

English edition

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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EC) No 415/2003

of 27 February 2003

on the issue of visas at the border, including the issue of such visas to seamen in transit

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 62, point (2)(b)(ii), thereof,

Having regard to the initiative of the Kingdom of Spain ⁽¹⁾,

Having regard to the opinion of the European Parliament ⁽²⁾,

Whereas:

- (1) The rules for issuing visas at the border to seamen in transit need to be clarified and updated, in particular to allow group transit visas to be issued at the border to seamen who are of the same nationality and are travelling in a group, as long as the period of transit is limited.
- (2) It is therefore necessary to replace the rules contained in the Schengen Executive Committee Decision of 19 December 1996 on issuing visas to seamen in transit (SCH/Com-ex (96) 27) ⁽³⁾ by the rules set out in this Regulation. In the interests of clarity, these rules should be amalgamated with the general rules contained in Schengen Executive Committee Decision of 26 April 1994 on the issue of uniform visas at the border (SCH/Com-ex (94) 2) ⁽⁴⁾, which also corresponds to Annex 14 of the Common Manual ⁽⁵⁾. The said Decisions and Annex should therefore be repealed. The Common Manual and the Common Consular Instructions on visas for the diplomatic missions and consular posts ⁽⁶⁾ should also be amended to take into account this Regulation.
- (3) When deciding on the format of the separate sheet mentioned in Annex I to which the group transit visa should be affixed, Member States should take into account the uniform format, as set out in Council Regulation (EC) No 333/2002 of 18 February 2002 on a uniform format for forms for affixing the visa issued by

Member States to persons holding travel documents not recognised by the Member State drawing up the form ⁽⁷⁾.

- (4) The measures necessary for the implementation of this instrument should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission ⁽⁸⁾.
- (5) In accordance with Articles 1 and 2 of the Protocol on the position of Denmark annexed to the Treaty on European Union and to the Treaty establishing the European Community, Denmark is not taking part in the adoption of this Regulation, and is not bound by it or subject to its application. Given that this Regulation builds upon the Schengen *acquis* under the provisions of Title IV of Part Three of the Treaty establishing the European Community, Denmark shall, in accordance with Article 5 of the said Protocol, decide within a period of six months after the Council has adopted this Regulation whether it will implement it in its national law.
- (6) As regards Iceland and Norway, this Regulation constitutes a development of provisions of the Schengen *acquis* within the meaning of the Agreement concluded by the Council of the European Union and the Republic of Iceland and the Kingdom of Norway concerning the association of those two States with the implementation, application and development of the Schengen *acquis* ⁽⁹⁾, which fall within the area referred to in Article 1, point A, of Council Decision 1999/437/EC of 17 May 1999 on certain arrangements for the application of that Agreement ⁽¹⁰⁾.
- (7) This Regulation constitutes a development of provisions of the Schengen *acquis* in which the United Kingdom does not take part, in accordance with Council Decision 2000/365/EC of 29 May 2000 concerning the request of the United Kingdom of Great Britain and Northern Ireland to take part in some of the provisions of the Schengen *acquis* ⁽¹¹⁾; the United Kingdom is therefore not taking part in its adoption and is not bound by it or subject to its application.

⁽¹⁾ OJ C 139, 12.6.2002, p. 6.

⁽²⁾ Opinion of 11 February 2003 (not yet published in the Official Journal).

⁽³⁾ OJ L 239, 22.9.2000, p. 182.

⁽⁴⁾ OJ L 239, 22.9.2000, p. 163.

⁽⁵⁾ OJ C 313, 16.12.2002, p. 97.

⁽⁶⁾ OJ C 313, 16.12.2002, p. 1.

⁽⁷⁾ OJ L 53, 23.2.2002, p. 4.

⁽⁸⁾ OJ L 184, 17.7.1999, p. 23.

⁽⁹⁾ OJ L 176, 10.7.1999, p. 36.

⁽¹⁰⁾ OJ L 176, 10.7.1999, p. 31.

⁽¹¹⁾ OJ L 131, 1.6.2000, p. 43.

- (8) This Regulation constitutes a development of provisions of the Schengen *acquis* in which Ireland does not take part, in accordance with Council Decision 2002/192/EC of 28 February 2002 concerning Ireland's request to take part in some of the provisions of the Schengen *acquis* ⁽¹⁾; Ireland is therefore not taking part in its adoption and is not bound by it or subject to its application.
- (9) This Regulation constitutes an act building on the Schengen *acquis* or otherwise related to it within the meaning of Article 3(2) of the Act of Accession,

HAS ADOPTED THIS REGULATION:

Article 1

1. By way of derogation from the general rule that visas shall be issued by diplomatic and consular authorities, in accordance with the provisions of Article 12(1) of the Convention implementing the Schengen Agreement of 14 June 1985, signed at Schengen on 19 June 1990 ⁽²⁾, hereinafter referred to as the 'Schengen Convention', a third-country national who is required to be in possession of a visa when crossing the external borders of the Member States, may exceptionally be issued with a visa at the border where the following conditions are satisfied:

- (a) he or she shall fulfil the conditions laid down by the provisions of Article 5(1)(a), (c), (d) and (e) of the Schengen Convention;
- (b) he or she has not been in a position to apply for a visa in advance;
- (c) he or she shall submit, if required, supporting documents substantiating unforeseeable and imperative reasons for entry, and
- (d) return to his or her country of origin or transit to a third State shall be assured.

2. A visa issued at the border when the conditions described in paragraph 1 are satisfied may, as appropriate, be either a transit visa (type B) or a travel visa (type C) within the meaning of the provisions of Article 11(1) of the Schengen Convention, which

- (a) is valid for all Member States applying the provisions of Title II, Chapter 3, of the Schengen Convention, or
- (b) has limited territorial validity within the meaning of the provisions of Article 10(3) of the Schengen Convention.

In both cases, the visa issued shall not be valid for more than one entry. The validity of such travel visas shall not exceed 15 days. The validity of such transit visas shall not exceed five days.

3. A third-country national who applies for a transit visa at the border shall be in possession of the visas required to continue his or her journey to States of transit other than Member States applying the provisions of Title II, Chapter 3, of the Schengen Convention, and for the State of destination. The transit visa issued shall allow for direct transit through the territory of the Member State or Member States concerned.

4. A third-country national falling within a category of persons for which it is obligatory to consult one or more of the central authorities of other Member States shall not, in principle, be issued with a visa at the border.

Nevertheless, a visa may be issued at the border for such persons in exceptional cases, in accordance with the provisions of Article 5(2) of the Schengen Convention.

Article 2

1. A seaman who is required to be in possession of a visa when crossing the external borders of the Member States may be issued with a transit visa at the border where:

- (a) he fulfils the conditions in Article 1(1) and (3), and
- (b) he is crossing the border in question in order to embark on, re-embark on or disembark from a ship on which he will work or has worked as a seaman.

The transit visa shall be issued in compliance with the provisions of Article 1(2) and, in addition, shall include a mention that the holder is a seaman.

2. Seamen who are of the same nationality and travelling in a group of between five and 50 individuals may be issued with a group transit visa at the border where the requirements of paragraph 1 above are met in respect of each of the seamen in the group.

3. Before issuing a visa at the border to a seaman or seamen in transit, the competent national authorities shall comply with the operational instructions set out in Annex I.

4. When carrying out these operational instructions, the competent national authorities of the Member States shall exchange the necessary information concerning the seaman or seamen in question by means of a duly completed form for seamen in transit as set out in Annex II.

5. Annexes I and II shall be amended in accordance with the regulatory procedure referred to in Article 3(2).

⁽¹⁾ OJ L 64, 7.3.2002, p. 20.

⁽²⁾ OJ L 239, 22.9.2000, p. 19.

6. This Article shall apply without prejudice to the provisions of Article 1(4).

Article 3

1. The Commission shall be assisted by the Committee set up by Article 6 of Regulation (EC) No 1683/95⁽¹⁾.

2. Where reference is made to this paragraph, Articles 5 and 7 of Decision 1999/468/EC shall apply.

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

3. The Committee shall adopt its rules of procedure.

Article 4

This Regulation shall not affect the competence of Member States with regard to the recognition of States and territorial units and passports, travel and identity documents issued by their authorities.

Article 5

1. The following shall be repealed:

(a) Schengen Executive Committee Decision (SCH/Com-ex (94) 2) of 26 April 1994, and

(b) Schengen Executive Committee Decision (SCH/Com-ex (96) 27) of 19 December 1996.

2. Point 5 and point 5.1 of Part II of the Common Manual shall be replaced by the following:

'The rules on issuing visas at the border, including the issue of such visas to seamen in transit, are contained in Council Regulation (EC) No 415/2003 of 27 February 2003 on the issue of visas at the border, including the issue of such visas to seamen in transit (*) (see Annex 14).

(*) OJ L 64, 7.3.2003, p. 1.'

3. The first sentence of Annex 14 shall be replaced by the following:

'The rules on the issue of visas at the border, including the issue of such visas to seamen in transit, are contained in, or adopted on the basis of, Council Regulation (EC) No 415/2003.'

The rest of Annex 14 shall be repealed.

4. The following sentence shall be added at the end of point 2.1.4 of Part I of the Common Consular Instructions:

'By way of derogation from the foregoing, group transit visas may be issued to seamen in accordance with the provisions of Council Regulation (EC) No 415/2003 of 27 February 2003 on the issue of visas at the border, including the issue of such visas to seamen in transit (*).

(*) OJ L 64, 7.3.2003, p. 1.'

Article 6

This Regulation shall enter into force on the first day of the second month 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 the Member States in accordance with the Treaty establishing the European Community.

Done at Brussels, 27 February 2003.

For the Council

The President

M. CHRISOCHOÏDIS

⁽¹⁾ OJ L 164, 14.7.1995, p. 1. Regulation as amended by Regulation (EC) No 334/2002 (OJ L 53, 23.2.2002, p. 7).

ANNEX I

OPERATIONAL INSTRUCTIONS FOR ISSUING VISAS AT THE BORDER TO SEAMEN IN TRANSIT WHO ARE SUBJECT TO VISA REQUIREMENTS

The objective of these operational instructions is to provide rules for the exchange of information between the competent authorities of the Member States applying the Schengen *acquis* with respect to seamen in transit subject to visa requirements. Insofar as a visa is issued at the border on the basis of the information that has been exchanged, the responsibility lies with the Member State issuing the visa.

For the purposes of these operational instructions:

'Schengen port': means a port constituting an external border of a Member State applying in full the Schengen *acquis*;

'Schengen airport': means an airport constituting an external border of a Member State applying in full the Schengen *acquis*, and

'Schengen territory': means the territory of the Member States in which the Schengen *acquis* is applied in full.

I. Signing on a vessel berthed or expected at a Schengen port

- (a) entry into Schengen territory via an airport situated in another Member State applying in full the Schengen *acquis*
- the shipping company or its agent shall inform the competent authorities at the Schengen port where the ship is berthed or expected that seamen subject to visa requirements are due to enter via a Schengen airport. The shipping company or its agent shall sign a guarantee in respect of those seamen,
 - the said competent authorities shall verify as soon as possible whether the information provided by the shipping company or its agent is correct and examine whether the other conditions for entry into the Schengen territory have been satisfied. Within the framework of that examination the travel route within the Schengen territory shall also be verified e.g. by reference to the airline tickets,
 - the competent authorities at the Schengen port shall inform the competent authorities at the Schengen airport of entry, by means of a duly completed form for seamen in transit who are subject to visa requirements (as set out in Annex II), sent by fax, electronic mail or other means, of the results of the verification and indicate whether a visa can in principle be issued at the border,
 - where the verification of the available data is positive and the outcome clearly concurs with the seaman's declaration or documents, the competent authorities at the Schengen airport of entry or exit can issue a transit visa at the border with a maximum validity of five days. Furthermore, in such cases the seaman's travel document referred to above shall be stamped with a Schengen entry or exit stamp and given to the seaman concerned;
- (b) entry into the Schengen territory via a land or sea border situated in another Member State applying in full the Schengen *acquis*
- the procedure is the same as that for entry via a Schengen airport except that the competent authorities at the border post via which the seaman concerned enters the Schengen territory shall be informed.

II. Leaving service from a vessel that has entered a Schengen port

- (a) exit from the Schengen territory via an airport situated in another Member State applying in full the Schengen *acquis*
- the shipping company or its agent shall inform the competent authorities at the said Schengen port of the entry of seamen subject to visa requirements who are due to leave their service and exit from the Schengen territory via a Schengen airport. The shipping company or its agent shall sign a guarantee in respect of those seamen,
 - the competent authorities shall verify as soon as possible whether the information provided by the shipping company or its agent is correct and examine whether the other conditions for entry into the Schengen territory have been satisfied. Within the framework of that examination the travel route within the Schengen territory shall also be verified e.g. by reference to the airline tickets,
 - where the verification of the available data is positive, the competent authorities may issue a transit visa with a maximum validity of five days;
- (b) exit from the Schengen territory via a land or sea border situated in another Member State applying in full the Schengen *acquis*
- the procedure is the same as that for exit via a Schengen airport.

III. Transferring from a vessel that entered a Schengen port to a vessel that will sail from a port situated in another Member State applying in full the Schengen *acquis*

- the shipping company or its agent shall inform the competent authorities at the said Schengen port of the entry of seamen subject to visa requirements who are due to leave their service and exit from the Schengen territory via another Schengen port. The shipping company or its agent shall sign a guarantee in respect of those seamen,
- the competent authorities shall verify as soon as possible whether the information provided by the shipping company or its agent is correct and examine whether the other conditions for entry into the Schengen territory have been satisfied. The competent authorities at the Schengen port from which the seamen will leave the Schengen territory by ship shall be contacted for the examination. A check shall be carried out to establish whether the ship they are joining is berthed or expected there. Within the framework of that examination the travel route within the Schengen territory shall also be verified,
- where the verification of the available data is positive, the competent authorities may issue a transit visa with a maximum validity of five days.

IV. Issue of group visas to seamen in transit at the border

- seamen who are of the same nationality and are travelling in a group of between five and fifty individuals may be issued at the border with a group transit visa, which shall be affixed to a separate sheet,
 - this separate sheet shall include, numbered in sequence, the personal data of all the seamen (surname and fore-name, date of birth, nationality and travel document number) covered by the visa. The data on the first and last seaman shall appear in duplicate to avoid falsifications and additions,
 - for the issue of this visa, the procedures laid down in these operational instructions for the issue of individual visas to seamen shall be followed.
-

ANNEX II

FORM			
FOR SEAMEN IN TRANSIT WHO ARE SUBJECT TO VISA REQUIREMENTS			
FOR OFFICIAL USE			
ISSUER: (STAMP) SURNAME/CODE OF OFFICIAL:		RECIPIENT: AUTHORITY	
DATA ON SEAMAN: INDIVIDUAL <input type="checkbox"/> GROUP LEADER <input type="checkbox"/> CLOSED GROUP <input type="checkbox"/> (see attached register for identification)			
SURNAME(S):	1A	FORENAME(S):	1B
NATIONALITY:	1C	RANK/GRADE:	1D
PLACE OF BIRTH:	2A	DATE OF BIRTH:	2B
PASSPORT NUMBER:	3A	SEAMAN'S BOOK NUMBER:	4A
DATE OF ISSUE:	3B	DATE OF ISSUE:	4B
PERIOD OF VALIDITY:	3C	PERIOD OF VALIDITY:	4C
DATA ON VESSEL AND SHIPPING AGENT:			
NAME OF SHIPPING AGENT:			5
NAME OF VESSEL:	6A	FLAG:	6B
DATE OF ARRIVAL:	7A	ORIGIN OF VESSEL:	7B
DATE OF DEPARTURE:	8A	DESTINATION OF VESSEL:	8B
DATA ON MOVEMENT OF SEAMAN:			
FINAL DESTINATION OF SEAMAN:			9
REASONS FOR APPLICATION: SIGNING ON <input type="checkbox"/> TRANSFER <input type="checkbox"/> LEAVING SERVICE <input type="checkbox"/>			
MEANS OF TRANSPORT	CAR <input type="checkbox"/>	TRAIN <input type="checkbox"/>	AEROPLANE <input type="checkbox"/> 11
DATE OF:	ARRIVAL:	TRANSIT:	DEPARTURE: 12
	CAR (*) <input type="checkbox"/>	TRAIN (*) <input type="checkbox"/>	
	REGISTRATION No:	JOURNEY ROUTE:	
FLIGHT INFORMATION:	DATE:	TIME:	FLIGHT NUMBER:
Formal declaration signed by the <i>shipping agent or the</i> shipowner confirming his responsibility for the stay and, if necessary, for the repatriation costs of the seaman.			13

(*) To be completed only if data available.

DETAILED DESCRIPTION OF FORM

The first four points deal with the identity of the seaman.

1. A. Surname(s) ⁽¹⁾
B. Forename(s)
C. Nationality
D. Rank/Grade.
2. A. Place of birth
B. Date of birth.
3. A. Passport number
B. Date of issue
C. Period of validity.
4. A. Seaman's book number
B. Date of issue
C. Period of validity.

Points 3 and 4 have been shown separately for clarity since, depending on the nationality of the seaman and the Member State being entered, a passport or a seaman's book can be used for identification purposes.

The next four points deal with the shipping agent and the vessel concerned.

5. Name of shipping agent (the individual or corporation who represents the shipowner on the spot in all matters relating to the shipowner's duties in fitting out the vessel).
6. A. Name of vessel
B. Flag (under which the merchant vessel is sailing).
7. A. Date of arrival of vessel
B. Origin (port) of vessel
Letter 'A' refers to the vessel's date of arrival in the port where the seaman is to sign on.
8. A. Date of departure of vessel
B. Destination of vessel (next port).

Points 7A and 8A give indications regarding the length of time for which the seaman may travel in order to sign on. It should be remembered that the route followed is very much subject to unexpected interferences and external factors such as storms, breakdowns, etc.

The next four points clarify the reason for the seaman's journey and his destination.

9. The 'final destination' is the end of the seaman's journey. This may be either the port at which he is to sign on or the country to which he is heading if he is leaving service.
10. Reasons for application
 - (a) In the case of signing on, the final destination is the port at which the seaman is to sign on.
 - (b) In the case of transfer to another vessel within the Schengen territory, it is also the port at which the seaman is to sign on. Transfer to a vessel situated outside the Schengen territory must be regarded as leaving service.
 - (c) In the case of leaving service, this can occur for various reasons, such as end of contract, accident at work, urgent family reasons, etc.
11. Means of transport

List of means used within the Schengen territory by the seaman in transit who is subject to a visa requirement to reach his final destination. On the form, the following three possibilities are envisaged:

 - (a) car (or coach);
 - (b) train;
 - (c) aeroplane.

⁽¹⁾ Please give the surname(s) that appear in the passport.

12. Date of arrival (on the Schengen territory)

Applies primarily to a seaman at the first Schengen airport or border-crossing point (since it may not always be an airport) at the external border via which he wishes to enter the Schengen territory.

Date of transit

This is the date on which the seaman signs off at a port in the Schengen territory and heads towards another port also situated in the Schengen territory.

Date of departure

This is the date on which the seaman signs off at a port in the Schengen territory to transfer to another vessel at a port situated outside the Schengen territory or the date on which the seaman signs off at a port in the Schengen territory to return to his home (outside the Schengen territory).

After determining the three means of travel, available information should also be provided concerning those means:

- (a) car, coach: registration;
- (b) train: name, number, etc.;
- (c) flight data: date, time, number.

13. Formal declaration signed by the shipping agent or the shipowner confirming his responsibility for the stay and, if necessary, for the repatriation costs of the seaman.

If the seamen are travelling in a group, each one has to fill in the data for points 1A to 4C.

COMMISSION REGULATION (EC) No 416/2003
of 6 March 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 7 March 2003.

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

Done at Brussels, 6 March 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 6 March 2003 establishing the standard import values for determining the entry price of certain fruit and vegetables

<i>(EUR/100 kg)</i>		
CN code	Third country code ⁽¹⁾	Standard import value
0702 00 00	052	112,1
	204	70,8
	212	125,1
	624	138,6
	999	111,7
0707 00 05	052	135,8
	068	135,6
	204	74,2
	220	209,9
	628	151,4
0709 10 00	220	104,7
	999	104,7
0709 90 70	052	147,8
	204	108,7
	999	128,3
0805 10 10, 0805 10 30, 0805 10 50	052	72,7
	204	44,8
	212	53,6
	220	38,5
	624	61,9
0805 50 10	999	54,3
	052	58,6
	600	60,8
0808 10 20, 0808 10 50, 0808 10 90	999	59,7
	039	111,1
	388	89,6
	400	91,4
	404	101,0
	512	89,0
	528	93,1
	720	125,1
	728	107,5
	999	101,0
0808 20 50	388	75,5
	512	63,5
	528	65,3
	999	68,1

⁽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 417/2003

of 6 March 2003

derogating from Regulation (EC) No 2535/2001 laying down detailed rules for applying Council Regulation (EC) No 1255/1999 as regards the import of milk and milk products and opening tariff quotas

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 29(4) thereof,

Whereas:

(1) Under quotas Nos 09.4086 and 09.4554 as provided for in Council Regulation (EC) No 2475/2000 ⁽³⁾ and Council Regulation (EC) No 1361/2002 ⁽⁴⁾ establishing certain concessions in the form of Community tariff quotas for certain agricultural products and providing for an adjustment, as an autonomous and transitional measure, of certain agricultural concessions provided for in the Europe Agreements with Slovenia and Lithuania respectively, the Slovene and Lithuanian authorities have introduced veterinary checks ensuring that the milk powder for export to the Community complies with the conditions laid down in Council Directive 92/46/EEC of 16 June 1992 laying down the health rules for the production and placing on the market of raw milk, heat-treated milk and milk-based products ⁽⁵⁾, as last amended by Directive 94/71/EC ⁽⁶⁾, and in Council Directive 96/23/EC of 29 April 1996 on measures to monitor certain substances and residues thereof in live animals and animal products and repealing Directives 85/358/EEC and 86/469/EEC and Decisions 89/187/EEC and 91/664/EEC ⁽⁷⁾.

(2) In view of the difficulties that these veterinary checks have caused for importers holding licences issued during the first six months of 2002, in the case of imports originating in Lithuania, the validity period of those licences was extended to 30 September 2002 and 31 January 2003 respectively by Commission Regulations (EC) No 1333/2002 ⁽⁸⁾ and (EC) No 1925/2002 ⁽⁹⁾, derogating from Regulation (EC) No 2535/2001 ⁽¹⁰⁾, as last amended by Regulation (EC) No 2302/2002 ⁽¹¹⁾.

(3) Given that these difficulties persist and, furthermore, that the veterinary checks carried out by the Lithuanian and Slovene authorities have led to the temporary suspension of certain operators from the possibility to export dairy products, the validity of the import licences issued in January and July 2002 under quota No 09.4554 in the case of Lithuania, and the import licences issued in July 2002 under quota No 09.4086 in the case of Slovenia, should be extended to 30 June 2003.

(4) Prior to carrying out imports originating in Latvia under quota No 09.4549 as provided for in Council Regulation (EC) No 1362/2002 of 22 July 2002 establishing concessions in the form of Community tariff quotas for certain agricultural products and providing for an adjustment, as an autonomous and transitional measure, of certain agricultural concessions provided for in the Europe Agreement with Latvia ⁽¹²⁾, importers holding licences issued for the second six months of 2002 carried out representative tests on the milk powder. It was discovered that all available stocks of milk powder in that country were contaminated with chloramphenicol and that the exporting firms concerned were no longer able to deliver the quantities for which contracts had been concluded before the end of the period of validity of the licences.

(5) The validity of the import licences issued in July 2002 under quota No 09.4549 for imports originating in Latvia should therefore be extended to 30 June 2003.

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

HAS ADOPTED THIS REGULATION:

Article 1

1. Notwithstanding Article 16(3) of Regulation (EC) No 2535/2001, the term of validity of the import licences issued during the first and second six months of 2002 for imports from Lithuania of products covered by quota No 09.4554, listed in Annex I.B.9 to that Regulation, shall expire on 30 June 2003.

⁽¹⁾ OJ L 160, 26.6.1999, p. 48.

⁽²⁾ OJ L 79, 22.3.2002, p. 15.

⁽³⁾ OJ L 286, 11.11.2000, p. 15.

⁽⁴⁾ OJ L 198, 27.7.2002, p. 1.

⁽⁵⁾ OJ L 268, 14.9.1992, p. 1.

⁽⁶⁾ OJ L 368, 31.12.1994, p. 33.

⁽⁷⁾ OJ L 125, 23.5.1996, p. 10.

⁽⁸⁾ OJ L 195, 24.7.2002, p. 15.

⁽⁹⁾ OJ L 293, 29.10.2002, p. 18.

⁽¹⁰⁾ OJ L 341, 22.12.2001, p. 29.

⁽¹¹⁾ OJ L 348, 21.12.2002, p. 78.

⁽¹²⁾ OJ L 198, 27.7.2002, p. 13.

2. Notwithstanding Article 16(3) of Regulation (EC) No 2535/2001, the term of validity of the import licences issued during the second six months of 2002 for imports from Latvia of products covered by quota No 09.4549, listed in Annex I.B.8 to that Regulation, shall expire on 30 June 2003.

3. Notwithstanding Article 16(3) of Regulation (EC) No 2535/2001, the term of validity of the import licences issued during the second six months of 2002 for imports from

Slovenia of products covered by quota No 09.4086, listed in Annex I.B.10 to that Regulation, shall expire on 30 June 2003.

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, 6 March 2003.

For the Commission

Franz FISCHLER

Member of the Commission

**COMMISSION REGULATION (EC) No 418/2003
of 6 March 2003**

**amending Council Regulation (EC) No 2368/2002 implementing the Kimberley Process certification
scheme for the international trade in rough diamonds and rectifying Commission Regulation (EC)
No 257/2003**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2368/2002 of 20 December 2002 implementing the Kimberley Process certification scheme for the international trade in rough diamonds ⁽¹⁾, as last amended by Regulation 257/2003 ⁽²⁾, and in particular Article 19(3) and (6) and Article 20 thereof,

Whereas:

- (1) Article 20 of Regulation (EC) No 2368/2002, as amended by Council Regulation (EC) No 254/2003 ⁽³⁾, provides for the amending of the list of participants in the Kimberley Process certification scheme including WTO members and separate customs territories that fulfils the requirements of the scheme.
- (2) The Chair of the Kimberley Process certification scheme and participants thereto have provided the Commission with the relevant information concerning the status as participant, in particular, of Algeria, Brazil, Cyprus, Czech Republic, Republic of Congo, Hungary, Democratic Peoples Republic of Korea, Malaysia, Norway, Venezuela, and the separate customs territory Taiwan, Penghu, Kinmen and Matsu, as well as with additional information regarding other participants. The additional information concerns China, Hong Kong, Ghana, Guinea, Japan, Laos, Mauritius, Sierra Leone, Thailand, Togo, Ukraine, United Arab Emirates and Vietnam. Annex II should therefore be amended accordingly.

(3) Article 2 of Regulation (EC) No 257/2003 was intended to limit only the application of Article 1(1) to a renewable three-month period. Article 2 of that Regulation should therefore be rectified accordingly.

(4) The measures provided for in Article 2 of this Regulation are in accordance with the opinion of the Committee referred to in Article 22 of Regulation (EC) No 2368/2002,

HAS ADOPTED THIS REGULATION:

Article 1

Annex II to Regulation (EC) No 2368/2002 is hereby replaced by the Annex to this Regulation.

Article 2

Article 2, second sentence, of Regulation (EC) No 257/2003 is rectified as follows:

‘Article 1(1) of this Regulation shall apply for a three month period after that date.’

Article 3

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

This Regulation shall apply until 12 May 2003.

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

Done at Brussels, 6 March 2003.

For the Commission
Christopher PATTEN
Member of the Commission

⁽¹⁾ OJ L 358, 31.12.2002, p. 28.

⁽²⁾ OJ L 36, 11.2.2003, p. 11.

⁽³⁾ OJ L 36, 11.2.2003, p. 7.

ANNEX

'ANNEX II

List of participants in the Kimberley Process certification scheme and their duly appointed competent authorities as referred to in Articles 2, 3, 8, 9, 12, 17, 18, 19 and 20

ALGERIA

— *For specimen of the Canadian KP Certificate:*

ANGOLA

Ministry of Geology and Mines
Rua Hochi Min
Luanda
ANGOLA

Stewardship Division
International and Domestic Market Policy Division
Mineral and Metal Policy Branch
Minerals and Metals Sector
Natural Resources Canada
580 Booth Street, 10th Floor, Room: 10A6
Ottawa, Ontario
Canada K1A 0E4

ARMENIA

Department of Gemstones and Jewellery
Ministry of Trade and Economic Development
Yerevan
Armenia

— *General Enquiries:*

Kimberley Process Office
Minerals and Metals Sector (MMS)
Natural Resources Canada (NRCan)
10th Floor, Area A-7
580 Booth Street
Ottawa, Ontario
Canada K1A 0E4

AUSTRALIA

— Community Protection Section
Australian Customs Section
Customs House, 5 Constitution Avenue
Canberra ACT 2601
Australia

— Minerals Development Section
Department of Industry, Tourism and Resources
GPO Box 9839
Canberra ACT 2601
Australia

CENTRAL AFRICAN REPUBLIC

Independent Diamond Valuators (IDV)
Immeuble SOCIM 2^e étage
BP 1613
Bangui
Central African Republic

BELARUS

Department of Finance
Sovetskaja Str., 7
220010 Minsk
Republic of Belarus

BOTSWANA

Ministry of Minerals, Energy and Water Resources
PI Bag 0018
Gaborone
Botswana

CHINA, PEOPLE'S REPUBLIC OF

Department of Inspection and Quarantine Clearance
General Administration of Quality Supervision, Inspection and Quarantine (AQSIQ)
9 Madiandonglu
Haidian District
Beijing
People's Republic of China

BRAZIL

Ministry of Mines and Energy
Esplanada dos Ministerios — Bloco "U" — 3^o andar
70065 — 900 Brasilia — DF
Brazil

BURKINA FASO

HONG KONG, Special Administrative Region of the People's Republic of China

CANADA

— *International:*
Department of Foreign Affairs and International Trade
Peace Building and Human Security Division
Lester B Pearson Tower B — Room: B4-120
125 Sussex Drive
Ottawa, Ontario
Canada K1A 0G2

Department of Trade and Industry
Hong Kong Special Administrative Region
People's Republic of China
Room 703, Trade and Industry Tower
700 Nathan Road
Kowloon
Hong Kong
China

CÔTE D'IVOIRE

CONGO, DEMOCRATIC REPUBLIC OF

Centre d'évaluation, d'expertise et de certification (CEEC)
17th floor, BCDC Tower
30th June Avenue
Kinshasa
Democratic Republic of Congo

CONGO, REPUBLIC OF

CYPRUS

CZECH REPUBLIC

Ministry of Finance
Letenska 15
Prague 1
Czech Republic

EUROPEAN COMMUNITY

European Commission
DG External Relations/A/2
170, rue de la Loi
B-1049 Brussels
Belgium

GABON

Ministry of Mines, Energy, Oil and Hydraulic Resources of Gabon
BP 576 or 874
Libreville
Gabon

GHANA

Precious Minerals Marketing Company (Ltd)
Diamond House
Kinbu Road
PO Box M 108
Accra
Ghana

GUINEA

Ministry of Mines and Geology
BP 2696
Conakry
Guinea

GUYANA

Geology and Mines Commission
PO Box 1028
Upper Brickdam
Stabroek
Georgetown
Guyana

HUNGARY

INDIA

The Gem and Jewellery Export Promotion Council
Diamond Plaza, 5th Floor 391-A, Fr D.B. Marg
Mumbai 400 004
India

ISRAEL

Ministry of Industry and Trade
PO Box 3007
521 30 Ramat Gan
Israel

JAPAN

— United Nations Policy Division
Foreign Policy Bureau
Ministry of Foreign Affairs
2-11-1, Shibakoen Minato-ku
105-8519 Tokyo
Japan

— Mineral and Natural Resources Division
Agency for Natural Resources and Energy
Ministry of Economy, Trade and Industry
1-3-1 Kasumigaseki, Chiyoda-ku
100-8901 Tokyo
Japan

KOREA, DEMOCRATIC PEOPLE'S REPUBLIC OF

KOREA, REPUBLIC OF

— UN Division
Ministry of Foreign Affairs and Trade
Government Complex Building
77 Sejong-ro, Jongro-gu
Seoul
Korea

— Trade Policy Division
Ministry of Commerce, Industry and Enterprise
1 Joongang-dong, Kwacheon-City
Kyunggi-do
Korea

LAOS, PEOPLE'S DEMOCRATIC REPUBLIC

Department of Foreign Trade
Ministry of Commerce
Vientiane
Laos

LEBANON

LESOTHO

Commission of Mines and Geology
PO Box 750
Maseru 100
Lesotho

MALAYSIA

Ministry of Trade and Industry
Block 10, Komplek Kerajaan Jalan Duta
50622 Kuala Lumpur
Malaysia

MALTA

MAURITIUS

Ministry of Commerce and Cooperatives
Import Division
2nd Floor, Anglo-Mauritius House
Intendance Street
Port Louis
Mauritius

MEXICO

NAMIBIA

Diamond Commission
Ministry of Mines and Energy
Private Bag 1 3297
Windhoek
Namibia

NORWAY

Ministry of Foreign Affairs
PO Box 8114 Dep.
N-0032 Oslo
Norway

PHILIPPINES

ROMANIA

RUSSIAN FEDERATION

Gokhran of Russia
14, 1812 Goda St.
121170 Moscow
Russia

SIERRA LEONE

Ministry of Mineral Resources
Youyi Building
Brookfields
Freetown
Sierra Leone

SOUTH AFRICA

South African Diamond Board
240 Commissioner Street
Johannesburg
South Africa

SRI LANKA

Trade Information Service
Sri Lanka Export Development Board
42 Nawam Mawatha
Colombo 2
Sri Lanka

SWAZILAND

Geological Surveys and Mines Department
Box 9
Mbabane
Swaziland

SWITZERLAND

State Secretariat for Economic Affairs
Export Control Policy and Sanctions
Effingerstraße 1
CH-3003 Berne
Switzerland

TAIWAN, PENGHU, KINMEN AND MATSU, SEPARATE CUSTOMS TERRITORY

Import and Export office
Licensing and Administration
Board of Foreign Trade
Taiwan

TANZANIA

Commission for Minerals
Ministry of Energy and Minerals
PO Box 2000
Dar es Salaam
Tanzania

THAILAND

Ministry of Commerce
Department of Foreign Trade
44/100 Thanon Sanam Bin Nam-Nonthaburi
Muang District
Nonthaburi 11000
Thailand

TOGO

Directorate General — Mines and Geology
BP 356
216, avenue Sarakawa
Lomé
Togo

UKRAINE

— Ministry of Finance
State Gemological Center
Degtyarivska St. 38-44
Kiev 04119
Ukraine

— International Department
Diamond Factory Kristall
600 Letiya Street 21
21100 Vinnitsa
Ukraine

UNITED ARAB EMIRATES

Dubai Metals and Commodities Centre
PO Box 63
Dubai
United Arab Emirates

UNITED STATES OF AMERICA

US Department of State
2201 C St., N.W.
Washington DC
United States of America

VENEZUELA

Ministry of Energy and Mines
Apartado Postal No 61536 Chacao
Caracas 1006
Av. Libertadores, Edif. PDVSA, Pent House B
La Campina — Caraca
Venezuela

VIETNAM

Export-Import Management Department
Ministry of Trade of Vietnam
31 Trang Tien
Hanoi 10.000
Vietnam

ZIMBABWE

Principal Minerals Development Office
Ministry of Mines and Mining Development
Private Bag 7709, Causeway
Harare
Zimbabwe'

**COMMISSION REGULATION (EC) No 419/2003
of 6 March 2003**

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

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

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1(a), (b) and (c) of Regulation (EEC) No 1766/92, excluding malt, exported in the natural state, shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 7 March 2003.

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

Done at Brussels, 6 March 2003.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 193, 29.7.2000, p. 1.

⁽³⁾ OJ L 147, 30.6.1995, p. 7.

⁽⁴⁾ OJ L 170, 29.6.2002, p. 46.

⁽⁵⁾ OJ L 194, 23.7.2002, p. 26.

ANNEX

to the Commission Regulation of 6 March 2003 fixing the export refunds on cereals and on wheat or rye flour, groats and meal

Product code	Destination	Unit of measurement	Amount of refunds	Product code	Destination	Unit of measurement	Amount of refunds
1001 10 00 9200	—	EUR/t	—	1101 00 15 9130	C09	EUR/t	13,75
1001 10 00 9400	—	EUR/t	—	1101 00 15 9150	C09	EUR/t	12,50
1001 90 91 9000	—	EUR/t	—	1101 00 15 9170	C09	EUR/t	11,50
1001 90 99 9000	C05	EUR/t	0	1101 00 15 9180	C09	EUR/t	10,75
1002 00 00 9000	C06	EUR/t	0	1101 00 15 9190	—	EUR/t	—
1003 00 10 9000	—	EUR/t	—	1101 00 90 9000	—	EUR/t	—
1003 00 90 9000	C07	EUR/t	0	1102 10 00 9500	C10	EUR/t	35,60
1004 00 00 9200	—	EUR/t	—	1102 10 00 9700	C10	EUR/t	28,00
1004 00 00 9400	C06	EUR/t	0	1102 10 00 9900	—	EUR/t	—
1005 10 90 9000	—	EUR/t	—	1103 11 10 9200	C11	EUR/t	0 ⁽¹⁾
1005 90 00 9000	C08	EUR/t	0	1103 11 10 9400	C11	EUR/t	0 ⁽¹⁾
1007 00 90 9000	—	EUR/t	—	1103 11 10 9900	—	EUR/t	—
1008 20 00 9000	—	EUR/t	—	1103 11 90 9200	C11	EUR/t	0 ⁽¹⁾
1101 00 11 9000	—	EUR/t	—	1103 11 90 9800	—	EUR/t	—
1101 00 15 9100	C09	EUR/t	14,50				

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

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

The other destinations are as follows:

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

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

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

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

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

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

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

COMMISSION REGULATION (EC) No 420/2003
of 6 March 2003
fixing the corrective amount applicable to the refund on cereals

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(8) thereof,

Whereas:

- (1) Article 13(8) of Regulation (EEC) No 1766/92 provides that the export refund applicable to cereals on the day on which application for an export licence is made must be applied on request to exports to be effected during the period of validity of the export licence. In this case, a corrective amount may be applied to the refund.
- (2) Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules under Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the 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⁾, allows for the fixing of a corrective amount for the products listed in Article 1(1)(c) of Regulation (EEC) No 1766/92. That corrective amount must be calculated taking account of the factors referred to in Article 1 of Regulation (EC) No 1501/95.
- (3) The world market situation or the specific requirements of certain markets may make it necessary to vary the corrective amount according to destination.
- (4) The corrective amount must be fixed at the same time as the refund and according to the same procedure; it may be altered in the period between fixings.
- (5) It follows from applying the provisions set out above that the corrective amount must be as set out in the Annex hereto.
- (6) 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 corrective amount referred to in Article 1(1)(a), (b) and (c) of Regulation (EEC) No 1766/92 which is applicable to export refunds fixed in advance except for malt shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 7 March 2003.

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

Done at Brussels, 6 March 2003.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 193, 29.7.2000, p. 1.

⁽³⁾ OJ L 147, 30.6.1995, p. 7.

⁽⁴⁾ OJ L 170, 29.6.2002, p. 46.

⁽⁵⁾ OJ L 194, 23.7.2002, p. 26.

ANNEX

to the Commission Regulation of 6 March 2003 fixing the corrective amount applicable to the refund on cereals

(EUR/t)								
Product code	Destination	Current 3	1st period 4	2nd period 5	3rd period 6	4th period 7	5th period 8	6th period 9
1001 10 00 9200	—	—	—	—	—	—	—	—
1001 10 00 9400	—	—	—	—	—	—	—	—
1001 90 91 9000	—	—	—	—	—	—	—	—
1001 90 99 9000	A00	0	0	0	0	-13,00	—	—
1002 00 00 9000	C03	- 20,00	- 20,00	- 20,00	- 20,00	- 20,00	—	—
	A05	0	0	0	0	-20,00	—	—
1003 00 10 9000	—	—	—	—	—	—	—	—
1003 00 90 9000	A00	0	0	0	0	-12,00	—	—
1004 00 00 9200	—	—	—	—	—	—	—	—
1004 00 00 9400	A00	0	- 0,93	- 1,86	- 1,86	—	—	—
1005 10 90 9000	—	—	—	—	—	—	—	—
1005 90 00 9000	A00	0	0	0	0	0	—	—
1007 00 90 9000	—	—	—	—	—	—	—	—
1008 20 00 9000	—	—	—	—	—	—	—	—
1101 00 11 9000	—	—	—	—	—	—	—	—
1101 00 15 9100	A00	0	0	0	0	-14,50	—	—
1101 00 15 9130	A00	0	0	0	0	- 13,75	—	—
1101 00 15 9150	A00	0	0	0	0	-12,50	—	—
1101 00 15 9170	A00	0	0	0	0	-11,50	—	—
1101 00 15 9180	A00	0	0	0	0	- 10,75	—	—
1101 00 15 9190	—	—	—	—	—	—	—	—
1101 00 90 9000	—	—	—	—	—	—	—	—
1102 10 00 9500	A00	0	0	0	0	-35,60	—	—
1102 10 00 9700	A00	0	0	0	0	-28,00	—	—
1102 10 00 9900	—	—	—	—	—	—	—	—
1103 11 10 9200	A00	0	0	0	0	—	—	—
1103 11 10 9400	A00	0	0	0	0	—	—	—
1103 11 10 9900	—	—	—	—	—	—	—	—
1103 11 90 9200	A00	0	0	0	0	—	—	—
1103 11 90 9800	—	—	—	—	—	—	—	—

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).

The other destinations are as follows:

C03 Switzerland, Liechtenstein, Poland, Czech Republic, Slovak Republic, Norway, Faroe Islands, Iceland, Russia, Belarus, Bosnia and Herzegovina, Croatia, Slovenia, former Republic of Yugoslavia with the exception of Slovenia, Croatia and Bosnia and Herzegovina, Albania, Romania, Bulgaria, Armenia, Georgia, Azerbaijan, Moldova, Ukraine, Kazakhstan, Kyrgyzstan, Uzbekistan, Tajikistan, Turkmenistan, Morocco, Algeria, Tunisia, Libya, Egypt, Malta, Cyprus and Turkey.

COMMISSION REGULATION (EC) No 421/2003**of 6 March 2003****concerning tenders notified in response to the invitation to tender for the export of barley 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 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, allows the Commission to decide, in accordance with the procedure laid down in Article 23 of Regulation (EEC) No 1766/92 and on the basis of the tenders notified, 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 28 February to 6 March 2003 in response to the invitation to tender for the refund for the export of barley issued in Regulation (EC) No 901/2002.

Article 2

This Regulation shall enter into force on 7 March 2003.

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

Done at Brussels, 6 March 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 127, 9.5.2002, p. 11.

⁽⁷⁾ OJ L 180, 10.7.2002, p. 3.

COMMISSION REGULATION (EC) No 422/2003
of 6 March 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 28 February to 6 March 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 7 March 2003.

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

Done at Brussels, 6 March 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 423/2003
of 6 March 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 28 February to 6 March 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 12,94/t.

Article 2

This Regulation shall enter into force on 7 March 2003.

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

Done at Brussels, 6 March 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 424/2003
of 6 March 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 28 February to 6 March 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 37,88 EUR/t and be valid for a total maximum quantity of 120 000 t.

Article 2

This Regulation shall enter into force on 7 March 2003.

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

Done at Brussels, 6 March 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 425/2003
of 6 March 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 28 February to 6 March 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 34,69 EUR/t and be valid for a total maximum quantity of 21 738 t.

Article 2

This Regulation shall enter into force on 7 March 2003.

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

Done at Brussels, 6 March 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 426/2003
of 6 March 2003

providing for reallocation of import rights under Regulation (EC) No 995/2002 opening and providing for the administration of an import tariff quota for frozen beef intended for processing

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 995/2002 of 11 June 2002 opening and providing for the administration of an import tariff quota for frozen beef intended for processing (1 July 2002 to 30 June 2003) ⁽¹⁾, and in particular Article 6(2) thereof,

Whereas:

Regulation (EC) No 995/2002 provides for the opening of a tariff quota for 50 700 tonnes of frozen beef intended for processing from 1 July 2002 to 30 June 2003. Article 6 of that Regulation provides for the reallocation of unused quantities on the basis of the actual utilisation of import rights for A products and B products respectively by the end of February 2003,

HAS ADOPTED THIS REGULATION:

Article 1

1. The quantities referred to in Article 6(1) of Regulation (EC) No 995/2002 amount to 8 663,6 tonnes.
2. The breakdown referred to in Article 6(2) of Regulation (EC) No 995/2002 shall be as follows:
 - 5 200 tonnes intended for A-products,
 - 3 463,6 tonnes intended for B-products.

Article 2

This Regulation shall enter into force on 7 March 2003.

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

Done at Brussels, 6 March 2003.

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

⁽¹⁾ OJ L 148, 1.6.2001, p. 37.

II

(Acts whose publication is not obligatory)

COUNCIL

**COUNCIL DECISION
of 16 December 2002****on the signature and conclusion of the Agreement between the European Community and the Turkish Republic on precursors and chemical substances frequently used in the illicit manufacture of narcotic drugs or psychotropic substances**

(2003/155/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 133 in conjunction with Article 300(2), first sentence, and Article 300(4) thereof,

Having regard to the proposal from the Commission,

Whereas:

- (1) On 5 April 2001, the Council authorised the Commission to negotiate with Turkey an Agreement on precursors and chemical substances frequently used in the illicit manufacture of narcotic drugs or psychotropic substances, hereinafter referred to as 'the Agreement'.
- (2) The Community should strengthen controls on shipments of precursors to Turkey, given that they are re-entering the Community in the form of heroin or other psychotropic or narcotic substances.
- (3) It is appropriate that the Council should authorise the Commission, in consultation with a special committee appointed by the Council, to approve amendments on behalf of the Community where the Agreement provides for them to be adopted by the Joint Follow-up Group. Such authorisation must, however, be limited to the amendment of the Annexes to the Agreement in so far as such amendment concerns substances already covered by Community legislation on drugs precursors and chemical substances.
- (4) The Agreement should be approved,

HAS DECIDED AS FOLLOWS:

Article 1

The Agreement between the European Community and the Turkish Republic on precursors and chemical substances frequently used in the illicit manufacture of narcotic drugs or psychotropic substances is hereby approved on behalf of the Community.

The text of the Agreement is attached to this Decision.

Article 2

1. The Community shall be represented in the Joint Follow-up Group provided for in Article 9 of the Agreement by the Commission, assisted by the representatives of the Member States.
2. The Commission is authorised to approve, on behalf of the Community, amendments to the Annexes to the Agreement adopted by the Joint Follow-up Group under the procedure laid down in Article 10 of the Agreement.

The Commission shall be assisted in carrying out this task by a special committee appointed by the Council with instructions to establish a common position.

3. The authorisation referred to in paragraph 2 shall be limited to those substances which are already covered by the relevant Community legislation on drugs precursors and chemical substances.

Article 3

The President of the Council is hereby authorised to designate the persons empowered to sign the Agreement.

Article 4

The President of the Council shall carry out, on behalf of the Community, the exchange of instruments provided for in Article 12 of the Agreement ⁽¹⁾.

⁽¹⁾ The date of entry into force of the Agreement will be published in the *Official Journal of the European Union* by the General Secretariat of the Council.

Article 5

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

Done at Brussels, 16 December 2002.

For the Council
The President
M. FISCHER BOEL

AGREEMENT

between the European Community and the Turkish Republic on precursors and chemical substances frequently used in the illicit manufacture of narcotic drugs or psychotropic substances

THE EUROPEAN COMMUNITY, hereinafter referred to as 'the Community',

on the one part, and

THE TURKISH REPUBLIC, hereinafter referred to as 'Turkey',

on the other part,

hereinafter referred to as the 'Contracting Parties',

WITHIN THE FRAMEWORK of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, signed on 20 December 1988 in Vienna, hereinafter referred to as 'the 1988 Convention',

DETERMINED to prevent and combat the illicit manufacture of narcotic drugs and psychotropic substances by preventing the diversion of precursors and chemical substances frequently used for such purposes,

ACKNOWLEDGING Article 12 of the 1988 Convention,

ACKNOWLEDGING the final report of the Chemical Action Task Force (CATF), approved by the London G7 Economic Summit on 15 July 1991, and agreeing with the recommendation to strengthen international cooperation by the conclusion of bilateral agreements between regions and countries involved in export, import and transit of these substances,

CONVINCED that international trade may be used for the diversion of the products in question, and that it is necessary to conclude and implement agreements between the regions concerned, establishing wide cooperation and, in particular, linking export and import controls,

AFFIRMING their common commitment to setting up assistance and cooperation mechanisms between Turkey and the Community, particularly in view of the Helsinki decision recognising Turkey as a candidate country, in order to prevent the diversion of controlled substances to illicit purposes, in harmony with the orientations and actions decided at international level,

RECOGNISING that these chemical substances are also mainly and widely used for legitimate purposes and that international trade must not be hindered by excessive monitoring procedures,

HAVE DECIDED to conclude an Agreement on the prevention of diversion of precursors and chemical substances frequently used in the illicit manufacture of narcotic drugs or psychotropic substances, and, to this end, have designated as their plenipotentiaries:

THE EUROPEAN COMMUNITY:

THE TURKISH REPUBLIC:

WHO, having exchanged their full powers, found in good and due form,

HAVE AGREED AS FOLLOWS:

Article 1

Scope of the Agreement

1. This Agreement sets out measures to strengthen administrative cooperation between the Contracting Parties to prevent the diversion of substances frequently used in the illicit manufacture of narcotic drugs or psychotropic substances, without prejudice to the due recognition of the legitimate interests of trade and industry.

2. For this purpose, the Contracting Parties shall assist each other, as set out in this Agreement, in particular by:

- monitoring the trade between them in the substances referred to in paragraph 3, with the aim of preventing their diversion to illicit purposes,
- providing administrative assistance ensuring that their respective substance trade control legislation is correctly applied.

3. Without prejudice to possible amendments which might be adopted within the competence of the Joint Follow-up Group provided for in Article 9, this Agreement applies to the chemical substances listed in the Annex to the 1988 Convention, as amended, hereinafter referred to as 'controlled substances'.

Article 2

Trade monitoring

1. The Contracting Parties shall consult and inform each other on their own initiative whenever they have reasonable grounds to believe that controlled substances may be diverted to the illicit manufacture of narcotic drugs or psychotropic substances, in particular when a shipment occurs in unusual quantities or under unusual circumstances.

2. With regard to the controlled substances listed in Annex A to this Agreement, the competent authority of the exporting Contracting Party shall, at the same time as the export authorisation is issued but prior to the departure of the consignment, forward a copy of the export authorisation to the competent authority of the importing Contracting Party. Specific information shall be provided where the operator benefits, in the exporting country, from an open individual authorisation covering multiple export operations.

3. With regard to the controlled substances listed in Annex B to this Agreement, the competent authority of the exporting Contracting Party shall forward a copy of the export authorisation to the competent authority of the importing Contracting Party and the export shall be authorised only when the importing Contracting Party has given its consent.

4. The Contracting Parties undertake to provide each other, as soon as possible, with due feedback on any information provided or measure requested under this Article.

5. When implementing the abovementioned trade control measures, the legitimate interests of trade shall be duly respected. In particular, in cases covered by paragraph 3, the reply by the importing Contracting Party shall be provided within 15 working days after the receipt of the message from the exporting Contracting Party. The absence of a reply within this period shall be considered equivalent to granting an import authorisation. The refusal to grant an import authorisation shall be notified in writing to the exporting Contracting Party within this period, giving the reasons for refusal.

Article 3

Suspension of shipment

1. Without prejudice to any possible implementation of technical enforcement measures, shipments shall be suspended if, in the opinion of either Contracting Party, there are reasonable grounds to believe that controlled substances may be diverted to the illicit manufacture of narcotic drugs or psychotropic substances, or where, in the cases covered by Article 2(3), the importing Contracting Party requests the suspension.

2. The Contracting Parties shall cooperate in supplying each other with any information relating to suspected diversion operations.

Article 4

Mutual administrative assistance

1. The Contracting Parties shall provide each other, either on their own initiative or on request, with any information to prevent the diversion of controlled substances to the illicit

manufacture of narcotic drugs or psychotropic substances and shall investigate cases of suspected diversion. Where necessary they shall adopt appropriate precautionary measures to prevent diversion.

2. Any request for information or precautionary measures shall be complied with as promptly as possible.

3. Requests for administrative assistance shall be executed in accordance with the legal or regulatory provisions of the requested Contracting Party.

4. Duly authorised officials of a Contracting Party may, with the agreement of the other Contracting Party and subject to the conditions laid down by the latter, be present at the inquiries carried out in the territory of the other Contracting Party.

5. The Contracting Parties shall assist each other to facilitate the provision of evidence.

6. Administrative assistance provided under this Article shall not prejudice the rules governing mutual assistance in criminal matters, nor shall it apply to information obtained under powers exercised at the request of a judicial authority, except where communication of such information is authorised by that authority.

7. Information may be requested in respect of chemical substances which are frequently used in the illicit manufacture of narcotic drugs or psychotropic substances but which are not included in the scope of this Agreement.

Article 5

Information exchange and confidentiality

1. Any information communicated in whatsoever form pursuant to this Agreement shall be of a confidential or restricted nature, depending on the rules applicable in each of the Contracting Parties. It shall be covered by the obligation of official secrecy and shall enjoy the protection extended to similar information under the relevant legal or regulatory provisions of the Contracting Party that received it and the corresponding provisions applying to the Community authorities.

2. Personal data, which means all information relating to an identified or identifiable individual, may be exchanged only where the Contracting Party which may receive it undertakes to protect such data in at least an equivalent way to the one applicable to that particular case in the Contracting Party that may supply it. To this end, Contracting Parties communicate each other information on their applicable rules, including, where appropriate, legal provisions in force in the Member States of the Community.

3. The use, in judicial or administrative proceedings instituted for failure to comply with legislation on controlled substances referred to in Article 3, of information obtained under this Agreement, is considered to be for the purposes of this Agreement. Therefore, the Contracting Parties may, in their records of evidence, reports and testimonies and in proceedings and charges brought before the courts, use as evidence information obtained and documents consulted in accordance with the provisions of this Agreement. The competent authority which supplied that information or gave access to those documents shall be notified of such use.

4. Information obtained shall be used solely for the purposes of this Agreement. Where one of the Contracting Parties wishes to use such information for other purposes, it shall obtain the prior written consent of the authority which provided the information. Such use shall then be subject to any restrictions laid down by that authority.

Article 6

Exceptions to the obligation to provide assistance

1. Assistance may be refused or may be subject to certain conditions or requirements, in cases where a Contracting Party is of the opinion that assistance under this Agreement would:

- (a) be likely to prejudice the sovereignty of Turkey or that of a Member State of the Community which has been requested to provide assistance under this Agreement, or
- (b) be likely to prejudice public policy, security or other essential interests, in particular in the cases referred to under Article 5(2), or
- (c) violate an industrial, commercial or professional secret.

2. Assistance may be postponed by the requested authority on the grounds that it will interfere with an ongoing investigation, prosecution or proceeding. In such a case, the requested authority shall consult with the applicant authority to determine if assistance can be given subject to such terms or conditions as the requested authority may require.

3. Where the applicant authority seeks assistance which it would itself be unable to provide if so requested, it shall draw attention to that fact in its request. It shall then be for the requested authority to decide how to respond to such a request.

4. For the cases referred to in paragraphs 1 and 2, the decision of the requested authority and the reasons therefor must be communicated to the applicant authority without delay.

Article 7

Technical and scientific cooperation

The Contracting Parties shall cooperate in the identification of new diversion methods as well as appropriate countermeasures, including technical cooperation to strengthen administrative

and enforcement structures in this field and to promote cooperation with trade and industry. Such technical cooperation may concern, in particular, training and exchange programmes for the officials concerned.

Article 8

Implementation measures

1. Each Contracting Party shall appoint a competent authority or competent authorities to coordinate the implementation of this Agreement. These authorities shall communicate directly with one another for the purposes of this Agreement.

2. The Contracting Parties shall consult each other and subsequently keep each other informed of the detailed rules of implementation which are adopted in accordance with the provisions of this Agreement.

Article 9

Joint Follow-up Group

1. A Joint Follow-up Group on the control of precursors and chemical substances is hereby established, hereinafter referred to as 'the Joint Follow-up Group', in which each Contracting Party shall be represented.

2. The Joint Follow-up Group shall act by mutual agreement. It shall adopt its own Rules of Procedure.

3. The Joint Follow-up Group shall normally meet once a year, with the date, place and programme being fixed by mutual agreement.

Extraordinary meetings of the Joint Follow-up Group may be convened by mutual agreement of the Contracting Parties.

Article 10

Role of the Joint Follow-up Group

1. The Joint Follow-up Group shall administer this Agreement and ensure its proper implementation. For this purpose:

- it shall study and develop the necessary means to ensure the correct functioning of this Agreement,
- it shall be regularly informed by the Contracting Parties of their experience in applying this Agreement,
- in the cases provided for in paragraph 2, it shall take decisions,
- in the cases provided for in paragraph 3, it shall make recommendations,
- it shall study and develop the technical cooperation measures referred to in Article 7,
- it shall study and develop other possible forms of cooperation in matters relating to precursors and chemical substances.

2. The Joint Follow-up Group shall adopt by mutual consent decisions to amend Annexes A and B.

Such decisions shall be implemented by the Contracting Parties in accordance with their own legislation.

If, in the Joint Follow-up Group, a representative of a Contracting Party has accepted a decision subject to the completion of the procedures necessary for that purpose, the decision shall enter into force, if no date is contained therein, on the first day of the second month after such a completion is notified.

3. The Joint Follow-up Group shall recommend to the Contracting Parties:

- (a) amendments to this Agreement;
- (b) any other measure required for the application of this Agreement.

Article 11

Obligations imposed under other agreements

1. Taking into account the respective competencies of the Community and the Member States, the provisions of this Agreement shall:

- not affect the obligations of the Contracting Parties under any other international agreement or convention,
- be deemed complementary with agreements covering the issue of controlled substances which have been or may be concluded between individual Member States and Turkey,
- not affect the Community provisions governing the communication between the competent services of the Commission of the European Communities and the relevant services of the Member States of any information obtained under this Agreement, which could be of interest to the Community.

2. Notwithstanding paragraph 1, the provisions of this Agreement shall take precedence over the provisions of any bilateral agreement on controlled substances which have been or may be concluded between individual Member States and Turkey in so far as the provisions of the latter are incompatible with those of this Agreement.

3. In respect of questions relating to the applicability of this Agreement, the Contracting Parties shall consult each other to resolve the matter in the framework of the Joint Follow-up Group.

4. The Contracting Parties shall also notify each other of any measures on controlled substances taken with other countries.

Article 12

Entry into force

This Agreement shall enter into force on the first day of the second month following the date on which the Contracting Parties have exchanged their respective instruments of ratification, acceptance or approval, according to the rules applicable for each Contracting Party.

Article 13

Duration and denunciation

1. This Agreement shall be concluded for five years and, unless otherwise disposed, it will be tacitly renewable for successive periods of the same duration. It shall cease to have effect upon the accession of Turkey to the European Union.

2. This Agreement may be amended by mutual consent of the Contracting Parties.

3. Either Contracting Party may withdraw from this Agreement provided it gives 12 months' prior notice in writing to the other Contracting Party.

Article 14

Authentic texts

This Agreement, which is drawn up in duplicate in the Danish, Dutch, English, Finnish, French, German, Greek, Italian, Portuguese, Spanish, Swedish and Turkish languages, all texts being equally authentic, shall be deposited in the archives of the General Secretariat of the Council of the European Union, which shall provide the Contracting Parties with an authenticated copy.

Hecho en Bruselas, el veintiséis de febrero de dos mil tres.
Udfærdiget i Bruxelles den seksogtyvende februar to tusind og tre.
Geschehen zu Brüssel am sechszwanzigsten Februar zweitausendunddrei.
Έγινε στις Βρυξέλλες, στις εικοσι έξι Φεβρουαρίου δύο χιλιάδες τρία.
Done at Brussels on the twenty-sixth day of February in the year two thousand and three.
Fait à Bruxelles, le vingt-six février deux mille trois.
Fatto a Bruxelles, addì ventisei febbraio duemilatre.
Gedaan te Brussel, de zesentwintigste februari tweeduizenddrie.
Feito em Bruxelas, em vinte e seis de Fevereiro de dois mil e três.
Tehty Brysselissä kahdentenkymmenentenäkuudentena päivänä helmikuuta vuonna kaksituhattakolme.
Som skedde i Bryssel den tjugosjätte februari tjugohundratre.
26 Şubat 2003 tarihinde Brüksel'de akdedilmiştir.

Por la Comunidad Europea
For Det Europæiske Fællesskab
Für die Europäische Gemeinschaft
Για την Ευρωπαϊκή Κοινότητα
For the European Community
Pour la Communauté européenne
Per la Comunità europea
Voor de Europese Gemeenschap
Pela Comunidade Europeia
Euroopan yhteisön puolesta
På Europeiska gemenskapens vägnar



Türkiye Cumhuriyeti adına



ANNEX A

Substances subject to the measures referred to in Article 2(2)

Acetone
Anthranilic acid
Ethyl ether
Hydrochloric acid
Methyl ethyl ketone
Phenylacetic acid
Piperidine
Sulphuric acid
Toluene

ANNEX B

Substances subject to the measures referred to in Article 2(3)

N-Acetylanthranilic acid
Acetic anhydride
Ephedrine
Ergometrine
Ergotamine
Isosafrole
Lysergic acid
3,4-Methylenedioxyphenyl-2-propanone
Norephedrine
1-Phenyl-2-propanone
Piperonal
Potassium permanganate
Pseudoephedrine
Safrole

Note: The list of substances must always include a reference to their salts, where appropriate.

COMMISSION

COMMISSION DECISION

of 6 March 2003

amending Decision 2003/153/EC concerning protection measures in relation to avian influenza in the Netherlands

(notified under document number C(2003) 767)

(Text with EEA relevance)

(2003/156/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 90/425/EEC of 26 June 1990 concerning veterinary and zootechnical checks applicable in intra-Community trade in certain live animals and products with a view to the completion of the internal market ⁽¹⁾, as last amended by Council Directive 2002/33/EC ⁽²⁾, and in particular Article 10 thereof,

Whereas:

- (1) The Netherlands have declared several outbreaks of avian influenza.
- (2) In view of the high mortality and the rapid spread of the infection the Dutch authorities have taken immediate action as foreseen by Council Directive 92/40/EEC ⁽³⁾ introducing Community measures for the control of avian influenza; furthermore, all movement of live poultry and hatching eggs within the Netherlands and their dispatch to other Member States and third countries was prohibited.
- (3) For the sake of clarity and transparency the Commission has taken an interim Decision 2003/153/EC ⁽⁴⁾ in cooperation with the Dutch authorities, reinforcing the measures taken by the Netherlands and granting some specific derogation for movements of slaughter poultry and day-old chicks within the Netherlands.
- (4) The protection measures laid down in Decision 2003/153/EC shall be prolonged in view of the development of the disease.

- (5) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health Committee,

HAS ADOPTED THIS DECISION:

Article 1

1. In Article 2 of Decision 2003/153/EC the time and date '24.00 on 6 March 2003' shall be replaced by '12.00 on 13 March 2003'.

2. In Article 3 the text shall be replaced by the following text:

'Member States shall amend the measures which they apply to trade 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 2

This Decision is addressed to the Member States.

Done at Brussels, 6 March 2003.

For the Commission

David BYRNE

Member of the Commission

⁽¹⁾ OJ L 224, 18.8.1990, p. 29.

⁽²⁾ OJ L 315, 19.11.2002, p. 14.

⁽³⁾ OJ L 167, 22.6.1992, p. 1.

⁽⁴⁾ OJ L 59, 4.3.2003, p. 32.

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

**COUNCIL DECISION 2003/157/CFSP
of 19 December 2002**

concerning the conclusion of the Agreement between the European Union and the Republic of Poland on the participation of this State to the European Union Police Mission (EUPM) in Bosnia and Herzegovina

THE COUNCIL OF THE EUROPEAN UNION

Having regard to the Treaty on European Union, and in particular Article 24 thereof,

Having regard to the Recommendation from the Presidency,

Whereas:

- (1) On 11 March 2002, the Council adopted Joint Action 2002/210/CFSP on the European Union Police Mission ⁽¹⁾.
- (2) Article 8(3) of that Joint Action provides that detailed arrangements regarding the participation of third States to the EUPM shall be subject to agreements pursuant to Article 24 of the Treaty on European Union.
- (3) Following the Council Decision of 14 October 2002 authorising the Presidency to open negotiations, the Presidency negotiated an Agreement with the Republic of Poland on its participation to the EUPM.
- (4) This Agreement should be approved,

HAS DECIDED AS FOLLOWS:

Article 1

The Agreement between the European Union and the Republic of Poland on the participation of this State to the European Union Police Mission (EUPM) in Bosnia and Herzegovina is hereby approved on behalf of the European Union.

The text of this Agreement is attached to this Decision.

Article 2

The President of the Council is hereby authorised to designate the person(s) empowered to sign this Agreement in order to bind the European Union.

Article 3

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

Article 4

This Decision shall take effect on the day of its publication.

Done at Brussels, 19 December 2002.

For the Council
The President
L. ESPERSEN

⁽¹⁾ OJ L 70, 13.3.2002, p. 1.

ANNEX

AGREEMENT

between the European Union and the Republic of Poland on the participation of the Republic of Poland in the European Union Police Mission (EUPM) in Bosnia and Herzegovina (BiH)

THE EUROPEAN UNION,

on the one hand, and

THE REPUBLIC OF POLAND,

on the other hand,

Together hereinafter referred to as the 'Participating Parties',

TAKING INTO ACCOUNT

- the presence of the United Nations International Police Task Force (IPTF) in Bosnia and Herzegovina since 1996 and the offer of the European Union to ensure, by 1 January 2003, the follow-on to the IPTF in Bosnia and Herzegovina,
- the acceptance by Bosnia and Herzegovina of that offer, by exchange of Letters of 2 and 4 March 2002, which provides, *inter alia*, that the EUPM Planning team be granted the status currently applicable to the members of the European Union Monitoring Mission (EUMM) in Bosnia and Herzegovina,
- the adoption by the Council of the European Union on 11 March 2002 of Joint Action 2002/210/CFSP on the European Union Police Mission (⁽¹⁾), stating that non-EU European NATO members and other States which are candidates for accession to the European Union as well as other non-EU OSCE Member States, currently providing staff to IPTF, are invited to contribute to the EUPM,
- the Agreement concluded on 4 October 2002 between the EU and Bosnia and Herzegovina on the activities of the EUPM in Bosnia and Herzegovina (⁽²⁾), including provisions on the status of the EUPM personnel,

HAVE AGREED AS FOLLOWS:

*Article 1***Framework**

The Republic of Poland shall associate itself with the provisions of the Joint Action 2002/210/CFSP on the European Union Police Mission (EUPM) in Bosnia and Herzegovina including its Annex on the mission statement for EUPM, adopted by the Council of the European Union on 11 March 2002, in accordance with the provisions stipulated in the following articles.

*Article 2***Personnel seconded to the EUPM**

1. The Republic of Poland shall contribute to the EUPM with twelve seconded police officers. This personnel should be seconded for a minimum of one year, taking into account that appropriate rotation of seconded personnel shall be ensured.
2. The Republic of Poland shall ensure that its personnel seconded to the EUPM undertake their mission in conformity with the provisions of the Joint Action 2002/210/CFSP.
3. The Republic of Poland shall inform in due course the EUPM and the General Secretariat of the Council of the European Union of any change to its contribution to the EUPM.

⁽¹⁾ OJ L 70, 13.3.2002, p. 1.

⁽²⁾ OJ L 293, 29.10.2002, p. 2.

4. Personnel seconded to the EUPM shall undergo an extensive medical examination, vaccination and be certified medically fit for duty by a competent authority from the Republic of Poland. A copy of this certification shall accompany the personnel seconded to the EUPM.

5. The Republic of Poland shall bear the cost of sending the police officers and/or the international civilian staff seconded by it, including salaries, allowances, medical expenses, insurance, and travel expenses to and from Bosnia and Herzegovina.

Article 3

Status of personnel seconded to the EUPM

1. Personnel seconded to the EUPM by the Republic of Poland shall be covered, until 31 December 2002 under the Agreement applicable to the EUPM Planning team, and as of 1 January 2003 under the Agreement concluded on 4 October 2002 between the European Union and Bosnia and Herzegovina on the activities of the EUPM in Bosnia and Herzegovina.

2. The Republic of Poland shall be responsible for answering any claims linked to the secondment of an EUPM staff member, from or concerning the staff member. The Republic of Poland shall be responsible for bringing any action against a secondee.

3. The EUPM is an unarmed mission and as such has no rules of engagement.

4. Seconded police officers shall work in their national police uniforms. Berets and insignia shall be provided by the EUPM.

Article 4

Chain of command

1. The contribution of the Republic of Poland to the EUPM is without prejudice to the decision-making autonomy of the Union. The personnel seconded by the Republic of Poland shall carry out his/her duties and conduct himself/herself in accordance with the interests of the EUPM.

2. All EUPM personnel shall remain under the full command of their national authorities.

3. National authorities shall transfer Operational Command (OPCOM) to the EUPM Head of Mission/Police Commissioner, who shall exercise that command through a hierarchical structure of command and control.

4. The Head of Mission/Police Commissioner shall lead the EUPM and assume its day-to-day management.

5. The Republic of Poland shall have the same rights and obligations in terms of day-to-day management of the operation as European Union Member States taking part in the operation, in accordance with Article 8(2) of the Joint Action 2002/210/CFSP. This shall take place on the ground in the normal course of the operation, including within the police mission headquarters.

6. The EUPM Head of Mission/Police Commissioner shall be responsible for disciplinary control over mission personnel. Where applicable, disciplinary action shall be exercised by the national authority concerned.

7. A national contingent Point of Contact (NPCs) shall be appointed by the Republic of Poland to represent its national contingent in the mission. NPCs shall report to the EUPM Head of Mission/Police Commissioner on national matters and shall be responsible for day to day contingent discipline.

8. The decision by the European Union to end the operation shall be made following consultation with the Republic of Poland, provided that this State is still contributing to the EUPM at the date of termination of the mission.

Article 5

Classified information

The Republic of Poland shall take appropriate measures to ensure that, when EU classified information is handled by its personnel seconded to the EUPM, this personnel respects the European Union Council's security regulations, which are contained in the Council Decision 2001/264/EC of 19 March 2001 ⁽¹⁾.

⁽¹⁾ OJ L 101, 11.4.2001, p. 1.

*Article 6***Contributions to the running costs**

1. The Republic of Poland shall contribute to the running costs of the EUPM an amount of EUR 25 000 per year. The Republic of Poland shall consider making additional contributions of voluntary nature to these running costs, taking into account its means and level of participation.
2. An arrangement shall be signed between the EUPM Head of Mission/Police Commissioner and the relevant administrative services of the Republic of Poland on the contributions of the Republic of Poland to the running costs of EUPM. This arrangement shall include the following provisions on:
 - (a) the concerned amount, including the possible additional contributions of voluntary nature, if any;
 - (b) the arrangements for payment and management of the concerned amount;
 - (c) the verification arrangements covering control and audit of the concerned amount, where appropriate.
3. The Republic of Poland shall formally communicate to the EUPM and to the General Secretariat of the Council of the European Union the total amount of its contribution to the running costs by 15 November 2002 and thereafter by 1 November of each year and shall conclude the financial arrangement by 15 December of each year.
4. The contributions of the Republic of Poland to the running costs of the EUPM shall be deposited by 31 March of each year in the bank account which shall be indicated to that State.

*Article 7***Non-compliance**

Should one of the Participating Parties fail to comply with its obligations laid down in the previous Articles, the other Party shall have the right to terminate this Agreement by serving a two months notice.

*Article 8***Entry into force**

This Agreement shall enter into force upon signature. It shall remain into force for the duration of the contribution of the Republic of Poland to the EUPM.

Done at Brussels, on **24 -02- 2003**, in the English language in four copies.

For the European Union



For the Republic of Poland


