

English edition

Legislation

Contents

I	<i>Acts whose publication is obligatory</i>	
★	Council Regulation (EC) No 355/2003 of 20 February 2003 on the authorisation of the additive avilamycin in feedingstuffs ⁽¹⁾	1
	Commission Regulation (EC) No 356/2003 of 27 February 2003 establishing the standard import values for determining the entry price of certain fruit and vegetables	4
★	Commission Regulation (EC) No 357/2003 of 27 February 2003 amending Regulations (EC) No 1938/2001, (EC) No 1939/2001 and (EC) No 1940/2001 on the opening of standing invitations to tender for the resale on the Community internal market of rice held by the Spanish, Greek and Italian intervention agencies for use in animal feed	6
★	Commission Regulation (EC) No 358/2003 of 27 February 2003 on the application of Article 81(3) of the Treaty to certain categories of agreements, decisions and concerted practices in the insurance sector ⁽¹⁾	8
★	Commission Regulation (EC) No 359/2003 of 27 February 2003 amending Regulation (EC) No 2771/1999 laying down detailed rules for the application of Council Regulation (EC) No 1255/1999 as regards intervention on the market in butter and cream	17
	Commission Regulation (EC) No 360/2003 of 27 February 2003 fixing the maximum export refund on barley in connection with the invitation to tender issued in Regulation (EC) No 901/2002	18
	Commission Regulation (EC) No 361/2003 of 27 February 2003 concerning tenders notified in response to the invitation to tender for the export of oats issued in Regulation (EC) No 1582/2002	19
	Commission Regulation (EC) No 362/2003 of 27 February 2003 fixing the maximum export refund on common wheat in connection with the invitation to tender issued in Regulation (EC) No 899/2002	20
	Commission Regulation (EC) No 363/2003 of 27 February 2003 fixing the maximum reduction in the duty on maize imported in connection with the invitation to tender issued in Regulation (EC) No 256/2003	21

Price: EUR 19,50

⁽¹⁾ Text with EEA relevance

(Continued overleaf)

EN

Acts whose titles are printed in light type are those relating to day-to-day management of agricultural matters, and are generally valid for a limited period.

The titles of all other acts are printed in bold type and preceded by an asterisk.

Commission Regulation (EC) No 364/2003 of 27 February 2003 fixing the maximum reduction in the duty on maize imported in connection with the invitation to tender issued in Regulation (EC) No 60/2003	22
Commission Regulation (EC) No 365/2003 of 27 February 2003 applying reduction coefficients to the second tranche of inward processing certificates issued in accordance with Regulation (EC) No 1488/2001	23
Commission Regulation (EC) No 366/2003 of 27 February 2003 fixing the rates of the refunds applicable to certain cereal and rice-products exported in the form of goods not covered by Annex I to the Treaty	24
Commission Regulation (EC) No 367/2003 of 27 February 2003 fixing the representative prices and the additional import duties for molasses in the sugar sector	28
Commission Regulation (EC) No 368/2003 of 27 February 2003 fixing the export refunds on white sugar and raw sugar exported in its unaltered state	30
Commission Regulation (EC) No 369/2003 of 27 February 2003 fixing the maximum export refund for white sugar for the 24th partial invitation to tender issued within the framework of the standing invitation to tender provided for in Regulation (EC) No 1331/2002	32
* Commission Regulation (EC) No 370/2003 of 27 February 2003 amending for the 14th time Council Regulation (EC) No 881/2002 imposing certain specific restrictive measures directed against certain persons and entities associated with Usama bin Laden, the Al-Qaida network and the Taliban, and repealing Council Regulation (EC) No 467/2001	33
Commission Regulation (EC) No 371/2003 of 27 February 2003 fixing the export refunds on rice and broken rice and suspending the issue of export licences	35
Commission Regulation (EC) No 372/2003 of 27 February 2003 fixing the export refunds on products processed from cereals and rice	38
Commission Regulation (EC) No 373/2003 of 27 February 2003 fixing the export refunds on cereal-based compound feedingstuffs	41

II Acts whose publication is not obligatory

European Parliament and Council

2003/133/EC:

* Decision of the European Parliament and of the Council of 19 December 2002 on the mobilisation of the flexibility instrument according to point 24 of the Inter-institutional Agreement of 6 May 1999	43
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Council

2003/134/EC:

* Council recommendation of 18 February 2003 concerning the improvement of the protection of the health and safety at work of self-employed workers	45
--	-----------

Commission

2003/135/EC:

- ★ **Commission Decision of 27 February 2003 on the approval of the plans for the eradication of classical swine fever and the emergency vaccination of feral pigs against classical swine fever in Germany, in the federal states of Lower Saxony, North Rhine-Westphalia, Rhineland-Palatinate and Saarland ⁽¹⁾ (notified under document number C(2003) 626)** 47

2003/136/EC:

- ★ **Commission Decision of 27 February 2003 on the approval of the plans for the eradication of classical swine fever in feral pigs and emergency vaccination of feral pigs against classical swine fever in Luxembourg ⁽¹⁾ (notified under document number C(2003) 627)** 52

2003/137/EC:

- ★ **Commission Decision of 27 February 2003 amending Decision 93/402/EEC as regards imports of fresh meat from Paraguay ⁽¹⁾ (notified under document number C(2003) 677)** 54

2003/138/EC:

- ★ **Commission Decision of 27 February 2003 establishing component and material coding standards for vehicles pursuant to Directive 2000/53/EC of the European Parliament and of the Council on end-of-life vehicles ⁽¹⁾ (notified under document number C(2003) 620)** 58

Acts adopted pursuant to Title V of the Treaty on European Union

- ★ **Council Common Position 2003/139/CFSP of 27 February 2003 concerning restrictive measures against the leadership of the Transnistrian region of the Moldovan Republic** 60
- ★ **Council Common Position 2003/140/CFSP of 27 February 2003 concerning exceptions to the restrictive measures imposed by Common Position 2002/402/CFSP** 62
- ★ **Council Joint Action 2003/141/CFSP of 27 February 2003 amending Joint Action 2002/210/CFSP on the European Union Police Mission** 63

Corrigenda

- ★ **Corrigendum to Council Regulation (EC) No 1784/2000 of 11 August 2000 imposing a definitive anti-dumping duty and collecting definitively the provisional duty imposed on imports of certain malleable cast iron tube or pipe fittings originating in Brazil, the Czech Republic, Japan, the People's Republic of China, the Republic of Korea and Thailand (OJ L 208 of 18.8.2000)** 64
- ★ **Corrigendum to Directive 2000/30/EC of the European Parliament and of the Council of 6 June 2000 on the technical roadside inspection of the roadworthiness of commercial vehicles circulating in the Community (OJ L 203 of 10.8.2000)** 64
- ★ **Corrigendum to Council Regulation (EC) No 1514/2002 of 19 August 2002 imposing a definitive anti-dumping duty and collecting definitively the provisional duty imposed on imports of certain tube and pipe fittings, of iron or steel originating in the Czech Republic, Malaysia, Russia, the Republic of Korea and Slovakia (OJ L 228 of 24.8.2002)** 65
- ★ **Corrigendum to Council Regulation (EC) No 2287/2002 of 16 December 2002 amending Regulation (EC) No 2505/96 opening and providing for the administration of autonomous Community tariff quotas for certain agricultural and industrial products (OJ L 348 of 21.12.2002)** 65



⁽¹⁾ Text with EEA relevance

I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EC) No 355/2003
of 20 February 2003
on the authorisation of the additive avilamycin in feedingstuffs
 (Text with EEA relevance)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 70/524/EEC of 23 November 1970 concerning additives in feedingstuffs ⁽¹⁾, and in particular Article 9 thereof,

Whereas:

- (1) Article 2(aaa) of Directive 70/524/EEC requires authorisations for antibiotics to be linked to the person responsible for putting them into circulation.
- (2) Article 9 of the said Directive provides that a substance linked to the person responsible for putting it into circulation may be authorised for a period of 10 years if all conditions laid down in Article 3a of the said Directive are met.
- (3) The assessment of the dossier submitted in respect of the antibiotic preparation described in the Annex to this Regulation, shows that the conditions referred to in Article 3a of the said Directive are satisfied, and the product may therefore be entered in Chapter I of the list of the authorised additives in feedingstuffs pursuant to Article 9t(b) of the said Directive. This list provides for additives authorised for a period of 10 years.
- (4) The Communication of the Commission of July 2001 on a Community strategy against antimicrobial resistance sets out the elements for an effective policy against antimicrobial resistance. One of these elements is the ban of the use of antibiotics in feedingstuffs as growth promoters from 1 January 2006.

(5) The Commission has submitted a proposal for a Regulation of the European Parliament and of the Council on additives for use in animal nutrition which provides for the phasing out of the use of antibiotics for growth promotion. The European Parliament during its first reading of the proposal supported a phasing out. The Council reached in December 2002 a political agreement in view of the adoption of a common position providing for the discontinuation of the use of antibiotics as growth promoters by 1 January 2006. The duration of the authorisation provided for in this Regulation is therefore likely to be substantially reduced as an effect of the adoption of the new Regulation governing the use of additives in animal nutrition.

(6) In the absence of a favourable opinion of the Standing Committee on the Food Chain and Animal Health, the Commission has been unable to adopt the provisions it envisaged under the procedure laid down in Article 23 of the said Directive,

HAS ADOPTED THIS REGULATION:

Article 1

The additive avilamycin belonging to the group 'Antibiotics' listed in the Annex shall be authorised for use as an additive in animal nutrition under the conditions laid down in the Annex.

Article 2

⁽¹⁾ OJ L 270, 14.12.1970, p. 1. Directive as last amended by Council Regulation (EC) No 1756/2002 (OJ L 265, 3.10.2002, p. 1).

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

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

Done at Brussels, 20 February 2003.

For the Council

The President

G. DRYS

ANNEX

Registration number of additive	Name and registration No of person responsible for putting additive into circulation	Additive (trade name)	Composition, chemical formula, description	Species or category of animal	Maximum age	Minimum content	Maximum content	Other provisions	End of authorisation period
						mg/kg of complete feedingstuffs			
Antibiotics									
E 717	Eli Lilly and Company Ltd	Avilamycin: 200 g/kg (Maxus G200, Maxus 200) Avilamycin: 100 g/kg (Maxus G100, Maxus 100)	<p>Additive composition: Avilamycin: 200 g activity/kg Soyabean oil or mineral oil: 5 to 30 g/kg Soyabean hulls qs 1 kg</p> <p>Avilamycin: 100 g activity/kg Soyabean oil or mineral oil: 5 to 30 g/kg Soyabean hulls qs 1 kg</p> <p>Active substance: C₅₇₋₆₂H₈₂₋₉₀Cl₁₋₂O₃₁₋₃₂ CAS No of avilamycin A: 69787-79-7 CAS No of avilamycin B: 73240-30-9 Mixture of oligosaccharides of the orthosomycin group produced by Streptomyces viridochromogenes, (NRRL 2860) in granular form.</p> <p>Factor composition: Avilamycin A: ≥ 60 % Avilamycin B: ≤ 18 % Avilamycin A + B: ≥ 70 % Other single avilamycins ≤ 6 %</p>	Turkeys	—	5	10	—	20.1.2013

COMMISSION REGULATION (EC) No 356/2003
of 27 February 2003
establishing the standard import values for determining the entry price of certain fruit and vegetables

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 28 February 2003.

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

Done at Brussels, 27 February 2003.

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

⁽¹⁾ OJ L 337, 24.12.1994, p. 66.

⁽²⁾ OJ L 299, 1.11.2002, p. 17.

ANNEX

to the Commission Regulation of 27 February 2003 establishing the standard import values for determining the entry price of certain fruit and vegetables

(EUR/100 kg)

CN code	Third country code ⁽¹⁾	Standard import value
0702 00 00	052	126,3
	204	59,9
	212	127,0
	999	104,4
0707 00 05	052	151,2
	068	140,4
	204	65,8
	220	221,4
0709 10 00	999	144,7
	220	192,2
0709 90 70	999	192,2
	052	186,9
0805 10 10, 0805 10 30, 0805 10 50	204	249,4
	388	197,8
	999	211,4
	052	41,3
	204	42,5
	212	53,1
0805 20 10	220	37,3
	600	40,4
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	624	58,8
	999	45,6
	204	91,2
	999	91,2
	052	56,8
	204	122,8
0805 50 10	220	74,2
	464	105,8
	600	65,6
	624	77,2
	999	83,7
	052	59,0
0808 10 20, 0808 10 50, 0808 10 90	600	70,1
	999	64,5
	039	70,5
	388	91,3
	400	93,4
	404	97,9
	512	81,7
	524	75,1
	528	99,6
	720	99,0
0808 20 50	999	88,6
	388	83,0
	400	105,7
	512	67,4
	528	71,7
	720	58,6
	999	77,3

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

**COMMISSION REGULATION (EC) No 357/2003
of 27 February 2003**

amending Regulations (EC) No 1938/2001, (EC) No 1939/2001 and (EC) No 1940/2001 on the opening of standing invitations to tender for the resale on the Community internal market of rice held by the Spanish, Greek and Italian intervention agencies 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 ⁽¹⁾, as last amended by Commission Regulation (EC) No 411/2002 ⁽²⁾, and in particular Article 8(b) thereof,

Whereas:

- (1) Commission Regulations (EC) No 1938/2001 ⁽³⁾ and (EC) No 1939/2001 ⁽⁴⁾, as last amended by Regulation (EC) No 2089/2002 ⁽⁵⁾, and (EC) No 1940/2001 ⁽⁶⁾, as last amended by Regulation (EC) No 207/2003 ⁽⁷⁾, allow rice mills to take part in the tendering procedure provided they comply with the rules laid down by those Regulations and in particular those concerning the processing of paddy rice into wholly milled rice and marking using certain colourants.
- (2) The efficiency of the measure, particularly as regards the processing time and the cost of verification, can be improved by laying down that manufacturers of compound feedingstuffs may take part in the tendering procedure by making the same undertakings as are currently imposed on rice mills.
- (3) Regulations (EC) No 1938/2001, (EC) No 1939/2001 and (EC) No 1940/2001 should therefore be amended.
- (4) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 1938/2001 is hereby amended as follows:

⁽¹⁾ OJ L 329, 30.12.1995, p. 18.
⁽²⁾ OJ L 62, 5.3.2002, p. 27.
⁽³⁾ OJ L 263, 3.10.2001, p. 11.
⁽⁴⁾ OJ L 263, 3.10.2001, p. 15.
⁽⁵⁾ OJ L 322, 27.11.2002, p. 3.
⁽⁶⁾ OJ L 263, 3.10.2001, p. 19.
⁽⁷⁾ OJ L 28, 4.2.2003, p. 24.

1. Article 2(2) is replaced by the following:

'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 Annexes II or III, designed to ensure verification of the use made of the rice and the traceability of the products;

(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 see to it 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.'

2. The title of Annex III is replaced by the following:

'Treatments provided for in the second indent of point (a) and the first indent of point (b) of Article 2(2).'

Article 2

Regulation (EC) No 1939/2001 is hereby amended as follows:

1. Article 2(2) is replaced by the following:

'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 Annexes II or III, designed to ensure verification of the use made of the rice and the traceability of the products;
 - (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 see to it 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.'
2. The title of Annex III is replaced by the following:
'Treatments provided for in the second indent of point (a) and the first indent of point (b) of Article 2(2).'

Article 3

Regulation (EC) No 1940/2001 is hereby amended as follows:

1. Article 2(2) is replaced by the following:
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 Annexes II or III, designed to ensure verification of the use made of the rice and the traceability of the products;
- (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 see to it 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.'

2. The title of Annex III is replaced by the following:

'Treatments provided for in the second indent of point (a) and the first indent of point (b) of Article 2(2).'

Article 4

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, 27 February 2003.

For the Commission
Franz FISCHLER
Member of the Commission

**COMMISSION REGULATION (EC) No 358/2003
of 27 February 2003**

on the application of Article 81(3) of the Treaty to certain categories of agreements, decisions and concerted practices in the insurance sector

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1534/91 of 31 May 1991 on the application of Article 85(3) of the Treaty to certain categories of agreements, decisions and concerted practices in the insurance sector ⁽¹⁾, and in particular Article 1(1)(a), (b), (c) and (e) thereof,

Having published a draft of this Regulation ⁽²⁾,

Having consulted the Advisory Committee on Restrictive Practices and Dominant Positions,

Whereas:

(1) Regulation (EEC) No 1534/91 empowers the Commission to apply Article 81(3) of the Treaty by regulation to certain categories of agreements, decisions and concerted practices in the insurance sector which have as their object cooperation with respect to:

- the establishment of common risk premium tariffs based on collectively ascertained statistics or the number of claims,
- the establishment of common standard policy conditions,
- the common coverage of certain types of risks,
- the settlement of claims,
- the testing and acceptance of security devices,
- registers of, and information on, aggravated risks.

(2) Pursuant to Council Regulation (EEC) No 1534/91, the Commission adopted Regulation (EEC) No 3932/92 of 21 December 1992 on the application of Article 85(3) of the Treaty to certain categories of agreements,

decisions and concerted practices in the insurance sector ⁽³⁾. Regulation (EEC) No 3932/92, as amended by the Act of Accession of Austria, Finland and Sweden, expires on 31 March 2003.

(3) Regulation (EEC) No 3932/92 does not grant an exemption to agreements concerning the settlement of claims and registers of, and information on, aggravated risks. The Commission considered that it lacked sufficient experience in handling individual cases to make use of the power conferred by Council Regulation (EEC) No 1534/91 in those fields. This situation has not changed.

(4) On 12 May 1999, the Commission adopted a Report ⁽⁴⁾ to the Council and the European Parliament on the operation of Regulation (EEC) No 3932/92. On 15 December 1999, the Economic and Social Committee adopted an opinion on the Commission's report ⁽⁵⁾. On 19 May 2000, the Parliament adopted a Resolution on the Commission's report ⁽⁶⁾. On 28 June 2000, the Commission held a consultation meeting with interested parties, including representatives of the insurance sector and national competition authorities, on the Regulation. On 9 July 2002, the Commission published in the Official Journal a draft of the present Regulation, with an invitation to interested parties to submit comments not later than 30 September 2002.

(5) A new Regulation should meet the two requirements of ensuring effective protection of competition and providing adequate legal security for undertakings. The pursuit of these objectives should take account of the need to simplify administrative supervision to as great an extent as possible. Account must also be taken of the Commission's experience in this field since 1992, and the results of the consultations on the 1999 Report and consultations leading up to the adoption of this Regulation.

(6) Regulation (EEC) No 1534/91 requires the exempting regulation of the Commission to define the categories of agreements, decisions and concerted practices to which it applies, to specify the restrictions or clauses which may, or may not, appear in the agreements, decisions and concerted practices, and to specify the clauses which must be contained in the agreements, decisions and concerted practices or the other conditions which must be satisfied.

⁽¹⁾ OJ L 143, 7.6.1991, p. 1.

⁽²⁾ OJ C 163, 9.7.2002, p. 7.

⁽³⁾ OJ L 398, 31.12.1992, p. 7.

⁽⁴⁾ COM(1999) 192 final.

⁽⁵⁾ CES 1139/99.

⁽⁶⁾ PE A5-0104/00.

- (7) Nevertheless, it is appropriate to move away from the approach of listing exempted clauses and to place greater emphasis on defining categories of agreements which are exempted up to a certain level of market power and on specifying the restrictions or clauses which are not to be contained in such agreements. This is consistent with an economics based approach which assesses the impact of agreements on the relevant market. However, it should be recognised that in the insurance sector there are certain types of collaboration involving all the undertakings on a relevant insurance market which can be regarded as normally satisfying the conditions laid down in Article 81(3) of the Treaty.
- (8) For the application of Article 81(3) of the Treaty by regulation, it is not necessary to define those agreements which are capable of falling within Article 81(1). In the individual assessment of agreements under Article 81(1), account has to be taken of several factors, and in particular the market structure on the relevant market.
- (9) The benefit of the block exemption should be limited to those agreements for which it can be assumed with sufficient certainty that they satisfy the conditions of Article 81(3) of the Treaty.
- (10) Collaboration between insurance undertakings or within associations of undertakings in the calculation of the average cost of covering a specified risk in the past or, for life insurance, tables of mortality rates or of the frequency of illness, accident and invalidity, makes it possible to improve the knowledge of risks and facilitates the rating of risks for individual companies. This can in turn facilitate market entry and thus benefit consumers. The same applies to joint studies on the probable impact of extraneous circumstances that may influence the frequency or scale of claims, or the yield of different types of investments. It is, however, necessary to ensure that such collaboration is only exempted to the extent to which it is necessary to attain these objectives. It is therefore appropriate to stipulate that agreements on commercial premiums are not exempted; indeed, commercial premiums may be lower than the amounts indicated by the results of the calculations tables or studies in question, since insurers can use the revenues from their investments in order to reduce their premiums. Moreover, the calculations, tables or studies in question should be non-binding and serve only for reference purposes.
- (11) Moreover, the broader the categories into which statistics on the cost of covering a specified risk in the past are grouped, the less leeway insurance undertakings have to calculate premiums on a narrower basis. It is therefore appropriate to exempt joint calculations of the past cost of risks on condition that the available statistics are provided with as much detail and differentiation as is actuarially adequate.
- (12) Furthermore, since access to such calculations, tables and studies is necessary both for insurance undertakings active on the geographic or product market in question and also for those considering entering that market, such insurance undertakings must be granted access to such calculations tables and studies on reasonable and non-discriminatory terms, as compared with insurance undertakings already present on that market. Such terms might for example include a commitment from an insurance undertaking not yet present on the market to provide statistical information on claims, should it ever enter the market. They might also include membership of the association of insurers responsible for producing the calculations, as long as access to such membership is itself available on reasonable and non-discriminatory terms to insurance undertakings not yet active on the market in question. However, any fee charged for access to such calculations or related studies to insurance undertakings which have not contributed to them, would not be considered reasonable for this purpose if it were so high as to constitute a barrier to entry on the market.
- (13) The reliability of joint calculations, tables and studies becomes greater as the amount of statistics on which they are based is increased. Insurers with high market shares may generate sufficient statistics internally to be able to make reliable calculations, but those with small market shares will not be able to do so, much less new entrants. The inclusion in such joint calculations, tables and studies of information from all insurers on a market, including large ones, promotes competition by helping smaller insurers, and facilitates market entry. Given this specificity of the insurance sector, it is not appropriate to subject any exemption for such joint calculations and joint studies to market share thresholds.
- (14) Standard policy conditions or standard individual clauses and standard models illustrating the profits of a life assurance policy can produce benefits. For example, they can bring efficiency gains for insurers; they can facilitate market entry by small or inexperienced insurers; they can help insurers to meet legal obligations; and they can be used by consumer organisations as a benchmark to compare insurance policies offered by different insurers.
- (15) However, standard policy conditions must not lead either to the standardisation of products or to the creation of a significant imbalance between the rights and obligations arising from the contract. Accordingly, the exemption should only apply to standard policy conditions on condition that they are not binding, and expressly mention that participating undertakings are free to offer different policy conditions to their customers. Moreover, standard policy conditions may not contain any systematic exclusion of specific types of

- risk without providing for the express possibility of including that cover by agreement and may not provide for the contractual relationship with the policyholder to be maintained for an excessive period or go beyond the initial object of the policy. This is without prejudice to obligations arising from Community or national law to include certain risks in certain policies.
- (16) In addition, it is necessary to stipulate that the common standard policy conditions must be generally available to any interested person, and in particular to the policyholder, so as to ensure that there is real transparency and therefore benefit for consumers.
- (17) The inclusion in an insurance policy of risks to which a significant number of policyholders is not simultaneously exposed may hinder innovation, given that the bundling of unrelated risks can be a disincentive for insurers to offer separate and specific insurance cover for them. A clause which imposes such comprehensive cover should therefore not be covered by the block exemption. Where there is a legal requirement on insurers to include in policies cover for risks to which a significant number of policyholders are not simultaneously exposed, then the inclusion in a non-binding model contract of a standard clause reflecting such a legal requirement does not constitute a restriction of competition and falls outside the scope of Article 81(1) of the Treaty.
- (18) Co-insurance or co-reinsurance groups (often called 'pools'), can allow insurers and reinsurers to provide insurance or reinsurance for risks for which they might only offer insufficient cover in the absence of the pool. They can also help insurance and reinsurance undertakings to acquire experience of risks with which they are unfamiliar. However, such groups can involve restrictions of competition, such as the standardisation of policy conditions and even of amounts of cover and premiums. It is therefore appropriate to lay down the circumstances in which such groups can benefit from exemption.
- (19) For genuinely new risks it is not possible to know in advance what subscription capacity is necessary to cover the risk, nor whether two or more such groups could co-exist for the purposes of providing this type of insurance. A pooling arrangement which is for the co-insurance or co-reinsurance exclusively of such new risks (not of a mixture of new risks and existing risks) can therefore be exempted for a limited period of time. Three years should constitute an adequate period for the constitution of sufficient historical information on claims to assess the necessity or otherwise of one single pool.
- This Regulation therefore grants an exemption to any such group which is newly-created in order to cover a new risk, for the first three years of its existence.
- (20) The definition of 'new risks' clarifies that only risks which did not exist before are included in the definition, thus excluding for example risks which hitherto existed but were not insured. Moreover, a risk whose nature changes significantly (for example a considerable increase in terrorist activity) falls outside the definition, as the risk itself is not new in that case. A new risk, by its nature, requires an entirely new insurance product, and cannot be covered by additions or modifications to an existing insurance product.
- (21) For risks which are not new, it is recognised that such co-insurance and co-reinsurance groups which involve a restriction of competition can also, in certain limited circumstances, involve benefits such as to justify an exemption under Article 81(3) of the Treaty, even if they could be replaced by two or more competing insurance entities. They may for example, allow their members to gain the necessary experience of the sector of insurance involved, they may allow cost savings, or reduction of premiums through joint reinsurance on advantageous terms. However, any exemption for such groups is not justified if the group in question benefits from a significant level of market power, since in those circumstances the restriction of competition deriving from the existence of the pool would normally outweigh any possible advantages.
- (22) This Regulation therefore grants an exemption to any such co-insurance or co-reinsurance group which has existed for more than three years, or which is not created in order to cover a new risk, on condition that the insurance products underwritten within the group by its members do not exceed the following thresholds: 25 % of the relevant market in the case of co-reinsurance groups, and 20 % in the case of co-insurance groups. The threshold for co-insurance groups is lower because the co-insurance pools may involve uniform policy conditions and commercial premiums. These exemptions however only apply if the group in question meets the further conditions laid out in this Regulation, which are intended to keep to a minimum the restrictions of competition between the members of the group.
- (23) Pools falling outside the scope of this Regulation may be eligible for an individual exemption, depending on the details of the pool itself and the specific conditions of the market in question. Considering that many insurance markets are constantly evolving, an individual analysis would be necessary in such cases in order to determine whether or not the conditions of Article 81(3) of the Treaty are met.

(24) The adoption by an association or associations of insurance or reinsurance undertakings of technical specifications, rules or codes of practice concerning safety devices, and of procedures for evaluating the compliance of safety devices with those technical specifications, rules or codes of practice, can be beneficial in providing a benchmark to insurers and reinsurers when assessing the extent of the risk they are asked to cover in a specific case, which depends on the quality of security equipment and of its installation and maintenance. However, where there exist Community-level technical specifications, classification systems, rules, procedures or codes of practice harmonised in line with Community legislation covering the free movement of goods, it is not appropriate to exempt by regulation any agreements among insurers on the same subject, since the objective of such harmonisation at European level is to lay down exhaustive and adequate levels of security for security devices which apply uniformly across the Community. Any agreement among insurers on different requirements for safety devices could undermine the achievement of that objective.

(25) As concerns the installation and maintenance of security devices, in so far as no such Community-level harmonisation exists, agreements between insurers laying down technical specifications or approval procedures that are used in one or several Member States can be exempted by regulation; however, the exemption should be subjected to certain conditions, in particular that each insurance undertaking must remain free to accept for insurance, on whatever terms and conditions it wishes, devices and installation and maintenance undertakings not approved jointly.

(26) If individual agreements exempted by this Regulation nevertheless have effects which are incompatible with Article 81(3) of the Treaty, as interpreted by the administrative practice of the Commission and the case-law of the Court of Justice, the Commission may withdraw the benefit of the block exemption. This may occur in particular where studies on the impact of future developments are based on unjustifiable hypotheses; or where recommended standard policy conditions contain clauses which create, to the detriment of the policyholder, a significant imbalance between the rights and obligations arising from the contract; or where groups are used or managed in such a way as to give one or more participating undertakings the means of acquiring or reinforcing a position of significant market power on the relevant market, or if these groups result in market sharing.

(27) In order to facilitate the conclusion of agreements, some of which can involve significant investment decisions, the period of validity of this Regulation should be fixed at seven years.

(28) This Regulation is without prejudice to the application of Article 82 of the Treaty.

(29) In accordance with the principle of the primacy of Community law, no measure taken pursuant to national laws on competition should prejudice the uniform application throughout the common market of the Community competition rules or the full effect of any measures adopted in implementation of those rules, including this Regulation,

HAS ADOPTED THIS REGULATION:

CHAPTER I

EXEMPTION AND DEFINITIONS

Article 1

Exemption

Pursuant to Article 81(3) of the Treaty and subject to the provisions of this Regulation, it is hereby declared that Article 81(1) of the Treaty shall not apply to agreements entered into between two or more undertakings in the insurance sector (hereinafter referred to as 'the parties') with respect to:

- (a) the joint establishment and distribution of:
 - calculations of the average cost of covering a specified risk in the past (hereinafter 'calculations');
 - in connection with insurance involving an element of capitalisation, mortality tables, and tables showing the frequency of illness, accident and invalidity (hereinafter 'tables');
- (b) the joint carrying-out of studies on the probable impact of general circumstances external to the interested undertakings, either on the frequency or scale of future claims for a given risk or risk category or on the profitability of different types of investment (hereinafter 'studies'), and the distribution of the results of such studies;
- (c) the joint establishment and distribution of non-binding standard policy conditions for direct insurance (hereinafter 'standard policy conditions');
- (d) the joint establishment and distribution of non-binding models illustrating the profits to be realised from an insurance policy involving an element of capitalisation (hereinafter 'models');
- (e) the setting-up and operation of groups of insurance undertakings or of insurance undertakings and reinsurance undertakings for the common coverage of a specific category of risks in the form of co-insurance or co-reinsurance; and

(f) the establishment, recognition and distribution of:

- technical specifications, rules or codes of practice concerning those types of security devices for which there do not exist at Community level technical specifications, classification systems, rules, procedures or codes of practice harmonised in line with Community legislation covering the free movement of goods, and procedures for assessing and approving the compliance of security devices with such specifications, rules or codes of practice,
- technical specifications, rules or codes of practice for the installation and maintenance of security devices, and procedures for assessing and approving the compliance of undertakings which install or maintain security devices with such specifications, rules or codes of practice.

Article 2

Definitions

For the purposes of the present Regulation, the following definitions shall apply:

1. 'Agreement' means an agreement, a decision of an association of undertakings or a concerted practice;
2. 'Participating undertakings' means undertakings party to the agreement and their respective connected undertakings;
3. 'Connected undertakings' means:
 - (a) undertakings in which a party to the agreement, directly or indirectly:
 - (i) has the power to exercise more than half the voting rights, or
 - (ii) has the power to appoint more than half the members of the supervisory board, board of management or bodies legally representing the undertaking, or
 - (iii) has the right to manage the undertaking's affairs;
 - (b) undertakings which directly or indirectly have, over a party to the agreement, the rights or powers listed in (a);
 - (c) undertakings in which an undertaking referred to in (b) has, directly or indirectly, the rights or powers listed in (a);
 - (d) undertakings in which a party to the agreement together with one or more of the undertakings referred to in (a), (b) or (c), or in which two or more of the latter undertakings, jointly have the rights or powers listed in (a);
 - (e) undertakings in which the rights or the powers listed in (a) are jointly held by:
 - (i) parties to the agreement or their respective connected undertakings referred to in (a) to (d), or
 - (ii) one or more of the parties to the agreement or one or more of their connected undertakings referred to in (a) to (d) and one or more third parties.
4. 'Standard policy conditions' refers to any clauses contained in model or reference insurance policies prepared jointly by insurers or by bodies or associations of insurers;
5. 'Co-insurance groups' means groups set up by insurance undertakings which:
 - (i) agree to underwrite in the name and for the account of all the participants the insurance of a specified risk category; or
 - (ii) entrust the underwriting and management of the insurance of a specified risk category in their name and on their behalf to one of the insurance undertakings, to a common broker or to a common body set up for this purpose;
6. 'Co-reinsurance groups' means groups set up by insurance undertakings, possibly with the assistance of one or more re-insurance undertakings:
 - (i) in order to reinsure mutually all or part of their liabilities in respect of a specified risk category;
 - (ii) incidentally, to accept in the name and on behalf of all the participants the re-insurance of the same category of risks;
7. 'New risks' means risks which did not exist before, and for which insurance cover requires the development of an entirely new insurance product, not involving an extension, improvement or replacement of an existing insurance product.
8. 'Security devices' means components and equipment designed for loss prevention and reduction, and systems formed from such elements.
9. 'Commercial premium' means the price which is charged to the purchaser of an insurance policy.

CHAPTER II

JOINT CALCULATIONS, TABLES, AND STUDIES

Article 3

Conditions for exemption

1. The exemption provided for in Article 1(a) shall apply on condition that the calculations or tables:
 - (a) are based on the assembly of data, spread over a number of risk-years chosen as an observation period, which relate to identical or comparable risks in sufficient number to constitute a base which can be handled statistically and which will yield figures on (*inter alia*):
 - the number of claims during the said period,

- the number of individual risks insured in each risk-year of the chosen observation period,
 - the total amounts paid or payable in respect of claims arisen during the said period,
 - the total amount of capital insured for each risk-year during the chosen observation period;
- (b) include as detailed a breakdown of the available statistics as is actuarially adequate;
- (c) do not include in any way elements for contingencies, income deriving from reserves, administrative or commercial costs or fiscal or para-fiscal contributions, and take into account neither revenues from investments nor anticipated profits.
2. The exemptions provided for in both Article 1(a) and Article 1(b) shall apply on condition that the calculations, tables or study results:
- (a) do not identify the insurance undertakings concerned or any insured party;
 - (b) when compiled and distributed, include a statement that they are non-binding;
 - (c) are made available on reasonable and non-discriminatory terms, to any insurance undertaking which requests a copy of them, including insurance undertakings which are not active on the geographical or product market to which those calculations, tables or study results refer.

Article 4

Agreements not covered by the exemption

The exemption provided for in Article 1 shall not apply where participating undertakings enter into an undertaking or commitment among themselves, or oblige other undertakings, not to use calculations or tables that differ from those established pursuant to Article 1(a), or not to depart from the results of the studies referred to in Article 1(b).

CHAPTER III

STANDARD POLICY CONDITIONS AND MODELS

Article 5

Conditions for exemption

1. The exemption provided for in Article 1(c) shall apply on condition that the standard policy conditions:
- (a) are established and distributed with an explicit statement that they are non-binding and that their use is not in any way recommended;
 - (b) expressly mention that participating undertakings are free to offer different policy conditions to their customers; and

- (c) are accessible to any interested person and provided simply upon request.

2. The exemption provided for in Article 1(d) shall apply on condition that the non-binding models are established and distributed only by way of guidance.

Article 6

Agreements not covered by the exemption

1. The exemption provided for in Article 1(c) shall not apply where the standard policy conditions contain clauses which:

- (a) contain any indication of the level of commercial premiums;
- (b) indicate the amount of the cover or the part which the policyholder must pay himself (the 'excess');
- (c) impose comprehensive cover including risks to which a significant number of policyholders are not simultaneously exposed;
- (d) allow the insurer to maintain the policy in the event that he cancels part of the cover, increases the premium without the risk or the scope of the cover being changed (without prejudice to indexation clauses), or otherwise alters the policy conditions without the express consent of the policyholder;
- (e) allow the insurer to modify the term of the policy without the express consent of the policyholder;
- (f) impose on the policyholder in the non-life assurance sector a contract period of more than three years;
- (g) impose a renewal period of more than one year where the policy is automatically renewed unless notice is given upon the expiry of a given period;
- (h) require the policyholder to agree to the reinstatement of a policy which has been suspended on account of the disappearance of the insured risk, if he is once again exposed to a risk of the same nature;
- (i) require the policyholder to obtain cover from the same insurer for different risks;
- (j) require the policyholder, in the event of disposal of the object of insurance, to make the acquirer take over the insurance policy;
- (k) exclude or limit the cover of a risk if the policyholder uses security devices, or installing or maintenance undertakings, which are not approved in accordance with the relevant specifications agreed by an association or associations of insurers in one or several other Member States or at the European level.

2. The exemption provided for in Article 1(c) shall not benefit undertakings or associations of undertakings which agree, or agree to oblige other undertakings, not to apply conditions other than standard policy conditions established pursuant to an agreement between the participating undertakings.

3. Without prejudice to the establishment of specific insurance conditions for particular social or occupational categories of the population, the exemption provided for in Article 1(c) shall not apply to agreements decisions and concerted practices which exclude the coverage of certain risk categories because of the characteristics associated with the policyholder.

4. The exemption provided for in Article 1(d) shall not apply where, without prejudice to legally imposed obligations, the non-binding models include only specified interest rates or contain figures indicating administrative costs;

5. The exemption provided for in Article 1(d) shall not benefit undertakings or associations of undertakings which concert or undertake among themselves, or oblige other undertakings, not to apply models illustrating the benefits of an insurance policy other than those established pursuant to an agreement between the participating undertakings.

CHAPTER IV

COMMON COVERAGE OF CERTAIN TYPES OF RISKS

Article 7

Application of exemption and market share thresholds

1. As concerns co-insurance or co-reinsurance groups which are created after the date of entry into force of the present Regulation in order exclusively to cover new risks, the exemption provided for in Article 1(e) shall apply for a period of three years from the date of the first establishment of the group, regardless of the market share of the group.

2. As concerns co-insurance or co-reinsurance groups which do not fall within the scope of the first paragraph (for the reason that they have been in existence for over three years or have not been created in order to cover a new risk), the exemption provided for in Article 1(e) shall apply as long as the present Regulation remains in force, on condition that the insurance products underwritten within the grouping arrangement by the participating undertakings or on their behalf do not, in any of the markets concerned, represent:

- (a) in the case of co-insurance groups, more than 20 % of the relevant market;
- (b) in the case of co-reinsurance groups, more than 25 % of the relevant market.

3. For the purposes of applying the market share threshold provided for in the second paragraph the following rules shall apply:

- (a) the market share shall be calculated on the basis of the gross premium income; if gross premium income data are not available, estimates based on other reliable market information, including insurance cover provided or insured risk value, may be used to establish the market share of the undertaking concerned;
- (b) the market share shall be calculated on the basis of data relating to the preceding calendar year;
- (c) the market share held by the undertakings referred to in Article 2(3)(e) shall be apportioned equally to each undertaking having the rights or the powers listed in Article 2(3)(a).

4. If the market share referred to in point (a) of the second paragraph is initially not more than 20 % but subsequently rises above this level without exceeding 22 %, the exemption provided for in Article 1(e) shall continue to apply for a period of two consecutive calendar years following the year in which the 20 % threshold was first exceeded.

5. If the market share referred to in point (a) of the second paragraph is initially not more than 20 % but subsequently rises above 22 %, the exemption provided for in Article 1(e) shall continue to apply for one calendar year following the year in which the level of 22 % was first exceeded.

6. The benefit of paragraphs 4 and 5 may not be combined so as to exceed a period of two calendar years.

7. If the market share referred to in point (b) of the second paragraph is initially not more than 25 % but subsequently rises above this level without exceeding 27 %, the exemption provided for in Article 1(e) shall continue to apply for a period of two consecutive calendar years following the year in which the 25 % threshold was first exceeded.

8. If the market share referred to in point (b) of the second paragraph is initially not more than 25 % but subsequently rises above 27 %, the exemption provided for in Article 1(e) shall continue to apply for one calendar year following the year in which the level of 27 % was first exceeded.

9. The benefit of paragraphs 7 and 8 may not be combined so as to exceed a period of two calendar years.

Article 8

Conditions for exemption

The exemption provided for in Article 1(e) shall apply on condition that:

- (a) each participating undertaking has the right to withdraw from the group, subject to a period of notice of not more than one year, without incurring any sanctions;

- (b) the rules of the group do not oblige any member of the group to insure or re-insure through the group, in whole or in part, any risk of the type covered by the group;
 - (c) the rules of the group do not restrict the activity of the group or its members to the insurance or reinsurance of risks located in any particular geographical part of the European Union;
 - (d) the agreement does not limit output or sales;
 - (e) the agreement does not allocate markets or customers;
 - (f) the members of a co-reinsurance group do not agree on the commercial premiums which they charge in direct insurance; and
 - (g) no member of the group, or undertaking which exercises a determining influence on the commercial policy of the group, is also a member of, or exercises a determining influence on the commercial policy of, a different group active on the same relevant market.
- (g) the evaluation of conformity does not impose on the applicant any expenses that are disproportionate to the costs of the approval procedure;
 - (h) the devices and installation undertakings and maintenance undertakings that meet the assessment criteria are certified to this effect in a non-discriminatory manner within a period of six months of the date of application, except where technical considerations justify a reasonable additional period;
 - (i) the fact of compliance or approval is certified in writing;
 - (j) the grounds for a refusal to issue the certificate of compliance are given in writing by attaching a duplicate copy of the records of the tests and controls that have been carried out;
 - (k) the grounds for a refusal to take into account a request for assessment are provided in writing; and
 - (l) the specifications and rules are applied by bodies accredited to norms in the series EN 45 000 and EN ISO/IEC 17025.

CHAPTER V

SECURITY DEVICES

Article 9

Conditions for exemption

The exemption provided for in Article 1(f) shall apply on condition that:

- (a) the technical specifications and compliance assessment procedures are precise, technically justified and in proportion to the performance to be attained by the security device concerned;
- (b) the rules for the evaluation of installation undertakings and maintenance undertakings are objective, relate to their technical competence and are applied in a non-discriminatory manner;
- (c) such specifications and rules are established and distributed with an accompanying statement that insurance undertakings are free to accept for insurance, on whatever terms and conditions they wish, other security devices or installation and maintenance undertakings which do not comply with these technical specifications or rules;
- (d) such specifications and rules are provided simply upon request to any interested person;
- (e) any lists of security devices and installation and maintenance undertakings compliant with specifications include a classification based on the level of performance obtained;
- (f) a request for an assessment may be submitted at any time by any applicant;

CHAPTER VI

MISCELLANEOUS PROVISIONS

Article 10

Withdrawal

The Commission may withdraw the benefit of this Regulation, pursuant to Article 7 of Council Regulation (EEC) No 1534/91, where either on its own initiative or at the request of a Member State or of a natural or legal person claiming a legitimate interest, it finds in a particular case that an agreement to which the exemption provided for in Article 1 applies nevertheless has effects which are incompatible with the conditions laid down in Article 81(3) of the Treaty, and in particular where,

- (a) studies to which the exemption in Article 1(b) applies are based on unjustifiable hypotheses;
- (b) standard policy conditions to which the exemption in Article 1(c) applies contain clauses which create, to the detriment of the policyholder, a significant imbalance between the rights and obligations arising from the contract;
- (c) in relation to the common coverage of certain types of risks to which the exemption in Article 1(e) applies, the setting-up or operation of a group results, through the conditions governing admission, the definition of the risks to be covered, the agreements on retrocession or by any other means, in the sharing of the markets for the insurance products concerned or for neighbouring products.

*Article 11***Transitional period**

The prohibition laid down in Article 81(1) of the Treaty shall not apply during the period from 1 April 2003 to 31 March 2004 in respect of agreements already in force on 31 March 2003 which do not satisfy the conditions for exemption provided for in this Regulation but which satisfy the conditions for exemption provided for in Regulation (EEC) No 3932/92.

*Article 12***Period of validity**

This Regulation shall enter into force on 1 April 2003. It shall expire on 31 March 2010.

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

Done at Brussels, 27 February 2003.

For the Commission
Mario MONTI
Member of the Commission

COMMISSION REGULATION (EC) No 359/2003**of 27 February 2003****amending Regulation (EC) No 2771/1999 laying down detailed rules for the application of Council Regulation (EC) No 1255/1999 as regards intervention on the market in butter and cream**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

- (1) The third subparagraph of Article 6(3) of Regulation (EC) No 1255/1999 provides that private storage aid for butter may be increased in cases where, at the time of removal from storage, an adverse change unforeseeable at the time of entry into storage has occurred on the market.
- (2) To implement that provision, Article 38 of Commission Regulation (EC) No 2771/1999 ⁽³⁾, as last amended by Regulation (EC) No 1614/2001 ⁽⁴⁾, provides that, subject to certain conditions, the aid is to be increased or reduced if the maximum buying-in price fixed by invitation to tender expressed in euro or, for the countries not participating in the single currency, in national currency is not the same on the last day of the contract period as on the first.
- (3) Since reductions in the intervention price have already been fixed until 2007 by Article 4 of Regulation (EC) No 1255/1999, reductions in the maximum buying-in price and the market price are foreseeable.

(4) Without prejudice to the Commission's power, under the procedure referred to in Article 42 of Regulation (EC) No 1255/1999, to increase the private storage aid for butter when the conditions laid down in the third subparagraph of Article 6(3) are met, paragraphs 2 and 3 of Article 38 of Regulation (EC) No 2771/1999 should be deleted.

(5) Regulation (EC) No 2771/1999 should be amended accordingly.

(6) The Management Committee for Milk and Milk Products has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

Article 1

Article 38(2) and (3) of Regulation (EC) No 2771/1999 are hereby deleted.

Article 2

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

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

Done at Brussels, 27 February 2003.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 160, 26.6.1999, p. 48.

⁽²⁾ OJ L 79, 22.3.2002, p. 15.

⁽³⁾ OJ L 333, 24.12.1999, p. 11.

⁽⁴⁾ OJ L 214, 8.8.2001, p. 20.

COMMISSION REGULATION (EC) No 360/2003
of 27 February 2003

fixing the maximum export refund on barley in connection with the invitation to tender issued in Regulation (EC) No 901/2002

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

Whereas:

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

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

- (3) The application of the abovementioned criteria to the current market situation for the cereal in question results in the maximum export refund being fixed at the amount specified in Article 1.
- (4) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

Article 1

For tenders notified from 21 to 27 February 2003, pursuant to the invitation to tender issued in Regulation (EC) No 901/2002, the maximum refund on exportation of barley shall be EUR 12,00/t.

Article 2

This Regulation shall enter into force on 28 February 2003.

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

Done at Brussels, 27 February 2003.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 193, 29.7.2000, p. 1.

⁽³⁾ OJ L 147, 30.6.1995, p. 7.

⁽⁴⁾ OJ L 170, 29.6.2002, p. 46.

⁽⁵⁾ OJ L 194, 23.7.2002, p. 26.

⁽⁶⁾ OJ L 142, 31.5.2002, p. 17.

⁽⁷⁾ OJ L 180, 10.7.2002, p. 3.

COMMISSION REGULATION (EC) No 361/2003
of 27 February 2003
concerning tenders notified in response to the invitation to tender for the export of oats issued in
Regulation (EC) No 1582/2002

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

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

Whereas:

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

- (2) According to Article 8 of Regulation (EC) No 1582/2002 the Commission may, on the basis of the tenders notified, in accordance with the procedure laid down in Article 23 of Regulation (EEC) No 1766/92, decide to make no award.
- (3) On the basis of the criteria laid down in Article 1 of Regulation (EC) No 1501/95, a maximum refund should not be fixed.
- (4) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

Article 1

No action shall be taken on the tenders notified from 21 to 27 February 2003 in response to the invitation to tender for the refund for the export of oats issued in Regulation (EC) No 1582/2002.

Article 2

This Regulation shall enter into force on 28 February 2003.

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

Done at Brussels, 27 February 2003.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 193, 29.7.2000, p. 1.

⁽³⁾ OJ L 147, 30.6.1995, p. 7.

⁽⁴⁾ OJ L 170, 29.6.2002, p. 46.

⁽⁵⁾ OJ L 194, 23.7.2002, p. 26.

⁽⁶⁾ OJ L 239, 6.9.2002, p. 3.

⁽⁷⁾ OJ L 349, 24.12.2002, p. 17.

COMMISSION REGULATION (EC) No 362/2003
of 27 February 2003

fixing the maximum export refund on common wheat in connection with the invitation to tender issued in Regulation (EC) No 899/2002

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

Whereas:

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

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

- (3) The application of the abovementioned criteria to the current market situation for the cereal in question results in the maximum export refund being fixed at the amount specified in Article 1.
- (4) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

Article 1

For tenders notified from 21 to 27 February 2003, pursuant to the invitation to tender issued in Regulation (EC) No 899/2002, the maximum refund on exportation of common wheat shall be EUR 10,00/t.

Article 2

This Regulation shall enter into force on 28 February 2003.

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

Done at Brussels, 27 February 2003.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 193, 29.7.2000, p. 1.

⁽³⁾ OJ L 147, 30.6.1995, p. 7.

⁽⁴⁾ OJ L 170, 29.6.2002, p. 46.

⁽⁵⁾ OJ L 194, 23.7.2002, p. 26.

⁽⁶⁾ OJ L 142, 31.5.2002, p. 11.

⁽⁷⁾ OJ L 349, 24.12.2002, p. 19.

COMMISSION REGULATION (EC) No 363/2003
of 27 February 2003

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organisation of the market in cereals⁽¹⁾, as last amended by Regulation (EC) No 1666/2000⁽²⁾, and in particular Article 12(1) thereof,

Whereas:

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

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

(3) The application of the abovementioned criteria to the current market situation for the cereal in question results in the maximum reduction in the import duty being fixed at the amount specified in Article 1.

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

HAS ADOPTED THIS REGULATION:

Article 1

For tenders notified from 21 to 27 February 2003, pursuant to the invitation to tender issued in Regulation (EC) No 256/2003, the maximum reduction in the duty on maize imported shall be 36,87 EUR/t and be valid for a total maximum quantity of 100 400 t.

Article 2

This Regulation shall enter into force on 28 February 2003.

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

Done at Brussels, 27 February 2003.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 193, 29.7.2000, p. 1.

⁽³⁾ OJ L 36, 12.2.2003, p. 10.

⁽⁴⁾ OJ L 177, 28.7.1995, p. 4.

⁽⁵⁾ OJ L 256, 10.10.2000, p. 13.

COMMISSION REGULATION (EC) No 364/2003
of 27 February 2003

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organisation of the market in cereals⁽¹⁾, as last amended by Regulation (EC) No 1666/2000⁽²⁾, and in particular Article 12(1) thereof,

Whereas:

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

(3) The application of the abovementioned criteria to the current market situation for the cereal in question results in the maximum reduction in the import duty being fixed at the amount specified in Article 1.

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

HAS ADOPTED THIS REGULATION:

Article 1

For tenders notified from 21 to 27 February 2003, pursuant to the invitation to tender issued in Regulation (EC) No 60/2003, the maximum reduction in the duty on maize imported shall be 33,98 EUR/t and be valid for a total maximum quantity of 31 000 t.

Article 2

This Regulation shall enter into force on 28 February 2003.

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

Done at Brussels, 27 February 2003.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 193, 29.7.2000, p. 1.

⁽³⁾ OJ L 11, 16.1.2003, p. 11.

⁽⁴⁾ OJ L 177, 28.7.1995, p. 4.

⁽⁵⁾ OJ L 256, 10.10.2000, p. 13.

COMMISSION REGULATION (EC) No 365/2003
of 27 February 2003
applying reduction coefficients to the second tranche of inward processing certificates issued in
accordance with Regulation (EC) No 1488/2001

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3448/93 of 6 December 1993 laying down the trade arrangements applicable to certain goods resulting from the processing of agricultural products ⁽¹⁾, as last amended by Regulation (EC) No 2580/2000 ⁽²⁾,

Having regard to Commission Regulation (EC) No 1488/2001 of 19 July 2001 laying down rules for the application of Council Regulation (EC) No 3448/93 as regards the placement of certain quantities of certain basic products listed in Annex I to the Treaty establishing the European Community under the inward processing arrangements without prior examination of the economic conditions ⁽³⁾, and in particular Article 23(4) thereof,

Whereas:

- (1) Commission Regulation (EC) No 165/2003 ⁽⁴⁾ set out the remaining quantities of certain basic products which may be placed under inward processing arrangements without prior examination of the economic conditions, in accordance with Article 22 of Regulation (EC) No 1488/2001.
- (2) The total quantities for which inward processing certificates have been applied for in respect of skimmed milk powder, butter and sugar, as notified by the Member

States by 21 February 2003, exceeds the available quantities of those products as set out in Regulation (EC) No 165/2003.

- (3) The total of the quantities notified to the Commission are admissible.
- (4) Reduction coefficients should therefore be applied to the quantities of skimmed milk powder, butter and sugar applied for the period beginning on 3 February and ending on 14 February 2003,

HAS ADOPTED THIS REGULATION:

Article 1

Inward processing certificates applied for during the period beginning on 3 February and ending on 14 February 2003 shall be subject to the following reduction coefficients:

- (a) 39,40 % in respect of skimmed milk powder, CN code ex 0402 10 19;
- (b) 78,00 % in respect of butter, CN code ex 0405 10 19; and
- (c) 18,40 % in respect of sugar, CN code 1701 99 10.

Article 2

This Regulation shall enter into force on 28 February 2003.

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

Done at Brussels, 27 February 2003.

For the Commission

Erkki LIIKANEN

Member of the Commission

⁽¹⁾ OJ L 318, 20.12.1993, p. 18.

⁽²⁾ OJ L 298, 25.11.2000, p. 5.

⁽³⁾ OJ L 196, 20.7.2001, p. 9.

⁽⁴⁾ OJ L 26, 31.1.2003, p. 10.

**COMMISSION REGULATION (EC) No 366/2003
of 27 February 2003**

fixing the rates of the refunds applicable to certain cereal and rice-products exported in the form of goods not covered by Annex I to the Treaty

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organisation of the market in cereals ⁽¹⁾, as last amended by Regulation (EC) No 1666/2000 ⁽²⁾, and in particular Article 13(3) thereof,

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organisation of the market in rice ⁽³⁾, as last amended by Commission Regulation (EC) No 411/2002 ⁽⁴⁾, and in particular Article 13(3) thereof,

Whereas:

- (1) Article 13(1) of Regulation (EEC) No 1766/92 and Article 13(1) of Regulation (EC) No 3072/95 provide that the difference between quotations of prices on the world market for the products listed in Article 1 of each of those Regulations and the prices within the Community may be covered by an export refund.
- (2) Commission Regulation (EC) No 1520/2000 of 13 July 2000 laying down common implementing rules for granting export refunds on certain agricultural products exported in the form of goods not covered by Annex I to the Treaty, and the criteria for fixing the amount of such refunds ⁽⁵⁾, as last amended by Regulation (EC) No 1052/2002 ⁽⁶⁾, specifies the products for which a rate of refund should be fixed, to be applied where these products are exported in the form of goods listed in Annex B to Regulation (EEC) No 1766/92 or in Annex B to Regulation (EC) No 3072/95 as appropriate.
- (3) In accordance with the first subparagraph of Article 4(1) of Regulation (EC) No 1520/2000, the rate of the refund per 100 kilograms for each of the basic products in question must be fixed for each month.
- (4) The commitments entered into with regard to refunds which may be granted for the export of agricultural products contained in goods not covered by Annex I to the Treaty may be jeopardised by the fixing in advance of high refund rates. It is therefore necessary to take precautionary measures in such situations without, however, preventing the conclusion of long-term contracts. The fixing of a specific refund rate for the advance fixing of refunds is a measure which enables these various objectives to be met.

- (5) Now that a settlement has been reached between the European Community and the United States of America on Community exports of pasta products to the United States and has been approved by Council Decision 87/482/EEC ⁽⁷⁾, it is necessary to differentiate the refund on goods falling within CN codes 1902 11 00 and 1902 19 according to their destination.
- (6) Pursuant to Article 4(3) and (5) of Regulation (EC) No 1520/2000 provides that a reduced rate of export refund has to be fixed, taking account of the amount of the production refund applicable, pursuant to Council Regulation (EEC) No 1722/93 ⁽⁸⁾, as last amended by Commission Regulation (EC) No 1786/2001 ⁽⁹⁾, for the basic product in question, used during the assumed period of manufacture of the goods.
- (7) Spirituous beverages are considered less sensitive to the price of the cereals used in their manufacture. However, Protocol 19 of the Act of Accession of the United Kingdom, Ireland and Denmark stipulates that the necessary measures must be decided to facilitate the use of Community cereals in the manufacture of spirituous beverages obtained from cereals. Accordingly, it is necessary to adapt the refund rate applying to cereals exported in the form of spirituous beverages.
- (8) It is necessary to ensure continuity of strict management taking account of expenditure forecasts and funds available in the budget.
- (9) The Management Committee for Cereals has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

Article 1

The rates of the refunds applicable to the basic products appearing in Annex A to Regulation (EC) No 1520/2000 and listed either in Article 1 of Regulation (EEC) No 1766/92 or in Article 1(1) of Regulation (EC) No 3072/95, exported in the form of goods listed in Annex B to Regulation (EEC) No 1766/92 or in Annex B to amended Regulation (EC) No 3072/95 respectively, are hereby fixed as shown in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 28 February 2003.

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 193, 29.7.2000, p. 1.

⁽³⁾ OJ L 329, 30.12.1995, p. 18.

⁽⁴⁾ OJ L 62, 5.3.2002, p. 27.

⁽⁵⁾ OJ L 117, 15.7.2000, p. 1.

⁽⁶⁾ OJ L 160, 18.6.2002, p. 16.

⁽⁷⁾ OJ L 275, 29.9.1987, p. 36.

⁽⁸⁾ OJ L 159, 1.7.1993, p. 112.

⁽⁹⁾ OJ L 242, 12.9.2001, p. 3.

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

Done at Brussels, 27 February 2003.

For the Commission
Erkki LIIKANEN
Member of the Commission

ANNEX

to the Commission Regulation of 27 February 2003 fixing the rates of the refunds applicable to certain cereals and rice products exported in the form of goods not covered by Annex I to the Treaty

(EUR/100 kg)

CN code	Description of products ⁽¹⁾	Rate of refund per 100 kg of basic product	
		In case of advance fixing of refunds	Other
1001 10 00	Durum wheat:		
	– on exports of goods falling within CN codes 1902 11 and 1902 19 to the United States of America	—	—
	– in other cases	—	—
1001 90 99	Common wheat and meslin:		
	– on exports of goods falling within CN codes 1902 11 and 1902 19 to the United States of America	—	—
	– in other cases:		
	– – where Article 4(5) of Regulation (EC) No 1520/2000 applies ⁽²⁾	—	—
	– – where goods falling within subheading 2208 ⁽³⁾ are exported	—	—
	– – in other cases	—	—
1002 00 00	Rye	2,812	2,812
1003 00 90	Barley		
	– where goods falling within subheading 2208 ⁽³⁾ are exported	—	—
	– in other cases	—	—
1004 00 00	Oats	—	—
1005 90 00	Maize (corn) used in the form of:		
	– starch:		
	– – where Article 4(5) of Regulation (EC) No 1520/2000 applies ⁽²⁾	2,388	2,388
	– – where goods falling within subheading 2208 ⁽³⁾ are exported	0,933	0,933
	– – in other cases	2,388	2,388
	– glucose, glucose syrup, maltodextrine, maltodextrine syrup of CN codes 1702 30 51, 1702 30 59, 1702 30 91, 1702 30 99, 1702 40 90, 1702 90 50, 1702 90 75, 1702 90 79, 2106 90 55 ⁽⁴⁾ :		
	– – where Article 4(5) of Regulation (EC) No 1520/2000 applies ⁽²⁾	1,791	1,791
	– – where goods falling within subheading 2208 ⁽²⁾ are exported	0,700	0,700
	– – in other cases	1,791	1,791
	– where goods falling within subheading 2208 ⁽²⁾ are exported	0,933	0,933
	– other (including unprocessed)	2,388	2,388
	Potato starch of CN code 1108 13 00 similar to a product obtained from processed maize:		
	– where Article 4(5) of Regulation (EC) No 1520/2000 applies ⁽³⁾	2,388	2,388
	– – where goods falling within subheading 2208 ⁽³⁾ are exported	0,933	0,933
	– in other cases	2,388	2,388

(EUR/100 kg)

CN code	Description of products ⁽¹⁾	Rate of refund per 100 kg of basic product	
		In case of advance fixing of refunds	Other
ex 1006 30	Wholly-milled rice:		
	– round grain	14,500	14,500
	– medium grain	14,500	14,500
	– long grain	14,500	14,500
1006 40 00	Broken rice	3,600	3,600
1007 00 90	Sorghum	—	—

⁽¹⁾ As far as agricultural products obtained from the processing of a basic product or/and assimilated products are concerned, the coefficients shown in Annex E of amended Commission Regulation (EC) No 1520/2000 shall be applied (OJ L 177, 15.7.2000, p. 1).

⁽²⁾ The goods concerned fall under CN code 3505 10 50.

⁽³⁾ Goods listed in Annex B of Council Regulation (EEC) No 1766/92 or referred to in Article 2 of Regulation (EEC) No 2825/93.

⁽⁴⁾ For syrups of CN codes NC 1702 30 99, 1702 40 90 and 1702 60 90, obtained from mixing glucose and fructose syrup, the export refund may be granted only for the glucose syrup.

**COMMISSION REGULATION (EC) No 367/2003
of 27 February 2003**

fixing the representative prices and the additional import duties for molasses in the sugar sector

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 market in sugar ⁽¹⁾, as amended by Commission Regulation (EC) No 680/2002 ⁽²⁾,

Having regard to Commission Regulation (EC) No 1422/95 of 23 June 1995 laying down detailed rules of application for imports of molasses in the sugar sector and amending Regulation (EEC) No 785/68 ⁽³⁾, as amended by Regulation (EC) No 79/2003 ⁽⁴⁾, and in particular Article 1(2) and Article 3(1) thereof,

Whereas:

- (1) Regulation (EC) No 1422/95 stipulates that the cif import price for molasses, hereinafter referred to as the 'representative price', should be set in accordance with Commission Regulation (EEC) No 785/68 ⁽⁵⁾. That price should be fixed for the standard quality defined in Article 1 of the above Regulation.
- (2) The representative price for molasses is calculated at the frontier crossing point into the Community, in this case Amsterdam; that price must be based on the most favourable purchasing opportunities on the world market established on the basis of the quotations or prices on that market adjusted for any deviations from the standard quality. The standard quality for molasses is defined in Regulation (EEC) No 785/68.
- (3) When the most favourable purchasing opportunities on the world market are being established, account must be taken of all available information on offers on the world market, on the prices recorded on important third-country markets and on sales concluded in international trade of which the Commission is aware, either directly or through the Member States. Under Article 7 of Regulation (EEC) No 785/68, the Commission may for this purpose take an average of several prices as a basis, provided that this average is representative of actual market trends.
- (4) The information must be disregarded if the goods concerned are not of sound and fair marketable quality or if the price quoted in the offer relates only to a small

quantity that is not representative of the market. Offer prices which can be regarded as not representative of actual market trends must also be disregarded.

- (5) If information on molasses of the standard quality is to be comparable, prices must, depending on the quality of the molasses offered, be increased or reduced in the light of the results achieved by applying Article 6 of Regulation (EEC) No 785/68.
- (6) A representative price may be left unchanged by way of exception for a limited period if the offer price which served as a basis for the previous calculation of the representative price is not available to the Commission and if the offer prices which are available and which appear not to be sufficiently representative of actual market trends would entail sudden and considerable changes in the representative price.
- (7) Where there is a difference between the trigger price for the product in question and the representative price, additional import duties should be fixed under the conditions set out in Article 3 of Regulation (EC) No 1422/95. Should the import duties be suspended pursuant to Article 5 of Regulation (EC) No 1422/95, specific amounts for these duties should be fixed.
- (8) Application of these provisions will have the effect of fixing the representative prices and the additional import duties for the products in question as set out in the Annex to this Regulation.
- (9) 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

The representative prices and the additional duties applying to imports of the products referred to in Article 1 of Regulation (EC) No 1422/95 are fixed in the Annex hereto.

Article 2

This Regulation shall enter into force on 28 February 2003.

⁽¹⁾ OJ L 178, 30.6.2001, p. 1.

⁽²⁾ OJ L 104, 20.4.2002, p. 26.

⁽³⁾ OJ L 141, 24.6.1995, p. 12.

⁽⁴⁾ OJ L 13, 18.1.2003, p. 4.

⁽⁵⁾ OJ L 145, 27.6.1968, p. 12.

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

Done at Brussels, 27 February 2003.

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

ANNEX

to the Commission Regulation of 27 February 2003 fixing the representative prices and additional import duties to imports of molasses in the sugar sector

(in EUR)

CN code	Amount of the representative price in 100 kg net of the product in question	Amount of the additional duty in 100 kg net of the product in question	Amount of the duty to be applied to imports in 100 kg net of the product in question because of suspension as referred to in Article 5 of Regulation (EC) No 1422/95 ⁽²⁾
1703 10 00 ⁽¹⁾	8,21	—	0
1703 90 00 ⁽¹⁾	10,42	—	0

⁽¹⁾ For the standard quality as defined in Article 1 of amended Regulation (EEC) No 785/68.

⁽²⁾ This amount replaces, in accordance with Article 5 of Regulation (EC) No 1422/95, the rate of the Common Customs Tariff duty fixed for these products.

COMMISSION REGULATION (EC) No 368/2003
of 27 February 2003

fixing the export refunds on white sugar and raw sugar exported in its unaltered state

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 ⁽¹⁾, amended by Commission Regulation (EC) No 680/2002 ⁽²⁾, and in particular the second subparagraph of Article 27(5) thereof,

Whereas:

- (1) Article 27 of Regulation (EC) No 1260/2001 provides that the difference between quotations or prices on the world market for the products listed in Article 1(1)(a) of that Regulation and prices for those products within the Community may be covered by an export refund.
- (2) Regulation (EC) No 1260/2001 provides that when refunds on white and raw sugar, undenatured and exported in its unaltered state, are being fixed account must be taken of the situation on the Community and world markets in sugar and in particular of the price and cost factors set out in Article 28 of that Regulation. The same Article provides that the economic aspect of the proposed exports should also be taken into account.
- (3) The refund on raw sugar must be fixed in respect of the standard quality. The latter is defined in Annex I, point II, to Regulation (EC) No 1260/2001. Furthermore, this refund should be fixed in accordance with Article 28(4) of Regulation (EC) No 1260/2001. Candy sugar is defined in Commission Regulation (EC) No 2135/95 of 7 September 1995 laying down detailed rules of application for the grant of export refunds in the sugar sector ⁽³⁾. The refund thus calculated for sugar containing added flavouring or colouring matter must apply to their sucrose content and, accordingly, be fixed per 1 % of the said content.

- (4) The world market situation or the specific requirements of certain markets may make it necessary to vary the refund for sugar according to destination.
- (5) In special cases, the amount of the refund may be fixed by other legal instruments.
- (6) The refund must be fixed every two weeks. It may be altered in the intervening period.
- (7) It follows from applying the rules set out above to the present situation on the market in sugar and in particular to quotations or prices for sugar within the Community and on the world market that the refund should be as set out in the Annex hereto.
- (8) Regulation (EC) No 1260/2001 does not make provision to continue the compensation system for storage costs from 1 July 2001. This should accordingly be taken into account when fixing the refunds granted when the export occurs after 30 September 2001.
- (9) 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

The export refunds on the products listed in Article 1(1)(a) of Regulation (EC) No 1260/2001, undenatured and exported in the natural state, are hereby fixed to the amounts shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 28 February 2003.

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

Done at Brussels, 27 February 2003.

For the Commission
Franz FISCHLER
Member of the Commission

⁽¹⁾ OJ L 178, 30.6.2001, p. 1.

⁽²⁾ OJ L 104, 20.4.2002, p. 26.

⁽³⁾ OJ L 214, 8.9.1995, p. 16.

ANNEX

to the Commission Regulation of 27 February 2003 fixing the export refunds on white sugar and raw sugar exported in its unaltered state

Product code	Destination	Unit of measurement	Amount of refund
1701 11 90 9100	A00	EUR/100 kg	38,85 ⁽¹⁾
1701 11 90 9910	A00	EUR/100 kg	40,25 ⁽¹⁾
1701 12 90 9100	A00	EUR/100 kg	38,85 ⁽¹⁾
1701 12 90 9910	A00	EUR/100 kg	40,25 ⁽¹⁾
1701 91 00 9000	A00	EUR/1 % of sucrose × net 100 kg of product	0,4223
1701 99 10 9100	A00	EUR/100 kg	42,23
1701 99 10 9910	A00	EUR/100 kg	43,75
1701 99 10 9950	A00	EUR/100 kg	43,75
1701 99 90 9100	A00	EUR/1 % of sucrose × net 100 kg of product	0,4223

⁽¹⁾ Applicable to raw sugar with a yield of 92 %; if the yield is other than 92 %, the refund applicable is calculated in accordance with the provisions of Article 28(4) of Council Regulation (EC) No 1260/2001.

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

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

**COMMISSION REGULATION (EC) No 369/2003
of 27 February 2003**

**fixing the maximum export refund for white sugar for the 24th partial invitation to tender issued
within the framework of the standing invitation to tender provided for in Regulation (EC) No
1331/2002**

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 ⁽¹⁾, as amended by Commission Regulation (EC) No 680/2002 ⁽²⁾, and in particular Article 27(5) thereof,

Whereas:

- (1) Commission Regulation (EC) No 1331/2002 of 23 July 2002 on a standing invitation to tender to determine levies and/or refunds on exports of white sugar ⁽³⁾, for the 2002/2003 marketing year, requires partial invitations to tender to be issued for the export of this sugar.
- (2) Pursuant to Article 9(1) of Regulation (EC) No 1331/2002 a maximum export refund shall be fixed, as the case may be, account being taken in particular of the state and foreseeable development of the Community and world markets in sugar, for the partial invitation to tender in question.

(3) Following an examination of the tenders submitted in response to the 24th partial invitation to tender, the provisions set out in Article 1 should be adopted.

(4) 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 24th partial invitation to tender for white sugar issued pursuant to Regulation (EC) No 1331/2002 the maximum amount of the export refund is fixed at 46,900 EUR/100 kg.

Article 2

This Regulation shall enter into force on 28 February 2003.

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

Done at Brussels, 27 February 2003.

For the Commission
Franz FISCHLER
Member of the Commission

⁽¹⁾ OJ L 178, 30.6.2001, p. 1.

⁽²⁾ OJ L 104, 20.4.2002, p. 26.

⁽³⁾ OJ L 195, 24.7.2002, p. 6.

COMMISSION REGULATION (EC) No 370/2003
of 27 February 2003

amending for the 14th time Council Regulation (EC) No 881/2002 imposing certain specific restrictive measures directed against certain persons and entities associated with Usama bin Laden, the Al-Qaida network and the Taliban, and repealing Council Regulation (EC) No 467/2001

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 881/2002 of 27 May 2002 imposing certain specific restrictive measures directed against certain persons and entities associated with Usama bin Laden, the Al-Qaida network and the Taliban, and repealing Council Regulation (EC) No 467/2001 prohibiting the export of certain goods and services to Afghanistan, strengthening the flight ban and extending the freeze of funds and other financial resources in respect of the Taliban of Afghanistan ⁽¹⁾, as last amended by Commission Regulation (EC) No 350/2003 ⁽²⁾, and in particular Article 7(1), first indent, thereof,

Whereas:

- (1) Annex I to Regulation (EC) No 881/2002 lists the persons, groups and entities covered by the freezing of funds and economic resources under that Regulation.

(2) On 20 February 2003, the Sanctions Committee decided to amend the list of persons, groups and entities to whom the freezing of funds and economic resources should apply and, therefore, Annex I should be amended accordingly.

(3) In order to ensure that the measures provided for in this Regulation are effective, this Regulation must enter into force immediately,

HAS ADOPTED THIS REGULATION:

Article 1

Annex I to Regulation (EC) No 881/2002 is hereby amended in accordance with the Annex to this Regulation.

Article 2

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

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

Done at Brussels, 27 February 2003.

For the Commission
Christopher PATTEN
Member of the Commission

⁽¹⁾ OJ L 139, 29.5.2002, p. 9.

⁽²⁾ OJ L 51, 26.2.2003, p. 19.

ANNEX

Annex I to Regulation (EC) No 881/2002 is amended as follows:

the following entry shall be added under the heading 'Legal persons, groups and entities':

Lajnat Al Daawa Al Islamiya

COMMISSION REGULATION (EC) No 371/2003

of 27 February 2003

fixing the export refunds on rice and broken rice and suspending the issue of export licences

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organisation of the market in rice ⁽¹⁾, as last amended by Commission Regulation (EC) No 411/2002 ⁽²⁾, and in particular the second subparagraph of Article 13(3) and (15) thereof,

Whereas:

- (1) Article 13 of Regulation (EC) No 3072/95 provides that the difference between quotations or prices on the world market for the products listed in Article 1 of that Regulation and prices for those products within the Community may be covered by an export refund.
- (2) Article 13(4) of Regulation (EC) No 3072/95, provides that when refunds are being fixed account must be taken of the existing situation and the future trend with regard to prices and availabilities of rice and broken rice on the Community market on the one hand and prices for rice and broken rice on the world market on the other. The same Article provides that it is also important to ensure equilibrium and the natural development of prices and trade on the rice market and, furthermore, to take into account the economic aspect of the proposed exports and the need to avoid disturbances of the Community market with limits resulting from agreements concluded in accordance with Article 300 of the Treaty.
- (3) Commission Regulation (EEC) No 1361/76 ⁽³⁾ lays down the maximum percentage of broken rice allowed in rice for which an export refund is fixed and specifies the percentage by which that refund is to be reduced where the proportion of broken rice in the rice exported exceeds that maximum.
- (4) Export possibilities exist for a quantity of 4 797 tonnes of rice to certain destinations. The procedure laid down in Article 7(4) of Commission Regulation (EC) No 1162/95 ⁽⁴⁾, as last amended by Regulation (EC) No 2305/2002 ⁽⁵⁾, should be used. Account should be taken of this when the refunds are fixed.
- (5) Article 13(5) of Regulation (EC) No 3072/95 defines the specific criteria to be taken into account when the export refund on rice and broken rice is being calculated.

- (6) The world market situation or the specific requirements of certain markets may make it necessary to vary the refund for certain products according to destination.
- (7) A separate refund should be fixed for packaged long grain rice to accommodate current demand for the product on certain markets.
- (8) The refund must be fixed at least once a month; whereas it may be altered in the intervening period.
- (9) It follows from applying these rules and criteria to the present situation on the market in rice and in particular to quotations or prices for rice and broken rice within the Community and on the world market, that the refund should be fixed as set out in the Annex hereto.
- (10) For the purposes of administering the volume restrictions resulting from Community commitments in the context of the WTO, the issue of export licences with advance fixing of the refund should be restricted.
- (11) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1 of Regulation (EC) No 3072/95 with the exception of those listed in paragraph 1(c) of that Article, exported in the natural state, shall be as set out in the Annex hereto.

Article 2

With the exception of the quantity of 4 797 tonnes provided for in the Annex, the issue of export licences with advance fixing of the refund is suspended.

Article 3

This Regulation shall enter into force on 28 February 2003.

⁽¹⁾ OJ L 329, 30.12.1995, p. 18.

⁽²⁾ OJ L 62, 5.3.2002, p. 27.

⁽³⁾ OJ L 154, 15.6.1976, p. 11.

⁽⁴⁾ OJ L 117, 24.5.1995, p. 2.

⁽⁵⁾ OJ L 348, 21.12.2002, p. 92.

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

Done at Brussels, 27 February 2003.

For the Commission
Franz FISCHLER
Member of the Commission

ANNEX

to the Commission Regulation of 27 February 2003 fixing the export refunds on rice and broken rice and suspending the issue of export licences

Product code	Destination	Unit of measurement	Amount of refunds (1)	Product code	Destination	Unit of measurement	Amount of refunds (1)
1006 20 11 9000	R01	EUR/t	111	1006 30 65 9100	R01	EUR/t	139
1006 20 13 9000	R01	EUR/t	111		R02	EUR/t	145
1006 20 15 9000	R01	EUR/t	111		R03	EUR/t	150
1006 20 17 9000	—	EUR/t	—		064 and 066	EUR/t	165
1006 20 92 9000	R01	EUR/t	111		A97	EUR/t	145
1006 20 94 9000	R01	EUR/t	111	1006 30 65 9900	021 and 023	EUR/t	145
1006 20 96 9000	R01	EUR/t	111		R01	EUR/t	139
1006 20 98 9000	—	EUR/t	—		064 and 066	EUR/t	165
1006 30 21 9000	R01	EUR/t	111		A97	EUR/t	145
1006 30 23 9000	R01	EUR/t	111	1006 30 67 9100	021 and 023	EUR/t	145
1006 30 25 9000	R01	EUR/t	111		064 and 066	EUR/t	165
1006 30 27 9000	—	EUR/t	—		A97	EUR/t	145
1006 30 42 9000	R01	EUR/t	111	1006 30 67 9900	064 and 066	EUR/t	165
1006 30 44 9000	R01	EUR/t	111		064 and 066	EUR/t	165
1006 30 46 9000	R01	EUR/t	111	1006 30 92 9100	R01	EUR/t	139
1006 30 48 9000	—	EUR/t	—		R02	EUR/t	145
1006 30 61 9100	R01	EUR/t	139		R03	EUR/t	150
	R02	EUR/t	145		064 and 066	EUR/t	165
	R03	EUR/t	150	1006 30 92 9900	R01	EUR/t	139
	064 and 066	EUR/t	165		A97	EUR/t	145
	A97	EUR/t	145		064 and 066	EUR/t	165
	021 and 023	EUR/t	145	1006 30 94 9100	R01	EUR/t	139
1006 30 61 9900	R01	EUR/t	139		R02	EUR/t	145
	A97	EUR/t	145		R03	EUR/t	150
	064 and 066	EUR/t	165		064 and 066	EUR/t	165
1006 30 63 9100	R01	EUR/t	139		A97	EUR/t	145
	R02	EUR/t	145	1006 30 94 9900	021 and 023	EUR/t	145
	R03	EUR/t	150		R01	EUR/t	139
	064 and 066	EUR/t	165		A97	EUR/t	145
	A97	EUR/t	145	1006 30 96 9100	064 and 066	EUR/t	165
	021 and 023	EUR/t	145		R01	EUR/t	139
1006 30 63 9900	R01	EUR/t	139		R02	EUR/t	145
	064 and 066	EUR/t	165		R03	EUR/t	150
	A97	EUR/t	145		064 and 066	EUR/t	165
					A97	EUR/t	145
				1006 30 96 9900	021 and 023	EUR/t	145
					R01	EUR/t	139
					A97	EUR/t	145
				1006 30 98 9100	064 and 066	EUR/t	165
				1006 30 98 9900	021 and 023	EUR/t	145
					—	EUR/t	—
				1006 40 00 9000	—	EUR/t	—

(1) The procedure laid down in Article 7(4) of Regulation (EC) No 1162/95 applies to licences applied for under that Regulation for quantities according to the destination:
 destination R01: 2 000 t,
 all destinations R02 and R03: 1 000 t,
 destinations 021 and 023: 533 t,
 destinations 064 and 066: 1 000 t,
 destination A97: 264 t.

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

The numeric destination codes are set out in Commission Regulation (EC) No 1779/2002 (OJ L 269, 5.10.2002, p. 6).

The other destinations are defined as follows:

R01 Switzerland, Liechtenstein, communes of Livigno and Campione d'Italia.

R02 Morocco, Algeria, Tunisia, Malta, Egypt, Israel, Lebanon, Libya, Syria, Ex-Spanish Sahara, Cyprus, Jordan, Iraq, Iran, Yemen, Kuwait, United Arab Emirates, Oman, Bahrain, Qatar, Saudi Arabia, Eritrea, West Bank/Gaza Strip, Estonia, Latvia, Lithuania, Poland, Czech Republic, Slovenia, Slovakia, Norway, Faroe Islands, Iceland, Russia, Belarus, Bosnia and Herzegovina, Croatia, Serbia and Montenegro, Former Yugoslav Republic of Macedonia, Albania, Bulgaria, Georgia, Armenia, Azerbaijan, Moldova, Ukraine, Kazakstan, Turkmenistan, Uzbekistan, Tajikistan, Kyrgyzstan.

R03 Colombia, Ecuador, Peru, Bolivia, Chile, Argentina, Uruguay, Paraguay, Brazil, Venezuela, Canada, Mexico, Guatemala, Honduras, El Salvador, Nicaragua, Costa Rica, Panama, Cuba, Bermuda, South Africa, Australia, New Zealand, Hong Kong SAR, Singapore, A40 except the Netherlands Antilles, Aruba, Turks and Caicos Islands, A11 except Suriname, Guyana, Madagascar.

COMMISSION REGULATION (EC) No 372/2003
of 27 February 2003
fixing the export refunds on products processed from cereals and rice

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organization of the market in cereals ⁽¹⁾, as last amended by Regulation (EC) No 1666/2000 ⁽²⁾, and in particular Article 13(3) thereof,

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organization of the market in rice ⁽³⁾, as last amended by Commission Regulation (EC) No 411/2002 ⁽⁴⁾, and in particular Article 13(3) thereof,

Whereas:

- (1) Article 13 of Regulation (EEC) No 1766/92 and Article 13 of Regulation (EC) No 3072/95 provide that the difference between quotations or prices on the world market for the products listed in Article 1 of those Regulations and prices for those products within the Community may be covered by an export refund.
- (2) Article 13 of Regulation (EC) No 3072/95 provides that when refunds are being fixed account must be taken of the existing situation and the future trend with regard to prices and availabilities of cereals, rice and broken rice on the Community market on the one hand and prices for cereals, rice, broken rice and cereal products on the world market on the other. The same Articles provide that it is also important to ensure equilibrium and the natural development of prices and trade on the markets in cereals and rice and, furthermore, to take into account the economic aspect of the proposed exports, and the need to avoid disturbances on the Community market.
- (3) Article 4 of Commission Regulation (EC) No 1518/95 ⁽⁵⁾, as amended by Regulation (EC) No 2993/95 ⁽⁶⁾, on the import and export system for products processed from cereals and from rice defines the specific criteria to be taken into account when the refund on these products is being calculated.
- (4) The refund to be granted in respect of certain processed products should be graduated on the basis of the ash, crude fibre, tegument, protein, fat and starch content of

the individual product concerned, this content being a particularly good indicator of the quantity of basic product actually incorporated in the processed product.

- (5) There is no need at present to fix an export refund for manioc, other tropical roots and tubers or flours obtained therefrom, given the economic aspect of potential exports and in particular the nature and origin of these products. For certain products processed from cereals, the insignificance of Community participation in world trade makes it unnecessary to fix an export refund at the present time.
- (6) The world market situation or the specific requirements of certain markets may make it necessary to vary the refund for certain products according to destination.
- (7) The refund must be fixed once a month. It may be altered in the intervening period.
- (8) Certain processed maize products may undergo a heat treatment following which a refund might be granted that does not correspond to the quality of the product; whereas it should therefore be specified that on these products, containing pregelatinized starch, no export refund is to be granted.
- (9) The Management Committee for Cereals has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1(1)(d) of Regulation (EEC) No 1766/92 and in Article 1(1)(c) of Regulation (EC) No 3072/95 and subject to Regulation (EC) No 1518/95 are hereby fixed as shown in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 28 February 2003.

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 193, 29.7.2000, p. 1.

⁽³⁾ OJ L 329, 30.12.1995, p. 18.

⁽⁴⁾ OJ L 62, 5.3.2002, p. 27.

⁽⁵⁾ OJ L 147, 30.6.1995, p. 55.

⁽⁶⁾ OJ L 312, 23.12.1995, p. 25.

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

Done at Brussels, 27 February 2003.

For the Commission
Franz FISCHLER
Member of the Commission

ANNEX

to the Commission Regulation of 27 February 2003 fixing the export refunds on products processed from cereals and rice

Product code	Destination	Unit of measurement	Refunds	Product code	Destination	Unit of measurement	Refunds
1102 20 10 9200 ⁽¹⁾	C11	EUR/t	33,43	1104 23 10 9300	C14	EUR/t	27,46
1102 20 10 9400 ⁽¹⁾	C11	EUR/t	28,66	1104 29 11 9000	C13	EUR/t	0,00
1102 20 90 9200 ⁽¹⁾	C11	EUR/t	28,66	1104 29 51 9000	C13	EUR/t	0,00
1102 90 10 9100	C17	EUR/t	0,00	1104 29 55 9000	C13	EUR/t	0,00
1102 90 10 9900	C17	EUR/t	0,00	1104 30 10 9000	C13	EUR/t	0,00
1102 90 30 9100	C18	EUR/t	0,00	1104 30 90 9000	C14	EUR/t	5,97
1103 19 40 9100	C16	EUR/t	0,00	1107 10 11 9000	C21	EUR/t	0,00
1103 13 10 9100 ⁽¹⁾	C19	EUR/t	42,98	1107 10 91 9000	C21	EUR/t	0,00
1103 13 10 9300 ⁽¹⁾	C19	EUR/t	33,43	1108 11 00 9200	C10	EUR/t	0,00
1103 13 10 9500 ⁽¹⁾	C19	EUR/t	28,66	1108 11 00 9300	C10	EUR/t	0,00
1103 13 90 9100 ⁽¹⁾	C14	EUR/t	28,66	1108 12 00 9200	C10	EUR/t	38,21
1103 19 10 9000	C16	EUR/t	28,12	1108 12 00 9300	C10	EUR/t	38,21
1103 19 30 9100	C14	EUR/t	0,00	1108 13 00 9200	C10	EUR/t	38,21
1103 20 60 9000	C20	EUR/t	0,00	1108 13 00 9300	C10	EUR/t	38,21
1103 20 20 9000	C17	EUR/t	0,00	1108 19 10 9200	C10	EUR/t	54,72
1104 19 69 9100	C14	EUR/t	0,00	1108 19 10 9300	C10	EUR/t	54,72
1104 12 90 9100	C13	EUR/t	0,00	1109 00 00 9100	C10	EUR/t	0,00
1104 12 90 9300	C13	EUR/t	0,00	1702 30 51 9000 ⁽²⁾	C10	EUR/t	37,43
1104 19 10 9000	C13	EUR/t	0,00	1702 30 59 9000 ⁽²⁾	C10	EUR/t	28,66
1104 19 50 9110	C14	EUR/t	38,21	1702 30 91 9000	C10	EUR/t	37,43
1104 19 50 9130	C14	EUR/t	31,04	1702 30 99 9000	C10	EUR/t	28,66
1104 29 01 9100	C14	EUR/t	0,00	1702 40 90 9000	C10	EUR/t	28,66
1104 29 03 9100	C14	EUR/t	0,00	1702 90 50 9100	C10	EUR/t	37,43
1104 29 05 9100	C14	EUR/t	0,00	1702 90 50 9900	C10	EUR/t	28,66
1104 29 05 9300	C14	EUR/t	0,00	1702 90 75 9000	C10	EUR/t	39,22
1104 22 20 9100	C13	EUR/t	0,00	1702 90 79 9000	C10	EUR/t	27,22
1104 22 30 9100	C13	EUR/t	0,00	2106 90 55 9000	C10	EUR/t	28,66
1104 23 10 9100	C14	EUR/t	35,82				

⁽¹⁾ No refund shall be granted on products given a heat treatment resulting in pregelatinisation of the starch.

⁽²⁾ Refunds are granted in accordance with Council Regulation (EEC) No 2730/75 (OJ L 281, 1.11.1975, p. 20), as amended.

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

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

The other destinations are as follows:

C10 All destinations except for Estonia,

C11 All destinations except for Estonia, Hungary, Poland and Slovenia,

C12 All destinations except for Estonia, Hungary, Latvia and Poland,

C13 All destinations except for Estonia, Hungary and Lithuania,

C14 All destinations except for Estonia and Hungary,

C15 All destinations except for Estonia, Hungary, Latvia, Lithuania and Poland,

C16 All destinations except for Estonia, Hungary, Latvia and Lithuania,

C17 All destinations except for Bulgaria, Estonia, Hungary, Poland and Slovenia,

C18 All destinations except for Bulgaria, Estonia, Hungary, Latvia, Lithuania, Poland and Slovenia,

C19 All destinations except for Estonia, Hungary and Slovenia,

C20 All destinations except for Estonia, Hungary, Latvia, Lithuania and Romania,

C21 All destinations except for Bulgaria, Estonia, Hungary, Lithuania, Romania and Slovenia.

COMMISSION REGULATION (EC) No 373/2003
of 27 February 2003
fixing the export refunds on cereal-based compound feedingstuffs

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organization of the market in cereals ⁽¹⁾, as last amended by Regulation (EC) No 1666/2000 ⁽²⁾, and in particular Article 13(3) thereof,

Whereas:

- (1) Article 13 of Regulation (EEC) No 1766/92 provides that the difference between quotations or prices on the world market for the products listed in Article 1 of that Regulation and prices for those products within the Community may be covered by an export refund.
- (2) Regulation (EC) No 1517/95 of 29 June 1995 laying down detailed rules for the application of Regulation (EEC) No 1766/92 as regards the arrangements for the export and import of compound feedingstuffs based on cereals and amending Regulation (EC) No 1162/95 laying down special detailed rules for the application of the system of import and export licences for cereals and rice ⁽³⁾ in Article 2 lays down general rules for fixing the amount of such refunds.
- (3) That calculation must also take account of the cereal products content. In the interest of simplification, the refund should be paid in respect of two categories of 'cereal products', namely for maize, the most commonly used cereal in exported compound feeds and maize products, and for 'other cereals', these being eligible cereal products excluding maize and maize products. A refund should be granted in respect of the quantity of cereal products present in the compound feedingstuff.
- (4) Furthermore, the amount of the refund must also take into account the possibilities and conditions for the sale of those products on the world market, the need to avoid disturbances on the Community market and the economic aspect of the export.
- (5) However, in fixing the rate of refund it would seem advisable to base it at this time on the difference in the cost of raw inputs widely used in compound feedingstuffs as the Community and world markets, allowing more accurate account to be taken of the commercial conditions under which such products are exported.
- (6) The refund must be fixed once a month; whereas it may be altered in the intervening period.
- (7) The Management Committee for Cereals has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the compound feedingstuffs covered by Regulation (EEC) No 1766/92 and subject to Regulation (EC) No 1517/95 are hereby fixed as shown in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 28 February 2003.

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

Done at Brussels, 27 February 2003.

For the Commission
Franz FISCHLER
Member of the Commission

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 193, 29.7.2000, p. 1.

⁽³⁾ OJ L 147, 30.6.1995, p. 51.

ANNEX

to the Commission Regulation of 27 February 2003 fixing the export refunds on cereal-based compound feedingstuffs

Product codes benefiting from export refund:

2309 10 11 9000, 2309 10 13 9000, 2309 10 31 9000,
2309 10 33 9000, 2309 10 51 9000, 2309 10 53 9000,
2309 90 31 9000, 2309 90 33 9000, 2309 90 41 9000,
2309 90 43 9000, 2309 90 51 9000, 2309 90 53 9000.

Cereal products	Destination	Unit of measurement	Amount of refunds
Maize and maize products: CN codes 0709 90 60, 0712 90 19, 1005, 1102 20, 1103 13, 1103 29 40, 1104 19 50, 1104 23, 1904 10 10	C10	EUR/t	23,88
Cereal products excluding maize and maize products	C10	EUR/t	0,00

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

The other destinations are as follows:
C10 All destinations except for Estonia.

II

(Acts whose publication is not obligatory)

EUROPEAN PARLIAMENT COUNCIL

DECISION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of 19 December 2002

on the mobilisation of the flexibility instrument according to point 24 of the Interinstitutional Agreement of 6 May 1999

(2003/133/EC)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Interinstitutional Agreement of 6 May 1999 between the European Parliament, the Council and the Commission on budgetary discipline and improvement of the budgetary procedure ⁽¹⁾, and in particular point 24 thereof,

Having regard to the proposal from the Commission,

Whereas:

- (1) Following the non-renewal of the fisheries agreement between the European Union and the Kingdom of Morocco, a specific action for the conversion of the Spanish and Portuguese fleets was decided for an amount of EUR 197 million. Of this total the budgetary authority agreed on 21 and 22 November 2001 at the conciliation meeting between the Council and a delegation of the European Parliament, with the participation of the Commission, to enter EUR 27 million in the 2003 budget.
- (2) The actions for the conversion of Spanish and Portuguese fleets fall under heading 2 'structural measures', sub-heading 'Structural Funds' of the financial perspectives.
- (3) In accordance with point 12, paragraph 2 of the Interinstitutional Agreement on budgetary discipline and improvement of the budgetary procedure, the appropriations foreseen for actions covered by heading 2 'structural measures' of the financial perspectives do not leave any margin under the ceiling.

- (4) At the conciliation meeting on 25 November 2002, the European Parliament and the Council have accepted transfer No 51/2002 which provides EUR 14 991 760 from unused appropriations in the 2002 budget onto the line B2-2 0 0. They have also agreed to inscribe the remaining EUR 12 008 240 on B2-2 0 0 for the budget year 2003. This amount will be beyond the ceiling of heading 2 for 2003 and has therefore to be financed from the flexibility instrument.

- (5) In particular, for the action of conversion of the Spanish and Portuguese fleets, it is then appropriate to make an exception to the general rule of the Interinstitutional Agreement, providing that: 'the flexibility instrument should not, as a rule, be used to cover the same needs two years running.'

HAVE DECIDED AS FOLLOWS:

Article 1

For the general budget of the European Union for the financial year 2003 (hereinafter 'the 2003 budget'), the flexibility instrument shall be used to provide the sum of EUR 12 008 240 in commitment appropriations.

This amount shall be used for the financing of the targeted measure for the promotion of the conversion of vessels and of fishermen who were, until 1999, dependent on the fisheries agreement with Morocco, covered by the 'structural measures' heading of the financial perspectives, under line B2-2 0 0 of the 2003 budget.

⁽¹⁾ OJ C 172, 18.6.1999, p. 1.

Article 2

This Decision shall be published in the *Official Journal of the European Communities* at the same time as the 2003 budget.

Done at Strasbourg, 19 December 2002.

By the European Parliament
The President
P. COX

By the Council
The President
T. PEDERSEN

COUNCIL

COUNCIL RECOMMENDATION

of 18 February 2003

concerning the improvement of the protection of the health and safety at work of self-employed workers

(2003/134/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 308 thereof,

Having regard to the proposal for a recommendation from the Commission,

Having regard to the opinion of the European Parliament ⁽¹⁾,

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

Whereas:

- (1) The Communication from the Commission on a Community programme concerning safety, hygiene and health at work (1996 to 2000) ⁽³⁾ provided for examining the need for a proposal for a Council recommendation concerning the health and safety of self-employed workers, given the ever-increasing number of such workers.
- (2) The European Parliament in its Resolution ⁽⁴⁾ on the General framework for action by the Commission in the field of safety, hygiene and health protection at work (1994 to 2000) proposes that it include measures to extend the framework Directive to self-employed workers. The European Parliament in its Resolution ⁽⁵⁾ on the mid-term report on the implementation of this programme again draws attention to the category of self-employed workers, who are largely outside the scope of the legislation, and stresses that the growth in subcontracting has led to an increase in the number of accidents at work.
- (3) The Commission Communication of 11 March 2002 — 'Adapting to change in work and society: a new Community strategy on health and safety at work 2002 to 2006' — and Council Resolution of 3 June 2002 on a new Community strategy on health and safety at work

(2002 to 2006), which aim at instilling a culture of prevention and influencing behaviour, should, wherever possible, be taken into account by both employed and self-employed workers.

- (4) The social partners attach particular importance to the protection of the health and safety of both self-employed workers and of other persons working at the same workplace, and almost all are in favour of a Community action in the form of a Council recommendation focusing on high risk sectors and notably on information and awareness-raising measures on risk prevention, appropriate training and medical surveillance.
- (5) As a general rule, workers who exercise their occupational activity in a manner which does not involve an employment relationship with an employer or, more generally, does not make them subordinate to a third person are not covered by the Community Directives on health and safety at work, in particular framework Council Directive 89/391/EEC of 12 June 1989 on the introduction of measures to encourage improvements in the safety and health of workers at work ⁽⁶⁾. Moreover, these workers are not covered in certain Member States by the legislation applicable in the field of health and safety at work.
- (6) Self-employed workers, irrespective of whether they work alone or with employees, may be subject to health and safety risks similar to those experienced by employees.
- (7) Through their activities self-employed workers may jeopardise the safety and health of other persons working at the same workplace.
- (8) There are also certain 'high-risk' sectors in the Community in which the number of self-employed workers is very high (agriculture, fishing, construction, transport).

⁽¹⁾ Opinion of 23 October 2002 (not yet published in the Official Journal).

⁽²⁾ OJ C 241, 7.10.2002, p. 139.

⁽³⁾ OJ C 262, 7.10.1995, p. 18.

⁽⁴⁾ OJ C 205, 25.7.1994, p. 478.

⁽⁵⁾ Resolution of the EP of 25.2.1999 (A4-0050/1999).

⁽⁶⁾ OJ L 183, 29.6.1989, p. 1.

- (9) The recent recommendation by the ILO accompanying the Convention concerning health and safety in agriculture ⁽¹⁾ stipulates that Member States must progressively extend to self-employed farmers the protection applicable to workers, taking account of the views of representative organisations of self-employed farmers if necessary.
- (10) Work accidents and occupational diseases to which self-employed workers are particularly exposed result in high costs in both social and human terms.
- (11) For these reasons, it is appropriate to take account of the category of self-employed workers and in this recommendation to focus on preventing the risks of occupational accidents and diseases to which self-employed workers are exposed.
- (12) The need to take account of the specific situation of the self-employed has already been recognised in relation to work carried out at temporary or mobile construction sites, as Directive 92/57/EEC ⁽²⁾ provides for the extension to the self-employed of certain relevant provisions on the use of work equipment and protective equipment.
- (13) Improving the standards of safety and health of self-employed workers can improve the conditions of competition and competitiveness on a European level.
- (14) It is also necessary to improve access of self-employed workers to training and information with a view both to improving their own health and safety and that of the persons working at the same workplace.
- (15) Member States should choose the means they deem to be most appropriate to meet the objectives.
- (16) This recommendation does not affect existing or future national provisions providing for a higher degree of protection.
- (17) In the current situation, the Member States are in the best position to take appropriate measures, whereby the Community should also contribute towards achieving the objectives of this recommendation.
- (18) The proposal was drawn up following consultation with the social partners, in accordance with Article 138(2) and (3) of the EC Treaty, and with the Advisory Committee on Safety, Hygiene and Health Protection at Work,

HEREBY RECOMMENDS THAT MEMBER STATES:

1. promote, in the context of their policies on preventing occupational accidents and diseases, the safety and health of self-employed workers, while taking account of the special risks existing in specific sectors and the specific nature of the relationship between contracting undertakings and self-employed workers;
2. when promoting health and safety for self-employed workers, choose the measures they deem to be most appropriate, such as one or more of the following: legislation, incentives, information campaigns and encouragement of relevant stakeholders;
3. take the necessary measures, including awareness-raising campaigns, so that self-employed workers can obtain from the competent services and/or bodies, as well as from their own representative organisations, useful information and advice on the prevention of occupational accidents and diseases;
4. take the measures necessary so that self-employed workers can have access to sufficient training to acquire appropriate safety and health skills;
5. facilitate easy access to this information and training without involving excessive expense for self-employed workers;
6. in accordance with national law and/or practice, allow self-employed workers who so wish to have access to health surveillance appropriate to the risks to which they are exposed;
7. in the context of their policies on preventing occupational accidents and diseases, take account of available information on experience in other Member States;
8. examine, at the end of a four-year period starting with the adoption of this recommendation, the effectiveness of existing national measures or measures taken subsequent to the adoption of this recommendation and inform the Commission of their findings.

Done at Brussels, 18 February 2003.

For the Council
The President
N. CHRISTODOULAKIS

⁽¹⁾ ILO, Convention 184/2001 of 21.6.2001.

⁽²⁾ OJ L 245, 26.8.1992, p. 6.

COMMISSION

COMMISSION DECISION

of 27 February 2003

on the approval of the plans for the eradication of classical swine fever and the emergency vaccination of feral pigs against classical swine fever in Germany, in the federal states of Lower Saxony, North Rhine-Westphalia, Rhineland-Palatinate and Saarland

(notified under document number C(2003) 626)

(Only the German and French texts are authentic)

(Text with EEA relevance)

(2003/135/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 2001/89/EC of 23 October 2001 on Community measures for the control of classical swine fever⁽¹⁾, and in particular Article 16(1), Article 20(2), Article 25(3) and Article 29(2) thereof,

Whereas:

(1) In the last decade classical swine fever was confirmed in the feral pig population in Germany in the federal States of Baden-Württemberg, Brandenburg, Lower-Saxony, Mecklenburg-Western Pomerania, North Rhine-Westphalia, Rhineland-Palatinate, Saarland and Saxony Anhalt.

(2) Plans to eradicate classical swine fever in the feral pig population of Baden-Württemberg, Brandenburg, Lower-Saxony, Mecklenburg-Western Pomerania, Rhineland-Palatinate and Saxony Anhalt were approved by Commission Decisions 1999/39/EC of 21 December 1998 approving the plan presented by Germany for the eradication of classical swine fever in feral pigs in Brandenburg, Mecklenburg-Western Pomerania, and Lower Saxony and repealing Commission Decision 96/552/EC⁽²⁾, 1999/335/EC of 7 May 1999 approving the plan presented by Germany for the eradication of classical swine fever in feral pigs in Baden Württemberg and Rhineland-Palatinate⁽³⁾ and Commission Decision 2000/281/EC of 31 March 2000 approving the plan presented by Germany for the eradication of classical swine fever in feral pigs in Saxony-Anhalt⁽⁴⁾.

(3) Plans for the eradication of classical swine fever in feral pigs in North Rhine-Westphalia and for the emergency vaccination of feral pigs against classical swine fever in North Rhine-Westphalia, Rhineland-Palatinate and Saarland were approved by Commission Decision 2002/161/EC of 22 February 2002 approving the plans submitted by Germany for the eradication of classical swine fever in feral pigs in Rhineland-Pfalz and Saarland⁽⁵⁾, as last amended by Decision 2002/791/EC⁽⁶⁾.

(4) Germany has submitted information suggesting that classical swine fever has been successfully eradicated from Baden-Württemberg, Brandenburg, Mecklenburg-Western Pomerania and Saxony Anhalt. It is therefore appropriate to repeal the measures adopted by the Commission to control the disease in these areas of Germany.

(5) Measures to control classical swine fever are still necessary in Lower-Saxony, North Rhine-Westphalia, Rhineland-Palatinate and Saarland.

(6) Germany has submitted updated plans for the eradication of classical swine fever in feral pigs from Lower-Saxony and Rhineland-Palatinate to bring them in line with Directive 2001/89/EC.

(7) In the light of the epidemiological situation, Germany has submitted an amended plan for the emergency vaccination of feral pigs in Rhineland-Palatinate and a plan for the emergency vaccination of feral pigs in Lower-Saxony.

⁽¹⁾ OJ L 316, 1.12.2001, p. 5.

⁽²⁾ OJ L 11, 16.1.1999, p. 47.

⁽³⁾ OJ L 126, 20.5.1999, p. 21.

⁽⁴⁾ OJ L 92, 31.3.2000, p. 27.

⁽⁵⁾ OJ L 53, 23.2.2002, p. 43.

⁽⁶⁾ OJ L 274, 11.10.2002, p. 40.

- (8) The newly submitted plans for eradication and emergency vaccination have been examined and found to comply with the provisions of Directive 2001/89/EC.
- (9) The German authorities have authorised the use of a live attenuated vaccine against classical swine fever (C strain) to be used for the immunisation of feral pigs by means of oral baits.
- (10) The German authorities will continue an intensive surveillance on classical swine fever in feral pigs throughout Germany in the framework of the programme for the eradication and monitoring of classical swine fever approved by Commission Decision 2002/943/EC of 28 November 2002 approving programmes for the eradication and monitoring of certain animal diseases and for the prevention of zoonoses presented by the Member States for the year 2003 ⁽¹⁾.
- (11) The German authorities have undertaken: (i) to keep under continuous review the measures in place to control classical swine fever in Germany in strict cooperation with the Commission services, in the light of the evolution in the epidemiological situation; (ii) to take into full account the findings and recommendations of the inspection of the Commission's Food and Veterinary Office, which has been carried out in Rhineland-Palatinate in January 2003 ⁽²⁾; and (iii) to improve the collection of demographic data on the feral pigs and the epidemiological information on which the eradication and vaccination plans which are approved by this Decision are based. The German authorities shall amend the plans approved by this Decision and submit them to the Commission for further approval, as necessary.
- (12) Classical swine fever has been confirmed in the feral pig population in France, at the border with Germany. The eradication plan submitted by France was approved by Commission Decision 2002/626/EC of 25 July 2002 approving the plan submitted by France for the eradication of classical swine fever from feral pigs in Moselle and Meurthe-et-Moselle ⁽³⁾.
- (13) For the sake of clarity it is appropriate to adopt a single Decision: (i) confirming the approval of the plans submitted by Germany for the eradication of classical swine fever in feral pigs in North Rhine-Westphalia and Saarland; (ii) approving the newly submitted plans for the eradication of classical swine fever in feral pigs from Lower-Saxony and Rhineland-Palatinate; (iii) confirming the approval of the plans for the emergency vaccination of feral pigs against classical swine fever in North Rhine-Westphalia and Saarland; (iv) approving the newly submitted plans for the emergency vaccination of feral

pigs against classical swine fever in Lower-Saxony and Rhineland-Palatinate; (v) establishing conditions to ensure, in the border areas concerned, the consistency of the measures to be implemented by Germany with the measures applied by France; and (vi) repealing Decisions 1999/39/EC, 1999/335/EC, 2000/281/EC and 2002/161/EC.

- (14) For the sake of transparency it is appropriate indicate in the present Decision the geographical areas where the eradication and emergency vaccination plans shall be implemented.
- (15) 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

The plans submitted by Germany for the eradication of classical swine fever in feral pigs in Lower-Saxony, North Rhine-Westphalia, Rhineland-Palatinate and Saarland are approved.

Article 2

The plans submitted by Germany for the emergency vaccination of feral pigs against classical swine fever in Lower-Saxony, North Rhine-Westphalia, Rhineland-Palatinate and Saarland are approved.

Article 3

Germany shall bring into force the laws, regulations and administrative provisions for implementing the plans referred to in Articles 1 and 2 in the areas referred to in the Annex.

Article 4

Germany shall adopt appropriate measures in a strip of its territory with a width of not less than 20 km from the border between Rhineland-Palatinate and France in order to:

- (a) reduce as much as possible disturbance to the feral pig population causing long distance movements of feral pigs out of the area in question, taking into account natural and artificial barriers; and
- (b) decrease the density of the feral pig population.

The above measures shall be adopted by Germany in coordination and cooperation with the French authorities. They shall include regulation of hunting procedures, or, if necessary, suspension of hunting.

⁽¹⁾ OJ L 326, 3.12.2002, p. 12.

⁽²⁾ On the date of the adoption of this Decision the report of this mission is still to be finalised.

⁽³⁾ OJ L 200, 30.7.2002, p. 37.

Article 5

Decisions 1999/39/EC, 1999/335/EC, 2000/281/EC and 2002/161/EC are repealed.

Article 6

This Decision is addressed to Germany and to France.

Done at Brussels, 27 February 2003.

For the Commission
David BYRNE
Member of the Commission

ANNEX

1. AREAS WHERE ERADICATION PLANS ARE IN PLACE:

(A) **Lower-Saxony**

In the Kreis Rotenburg: the gemeinde Sottrum, Bothel, Rotenburg and Visselhövede;

in the Kreis Soltau-Fallingb. : the gemeinde Ahlden, Schwarmstedt-Essel, Wietzendorf, Bomlitz, Fallingb., Walsrode, Schneverdingen; Neuenkirchen, Soltau and Essel;

in the Kreis Verden: the gemeinde Achim, Ottersberg, Langwedel, Verden and Kirchlinteln.

(B) **North Rhine-Westphalia**

In the Kreis Euskirchen: the gemeinde Schleiden, Dahlem, Blankenheim, Bad Muenstereifel, Euskirchen, Hellenthal, Kall; Mechernich, Nettersheim and Zuelpich;

in the Kreis Rhein-Sieg: the gemeinde Rheinbach, Swisttal and Meckenheim;

city of Aachen;

in the Kreis Aachen: Monschau, Stollberg, Simmerath and Roetgen;

in the Kreis Dueren: Heimbach, Nideggen, Huertgenwald and Langerwehe.

(C) **Rhineland-Palatinate**

The Kreise: Ahrweiler, Bad Dürkheim, Bernkastel-Wittlich, Bitburg-Prüm, Cochem-Zell, Daun, Donnersbergkreis and Südliche Weinstraße;

in the Kreis Trier-Saarburg: the area east of the river Saar;

in the Kreis Mayen-Koblenz: the area west of the river Rhein;

the Cities of: Alzey, Landau, Kaiserslautern, Neustadt an der Weinstraße, Pirmasens, Speyer and Trier;

in the City of Koblenz: the area west of the river Rhein;

in the Kreis Birkenfeld: the gemeinde Baumholder and Truppenübungsplatz Baumholder, Birkenfeld, Rhaunen; in the gemeinde Herrstein: the municipalities Allenbach, Bruchweiler, Kempfeld, Langweiler, Sensweiler and Wirschweiler;

in the Kreis Rhein-Hunsrück-Kreis: the gemeinde Boppard, Verbandsgemeinde Emmelshausen, Kastellaun, Kirchberg; in the gemeinde Rheinböllen: the municipalities Benzweiler, Kisselbach, Liebshausen and Steinbach; the gemeinde Simmern and St. Goar-Oberwesel;

in the Kreis Alzey-Worms: the municipalities Stein-Bockenheim, Wonsheim, Siefersheim, Wöllstein, Gumbsheim, Eckelsheim, Wendelsheim, Nieder-Wiesen, Nack, Erbes-Büdesheim, Flonheim, Bornheim, Lonsheim, Bermersheim vor der Höhe, Albig, Bechenheim, Offenheim, Mauchenheim, Freimersheim, Wahlheim, Kettenheim, Esselborn, Dinteshaim, Flornborn, Eppelsheim, Ober-Flörsheim, Hangen-Weisheim, Gundersheim, Bermersheim, Gundheim, Framersheim, Gau-Heppenheim the gemeinde Monsheim and Alzey;

in the Kreis Bad Kreuznach: the municipalities Becherbach, Reiffelbach, Schmittweiler, Callbach, Meisenheim, Breitenheim, Rehborn, Lettweiler, Odernheim a. Glan, Oberhausen a. d. Nahe, Duchroth, Hallgarten, Feilbingert, Hochstätten, Niederhausen, Norheim, Bad Münster a. Stein-Ebernburg, Altenbamburg, Fürfeld, Tiefenthal, Neubamburg and Frei-Laubersheim;

in the Kreis Germersheim: the gemeinde Lingenfeld, Bellheim and Germersheim;

in the Kreis Kaiserslautern: the gemeinde Weilerbach, Otterbach, Otterberg, Enkenbach-Alsenborn, Hochspeyer, Kaiserslautern-Süd, Landstuhl, Bruchmühlbach-Miesau; the municipalities Hütschenhausen, Ramstein-Miesenbach, Steinwenden and Kottweiler-Schwanden;

in the Kreis Kusel: the municipalities Odenbach, Adenbach, Cronenberg, Ginsweiler, Hohenöllen, Lohnweiler, Heinzenhausen, Nussbach, Reipoltskirchen, Hefersweiler, Relsberg, Einöllen, Oberweiler-Tiefenbach, Wolfstein, Kreimbach-Kaulbach, Rutsweiler a.d. Lauter, Rothselberg, Jettenbach and Bosenbach;

in the Kreis Ludwigshafen: the gemeinde Dudenhofen, Waldsee, Böhl-Iggelheim, Schifferstadt, Römerberg and Altrip;

In the Kreis Südwestpfalz: the gemeinde Waldfischbach-Burgalben, Rodalben, Hauenstein, Dahner-Felsenland, Pirmasens-Land, Thaleisweiler-Fröschen; the municipalities Schmitshausen, Herschberg, Schauerberg, Weselberg, Obernheim-Kirchenarnbach, Hettenhausen, Saalstadt, Wallhalben and Knopp-Labach.

(D) **Saarland**

In the Kreis Merzig-Wadern: the gemeinde Mettlach, Merzig, Beckingen, Losheim, Weiskirchen and Wadern;

in the Kreis Saarlouis: the gemeinde Dillingen, Bous, Ens Dorf, Schwalbach, Saarwellingen, Nalbach, Lebach, Schmelz and Saarlouis;

in the Kreis Sankt Wendel: the gemeinde Nonnweiler, Nohfelden and Tholey.

2. AREAS WHERE THE EMERGENCY VACCINATION IS APPLIED

(A) Lower-Saxony

In the Kreis Rotenburg: the gemeinde Sottrum, Bothel, Rotenburg and Visselhövede;

in the Kreis Soltau-Fallingb. the gemeinde Ahlden, Schwarmstedt-Essel, Wietzendorf, Bomlitz, Fallingb., Walsrode, Schneverdingen; Neuenkirchen, Soltau and Essel;

in the Kreis Verden: the gemeinde Achim, Ottersberg, Langwedel, Verden and Kirchlinteln.

(B) North Rhine-Westphalia

in the Kreis Euskirchen: the gemeinde Schleiden, Dahlem, Blankenheim, Bad Muenstereifel, Euskirchen, Hellenthal; Kall, Mechernich and Nettersheim;

In the Kreis Rhein-Sieg: the gemeinde Rheinbach, Swisttal and Meckenheim;
the City of Aachen;

in the Kreis Aachen: the gemeinde Monschau, Stollberg, Simmerath and Roetgen;

in the Kreis Dueren: the gemeinde Heimbach, Nideggen, Huertgenwald and Langerwehe.

(C) Rhineland-Palatinate

The Kreise Ahrweiler, Bernkastel-Wittlich, Bitburg-Pruem, Cochem-Zell, Daun and Trier;

in the Kreis Trier-Saarburg: all areas east of the river Saar;

in the City of Koblenz and the Kreis Mayen-Koblenz: all areas west of the river Rhein;

in the Kreis Birkenfeld: the gemeinde Baumholder and Truppenuebungplatz Baumholder, gemeinde Birkenfeld and Rhaunen; municipalities Allenbach, Bruchweiler, Kempfeld, Langweiler, Sensweiler and Wirschweiler;

in the Kreis Rhein-Hunsrueck: the gemeinde Boppard, Emmelshausen, Kastellaun, Kirchberg, Simmern and St. Goar-Oberwesel; the municipalities Benzweiler, Kisselbach, Liebshausen and Steinbach;

the Kreise Bad Duerkheim, Donnersbergkreis and Suedliche Weinstrasse;

the Cities Speyer, Neustadt a.d.W., Landau, Pirmasens and Kaiserslautern;

in the Kreis Alzey-Worms: the municipalities Stein-Bockenheim, Wonsheim, Siefersheim, Woellstein, Gumbshheim, Eckelsheim, Wendelsheim, Nieder-Wiesen, Nack, Erbes-Buedesheim, Flonheim, Bornheim, Lonsheim, Bermersheim vor der Hoehe, Albig, Bechenheim, Offenheim, Mauchenheim, Freimersheim, Wahlheim, Kettenheim, Esselborn, Dintesheim, Flomborn, Eppelsheim, Ober-Floersheim, Hangen-Weinsheim, Gundersheim, Bermersheim and Gundheim, gemeinde Monsheim and Alzey;

in the Kreis Bad Kreuznach: the municipalities Becherbach, Reiffelbach, Schmittweiler, Callbach, Meisenheim, Breitenheim, Rehborn, Lettweiler, Odernheim a. Glan, Oberhausen a.d. Nahe, Duchroth, Hallgarten, Feilbingert, Hochstaetten, Niederhausen, Norheim, Bad Muenster a. Stein-Ebernburg, Altenbamberg, Fuerfeld, Tiefenthal, Neu-Bamberg and Frei-Laubersheim;

in the Kreis Germersheim: the gemeinde Lingenfeld, Bellheim and Germersheim;

in the Kreis Kaiserslautern: the gemeinde Weilerbach, Otterbach, Otterberg, Enkenbach-Alsenborn, Hochspeyer, Kaiserslautern-Süd, Landstuhl and Bruchmühlbach-Miesau, the municipalities Hütschenhausen, Ramstein-Miesbach, Steinwenden and Kottweiler-Schwanden;

in the Kreis Kusel: the municipalities Odenbach, Adenbach, Cronenberg, Ginsweiler, Hohenöllen, Lohnweiler, Heinzenhausen, Nussbach, Reipoltskirchen, Hefersweiler, Relsberg, Einöllen, Oberweiler-Tiefenbach, Wolfstein, Kreimbach-Kaulbach, Rutsweiler a.d. Lauter, Rothselberg, Jettenbach and Bosenbach;

in the Kreis Ludwigshafen: the gemeinde Dudenhofen, Waldsee, Böhl-Iggelheim, Schifferstadt, Römerberg and Altrip;

in the Kreis Südwestpfalz: the gemeinde Waldfischbach-Burgalben, Rodalben, Hauenstein, Dahner-Felsenland, Pirmasens-Land and Thaleischweiler-Fröschen, the municipalities Schmitshausen, Herschberg, Schauerberg, Weselberg, Obernheim-Kirchenarnbach, Hettenhausen, Saalstadt, Wallhalben and Knopp-Labach.

(D) Saarland ⁽¹⁾

In the Kreis Merzig-Wadern: the gemeinde Mettlach, Merzig, Beckingen, Losheim, Weiskirchen and Wadern;

in the Kreis Saarlouis: the gemeinde Dillingen, Bous, Ens Dorf, Schwalbach, Saarwellingen, Nalbach, Lebach, Schmelz and Saarlouis;

in the Kreis Sankt Wendel: the gemeinde Nonnweiler, Nohfelden and Tholey.

⁽¹⁾ No vaccination will be applied in Saarland south of the motorway A8.

COMMISSION DECISION

of 27 February 2003

on the approval of the plans for the eradication of classical swine fever in feral pigs and emergency vaccination of feral pigs against classical swine fever in Luxembourg*(notified under document number C(2003) 627)***(Only the French text is authentic)****(Text with EEA relevance)**

(2003/136/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 2001/89/EC of 23 October 2001 on Community measures for the control of classical swine fever⁽¹⁾, and in particular Article 16(1), Article 20(2), Article 25(3) and Article 29(2) thereof,

Whereas:

- (1) In 2001 classical swine fever was confirmed in the feral pig population in Luxembourg.
- (2) A plan to eradicate classical swine fever in the feral pig population from Luxembourg was approved by the Commission with Decision 2002/181/EC of 28 February 2002 approving the plan presented by Luxembourg for the eradication of classical swine fever in feral pigs in certain areas of Luxembourg⁽²⁾.
- (3) In the light of the epidemiological situation, Luxembourg has submitted a plan for the emergency vaccination of feral pigs in Luxembourg.
- (4) The submitted plan has been examined and found to comply with the provisions of Directive 2001/89/EC.
- (5) The authorities of Luxembourg have authorised the use of a live attenuated vaccine against classical swine fever (C strain) to be used for the immunisation of feral pigs by means of oral baits.
- (6) The authorities of Luxembourg have undertaken: (i) to keep under continuous review the measures in place to control classical swine fever in Luxembourg in strict cooperation with the Commission services, in the light of the evolution in the epidemiological situation; and (ii) to improve the collection of demographic data on the feral pigs and the epidemiological information on which the eradication and vaccination plans which are

approved by this Decision are based. The authorities of Luxembourg shall amend the plans approved by this Decision and submit them to the Commission for further approval, as necessary.

- (7) Classical swine fever has been confirmed in the feral pigs in France, at the border with Luxembourg. The eradication plan submitted by France was approved by Commission Decision 2002/626/EC of 25 July 2002 approving the plan submitted by France for the eradication of classical swine fever from feral pigs in Moselle and Meurthe-et-Moselle⁽³⁾.
- (8) For the sake of clarity it is appropriate to adopt a single Decision: (i) confirming the approval of the plan submitted by Luxembourg for the eradication of classical swine fever in feral pigs; (ii) approving the newly submitted plan for the emergency vaccination of feral pigs; (iii) establishing conditions to ensure, in the border areas concerned, the consistency of the measures to be implemented by Luxembourg with the measures applied by France; and (iv) repealing Decision 2002/181/EC.
- (9) For the sake of transparency it is appropriate to indicate in the present Decision the geographical areas where the eradication and emergency vaccination plans shall be implemented.
- (10) 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

The plan submitted by Luxembourg for the eradication of classical swine fever in feral pigs in Luxembourg is approved.

⁽¹⁾ OJ L 316, 1.12.2001, p. 5.

⁽²⁾ OJ L 61, 2.3.2002, p. 54.

⁽³⁾ OJ L 200, 30.7.2002, p. 37.

Article 2

The plan submitted by Luxembourg for the emergency vaccination of feral pigs against classical swine fever in Luxembourg is approved.

Article 3

Luxembourg shall bring into force the laws, regulations and administrative provisions for implementing the plans referred to in Articles 1 and 2 in the areas referred to in the Annex.

Article 4

Luxembourg shall adopt appropriate measures in a strip of its territory with a width of not less than 20 km from the border with France in order to:

- (a) reduce as much as possible disturbance to the feral pig population causing long distance movements of feral pigs out of the area in question, taking into account natural and artificial barriers; and
- (b) decrease the density of the feral pig population.

The above measures shall be adopted by Luxembourg in coordination and cooperation with the French authorities. They shall include regulation of hunting procedures, or, if necessary, suspension of hunting.

Article 5

Decision 2002/181/EC is repealed.

Article 6

This Decision is addressed to the Grand Duchy of Luxembourg and the French Republic.

Done at Brussels, 27 February 2003.

For the Commission

David BYRNE

Member of the Commission

ANNEX

The whole territory of Luxembourg.

COMMISSION DECISION
of 27 February 2003
amending Decision 93/402/EEC as regards imports of fresh meat from Paraguay

(notified under document number C(2003) 677)

(Text with EEA relevance)

(2003/137/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 97/78/EC of 18 December 1997 laying down the principles governing the organisation of veterinary checks on products entering the Community from third countries ⁽¹⁾, and in particular Article 22(1) thereof,

Having regard to Council Directive 72/462/EEC of 12 December 1972 on health and veterinary inspection problems upon importation of bovine, ovine and caprine animals and swine, fresh meat or meat products from third countries ⁽²⁾, as last amended by Regulation (EC) No 1452/2001 ⁽³⁾, and in particular Article 14(3) and Article 16 thereof,

Whereas:

- (1) Commission Decision 93/402/EEC of 10 June 1993 concerning animal health conditions and veterinary certification for imports of fresh meat from South American countries ⁽⁴⁾, as last amended by Decision 2002/908/EC ⁽⁵⁾, applies to Argentina, Brazil, Chile, Colombia, Paraguay and Uruguay.
- (2) An outbreak of foot-and-mouth disease was detected in October 2002 in Paraguay in an area which is adjacent to areas from which exports to the Community are approved (Community-approved areas) and is close to the border with Brazil.
- (3) In order to assess the situation as regards foot-and-mouth disease in the area in which the outbreak occurred and also in the Community-approved areas, an inspection by the Food and Veterinary Office (FVO) was carried out between 4 and 14 February 2003.
- (4) The inspection has shown that the general situation in Paraguay as regards veterinary controls on the livestock and on the meat production does not fulfill the requirements for export to the Community.
- (5) It was established that there were a number of serious deficiencies and a lack of controls on the systems put in place by the Paraguayan authorities following earlier FVO inspections in order to ensure that only boned and

matured meat obtained from animals coming from the Community-approved areas of the country could be exported in compliance with Community requirements.

- (6) In view of the findings of the inspection, it is appropriate to withdraw the authorisation to Paraguay to export boned and matured bovine fresh meat to the Community.
- (7) However, in the absence of clear evidence of active disease in Paraguay, the importation into the Community of boned and matured bovine fresh meat for human consumption and boned meat and offal for petfood slaughtered, produced, certified and en route to the Community prior to 20 February 2003 should be permitted. The situation should be reviewed when the Paraguayan authorities can give sufficient guarantees that the deficiencies found have been rectified and this has been positively assessed by a further FVO inspection.
- (8) Decision 93/402/EEC should therefore be amended accordingly.
- (9) 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

Annex II to Decision 93/402/EEC is replaced by the text in the Annex to this Decision.

Article 2

The Member States shall amend the measures they apply to imports so as to bring them into compliance with this Decision and they shall give immediate appropriate publicity to the measures adopted. They shall immediately inform the Commission thereof.

Article 3

These measures shall be reviewed within 12 months.

⁽¹⁾ OJ L 24, 31.1.1998, p. 9.

⁽²⁾ OJ L 302, 31.12.1972, p. 28.

⁽³⁾ OJ L 198, 21.7.2001, p. 11.

⁽⁴⁾ OJ L 179, 22.7.1993, p. 11.

⁽⁵⁾ OJ L 313, 16.11.2002, p. 34.

Article 4

This Decision is addressed to the Member States.

Done at Brussels, 27 February 2003.

For the Commission
David BYRNE
Member of the Commission

ANNEX

ANNEX II

ANIMAL HEALTH GUARANTEES REQUESTED ON CERTIFICATION ⁽¹⁾

Country	Territory	Model certificate for fresh meat excluding offal				Model certificate for offal								
		Species				of bovine animals					of ovines		soliped	
		Bovine	Ovine-caprine	Porcine	Soliped	HC	MP				PF	HC		PF
1	2						3	4						
Argentina	AR	—	—	—	D	—	—	—	—	—	—	—	—	D
	AR-1	A ⁽⁴⁾	—	—	D	—	—	—	—	—	F ⁽⁵⁾	—	—	D
	AR-3	B ⁽⁶⁾	B ⁽⁶⁾	—	D	B ⁽⁶⁾	B ⁽⁶⁾	B ⁽⁶⁾	B ⁽⁶⁾	B ⁽⁶⁾	B ⁽⁶⁾	B ⁽⁶⁾	B ⁽⁶⁾	D
Brazil	BR	—	—	—	D	—	—	—	—	—	—	—	—	D
	BR-1	A ⁽³⁾	—	—	D	—	—	—	—	—	F ⁽³⁾	—	—	D
	BR-2	A ⁽⁸⁾	—	—	D	—	—	—	—	—	F ⁽⁹⁾	—	—	D
Chile	CL	B	B	H	D	B	B	B	B	B	B	B	B	D
Colombia	CO	—	—	—	D	—	—	—	—	—	—	—	—	D
	CO-1	A	—	—	D	—	—	—	—	—	—	—	—	D
	CO-2	—	—	—	D	—	—	—	—	—	—	—	—	D
	CO-3	A	—	—	D	—	—	—	—	—	—	—	—	D
Paraguay	PY	—	—	—	D	—	—	—	—	—	—	—	—	D
	PY-1	A ⁽⁷⁾	—	—	D	—	—	—	—	—	F ⁽⁷⁾	—	—	D
Uruguay	UY	A ⁽²⁾	C ⁽²⁾	—	D	—	—	—	—	—	F	—	G	D

HC Human consumption.

MP Destined for heat-treated meat products industry:

1 = hearts;

2 = livers;

3 = masseter muscles;

4 = tongues.

PF Destined for the pet food industry.

- (1) The letters (A, B, C, D, E, F, G, and H) appearing in the table, refer to the models of animal health guarantees as described in part 2 of Annex III, to be applied for each product and origin in accordance with Article 2; a dash (—) indicates that imports are not authorised.
- (2) Only to be used for boned meat from animals slaughtered after 1 November 2001.
- (3) In the case of Rio Grande do Sul only to be used for boned meat from bovine animals and offal for pet food from animals slaughtered after 30 November 2001.
- (4) Only to be used for boned meat from bovine animals slaughtered after 31 January 2002, except in the cases of La Pampa and Santiago del Estero for which the date is 8 March 2002 and of Córdoba for which the date is 26 March 2002.
- (5) Only to be used for offal for pet food from bovine animals slaughtered after 31 January 2002 except in the cases of La Pampa and Santiago del Estero for which the date is 8 March 2002 and of Córdoba for which the date is 26 March 2002.
- (6) Only to be used for fresh meat (including offal) from ovine, caprine and bovine animals slaughtered after 1 March 2002 in the provinces of Chubut, Santa Cruz, and Tierra del Fuego.
- (7) Only to be used for boned meat for human consumption and boned meat and offal for pet food from bovine animals slaughtered, produced and certified after 1 September 2002 and before 20 February 2003 and en route to the Community prior to 20 February 2003.
- (8) Only to be used for boned meat from bovine animals slaughtered before 31 October 2002.
- (9) Only to be used for offal for pet food from bovine animals slaughtered before 31 October 2002.'
-

COMMISSION DECISION
of 27 February 2003
establishing component and material coding standards for vehicles pursuant to Directive 2000/53/
EC of the European Parliament and of the Council on end-of-life vehicles

(notified under document number C(2003) 620)

(Text with EEA relevance)

(2003/138/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Directive 2000/53/EC of the European Parliament and of the Council of 18 September 2000 on end-of-life vehicles ⁽¹⁾, and in particular Article 8(2) thereof,

Whereas:

- (1) Under Directive 2000/53/EC, the Commission is to establish component and material coding standards, to be used by producers and material and equipment manufacturers, in particular to facilitate the identification of those components and materials which are suitable for reuse and recovery.
- (2) It would be appropriate to establish further coding standards on the basis of the practical experience gained in the recycling and recovery of end-of-life vehicles.
- (3) The measures provided for in this Decision are in accordance with the opinion of the Committee referred to in Article 11 of Directive 2000/53/EC,

HAS ADOPTED THIS DECISION:

Article 1

Without prejudice to Article 3(3) of Directive 2000/53/EC, Member States shall take the necessary measures to ensure that producers, in concert with material and equipment manufac-

turers, use the nomenclature of ISO component and material coding standards referred to in the Annex to this Decision for the labelling and identification of components and materials of vehicles.

Article 2

Two years after the entry into force of this Decision, on the basis of the practical experience gained in the recycling and recovery of end-of-life vehicles, the present Decision shall be reviewed in order to establish, if necessary, component and material coding standards for other materials.

Article 3

This Decision shall apply from 1 July 2003.

Article 4

This Decision is addressed to the Member States.

Done at Brussels, 27 February 2003.

For the Commission

Margot WALLSTRÖM

Member of the Commission

⁽¹⁾ OJ L 269, 21.10.2000, p. 34.

ANNEX

For the labelling and identification of vehicle plastic components and materials having a weight of more than 100 grams, the following nomenclature applies:

- ISO 1043-1 Plastics — symbols and abbreviated terms. Part 1: Basic polymers and their special characteristics.
- ISO 1043-2 Plastics — symbols and abbreviated terms. Part 2: Fillers and reinforcing materials.
- ISO 11469 Plastics — Generic identification and marking of plastic products.

For the labelling and identification of vehicle elastomer components and materials having a weight of more than 200 grams, the following nomenclature applies:

- ISO 1629 Rubbers and latices — Nomenclature. This shall not apply to the labelling of tyres.

The symbols '<' or '>' used in the ISO standards, can be substituted by brackets.

(Acts adopted pursuant to Title V of the Treaty on European Union)

COUNCIL COMMON POSITION 2003/139/CFSP
of 27 February 2003
concerning restrictive measures against the leadership of the Transnistrian region of the Moldovan Republic

THE COUNCIL OF THE EUROPEAN UNION,

HAS ADOPTED THIS COMMON POSITION:

Having regard to the Treaty on European Union, and in particular Article 15 thereof,

Article 1

Whereas:

- (1) The EU reiterates its deep concern on the situation regarding the Transnistrian conflict in Moldova and underlines its commitment to contribute to efforts in an Organisation for Security and Cooperation in Europe (OSCE) framework to reach a peaceful solution to the conflict in full respect of Moldova's territorial integrity.
- (2) The EU considers the continued obstructionism of the leadership of the Transnistrian region of the Moldovan Republic and its unwillingness to change the status quo to be unacceptable.
- (3) Consequently and in support of the EU's more active involvement in the political process, the Council has decided to implement targeted sanctions in the form of a travel ban aimed solely at those members of the Transnistrian leadership considered to be primarily responsible for the lack of cooperation to promote a political settlement of the conflict. The EU reserves the right to consider additional targeted restrictive measures at a later date.
- (4) The EU will review its position in the light of further developments, in particular steps taken by the Transnistrian leadership to make substantial progress in negotiations on the settlement of Transnistria's political status within Moldova.
- (5) The implementation of the travel ban should be without prejudice to cases where a Member State is bound by an obligation of international law, or is host country of the OSCE,

1. Member States shall take the necessary measures to prevent the entry into, or transit through, their territories of the persons listed in the Annex, who are responsible for the lack of cooperation to promote a political settlement of the conflict.

2. Paragraph 1 will not oblige a Member State to refuse its own nationals entry into its territory.

3. Paragraph 1 shall be without prejudice to the cases where a Member State is bound by an obligation of international law, namely:

- (i) as a host country of an international intergovernmental organisation;
- (ii) as a host country to an international conference convened by, or under the auspices of, the United Nations; or
- (iii) under a multilateral agreement conferring privileges and immunities.

The Council shall be duly informed in each of these cases.

4. Paragraph 3 shall be considered as applying also in cases where a Member State is host country of the OSCE.

5. Member States may grant exemptions from the measures imposed in paragraph 1 where travel is justified on the grounds of urgent humanitarian need, or on grounds of attending intergovernmental meetings, including those promoted by the EU, where a political dialogue is conducted that directly promotes democracy, human rights and the rule of law in Moldova.

6. A Member State wishing to grant exemptions referred to in paragraph 5 shall notify the Council in writing. The exemption will be deemed to be granted unless one or more of the Council Members raises an objection in writing within 48 hours of receiving notification of the proposed exemption. In the event that one or more of the Council members raises an objection, the Council, acting by a qualified majority, may decide to grant the proposed exemption.

7. In cases where, pursuant to paragraphs 3, 4, 5 and 6, a Member State authorises the entry into, or transit through, its territory of persons listed in the Annex, the authorisation shall be limited to the purpose for which it is given and to the persons concerned thereby.

Article 2

The Council, acting upon a proposal by a Member State or the Commission, shall adopt modifications of the list contained in the Annex as required by political developments in Moldova.

Article 3

In order to maximise the impact of the abovementioned measures, the European Union shall encourage third States to adopt restrictive measures similar to those contained in this Common Position.

Article 4

This Common Position shall take effect on the day of its adoption. It shall apply for a renewable twelve-month period after that date.

This Common Position shall be kept under constant review.

Article 5

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

Done at Brussels, 27 February 2003.

For the Council

The President

M. CHRISOCHOÏDIS

ANNEX

List of persons referred to in Article 1

1. SMIRNOV, IGOR, 'President', born on 29 October 1941 in Chabarowsk; Russian passport No 50 NO.0337530.
 2. SMIRNOV, VLADIMIR, son and Chairman of State Customs Committee, born on 3 April 1961 in Vupiansk Charkow; Russian passport No 50 NO. 00337016.
 3. SMIRNOV, OLEG, son and Adviser to the State Customs Committee, born on 8 August 1967 in Nowaja Wachowka, Cherson; Russian passport No 60 NO. 1907537.
 4. LEONTYEV, SERGEY, 'Vice-president', born on 9 February 1944 in Odessa Leontovka; Russian passport No 50 NO. 0065438.
 5. MARACUTSA, GRIGORY, 'Chairman of the Supreme Soviet', born on 15 October 1942 in Teia, Grigoriopol; former Soviet Union passport No 8BM724835.
 6. KAMINSKY, ANATOLY, 'Vice-chairman of the Supreme Soviet', born on 15 March 1950 in Cita; former Soviet Union passport No A25056238.
 7. SHEVCHUK, EVGENY, 'Vice-chairman of the Supreme Soviet', born on 21 June 1946 in Nowosibirsk; former Soviet Union passport No A25004230.
 8. LITSKAI, VALERY, 'Minister of Foreign Affairs', born on 13 February 1949 in Tver; Russian passport.
 9. KHAJEEV, STANISLAV, 'Minister of Defence', born on 28 December 1941 in Celabinsk.
 10. ANTIUFEEV (SEVTOV), VADIM, 'Minister of State Security', born in 1951 in Novosibirsk; Russian passport.
 11. KOROLYOV, ALEXANDER, 'Minister of Internal Affairs', born in 1951 in Briansk; Russian passport.
 12. BALALA, VIKTOR, 'Minister of Justice', born in 1961 in Vinita.
 13. AKULOV, BORIS, 'Representative of Transnistria in Ukraine'.
 14. ZAKHAROV, VIKTOR, 'Prosecutor's office', born in 1948 in Camenca.
 15. LIPOVTSEV, ALEXEY, 'Deputy Chairman of the Custom's Committee'.
 16. GUDYMO, OLEG, 'Deputy Minister of Security', born on 11 September 1944 in Alma-Ata; Russian passport No 51 NO. 0592094.
 17. KOSOVSKI, EDUARD, 'Chairman of the Transnistrian Republican Bank', born on 7 October 1958 in Floresti.
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COUNCIL COMMON POSITION 2003/140/CFSP
of 27 February 2003
concerning exceptions to the restrictive measures imposed by Common Position 2002/402/CFSP

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 15 thereof,

Whereas:

- (1) On 16 January 2002 the United Nations Security Council adopted resolution 1390 (2002), hereinafter referred to as 'UNSCR 1390 (2002)', setting out measures to be imposed against Usama bin Laden, members of the Al-Qaida organisation and the Taliban and other individuals, groups, undertakings and entities associated with them and adjusting the scope of the sanctions imposed by UNSCR 1267 (1999) and 1333 (2000), hereinafter referred to as 'UNSCR 1267 (1999)' and 'UNSCR 1333 (2000)'.

- (2) On 27 May 2002 the Council adopted Common Position 2002/402/CFSP⁽¹⁾ so as to implement UNSCR 1390 (2002).
- (3) On 20 December 2002 the United Nations Security Council adopted resolution 1452 (2002), allowing for specified exceptions to be made to the restrictive measures imposed by UNSCR 1267 (1999) and 1390 (2002).
- (4) Action by the Community is needed in order to implement the specified exceptions,

HAS ADOPTED THIS COMMON POSITION:

Article 1

When implementing the measures set out in Article 3 of Common Position 2002/402/CFSP, the European Community will provide for the exceptions permitted by United Nations Security Council resolution 1452 (2002).

Article 2

This Common Position shall take effect on the date of its adoption.

Article 3

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

Done at Brussels, 27 February 2003.

For the Council

The President

M. CHRISOCHOÏDIS

⁽¹⁾ OJ L 139, 29.5.2002, p. 4.

COUNCIL JOINT ACTION 2003/141/CFSP
of 27 February 2003
amending Joint Action 2002/210/CFSP on the European Union Police Mission

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 14 thereof,

Whereas:

- (1) On 11 March 2002, the Council adopted Joint Action 2002/210/CFSP on the European Union Police Mission⁽¹⁾, laying down a multiannual schedule to finance it.
- (2) For technical reasons it proved impossible to finalise an invitation to tender for certain equipment needed for the Mission's start-up within the prescribed time limits. Because the financing agreement referred to in Article 166(1)(a) of Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities⁽²⁾ restricted eligibility of expenditure to 2002, these appropriations can no longer be used in 2003.
- (3) The expenditure relating to this invitation to tender must therefore be charged to the Community budget for 2003.
- (4) Joint Action 2002/210/CFSP should be amended accordingly,

HAS ADOPTED THIS JOINT ACTION:

Article 1

Article 9(1) and (2) of Joint Action 2002/210/CFSP shall be replaced by the following:

1. The costs for the implementation of this Joint Action shall be:
 - (a) EUR 14 million for start-up costs (including equipment and the Planning Team) for 2002, to be financed out of the Community budget;

- (b) EUR 1,7 million for start-up costs (including equipment) for 2003, to be financed out of the Community budget;
- (c) up to EUR 38 million for yearly running costs for the years 2003 to 2005, divided up as follows:
 - (i) up to EUR 17 million for per diem depending on the daily rate set and EUR 1 million for travel costs, which pursuant to Article 5(2) shall be charged on a costs "lie where they fall" basis;
 - (ii) the remainder of EUR 20 million (EUR 11 million for operational running costs, EUR 4 million for local staff, EUR 5 million for international civilian staff) to be financed in common out of the Community budget.

The final budget for the years 2003 to 2005 shall be decided by the Council on an annual basis.

2. Should financing of the costs referred to in paragraph 1(c)(ii) on the basis of the Community budget not be sufficient, the Council shall decide, in accordance with the provisions of the Treaty on European Union, how to cover any remaining gap, which shall consist of common costs.'

Article 2

This Joint Action shall enter into force on the date of its adoption.

Article 3

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

Done at Brussels, 27 February 2003.

For the Council
The President

M. CHRISOCHOÏDIS

⁽¹⁾ OJ L 70, 13.3.2002, p. 1.

⁽²⁾ OJ L 248, 16.9.2002, p. 1.

CORRIGENDA**Corrigendum to Council Regulation (EC) No 1784/2000 of 11 August 2000 imposing a definitive anti-dumping duty and collecting definitively the provisional duty imposed on imports of certain malleable cast iron tube or pipe fittings originating in Brazil, the Czech Republic, Japan, the People's Republic of China, the Republic of Korea and Thailand**

(Official Journal of the European Communities L 208 of 18 August 2000)

On page 23, in the Annex, in point 5:

for: '5. The name of the official of the company that has issued the undertaking invoice and the following signed declaration:

"I, the undersigned, certify that the sale for direct export to the European Community of the goods covered by this invoice is being made within the scope and under the terms of the undertaking offered by ... (company), and accepted by the European Commission through Regulation (EC) No 449/2000 or Decision C(2000) XXX. I declare that the information provided in this invoice is complete and correct."

read: '5. The name of the official of the company that has issued the undertaking invoice and the following signed declaration:

"I, the undersigned, certify that the sale for direct export to the European Community of the goods covered by this invoice is being made within the scope and under the terms of the undertaking offered by ... (company), and accepted by the European Commission pursuant to Regulation (EC) No 449/2000 or Decision C(2000) 2452. I declare that the information provided in this invoice is complete and correct."

Corrigendum to Directive 2000/30/EC of the European Parliament and of the Council of 6 June 2000 on the technical roadside inspection of the roadworthiness of commercial vehicles circulating in the Community

(Official Journal of the European Communities L 203 of 10 August 2000)

On page 4, in Article 12(1):

for: '... no later than 6 June 2002.'

read: '... before 10 August 2002.'

Corrigendum to Council Regulation (EC) No 1514/2002 of 19 August 2002 imposing a definitive anti-dumping duty and collecting definitively the provisional duty imposed on imports of certain tube and pipe fittings, of iron or steel originating in the Czech Republic, Malaysia, Russia, the Republic of Korea and Slovakia

(Official Journal of the European Communities L 228 of 24 August 2002)

On page 5, in Article 1(2), in the table, against the entry relating to 'Slovakia':

for:

Country	Company	Definitive anti-dumping duty (%)	TARIC additional code
'Slovakia	All companies	15,0	A999'

read:

Country	Company	Definitive anti-dumping duty (%)	TARIC additional code
'Slovakia	Bohus s.r.o., Nálepkova 310, 976 45 Hronec	7,7	A329
	All other companies	15,0	A999'

Corrigendum to Council Regulation (EC) No 2287/2002 of 16 December 2002 amending Regulation (EC) No 2505/96 opening and providing for the administration of autonomous Community tariff quotas for certain agricultural and industrial products

(Official Journal of the European Communities L 348 of 21 December 2002)

On page 48, against Order No 09.2985, in the column headed 'Quota period':

for: '1.1 to 31.12.2003',

read: '1.1 to 30.6.2003'.