

English edition

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## I

(Acts whose publication is obligatory)

**COMMISSION REGULATION (EC) No 443/2003**  
**of 11 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 <sup>(1)</sup>, as last amended by Regulation (EC) No 1947/2002 <sup>(2)</sup>, and in particular Article 4(1) thereof,

Whereas:

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

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

HAS ADOPTED THIS REGULATION:

*Article 1*

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

*Article 2*

This Regulation shall enter into force on 12 March 2003.

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

Done at Brussels, 11 March 2003.

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

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

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

## ANNEX

**to the Commission Regulation of 11 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 <sup>(1)</sup>	Standard import value
0702 00 00	052	170,8
	204	66,0
	212	117,7
	624	129,4
	999	121,0
0707 00 05	052	129,4
	068	135,6
	204	94,6
	220	186,1
	999	136,4
0709 10 00	220	169,3
	999	169,3
0709 90 70	052	141,2
	204	87,8
	999	114,5
0805 10 10, 0805 10 30, 0805 10 50	052	86,0
	204	49,6
	212	49,4
	220	42,0
	624	68,4
	999	59,1
0805 50 10	600	60,8
	999	60,8
0808 10 20, 0808 10 50, 0808 10 90	039	110,3
	388	104,6
	400	122,2
	404	98,7
	508	93,5
	512	82,3
	524	70,3
	528	92,3
	720	126,7
	999	100,1
	0808 20 50	388
512		70,3
528		64,4
999		69,4

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

**COMMISSION REGULATION (EC) No 444/2003  
of 11 March 2003**

**amending Council Regulation (EEC) No 565/80 and Commission Regulations (EC) No 800/1999 and (EC) No 2090/2002 as regards the advance payment of export refunds in respect of agricultural products**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organisation of the market in cereals<sup>(1)</sup>, as last amended by Regulation (EC) No 1666/2000<sup>(2)</sup>, and in particular Articles 13 and 21 thereof, and the corresponding provisions of the other regulations on the common organisation of markets in agricultural products,

Whereas:

- (1) It has been noted that the exporters' stock accounts used to monitor basic products placed under the prefinancing arrangements and intended for export in the form of processed products and which are based on standard rates of yields, do not necessarily reflect the real situation of existing stocks and do not allow adequate checks on the requirements to which these products are subject under Community rules. Article 4(3) of Council Regulation (EEC) No 565/80 of 4 March 1980 on the advance payment of export refunds in respect of agricultural products<sup>(3)</sup>, as amended by Regulation (EEC) No 2026/83<sup>(4)</sup>, should therefore be amended so that the standard rates of yields are no longer applied to prefinancing.
- (2) Experience shows that the rules do not adequately specify how the physical checks on products placed under the prefinancing arrangements should be applied. Differences have also been found between Member States in the way the physical checks are conducted. In order to achieve uniform application of the rules in this area, a minimum compulsory rate of physical checks on products placed under the prefinancing arrangements should be introduced, to be carried out when the payment declaration is accepted; it should be specified also that these checks must be carried out in accordance with the system laid down in Council Regulation (EEC) No 386/90<sup>(5)</sup>, as amended by Regulation (EC) No 163/94<sup>(6)</sup>, and Commission Regulation (EC) No 2090/2002<sup>(7)</sup>.
- (3) It has been found that exporters use the prefinancing arrangements above all to extend indirectly the period

of validity of export licences. Regulation (EC) No 800/1999 of 15 April 1999 laying down common detailed rules for the application of the system of export refunds on agricultural products<sup>(8)</sup>, as last amended by Regulation (EC) No 1253/2002<sup>(9)</sup>, should therefore be further amended as regards the period during which basic products may remain under customs control with a view to processing and the period during which products may remain under a customs-warehousing or free-zone procedure.

- (4) Furthermore, to ensure sound market management, the quantities of products placed under the prefinancing arrangements should be known fairly rapidly.
- (5) Following the amendment of Commission Regulation (EEC) No 2454/93 of 2 July 1993 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code<sup>(10)</sup>, as last amended by Regulation (EC) No 444/2002<sup>(11)</sup>, certain references to the articles of that Regulation contained in Regulation (EC) No 800/1999 should be amended.
- (6) Regulations (EC) No 800/1999 and (EC) No 2090/2002 should be amended accordingly.
- (7) The Management Committees concerned have not delivered opinions within the time limits set by their chairmen,

HAS ADOPTED THIS REGULATION:

*Article 1*

Article 4(3) of Regulation (EEC) No 565/80 is hereby replaced by the following:

'3. As regards control procedures and the rate of yield, the basic products shall be subject to the same rules as apply in respect of inward processing to products of the same nature, with the exception of the rules on the standard rates of yield.

<sup>(1)</sup> OJ L 181, 1.7.1992, p. 21.

<sup>(2)</sup> OJ L 193, 29.7.2000, p. 1.

<sup>(3)</sup> OJ L 62, 7.3.1980, p. 5.

<sup>(4)</sup> OJ L 199, 22.7.1983, p. 12.

<sup>(5)</sup> OJ L 42, 16.2.1990, p. 6.

<sup>(6)</sup> OJ L 325, 17.12.1999, p. 12.

<sup>(7)</sup> OJ L 322, 27.11.2002, p. 4.

<sup>(8)</sup> OJ L 102, 17.4.1999, p. 11.

<sup>(9)</sup> OJ L 183, 12.7.2002, p. 12.

<sup>(10)</sup> OJ L 253, 11.10.1993, p. 1.

<sup>(11)</sup> OJ L 68, 12.3.2002, p. 11.

The rates of yield to be applied for basic products used in the manufacture of the goods listed in Annex C to Commission Regulation (EC) No 1520/2000 (\*) shall be those indicated in that Annex.

(\*) OJ L 177, 15.7.2000, p. 1.'

#### Article 2

Regulation (EC) No 800/1999 is hereby amended as follows:

1. in Article 2(1)(h), 'Articles 471 to 495' is replaced by 'Articles 912a to 912g';
2. Article 10(1) is replaced by the following:
  - '1. Where the product is placed, in the Member State of export, under one of the simplified Community transit procedures for carriage of goods by rail or large containers provided for in Articles 412 to 442a of Regulation (EEC) No 2454/93 to a station of destination or for delivery to a consignee outside the customs territory of the Community, payment of the refund shall not be conditional on production of the T5 control copy.;
3. The following paragraph is added to Article 26:
  - '7. Products for which a payment declaration is accepted shall be subject to a physical check when the declaration is accepted, relating to a representative selection of at least 5 % of accepted payment declarations.

Article 3 of Regulation (EEC) No 386/90 and Article 2(2), Article 3, Article 4, Article 5, Article 6, Article 8(1) and (2), the first subparagraph of Article 11 of and Annex I to Commission Regulation (EC) No 2090/2002 (\*) shall apply. However, in the case of products placed under prefinancing arrangements and intended for export after processing, the physical check shall concern only the quantity and type of product.

(\*) OJ L 322, 27.11.2002, p. 4.'

4. Article 28(6) is replaced by the following:
  - '6. The period during which basic products may remain under customs control with a view to processing shall be equal to the remainder of the term of validity of the export licence.

Where export does not take place under cover of an export licence, the time limit shall be two months from the date of acceptance of the payment declaration.;

5. Article 29(5) is replaced by the following:
  - '5. The period during which products may remain under a customs-warehousing or free-zone procedure shall be equal to the remainder of the term of validity of the export licence.

Where export does not take place under cover of an export licence, the time limit shall be two months from the date of acceptance of the payment declaration.;

6. In the second subparagraph of Article 30(1), 'Article 349' is replaced by 'Article 357';
7. Article 53 is amended as follows:
  - (a) the second indent is replaced by the following:
    - for each 12-digit code, of the quantities of exported products not covered by export licences with advance fixing of the refund for the cases referred to in the first indent of the second subparagraph of Article 4(1), Article 6 and Article 45. The codes shall be grouped by sector. Member States shall take the measures required to ensure that such information is notified by no later than the second month following that of acceptance of the export declaration.;
  - (b) the following indent is added:
    - of the quantities, for each 12-digit code, of products, or for each eight-digit code, of goods placed under the prefinancing arrangements referred to in Chapter 3 of Title II. The codes shall be grouped by sector. Member States shall take the measures required to ensure that such information is notified by no later than the second month following that of acceptance of the payment declaration.'

#### Article 3

Article 9 of Regulation (EC) No 2090/2002 is hereby deleted.

#### Article 4

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

Article 1 and Article 2(4), (5) and (7)(b) shall apply to products covered by a payment declaration accepted from 1 October 2003.

Article 2(7)(a) shall apply to products covered by an export declaration accepted from 1 October 2003.

Article 2(3) shall apply to products covered by a payment declaration accepted from 1 January 2004.

Article 3 shall apply to products covered by an export declaration accepted from 1 January 2004.

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

Done at Brussels, 11 March 2003.

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

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**COMMISSION REGULATION (EC) No 445/2003  
of 11 March 2003**

**fixing the exchange rates applicable to certain direct aids and structural or environmental measures  
in 2003**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2799/98 of 15 December 1998 establishing agrimonetary arrangements for the euro <sup>(1)</sup>,

Having regard to Commission Regulation (EC) No 1410/1999 of 29 June 1999 amending Regulation (EC) No 2808/98 laying down detailed rules for the application of the agrimonetary system for the euro in agriculture and amending the definition of certain operative events provided for in Regulations (EEC) Nos 3889/87, 3886/92, 1793/93 and 2700/93 and (EC) No 293/98 <sup>(2)</sup>, and in particular Article 2 thereof,

Having regard to Commission Regulation (EC) No 2550/2001 of 21 December 2001 laying down detailed rules for the application of Council Regulation (EC) No 2529/2001 on the common organisation of the market in sheepmeat and goatmeat as regards premium schemes and amending Regulation (EC) No 2419/2001 <sup>(3)</sup>, as last amended by Regulation (EC) No 623/2002 <sup>(4)</sup>, and in particular the second paragraph of Article 18a thereof,

Having regard to Commission Regulation (EC) No 2342/1999 of 28 October 1999 laying down detailed rules for the application of Council Regulation (EC) No 1254/1999 on the common organisation of the market in beef and veal as regards premium schemes <sup>(5)</sup>, as last amended by Regulation (EC) No 2381/2002 <sup>(6)</sup>, and in particular Article 43 thereof,

Whereas:

- (1) In accordance with Article 4(2) of Commission Regulation (EC) No 2808/98 of 22 December 1998 laying down detailed rules for the application of the agrimonetary system for the euro in agriculture <sup>(7)</sup>, as last amended by Regulation (EC) No 2452/2000 <sup>(8)</sup>, the operative event for the exchange rate for amounts of a structural or environmental nature is 1 January of the year in which the decision to grant the aid is taken. In accordance with Article 4(3) the exchange rate to be used is the average of the exchange rates applicable during the month preceding the date of the operative event, calculated *pro rata temporis*.
- (2) In accordance with Article 12 of Commission Regulation (EC) No 293/98 of 4 February 1998 determining the operative events applicable to products in the fruit and vegetables sector, to processed fruit and

vegetable products and partly to live plants and floricultural products and to certain products listed in Annex II to the EC Treaty, and repealing Regulation (EC) No 1445/93 <sup>(9)</sup>, as last amended by Regulation (EC) No 1410/1999, the exchange rate applicable for the conversion each year into national currency of the maximum aid per hectare to improve the quality and marketing of nuts and locust beans is the average of the exchange rates applicable during the month before 1 January of the annual reference period, calculated *pro rata temporis*.

- (3) In accordance with Article 18a of Regulation (EC) No 2550/2001, the operative event for the exchange rate to be applied to the premiums and payments in the sheepmeat and goatmeat sector is established at the start of the calendar year in respect of which the premium or payment is granted. The exchange rate to be used corresponds to the average of the exchange rates applicable in the month of December preceding the date of the operative event, calculated *pro rata temporis*.
- (4) In accordance with Article 42 of Regulation (EC) No 2342/1999, the date of submission of the application is the operative event for determining the year in respect of which the special premium, the suckler cow payment, the deseasonalisation premium and the extensification payment are to be allocated. In the case of the slaughter premium the year of allocation is the year of slaughter or export. In accordance with Article 43 of that Regulation, premiums and payments in the beef sector are converted into national currency on the basis of the average of the exchange rates applicable in the month of December preceding the year of allocation, calculated *pro rata temporis*.
- (5) The exchange rate applicable in 2003 to the amounts concerned should therefore be set on the basis of the average of the exchange rates applicable in the month of December 2002, calculated *pro rata temporis*,

HAS ADOPTED THIS REGULATION:

*Article 1*

In 2003, the exchange rates shown in the Annex shall apply to the following:

- (a) amounts of a structural or environmental nature referred to in Article 5 of Regulation (EC) No 2799/98;

<sup>(1)</sup> OJ L 349, 24.12.1998, p. 1.

<sup>(2)</sup> OJ L 164, 30.6.1999, p. 53.

<sup>(3)</sup> OJ L 341, 22.12.2001, p. 105.

<sup>(4)</sup> OJ L 95, 12.4.2002, p. 12.

<sup>(5)</sup> OJ L 281, 4.11.1999, p. 30.

<sup>(6)</sup> OJ L 358, 31.12.2002, p. 119.

<sup>(7)</sup> OJ L 349, 24.12.1998, p. 36.

<sup>(8)</sup> OJ L 282, 8.11.2000, p. 9.

<sup>(9)</sup> OJ L 30, 5.2.1998, p. 16.



- (b) the maximum amount per hectare of the aid for marketing in the nuts and locust beans sector set in Article 2 of Council Regulation (EEC) No 790/89 <sup>(1)</sup>;
- (d) the premiums and payments in the beef sector provided for in Articles 4, 5, 6, 11, 13 and 14 of Council Regulation (EC) No 1254/1999 <sup>(3)</sup>.

*Article 2*

- (c) the premiums and payments in the sheepmeat and goatmeat sector provided for in Articles 4, 5 and 11 of Council Regulation (EC) No 2529/2001 <sup>(2)</sup>;

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, 11 March 2003.

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

<sup>(1)</sup> OJ L 85, 30.3.1989, p. 6.  
<sup>(2)</sup> OJ L 341, 22.12.2001, p. 3.

<sup>(3)</sup> OJ L 160, 26.6.1999, p. 21.

## ANNEX

**Exchange rates referred to in Article 1**

EUR 1 = (average for 1 December 2002 to 31 December 2002)

7,42618	Danish krone
9,09600	Swedish krona
0,642116	Pounds sterling

**COMMISSION REGULATION (EC) No 446/2003****of 11 March 2003****fixing the rates of the refunds applicable to eggs and egg yolks exported in the form of goods not covered by Annex I to the Treaty**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2771/75 of 29 October 1975 on the common organisation of the market in eggs <sup>(1)</sup>, as last amended by Commission Regulation (EC) No 493/2002 <sup>(2)</sup>, and in particular Article 8(3) thereof,

Whereas:

- (1) Article 8(1) of Regulation (EEC) No 2771/75 provides that the difference between prices in international trade for the products listed in Article 1(1) of that Regulation and prices within the Community may be covered by an export refund where these goods are exported in the form of goods listed in the Annex to that Regulation. Whereas Commission Regulation (EC) No 1520/2000 of 13 July 2000 laying down common detailed rules for the application of the system of granting export refunds on certain agricultural products exported in the form of goods not covered by Annex I to the Treaty, and the criteria for fixing the amount of such refunds <sup>(3)</sup>, as last amended by Regulation (EC) No 1052/2002 <sup>(4)</sup>, specifies the products for which a rate of refund should be fixed, to be applied where these products are exported in the form of goods listed in the Annex to Regulation (EEC) No 2771/75.
- (2) In accordance Article 4(1) of Regulation (EC) No 1520/2000, the rate of the refund per 100 kilograms for each of the basic products in question must be fixed for a period of the same duration as that for which refunds are fixed for the same products exported unprocessed.

- (3) Article 11 of the Agreement on Agriculture concluded under the Uruguay Round lays down that the export refund for a product contained in a good may not exceed the refund applicable to that product when exported without further processing.
- (4) It is necessary to ensure continuity of strict management taking account of expenditure forecasts and funds available in the budget.
- (5) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Poultrymeat and Eggs,

HAS ADOPTED THIS REGULATION:

*Article 1*

The rates of the refunds applicable to the basic products appearing in Annex A to Regulation (EC) No 1520/2000 and listed in Article 1(1) of Regulation (EEC) No 2771/75, exported in the form of goods listed in the Annex I to Regulation (EEC) No 2771/75, are hereby fixed as shown in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 12 March 2003.

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

Done at Brussels, 11 March 2003.

*For the Commission*

Erkki LIIKANEN

*Member of the Commission*

<sup>(1)</sup> OJ L 282, 1.11.1975, p. 49.

<sup>(2)</sup> OJ L 77, 20.3.2002, p. 7.

<sup>(3)</sup> OJ L 177, 15.7.2000, p. 1.

<sup>(4)</sup> OJ L 160, 18.6.2002, p. 16.

## ANNEX

**to the Commission Regulation of 11 March 2003 fixing the rates of the refunds applicable to eggs and egg yolks  
exported in the form of goods not covered by Annex I to the Treaty**

(EUR/100 kg)

CN code	Description	Destination ( <sup>1</sup> )	Rate of refund
0407 00	Birds' eggs, in shell, fresh, preserved or cooked:		
	– Of poultry:		
0407 00 30	-- Other:		
	a) On exportation of ovalbumin of CN codes 3502 11 90 and 3502 19 90	02	6,00
		03	25,00
		04	3,00
	b) On exportation of other goods	01	3,00
0408	Birds' eggs, not in shell and egg yolks, fresh, dried, cooked by steaming or by boiling in water, moulded, frozen or otherwise preserved, whether or not containing added sugar or other sweetening matter:		
	– Egg yolks:		
0408 11	-- Dried:		
ex 0408 11 80	---- Suitable for human consumption: not sweetened	01	40,00
0408 19	-- Other:		
	---- Suitable for human consumption:		
ex 0408 19 81	----- Liquid: not sweetened	01	20,00
ex 0408 19 89	----- Frozen: not sweetened	01	20,00
	– Other:		
0408 91	-- Dried:		
ex 0408 91 80	---- Suitable for human consumption: not sweetened	01	75,00
0408 99	-- Other:		
ex 0408 99 80	---- Suitable for human consumption: not sweetened	01	19,00

(<sup>1</sup>) The destinations are as follows:

01 Third countries,

02 Kuwait, Bahrain, Oman, Qatar, United Arab Emirates, Yemen, Turkey, Hong Kong SAR and Russia,

03 South Korea, Japan, Malaysia, Thailand, Taiwan and the Philippines,

04 All destinations except Switzerland and those of 02 and 03.

**COMMISSION REGULATION (EC) No 447/2003**  
**of 11 March 2003**

**fixing representative prices in the poultrymeat and egg sectors and for egg albumin, and amending Regulation (EC) No 1484/95**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2771/75 of 29 October 1975 on the common organisation of the market in eggs <sup>(1)</sup>, as last amended by Commission Regulation (EC) No 493/2002 <sup>(2)</sup>, and in particular Article 5(4) thereof,

Having regard to Council Regulation (EEC) No 2777/75 of 29 October 1975 on the common organisation of the market in poultrymeat <sup>(3)</sup>, as last amended by Regulation (EC) No 493/2002, and in particular Article 5(4) thereof,

Having regard to Council Regulation (EEC) No 2783/75 of 29 October 1975 on the common system of trade for ovalbumin and lactalbumin <sup>(4)</sup>, as last amended by Commission Regulation (EC) No 2916/95 <sup>(5)</sup>, and in particular Article 3(4) thereof,

Whereas:

- (1) Commission Regulation (EC) No 1484/95 <sup>(6)</sup>, as last amended by Regulation (EC) No 310/2003 <sup>(7)</sup>, fixes detailed rules for implementing the system of additional import duties and fixes representative prices in the poultrymeat and egg sectors and for egg albumin.

- (2) It results from regular monitoring of the information providing the basis for the verification of the import prices in the poultrymeat and egg sectors and for egg albumin that the representative prices for imports of certain products should be amended taking into account variations of prices according to origin. Therefore, representative prices should be published.
- (3) It is necessary to apply this amendment as soon as possible, given the situation on the market.
- (4) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Poultrymeat and Eggs,

HAS ADOPTED THIS REGULATION:

*Article 1*

Annex I to Regulation (EC) No 1484/95 is hereby replaced by the Annex hereto.

*Article 2*

This Regulation shall enter into force on 12 March 2003.

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

Done at Brussels, 11 March 2003.

*For the Commission*

J. M. SILVA RODRÍGUEZ  
*Agriculture Director-General*

<sup>(1)</sup> OJ L 282, 1.11.1975, p. 49.

<sup>(2)</sup> OJ L 77, 20.3.2002, p. 7.

<sup>(3)</sup> OJ L 282, 1.11.1975, p. 77.

<sup>(4)</sup> OJ L 282, 1.11.1975, p. 104.

<sup>(5)</sup> OJ L 305, 19.12.1995, p. 49.

<sup>(6)</sup> OJ L 145, 29.6.1995, p. 47.

<sup>(7)</sup> OJ L 45, 19.2.2003, p. 12.

## ANNEX

**to the Commission Regulation of 11 March 2003 fixing representative prices in the poultrymeat and egg sectors and for egg albumin, and amending Regulation (EC) No 1484/95**

## ‘ANNEX I

CN code	Description	Representative price (EUR/100 kg)	Security referred to in Article 3(3) (EUR/100 kg)	Origin <sup>(1)</sup>
0207 12 90	Chickens, plucked and drawn, without heads and feet and without necks, hearts, livers and gizzards, known as “65 % chickens”, or otherwise presented, frozen	79,9	11	01
0207 14 10	Boneless cuts of fowl of the species <i>Gallus domesticus</i> , frozen	189,6	35	01
		195,0	33	02
		186,9	37	03
		186,9	37	04
0207 25 10	Turkeys, plucked and drawn, without heads and feet but with necks, hearts, livers and gizzards, known as “80 % turkeys”	121,3	12	01
0207 27 10	Boneless cuts of turkey, frozen	256,1	12	01
1602 32 11	Preparations of uncooked fowl of the species <i>Gallus domesticus</i>	216,3	21	01
		218,8	20	02

(<sup>1</sup>) Origin of imports:

- 01 Brazil
- 02 Thailand
- 03 Argentina
- 04 Chile

**COMMISSION REGULATION (EC) No 448/2003**  
**of 11 March 2003**  
**fixing the export refunds on eggs**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2771/75 of 29 October 1975 on the common organization of the market in eggs <sup>(1)</sup>, as last amended by Commission Regulation (EC) No 493/2002 <sup>(2)</sup>, and in particular Article 8(3) thereof,

Whereas:

- (1) Article 8 of Regulation (EEC) No 2771/75 provides that the difference between prices on the world market for the products listed in Article 1(1) of that Regulation and prices for those products within the Community may be covered by an export refund.
- (2) The present market situation in certain third countries and that regarding competition on particular third country markets make it necessary to fix a refund differentiated by destination for certain products in the egg sector.

- (3) It follows from applying these rules and criteria to the present situation on the market in eggs that the refund should be fixed at an amount which would permit Community participation in world trade and would also take account of the nature of these exports and their importance at the present time.
- (4) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Poultrymeat and Eggs,

HAS ADOPTED THIS REGULATION:

*Article 1*

The list of codes of products for which, when they are exported, the export refund referred to in Article 8 of Regulation (EEC) No 2771/75 is granted, and the amount of that refund shall be as shown in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 12 March 2003.

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

Done at Brussels, 11 March 2003.

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

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<sup>(1)</sup> OJ L 282, 1.11.1975, p. 49.

<sup>(2)</sup> OJ L 77, 20.3.2002, p. 7.

## ANNEX

**to the Commission Regulation of 11 March 2003 fixing the export refunds on eggs**

Product code	Destination	Unit of measurement	Amount of refund
0407 00 11 9000	E07	EUR/100 pcs	1,70
0407 00 19 9000	E07	EUR/100 pcs	0,80
0407 00 30 9000	E09	EUR/100 kg	6,00
	E10	EUR/100 kg	25,00
	E11	EUR/100 kg	3,00
0408 11 80 9100	E04	EUR/100 kg	40,00
0408 19 81 9100	E04	EUR/100 kg	20,00
0408 19 89 9100	E04	EUR/100 kg	20,00
0408 91 80 9100	E06	EUR/100 kg	75,00
0408 99 80 9100	E04	EUR/100 kg	19,00

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

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

The other destinations are defined as follows:

E04 all destinations except Switzerland and Estonia

E06 all destinations except Switzerland, Estonia and Lithuania

E07 all destinations except the United States of America, Estonia and Lithuania

E09 Kuwait, Bahrain, Oman, Qatar, the United Arab Emirates, Yemen, Hong Kong SAR, Russia and Turkey

E10 South Korea, Japan, Malaysia, Thailand, Taiwan and the Philippines

E11 all destinations except Switzerland, Estonia, Lithuania and those of E09 and E10.



**COMMISSION REGULATION (EC) No 449/2003**  
**of 11 March 2003**  
**fixing the export refunds on poultrymeat**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2777/75 of 29 October 1975 on the common organization of the market in poultrymeat <sup>(1)</sup>, as last amended by Commission Regulation (EC) No 493/2002 <sup>(2)</sup>, and in particular Article 8(3) thereof,

Whereas:

- (1) Article 8 of Regulation (EEC) No 2777/75 provides that the difference between prices on the world market for the products listed in Article 1(1) of that Regulation and prices for those products within the Community may be covered by an export refund.
- (2) It follows from applying these rules and criteria to the present situation on the market in poultrymeat that the refund should be fixed at an amount which would

permit Community participation in world trade and would also take account of the nature of these exports and their importance at the present time.

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

HAS ADOPTED THIS REGULATION:

*Article 1*

The list of product codes for which, when they are exported, the export refund referred to in Article 8 of Regulation (EEC) No 2777/75 is granted, and the amount of that refund shall be as shown in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 12 March 2003.

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

Done at Brussels, 11 March 2003.

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

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<sup>(1)</sup> OJ L 282, 1.11.1975, p. 77.

<sup>(2)</sup> OJ L 77, 20.3.2002, p. 7.

## ANNEX

**to the Commission Regulation of 11 March 2003 fixing the export refunds on poultrymeat**

Product code	Destination	Unit of measurement	Amount of refund
0105 11 11 9000	V04	EUR/100 pcs	0,80
0105 11 19 9000	V04	EUR/100 pcs	0,80
0105 11 91 9000	V04	EUR/100 pcs	0,80
0105 11 99 9000	V04	EUR/100 pcs	0,80
0207 12 10 9900	V01	EUR/100 kg	40,00
0207 12 10 9900	A24	EUR/100 kg	40,00
0207 12 90 9190	V01	EUR/100 kg	40,00
0207 12 90 9190	A24	EUR/100 kg	40,00
0207 12 90 9990	V01	EUR/100 kg	40,00
0207 12 90 9990	A24	EUR/100 kg	40,00
0207 14 20 9900	V03	EUR/100 kg	5,00
0207 14 60 9900	V03	EUR/100 kg	5,00
0207 14 70 9190	V03	EUR/100 kg	5,00
0207 14 70 9290	V03	EUR/100 kg	5,00

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

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

The other destinations are defined as follows:

V01 Angola, Saudi Arabia, Kuwait, Bahrain, Qatar, Oman, the United Arab Emirates, Jordan, Yemen, Lebanon, Iraq, Iran

V03 All destinations except the United States of America and zones A24 and A26.

V04 All destinations except the United States of America and Estonia.

## II

(Acts whose publication is not obligatory)

## COUNCIL

## COUNCIL DECISION

of 18 February 2003

concerning the establishment of the Financial Services Committee

(2003/165/EC)

THE COUNCIL OF THE EUROPEAN UNION,

1. RECALLS that the Council in its conclusions of 3 December 2002 stated its willingness to take a decision on the establishment of a new committee with the purpose of providing advice and oversight for the Council and the Commission on a range of financial market issues;
2. accordingly ESTABLISHES the Financial Services Committee (hereinafter called the 'Committee'), with the following tasks:
  - to provide for cross-sectoral strategic reflection, separate from the legislative process,
  - to help to define the medium- and long-term strategy for financial services issues,
  - to consider sensitive short-term issues,
  - to assess progress and implementation,
  - to provide political advice and oversight on both internal issues (e.g. single market, including implementation of the Financial Services action plan) and external issues (e.g. WTO);
3. AGREES the following as for the composition, the chairmanship and the functioning of the Committee:
  - the Commission and each member of the Council shall appoint one high-level representative and one alternate to the Committee; a representative of the European Central Bank and the Chairs of the relevant Community committees of regulators will have observer status,
  - the Committee shall have one Chair and one Vice-Chair which it shall appoint from among the representatives of the Member States; the Chair and the Vice-Chair shall serve for two years; the first Chair shall be appointed by the Economic and Financial Committee,
  - the Member State whose representative is appointed Chairman shall have one additional representative on the Committee for the Chairman's period of office,
  - the Chairman and Vice-Chair, together with the representative from the Commission, the representative from the Member State holding the Presidency of the Council for the duration of its office, a representative of the General Secretariat of the Council and a representative from the Secretariat of the Economic and Financial Committee shall cooperate closely with a view to facilitating the work of the Committee,
  - the Committee shall report to the Economic and Financial Committee in order to prepare advice to the Council (Ecofin), taking into account the established role of Coreper,
  - the Chairman of the Committee shall be available for a regular exchange of views on strategic developments related to financial markets with the Committee on Economic and Monetary Affairs of the European Parliament,
  - the Committee shall adopt its own Rules of Procedure in accordance with the Council's Rules of Procedure,
  - the secretariat shall be provided by the General Secretariat of the Council;
4. NOTES that the Committee's activities will be without prejudice to the Commission's right of initiative;
5. DECIDES to review this Decision in the second half of 2004.

Done at Brussels, 18 February 2003.

*For the Council*

*The President*

N. CHRISTODOULAKIS

# COMMISSION

## COMMISSION DECISION of 10 March 2003

### concerning the non-inclusion of parathion-methyl in Annex I to Council Directive 91/414/EEC and the withdrawal of authorisations for plant protection products containing this active substance

(notified under document number C(2003) 724)

(Text with EEA relevance)

(2003/166/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 91/414/EEC of 15 July 1991 concerning the placing of plant protection products on the market <sup>(1)</sup>, as last amended by Commission Directive 2003/5/EC <sup>(2)</sup>, and in particular the fourth subparagraph of Article 8(2) thereof,

Having regard to Commission Regulation (EEC) No 3600/92 of 11 December 1992 laying down the detailed rules for the implementation of the first stage of the programme of work referred to in Article 8(2) of Council Directive 91/414/EEC concerning the placing of plant protection products on the market <sup>(3)</sup>, as last amended by Regulation (EC) No 2266/2000 <sup>(4)</sup>, and in particular Article 7(3A)(b) thereof,

Whereas:

- (1) Article 8(2) of Directive 91/414/EEC provided for the Commission to carry out a programme of work for the examination of the active substances used in plant protection products which were already on the market on 25 July 1993. Detailed rules for the carrying out of this programme were established in Regulation (EEC) No 3600/92.
- (2) Commission Regulation (EC) No 933/94 of 27 April 1994 laying down the active substances of plant protection products and designating the rapporteur Member States for the implementation of Commission Regulation (EEC) No 3600/92 <sup>(5)</sup>, as last amended by Regulation (EC) No 2230/95 <sup>(6)</sup>, designated the active substances which should be assessed in the framework of Regulation (EEC) No 3600/92, designated a Member State to act as rapporteur in respect of the assessment of each substance and identified the producers of each active substance who submitted a notification in due time.

- (3) Parathion-methyl is one of the 89 active substances designated in Regulation (EC) No 933/94.
- (4) In accordance with Article 7(1)(c) of Regulation (EEC) No 3600/92, Italy, being the designated rapporteur Member State, submitted on 5 April 2001 to the Commission the report of its assessment of the information submitted by the notifiers in accordance with Article 6(1) of that Regulation.
- (5) On receipt of the report of the rapporteur Member State, the Commission undertook consultations with experts of the Member States as well as with the main notifier as provided for in Article 7(3) of Regulation (EEC) No 3600/92.
- (6) The assessment report prepared by Italy has been reviewed by the Member States and the Commission within the Standing Committee on the Food Chain and Animal Health. This review was finalised on 18 October 2002 in the format of the Commission review report for parathion-methyl, in accordance with Article 7(6) of Regulation (EEC) No 3600/92.
- (7) Assessments made on the basis of the information submitted have not demonstrated that it may be expected that, under the proposed conditions of use, plant protection products containing parathion-methyl satisfy in general the requirements laid down in Article 5(1)(a) and (b) of Directive 91/414/EEC.
- (8) Parathion-methyl should therefore not be included in Annex I to Directive 91/414/EEC.
- (9) Measures should be taken to ensure that existing authorisations for plant protection products containing parathion-methyl are withdrawn within a prescribed period and are not renewed and that no new authorisations for such products are granted.

<sup>(1)</sup> OJ L 230, 19.8.1991, p. 1.

<sup>(2)</sup> OJ L 8, 14.1.2003, p. 7.

<sup>(3)</sup> OJ L 366, 15.12.1992, p. 10.

<sup>(4)</sup> OJ L 259, 13.10.2000, p. 27.

<sup>(5)</sup> OJ L 107, 28.4.1994, p. 8.

<sup>(6)</sup> OJ L 225, 22.9.1995, p. 1.

- (10) Any period of grace for disposal, storage, placing on the market and use of existing stocks of plant protection products containing parathion-methyl allowed by Member States, in accordance with Article 4(6) of Directive 91/414/EEC should be limited to a period no longer than 12 months to allow existing stocks to be used in no more than one further growing season.
- (11) This Decision does not prejudice any action the Commission may undertake at a later stage for this active substance within the framework of Council Directive 79/117/EEC of 21 December 1978 prohibiting the placing on the market and use of plant protection products containing certain active substances <sup>(1)</sup>, as last amended by the Act of Accession of Austria, Finland and Sweden.
- (12) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS DECISION:

*Article 1*

Parathion-methyl is not included as active substance in Annex I to Directive 91/414/EEC.

*Article 2*

Member States shall ensure that:

- (a) authorisations for plant protection products containing parathion-methyl are withdrawn within a period of six months from the date of adoption of the present Decision,
- (b) from the date of adoption of the present Decision no authorisations for plant protection products containing parathion-methyl are granted or renewed under the derogation provided for in Article 8(2) of Directive 91/414/EEC.

*Article 3*

Any period of grace granted by Member States in accordance with the provisions of Article 4(6) of Directive 91/414/EEC, shall be as short as possible and not longer than 18 months from the date of adoption of the present Decision.

*Article 4*

This Decision is addressed to the Member States.

Done at Brussels, 10 March 2003.

*For the Commission*

David BYRNE

*Member of the Commission*

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<sup>(1)</sup> OJ L 33, 8.2.1979, p. 36.

## COMMISSION DECISION

of 11 March 2003

**terminating the anti-dumping proceeding concerning imports of certain filament yarns of cellulose acetate originating in Lithuania and the United States of America and releasing the amounts secured by way of the provisional duties imposed**

(2003/167/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 384/96 of 22 December 1995 on protection against dumped imports from countries not members of the European Community <sup>(1)</sup>, as last amended by Regulation (EC) No 1972/2002 <sup>(2)</sup>, and in particular Article 9 thereof,

After consulting the Advisory Committee,

Whereas:

## A. PROCEDURE

- (1) On 12 November 2001, the Commission received a complaint concerning the alleged injurious dumping by imports of certain filament yarns of cellulose acetate (product concerned) originating in Lithuania and the United States of America (USA).
- (2) The complaint was lodged by the Comité International de la Rayonne et des Fibres Synthétiques (CIRFS) acting on behalf of the Community producers responsible for over 90 % of the total Community production of the product concerned pursuant to Articles 4(1) and 5(4) of Council Regulation (EC) No 384/96 (the basic Regulation).
- (3) The complaint contained *prima facie* evidence of the existence of dumping and of material injury resulting therefrom, which was considered sufficient to justify the initiation of an anti-dumping proceeding.
- (4) The Commission, after consultation, by a notice published in the *Official Journal of the European Communities* <sup>(3)</sup>, accordingly initiated an anti-dumping proceeding concerning imports into the Community of the product concerned, currently classifiable within CN codes 5403 33 10, 5403 33 90 and 5403 42 00 and originating in Lithuania and the USA.

- (5) The Commission officially advised the exporting producers and importers known to be concerned, the representatives of the exporting country, the representative users, raw material suppliers and the complainant Community producers. Interested parties were given the opportunity to make their views known in writing and to request a hearing within the time limit set out in the notice of initiation.

## B. WITHDRAWAL OF THE COMPLAINT AND TERMINATION OF THE PROCEEDING

- (6) By a letter of 6 February 2003 to the Commission, CIRFS formally withdrew its complaint.
- (7) In accordance with Article 9(1) of the basic Regulation, the proceeding may be terminated where the complaint is withdrawn, unless such termination would not be in the Community interest.
- (8) The Commission considered that the present proceeding should be terminated since the investigation had not brought to light any considerations showing that such termination would not be in the Community interest. Interested parties were informed accordingly and were given the opportunity to comment. No comments were received indicating that such termination would not be in the Community interest.
- (9) The Commission therefore concludes that the anti-dumping proceeding concerning imports into the Community of the product concerned originating in Lithuania and the USA should be terminated without the imposition of anti-dumping measures.
- (10) Any duties provisionally secured on the basis of Commission Regulation (EC) No 1662/2002 <sup>(4)</sup>, as amended by Regulation (EC) No 158/2003 <sup>(5)</sup>, for the product concerned should be released,

<sup>(1)</sup> OJ L 56, 6.3.1996, p. 1.

<sup>(2)</sup> OJ L 305, 7.11.2002, p. 1.

<sup>(3)</sup> OJ C 364, 20.12.2001, p. 3.

<sup>(4)</sup> OJ L 251, 19.9.2002, p. 9; corrigendum OJ L 258, 26.9.2002, p. 35.

<sup>(5)</sup> OJ L 25, 30.1.2003, p. 35.

HAS DECIDED AS FOLLOWS:

*Article 3*

*Article 1*

The anti-dumping proceeding concerning imports of certain non-textured artificial filament yarn of cellulose acetate, falling within CN codes 5403 33 10, 5403 33 90 and 5403 42 00 and originating in Lithuania and the United States of America, is hereby terminated.

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

Done at Brussels, 11 March 2003.

*Article 2*

The amounts secured by way of the provisional anti-dumping duty imposed pursuant to Regulation (EC) No 1662/2002 shall be released.

*For the Commission*

Pascal LAMY

*Member of the Commission*

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**COMMISSION DECISION**  
**of 11 March 2003**  
**establishing the European Community Energy Star Board**

(2003/168/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community, and in particular Article 175(1) thereof,

Having regard to Regulation (EC) No 2422/2001 of the European Parliament and of the Council of 6 November 2001 on a Community energy efficiency labelling programme for office equipment <sup>(1)</sup>, and in particular Article 8(1) thereof,

Whereas:

- (1) In compliance with Regulation (EC) No 2422/2001, the Commission should establish a European Community Energy Star Board (hereinafter referred to as the 'ECESB') to carry out the EC Energy Star programme, as defined in the Agreement between the Government of the United States of America and the European Community on the coordination of energy efficient labelling programmes for office equipment <sup>(2)</sup>.
- (2) The ECESB should consist of national representatives, as defined by Regulation (EC) No 2422/2001 and of the interested parties listed on an indicative basis in that Regulation,

HAS DECIDED AS FOLLOWS:

*Article 1*

The European Community Energy Star Board 'ECESB' is hereby established.

*Article 2*

1. The Chair of the ECESB shall be held by the Commission, represented by the Directorate General for Energy and Transport.

2. The indicative list of the national representatives referred to in Article 9 of Regulation (EC) No 2422/2001 shall be as set out in Part A of the Annex.

Where more than one national representative is designated, the 'coordinator' shall be the representative empowered by the Member State as indicated in the Annex.

3. The indicative list of the interested Parties referred to in Article 8(3) of Regulation (EC) No 2422/2001 shall be as set out in Part B of the Annex.

4. In order to ensure a balanced participation of all relevant interested Parties in respect to each office equipment product group, the Chair may adapt the membership of interested Parties as appropriate.

*Article 3*

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

Done at Brussels, 11 March 2003.

*For the Commission*  
Loyola DE PALACIO  
*Vice-President*

<sup>(1)</sup> OJ L 332, 15.12.2001, p. 1.

<sup>(2)</sup> OJ L 172, 26.6.2001, p. 3.



## ANNEX

## INDICATIVE LIST OF MEMBERS OF THE ECESB

## PART A

## National representatives

A	Abteilung IV/3 Bundesministerium für Wirtschaft und Arbeit	Mr. Matthias BRUNNER Dipl.-Ing. (coordinator)
	EVA - Austrian Energy Agency	Mr Herbert RITTER
B	Administration de l'Energie du Ministère des Affaires Economiques; Division Gaz-Electricité	Mr Luc MICHIELS
DK	Danish Energy Agency	Mrs Anette GYDESEN
FIN	Ministry of Trade and Industry	Ms Veera PEDERSEN (coordinator)
	Motiva Oy	Mr Heikki HÄRKÖNEN
F	MINEFI/DGEMP - Télédéc 161	Mrs Evelyne BISSON (coordinator)
	Ademe - Centre de Sophia Antipolis	Mr Alain ANGLADE
D	Bundesministerium für Wirtschaft und Technologie	Dr Wolfgang STINGLWAGNER (coordinator)
	Deutsche Energie-Agentur	Dr Christiane DUDDA
EL	Ministry for Development	Mr Dimitrios NOMIDIS (coordinator)
	Ministry for Development	Mr Dimitrios TSALEMIS
IRL	Sustainable Energy Ireland	Mr Tom HALPIN
	Sustainable Energy Ireland	Mrs Antonia SHIELDS
I	Segreteria Tecnica della DGERM, Ministero delle Attività Produttive	Mr Dario CHELLO (coordinator)
	ENEA Ispra	Mrs Milena PRESUTTO
L	Service de l'Energie de l'Etat	Mr Jean-Paul HOFFMANN
P	Direcção Geral da Energia	Mr Renato ROMANO
E	Subdirección General de Planificación Energetica	Mr Angel CHAMERO FERRER
S	Swedish National Energy Administration	Mrs Kristina BEIERTZ
NL	NOVEM	Drs. Ir. Hans-Paul SIDERIUS
UK	Department for Environment, Food and Rural Affairs Zone 6D/11, Ashdown House	Mr Chris BAKER (coordinator)
	ITS Research & Testing Centre	Mr Bob HARRISON
	BRE Ltd	Mrs Monika MUNZINGER

## PART B

**Interested parties***Manufacturers*

The European Information, Communications and Consumer Electronics Technology Industry Association (EICTA)

*Retailers*

Eurocommerce

*Environmental protection groups*

WWF

*Consumer organisations*

The European Consumers Organisation (BEUC)

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

**COUNCIL DECISION 2003/169/JHA  
of 27 February 2003**

**determining which provisions of the 1995 Convention on simplified extradition procedure between the Member States of the European Union and of the 1996 Convention relating to extradition between the Member States of the European Union constitute developments of the Schengen *acquis* in accordance with the Agreement concerning the Republic of Iceland's and the Kingdom of Norway's association with the implementation, application and development of the Schengen *acquis***

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 31(b) and Article 34(2)(c) thereof,

Having regard to the initiative of the Kingdom of Sweden <sup>(1)</sup>,

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

Whereas:

- (1) For the purposes of achieving the objectives of the European Union, the Council established the Convention on simplified extradition procedure between the Member States of the European Union <sup>(3)</sup> (hereinafter 'the Simplified Extradition Convention') and the Convention relating to extradition between the Member States of the European Union <sup>(4)</sup> (hereinafter 'the Extradition Convention').
- (2) In order to ensure a clear and unambiguous legal situation it is necessary to determine the relationship between the provisions of the above Conventions and those of Chapter 4 of Title III of the Convention of 19 June 1990 implementing the Schengen Agreement of 14 June 1985 on the gradual abolition of checks at the common borders <sup>(5)</sup> (hereinafter 'the Schengen Convention'), which were incorporated into the framework of the European Union when the Treaty of Amsterdam entered into force on 1 May 1999.
- (3) It is also necessary to associate the Republic of Iceland and the Kingdom of Norway with the application of the provisions of the Simplified Extradition Convention and some provisions of the Extradition Convention which constitute a development of the Schengen *acquis* and fall within the scope of Article 1 of Council Decision 1999/437/EC of 17 May 1999 on certain arrangements for the application 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* <sup>(6)</sup>.

- (4) The procedures set out in the Agreement concluded by the Council of the European Union with the Republic of Iceland and the Kingdom of Norway concerning the latter's association with the implementation, application and development of the Schengen *acquis* <sup>(7)</sup> (hereinafter the 'Association Agreement') have been observed in respect of this Decision.
- (5) When the Republic of Iceland and the Kingdom of Norway are notified of the adoption of this Decision in accordance with Article 8(2)(a) of the Association Agreement, those two States will be requested, when informing the Council and the Commission of the fulfilment of their constitutional requirements, to make the relevant declarations and give the relevant notifications under Article 7(4), Article 9, Article 12(3) and Article 15 of the Simplified Extradition Convention and Article 6(3) and Article 13(2) of the Extradition Convention,

HAS DECIDED AS FOLLOWS:

*Article 1*

The Simplified Extradition Convention constitutes a development of the provisions of the Schengen *acquis*, and in particular of Article 66 of the Schengen Convention.

*Article 2*

Articles 2, 6, 8, 9 and 13 of the Extradition Convention and Article 1 thereof, to the extent that that Article is pertinent to those other Articles, constitute a development of the provisions of the Schengen *acquis*, and in particular of Article 61, Article 62(1) and (2), and Articles 63 and 65 of the Schengen Convention.

<sup>(1)</sup> OJ C 195, 11.7.2001, p. 13.

<sup>(2)</sup> Opinion delivered on 13 November 2001 (not yet published in the Official Journal).

<sup>(3)</sup> OJ C 78, 30.3.1995, p. 2.

<sup>(4)</sup> OJ C 313, 23.10.1996, p. 12.

<sup>(5)</sup> OJ L 239, 22.9.2000, p. 19.

<sup>(6)</sup> OJ L 176, 10.7.1999, p. 31.

<sup>(7)</sup> OJ L 176, 10.7.1999, p. 36.

*Article 3*

1. Without prejudice to Article 8 of the Association Agreement, the provisions of the Simplified Extradition Convention shall enter into force for Iceland and Norway on the same date that that Convention enters into force in accordance with Article 16(2) thereof, or, if that date is before 1 July 2002, on the latter date.

2. Before the Simplified Extradition Convention enters into force for Iceland or Norway, Iceland and Norway may, when notifying the fulfilment of their constitutional requirements in accordance with Article 8(2) of the Association Agreement, declare that those provisions shall apply to their relations with States which have made the same declaration. Such declarations shall take effect 90 days after the date of deposit thereof.

3. Without prejudice to Article 8 of the Association Agreement, Articles 2, 6, 8, 9 and 13 of the Extradition Convention shall enter into force for Iceland and Norway on the date that that Convention enters into force in accordance with Article 18(3) thereof, or, if that date is before 1 July 2002, on the latter date.

4. Before the provisions of the Extradition Convention referred to in paragraph 3 enter into force for Iceland or Norway, Iceland and Norway may, when notifying the fulfilment of their constitutional requirements in accordance with Article 8(2) of the Association Agreement, declare that those provisions shall apply to their relations with States that have made the same declaration. Such declarations shall take effect ninety days after the date of deposit thereof.

*Article 4*

1. On the same date that the Simplified Extradition Convention enters into force in accordance with Article 16(2) thereof, Article 66 of the Schengen Convention shall be repealed. Nevertheless, that provision shall continue to apply to extradition requests submitted before that date, unless the Member States concerned are already applying the Simplified Extradition Convention between themselves pursuant to declarations made in accordance with Article 16(3) thereof.

2. On the same date that the Extradition Convention enters into force in accordance with Article 18(3) thereof, Article 61, Article 62(1) and (2) and Articles 63 and 65 of the Schengen Convention shall be repealed. Nevertheless, those provisions shall continue to apply to extradition requests submitted before that date, unless the Member States concerned are already applying the Extradition Convention between themselves pursuant to declarations made in accordance with Article 18(4) thereof.

*Article 5*

This Decision shall take effect on the day following that of its publication in the *Official Journal of the European Union*.

Done at Brussels, 27 February 2003.

*For the Council*

*The President*

M. CHRISOCHOÏDIS

**COUNCIL DECISION 2003/170/JHA**

**of 27 February 2003**

**on the common use of liaison officers posted abroad by the law enforcement agencies of the Member States**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 30(1)(a), (b) and (c), Article 30(2)(c) and Article 34(2)(c) thereof,

Having regard to the initiative of the Kingdom of Denmark <sup>(1)</sup>,

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

Whereas:

- (1) At its meeting of 3 December 1998 the Council of Justice and Home Affairs Ministers adopted the Action Plan of the Council and the Commission on how best to implement the provisions of the Treaty of Amsterdam on an area of freedom, security and justice <sup>(3)</sup>, measure 48 of which states that, within five years of the Treaty's entering into force, action should be taken to promote cooperation and joint initiatives in training, the exchange of liaison officers, secondment, the use of equipment and forensic research.
- (2) At its meeting in Vienna on 11 and 12 December 1998 the European Council endorsed, in its conclusion 83, the Council and Commission Action Plan on how best to implement the provisions of the Treaty of Amsterdam on an area of freedom, security and justice, and in its conclusion 89 it called for a strengthening of action against organised crime in the light of the new possibilities opened up by the Treaty.
- (3) At its meeting in Tampere on 15 and 16 October 1999 the European Council invited the Council and the Commission, in close cooperation with the European Parliament, to promote the full and immediate implementation of the Treaty of Amsterdam, on the basis of the Action Plan adopted on 3 December 1998 by the Council of Home Affairs Ministers and endorsed at the meeting of the European Council in Vienna on 11 and 12 December 1998 and of the political guidelines and concrete objectives involving a deepening of police cooperation for the purpose of combating cross-border crime which were agreed in Tampere.
- (4) At its meeting in Helsinki on 10 and 11 December 1999, the European Council urged the European Union to intensify its efforts at the international level by stepping up cooperation with third countries in reducing the demand for and supply of drugs, and on justice and home affairs. The European Council also noted that there would be a need for combined efforts by all the relevant authorities, with a particular role for Europol.
- (5) At its meeting in Laeken on 14 and 15 December 2001 the European Council confirmed, in its conclusion 37, the guidelines and objectives defined at Tampere and also noted that there was a need for new impetus and guidelines to make good delays in some areas.
- (6) On 14 October 1996 the Council adopted Joint Action 96/602/JHA providing for a common framework for the initiatives of the Member States concerning liaison officers <sup>(4)</sup>.
- (7) In the light of experience in applying the Joint Action and in the light of the provisions of the Treaty of Amsterdam on combating cross-border crime, cooperation amongst Member States on the tasks assigned to, and the posting of liaison officers to third countries and international organisations needs to be strengthened and developed.
- (8) Insofar as is relevant for performing the tasks defined in the Europol Convention <sup>(5)</sup>, Europol will establish and maintain cooperative relations with third countries and international organisations.
- (9) Europol has established and will continue to establish and maintain cooperative relations with a wide range of third countries and international organisations.
- (10) Europol needs to be given the necessary support and means to function effectively as the focal point of European police cooperation. The European Council has stressed that Europol plays a central role in cooperation between the authorities of the Member States in investigating cross-border crime by supporting the prevention, analysis and investigation of crime at Union level.

<sup>(1)</sup> OJ C 176, 24.7.2002, p. 8.

<sup>(2)</sup> Opinion of the European Parliament of 20 November 2002 (not yet published in the Official Journal).

<sup>(3)</sup> OJ C 19, 23.1.1999, p. 1.

<sup>(4)</sup> OJ L 268, 19.10.1996, p. 2.

<sup>(5)</sup> OJ C 316, 27.11.1995, p. 2.

- (11) Europol needs to be given the opportunity to make use to some extent of Member States' liaison officers in third countries, so as to strengthen Europol's operative support function in relation to national police authorities.
- (12) Member States recognise that extensive cooperation is already taking place between liaison officers posted by Member States in view of their national needs to third countries and international organisations. However, there is a need to strengthen some aspects of cooperation between those liaison officers, to make the best possible use of Member States' resources.
- (13) Cooperation between Member States in this area needs to be strengthened so as to facilitate the exchange of information with a view to combating serious cross-border crime.
- (14) Member States attach particular weight to cooperation in combating cross-border crime, as they believe that strengthening cooperation regarding the exchange of information will enhance the national authorities' capabilities to combat crime effectively. Member States believe that Europol should play a central role in this.
- (15) The aim of this Decision is to regulate questions relating to the fight against serious cross-border crime.
- (16) The provisions in the Convention implementing the Schengen Agreement of 14 June 1985 between the Governments of the States of the Benelux Economic Union, the Federal Republic of Germany and the French Republic on the gradual abolition of checks at their common borders <sup>(1)</sup> (hereinafter 'Convention implementing the Schengen Agreement') which relates to the common use of liaison officers should be developed further, with a view to strengthening cooperation between Member States in the fight against cross-border crime.
- (17) As regards Iceland and Norway, this Decision constitutes, with the exception of Article 8, 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 latter's association with the implementation, application and development of the Schengen *acquis* <sup>(2)</sup>, which fall within the area referred to in Article 1(H) of Council Decision 1999/437/EC <sup>(3)</sup> on certain arrangements for the application of that Agreement.
- (18) The United Kingdom is taking part in this Decision in accordance with Article 5 of the Protocol integrating the Schengen *acquis* into the European Union annexed to the Treaty on European Union and to the Treaty establishing the European Community, and Article 8(2) of 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* <sup>(4)</sup>.
- (19) Ireland is taking part in this Decision in accordance with Article 5 of the Protocol integrating the Schengen *acquis* into the European Union annexed to the Treaty on European Union and to the Treaty establishing the European Community, and Article 6(2) of 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* <sup>(5)</sup>.
- (20) Council Joint Action 96/602/JHA and the provision of Article 47(4) of the Convention implementing the Schengen Agreement should accordingly be repealed,

HAS DECIDED AS FOLLOWS:

#### Article 1

#### Definition

1. In this Decision, 'liaison officer' means a representative of one of the Member States, posted abroad by a law enforcement agency to one or more third countries or to international organisations to establish and maintain contacts with the authorities in those countries or organisations with a view to contributing to preventing or investigating criminal offences.
2. This Decision is without prejudice to Member States' liaison officers' tasks within the framework of their responsibilities and in compliance with national law, national needs, and any more favourable agreements concluded with the host State or the international organisation.

#### Article 2

#### Tasks of liaison officers

1. Each Member State shall ensure that its liaison officers establish and maintain direct contacts with competent authorities in the host State or the international organisation, with a view to facilitating and expediting the collection and exchange of information.

<sup>(1)</sup> OJ L 239, 22.9.2000, p. 19.

<sup>(2)</sup> OJ L 176, 10.7.1999, p. 36.

<sup>(3)</sup> OJ L 176, 10.7.1999, p. 31.

<sup>(4)</sup> OJ L 131, 1.6.2000, p. 43.

<sup>(5)</sup> OJ L 64, 7.3.2002, p. 20.

2. Each Member State's liaison officer shall also contribute to the collection and exchange of information which may be used to combat serious cross-border crime, including information providing a readier knowledge of the legal systems and operational methods available in the States or international organisations concerned.

3. Liaison officers shall carry out their tasks within the framework of their responsibilities and in compliance with the provisions, including those on the protection of personal data, laid down in their national laws and in any agreements concluded with host States or international organisations.

#### Article 3

### Notification of the posting of liaison officers

1. Member States shall inform one another of their intentions as regards the secondment of liaison officers to third States and international organisations and the General Secretariat of the Council of the European Union (the General Secretariat) each year of the posting of liaison officers, including their duties and any cooperative agreements between the Member States on the posting of liaison officers.

2. The General Secretariat shall draw up an annual summary to be sent to Member States and to Europol concerning Member States' postings of liaison officers, including their duties and any cooperative agreements between the Member States on the posting of liaison officers.

#### Article 4

### Liaison officer networks in third countries

1. Member States shall ensure that Member States' liaison officers posted to the same third country or international organisation meet regularly or when necessary to exchange relevant information. The Member State holding the Presidency of the Council of the European Union shall ensure that its liaison officers take the initiative to hold such meetings. If the Member State holding the Presidency is not represented in the third country or international organisation concerned, then the representative of the incoming or next incoming Presidency shall take the initiative to hold the meeting. The Commission and Europol shall, where appropriate, be invited to such meetings.

2. Member States shall ensure that its liaison officers posted to the same third country or international organisation provide one another with assistance in contacts with the authorities of the host State. Where relevant, Member States may agree that their liaison officers shall share tasks among themselves.

3. Member States may bilaterally or multilaterally agree that liaison officers who are posted to a third country or international organisation by a Member State shall also look after the interests of one or more other Member States.

#### Article 5

### Cooperation between Member States regarding the exchange of information via liaison officers in third countries

1. Member States shall ensure that their liaison officers in third countries and international organisations shall, in accordance with national law and relevant international instruments and subject to compliance with applicable provisions governing the protection of personal data, provide its respective national authorities with information relating to serious criminal threats to other Member States not represented by their own liaison officers in the third country or international organisation concerned. National authorities shall assess, in accordance with national law and according to the seriousness of the threat, whether the Member States concerned should be informed.

2. Member States' liaison officers in third countries or international organisations may, in accordance with national law and relevant international instruments and subject to compliance with applicable provisions governing the protection of personal data, provide information relating to serious criminal threats to other Member States directly to the liaison officers of the Member State in question, if that Member State is represented in the third country or international organisation concerned.

3. In accordance with national law and relevant international instruments, Member States which do not have liaison officers in a third country or international organisation may make a request to another Member State which does have liaison officers in the third country or international organisation concerned, with a view to the exchange of relevant information.

4. Member States shall deal with any request as described in paragraph 3 in accordance with their respective national law and relevant international instruments, and shall state as speedily as possible whether such a request may be met.

5. Member States may consent to information being exchanged directly between liaison officers in third countries and international organisations and the authorities of other Member States, subject to compliance with applicable provisions governing the protection of personal data.

6. The performance of the tasks described in paragraph 1 and 2 must not hinder liaison officers in the performance of their original duties.

*Article 6***Joint seminars for liaison officers**

1. To enhance cooperation between liaison officers in one or more third countries and international organisations, where there are specific needs for knowledge of and intervention in the third countries and international organisations concerned, Member States may hold joint seminars on crime trends and on the most effective methods of combating cross-border crime taking due account of the EU *acquis*. The Commission and Europol shall be invited to such seminars.
2. Participation in the seminars described in paragraph 1 must not hinder liaison officers in the performance of their original duties.

*Article 7***Competent national authorities**

1. Member States shall designate contact points within their competent authorities to facilitate the tasks referred to in this Decision and ensure that the national contact points are able to carry out their duties efficiently and speedily.
2. Member States shall inform the General Secretariat in writing of its contact points within their competent authorities and of any subsequent changes pursuant to this Decision. The General Secretariat shall publish the information in the *Official Journal of the European Union*.
3. This Decision applies without prejudice to existing national provisions, particularly as regards the division of competence between the various authorities and services in the Member States concerned.

*Article 8***Europol**

1. Member States shall facilitate, in accordance with national law and the Europol Convention, the processing of requests made by Europol to obtain information from Member States' liaison officers in third countries or international organisations where Europol is not represented. Europol's requests shall be addressed to the Member States' National Units, which, in accordance with national law and the Europol Convention,

shall take a decision on the request. Information from Member States' liaison officers in third countries or international organisations shall be transmitted to Europol in accordance with national law and the Europol Convention.

2. When establishing the duties of their liaison officers, Member States shall where appropriate pay attention to the tasks, which under the Europol Convention are to be carried out by Europol.

*Article 9***Application to Gibraltar**

This Decision shall apply to Gibraltar.

*Article 10***Evaluation**

The Council shall evaluate the implementation of this Decision within two years of its adoption.

*Article 11***Repeal**

1. Joint Action 96/602/JHA is hereby repealed.
2. The provision of Article 47(4) of the Convention implementing the Schengen Agreement is hereby repealed.

*Article 12***Entry into force**

This Decision shall enter into force 14 days after its publication in the *Official Journal of the European Union*.

Done at Brussels, 27 February 2003.

*For the Council*

*The President*

M. CHRISOCHOÏDIS