period from 1 January to 31 December 2003.

*Article 11*

For the assessment of the results of the methods of testing pure-bred breeding animals of the bovine species, and the harmonisation of the various methods of testing, the Community shall grant financial assistance to Sweden for the functions and duties referred to in Annex II to Decision 96/463/EC to be carried out by the Interbull Centre, Upsala, Sweden.

The Community's financial assistance shall amount to a maximum of EUR 60 000 for the period from 1 January to 31 December 2003.

*Article 12*

This Decision is addressed to the Kingdom of Denmark, the Federal Republic of Germany, the Kingdom of Spain, the French Republic, the Kingdom of Sweden and the United Kingdom of Great Britain and Northern Ireland.

Done at Brussels, 24 February 2003.

*For the Commission*

David BYRNE

*Member of the Commission*

## COMMISSION DECISION

of 24 February 2003

**on financial aid from the Community for the operation of certain Community reference laboratories in the field of veterinary public health (biological risks) for the year 2003***(notified under document number C(2003) 565)***(Only the Spanish, German, English, French and Dutch texts are authentic)**

(2003/126/EC)

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 <sup>(1)</sup>, as last amended by Council Decision 2001/572/EC of 23 July 2001 <sup>(2)</sup>, and in particular Article 28(2) thereof,

Whereas:

(1) Community financial aid should be granted to the Community reference laboratories designated to carry out the functions and duties laid down in the following Directives, Decisions and Regulation:

- 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 <sup>(3)</sup>, as last amended by Directive 96/23/EC <sup>(4)</sup>,
- 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 <sup>(5)</sup>, as last amended by Directive 1999/72/EC <sup>(6)</sup>,
- Council Decision 93/383/EEC of 14 June 1993 on reference laboratories for the monitoring of marine biotoxins <sup>(7)</sup>, as last amended by Decision 1999/312/EC <sup>(8)</sup>,
- Council Decision 1999/313/EC of 29 April 1999 on reference laboratories for monitoring bacteriological and viral contamination of bivalve molluscs <sup>(9)</sup>,
- Regulation (EC) No 999/2001 of the European Parliament and of the Council of 22 May 2001 laying down rules for the prevention, control and

eradication of certain transmissible spongiform encephalopathies <sup>(10)</sup>, as last amended by Regulation (EC) No 1494/2002 <sup>(11)</sup>.

- (2) Community assistance should be granted provided that the actions planned are efficiently carried out and that the authorities supply all the necessary information within the time limits laid down.
- (3) For budgetary reasons, Community assistance should be granted for a period of one year.
- (4) Additional financial assistance for the organisation of yearly workshops in the area of responsibility of the Community reference laboratories can be granted during the same period.
- (5) The work programmes and corresponding budget estimates submitted by the Community reference laboratories for 2003 have been assessed by the Commission.
- (6) As provided for in Article 3(2) of Regulation (EC) No 1258/1999 <sup>(12)</sup>, the veterinary and plant health measures undertaken in accordance with Community rules are financed under the Guarantee Section of the European Agricultural Guidance and Guarantee Fund. For financial control purposes, Articles 8 and 9 of Regulation (EC) No 1258/1999 apply.
- (7) Commission Regulation (EC) No 324/2003 <sup>(13)</sup> establishes the eligible expenditures of the Community reference laboratories receiving financial assistance under Article 28 of Decision 90/424/EEC and establishes the procedures for the submission of expenditures and audits.
- (8) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

<sup>(1)</sup> OJ L 224, 18.8.1990, p. 19.

<sup>(2)</sup> OJ L 203, 28.7.2001, p. 16.

<sup>(3)</sup> OJ L 268, 14.9.1992, p. 1.

<sup>(4)</sup> OJ L 125, 23.5.1996, p. 10.

<sup>(5)</sup> OJ L 62, 15.3.1993, p. 38.

<sup>(6)</sup> OJ L 210, 10.8.1999, p. 12.

<sup>(7)</sup> OJ L 166, 8.7.1993, p. 31.

<sup>(8)</sup> OJ L 120, 8.5.1999, p. 37.

<sup>(9)</sup> OJ L 120, 8.5.1999, p. 40.

<sup>(10)</sup> OJ L 147, 31.5.2001, p. 1.

<sup>(11)</sup> OJ L 225, 22.8.2002, p. 3.

<sup>(12)</sup> OJ L 160, 26.6.1999, p. 103.

<sup>(13)</sup> OJ L 47, 21.2.2003, p. 14.

HAS ADOPTED THIS DECISION:

*Article 1*

1. The Community hereby shall grant financial assistance to France for the functions and duties to be carried out by the Laboratoire d'études et de recherches sur l'hygiène et la qualité des aliments, of the Agence française de sécurité sanitaire des aliments (formerly the Laboratoire central d'hygiène alimentaire), Maisons-Alfort, France, for the analysis and testing of milk and milk products referred to in Chapter II of Annex D to Directive 92/46/EEC.

2. The financial assistance is hereby set at a maximum of EUR 155 000 for the period 1 January 2003 to 31 December 2003.

3. The Community's financial assistance for organisation of a technical workshop shall amount to a maximum of EUR 18 000.

*Article 2*

1. The Community hereby shall grant financial assistance to Germany for the functions and duties to be carried out by the Bundesinstitut für Risikobewertung (formerly the Bundesinstitut für gesundheitlichen Verbraucherschutz und Veterinärmedizin), Berlin, Germany, for the epidemiology of zoonoses referred to in Chapter II of Annex IV to Directive 92/117/EEC.

2. The financial assistance is hereby set at a maximum of EUR 150 000 for the period 1 January 2003 to 31 December 2003.

3. The Community's financial assistance for organisation of a technical workshop shall amount to a maximum of EUR 38 000.

*Article 3*

1. The Community hereby shall grant financial assistance to the Netherlands for the functions and duties to be carried out by the Rijksinstituut voor Volksgezondheid en Milieuhygiëne, Bilthoven, the Netherlands, in respect of salmonella referred to in Chapter II of Annex IV to Directive 92/117/EEC.

2. The financial assistance is hereby set at a maximum of EUR 150 000 for the period 1 January 2003 to 31 December 2003.

3. The Community's financial assistance for organisation of a technical workshop shall amount to a maximum of EUR 26 000.

*Article 4*

1. The Community hereby shall grant financial assistance to Spain for the functions and duties to be carried out by the Laboratorio de biotoxinas marinas del Area de Sanidad, Vigo, Spain, for the control of marine biotoxins referred to in Article 5 of Decision 93/383/EEC.

2. The financial assistance is hereby set at a maximum of EUR 110 000 for the period 1 January 2003 to 31 December 2003.

3. The Community's financial assistance for organisation of a technical workshop shall amount to a maximum of EUR 19 000.

*Article 5*

1. The Community hereby shall grant financial assistance to the United Kingdom for the functions and duties to be carried out by the laboratory of the Centre for Environment, Fisheries and Aquaculture Science, Weymouth, United Kingdom, for the monitoring of bacteriological and viral contamination of bivalve molluscs referred to in Article 4 of Decision 1999/313/EC.

2. The financial assistance is hereby set at a maximum of EUR 140 000 for the period 1 January 2003 to 31 December 2003.

3. The Community's financial assistance for organisation of a technical workshop shall amount to a maximum of EUR 26 000.

*Article 6*

1. The Community hereby shall grant financial assistance to the United Kingdom for the functions and duties to be carried out by the laboratory of the Veterinary Laboratories Agency, Addlestone, United Kingdom, for the monitoring of transmissible spongiform encephalopathies referred to in Chapter B of Annex X to Regulation (EC) No 999/2001.

2. The financial assistance is hereby set at a maximum of EUR 360 000 for the period 1 January 2003 to 31 December 2003.

3. The Community's financial assistance for organisation of a technical workshop shall amount to a maximum of EUR 52 000.

*Article 7*

This Decision is addressed to the Federal Republic of Germany, the Kingdom of Spain, the French Republic, the Kingdom of the Netherlands and the United Kingdom of Great Britain and Northern Ireland.

Done at Brussels, 24 February 2003.

*For the Commission*

David BYRNE

*Member of the Commission*

## COMMISSION DECISION

of 24 February 2003

**amending Decision 2001/218/EC requiring Member States temporarily to take additional measures against the dissemination of *Bursaphelenchus xylophilus* (Steiner et Buhner) Nickle *et al.* (the pinewood nematode) as regards areas in Portugal, other than those in which it is known not to occur**

(notified under document number C(2003) 581)

(2003/127/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 2000/29/EC of 8 May 2000 on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community <sup>(1)</sup>, as last amended by Directive 2002/89/EC <sup>(2)</sup>, and in particular Article 16(3) thereof,

Whereas:

- (1) The Commission adopted Decision 2001/218/EC of 12 March 2001, requiring Member States to take additional measures against the dissemination of *Bursaphelenchus xylophilus* (Steiner et Buhner) Nickle *et al.* (the pinewood nematode, PWN) as regards areas in Portugal, other than those in which it is known not to occur <sup>(3)</sup>, as amended by Decision 2002/124/EC <sup>(4)</sup>.
- (2) On the basis of a further assessment by the Food and Veterinary Office in April 2002 and additional information submitted by Portugal, it would appear that as a result of the application of an eradication programme, the spread of the PWN is still limited to the demarcated area in Portugal. However, trees showing symptoms of infestation by the PWN were still found during surveys of those areas.
- (3) In official surveys carried out in 2002 by the other Member States on wood, isolated bark and plants of *Abies* Mill., *Cedrus* Trew, *Larix* Mill., *Picea* A. Dietr., *Pinus* L., *Pseudotsuga* Carr. and *Tsuga* Carr., originating in Portugal, none of the samples taken and analysed tested positive for the presence of the PWN.
- (4) It is therefore necessary for Portugal to continue to take specific measures and to present a mid-term eradication plan to control the spread of the PWN with the aim of eradicating it. It may also be necessary for the other Member States to continue to adopt additional measures to protect their territories from the PWN. The results of the specific measures and of the implementation of the mid-term plan shall be assessed continuously and amended when necessary.

- (5) Specific arrangements should be made for the movement of chips made from symptomless trees or from trees which have tested negative for the presence of the PWN to areas in Portugal other than the demarcated area.
- (6) The provisions on the notification of surveys for the PWN carried out in the Member States to other Member States and to the Commission should be clarified.
- (7) Decision 2001/218/EC should therefore be extended for another limited period expiring on 31 March 2005 and amended accordingly.
- (8) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Plant Health,

HAS ADOPTED THIS DECISION:

## Article 1

Decision 2001/218/EC is amended as follows:

1. Article 2 is modified as follows:

- (i) in the first paragraph '28 February 2003' is replaced by '31 March 2005';
- (ii) the following new paragraph shall be added after the second paragraph:  
'Portugal shall present by 15 March 2003 a mid-term eradication plan to control the spread of PWN with the aim of eradicating it.';

2. Article 4 is modified as follows:

- (i) in the first paragraph, 'annual' is inserted between 'conduct official' and 'surveys for PWN';
- (ii) the second paragraph is replaced by:

'Without prejudice to the provisions of Article 16(1) of Directive 2000/29/EC where the results of the surveys provided for in the first paragraph indicate the occurrence of the PWN in areas where it was previously unknown, the results of such surveys shall be notified to the other Member States and the Commission by 15 November 2003 and 15 November 2004 respectively.';

<sup>(1)</sup> OJ L 169, 10.7.2000, p. 1.<sup>(2)</sup> OJ L 355, 30.12.2002, p. 45.<sup>(3)</sup> OJ L 81, 21.3.2001, p. 34.<sup>(4)</sup> OJ L 45, 15.2.2002, p. 56.

3. in the first paragraph of Article 5, the words '20 km with' are replaced by '20 km-width';
4. in Article 6, '15 December 2002' is replaced by '15 January 2004 and 15 January 2005 respectively';
5. the Annex is amended as follows:
  - (i) point 2(b)(ii) is replaced by the following:
    - '(ii) obtained from trees other than those referred to in subparagraph (i) shall be officially tested for the presence of the PWN and of *Monochamus* spp.; if the presence of the PWN or of *Monochamus* spp. is confirmed the wood shall be subjected to the provisions referred to in subparagraph (i); if the presence of the PWN and of *Monochamus* spp. is refuted, the wood may be moved under official control to a processing plant for further use as construction timber, or by way of derogation moved into areas in Portugal, other than demarcated areas under official control to approved processing plants notified to the Commission, where the wood or chips made from such wood, within the period between 1 November and 1 April, shall either:
      - in the case of chips, be used for industrial purposes within such an approved processing plant, or
      - in the case of wood:
        - be heat treated in such a way that a minimum wood-core temperature of 56 °C for 30 minutes has been achieved. Further movement of such heat-treated wood may be allowed when the wood is accompanied by a plant passport, or
        - be chipped and fumigated in order to ensure freedom from live PWNs. Further movement of such fumigated wood may be allowed when it is accompanied by a plant passport, or
  - (ii) in point 2(c)(ii), the first indent is replaced by the following:
    - be chipped and used for industrial purposes within this plant, or
    - be moved under official control to a plant, where the wood shall either be:
      - heat treated in such a way that a minimum wood core temperature of 56 °C for 30 minutes has been achieved, or
      - chipped and fumigated in order to ensure freedom from live pine wood nematodes, or
      - chipped and used for industrial purposes';
- (ii) in point 2(c)(ii), the first indent is replaced by the following:
  - officially tested for the presence of PWN and of *Monochamus* spp.; if the presence of PWN or of *Monochamus* spp. is confirmed the wood shall be subjected to the provisions referred to in (i); if the presence of PWN and of *Monochamus* spp. is refuted, the wood may be moved under official control to a processing plant for further use as construction timber, or'.

#### Article 2

This Decision is addressed to the Member States.

Done at Brussels, 24 February 2003.

For the Commission

David BYRNE

Member of the Commission

---