

English edition

Legislation

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⁽¹⁾ Text with EEA relevance

I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EC) No 542/2003**of 21 January 2003****concerning the export of certain steel products from the Czech Republic to the Community for the period from the date of entry into force of this Regulation to the date of accession by the Czech Republic to the European Union (extension of the double-checking system)**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 133 thereof,

Having regard to the proposal from the Commission,

Whereas:

- (1) The Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and the Czech Republic, of the other part ⁽¹⁾, entered into force on 1 February 1995.
- (2) The Parties decided by Decision No 1/2003 ⁽²⁾ of the Association Council to extend the double-checking system introduced by Decision No 3/97 ⁽³⁾ of the Association Council for the period from the date of entry into force of this Regulation to the date of accession by the Czech Republic to the European Union.
- (3) It is consequently necessary to extend the Community implementing legislation introduced by Council Regulation (EC) No 87/98 of 19 December 1997 concerning the export of certain ECSC and EC steel products from the Czech Republic to the Community for the period from 1 January to 31 December 1998 (double-checking system) ⁽⁴⁾,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 87/98 shall continue to apply for the period from the date of entry into force of this Regulation to the date of accession by the Czech Republic to the European

Union, in accordance with the provisions of Decision No 1/2003 of the Association Council between the European Communities and their Member States, of the one part, and the Czech Republic, of the other part.

Article 2

Regulation (EC) No 87/98 shall in consequence be amended as follows:

1. in the title, preamble and Article 1(1) and (4) references to the period '1 January to 31 December 2002' shall be replaced by references to '7 April 2003 to the date of accession by the Czech Republic to the European Union';
2. Annex I to that Regulation shall be replaced by the text contained in Annex I;
3. Annex IV to that Regulation shall be replaced by the text contained in Annex II.

Article 3

Goods shipped to the Community from 1 January 2003 to the date of entry into force of this Regulation shall be excluded from the scope of this Regulation.

Article 4

This Regulation shall enter into force on the 10th day following that of its publication in the *Official Journal of the European Union*.

⁽¹⁾ OJ L 360, 21.12.1994, p. 2.

⁽²⁾ See page 43 of this Official Journal.

⁽³⁾ OJ L 13, 19.1.1998, p. 99.

⁽⁴⁾ OJ L 13, 19.1.1998, p. 43.

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

Done at Brussels, 21 January 2003.

For the Council
The President
N. CHRISTODOULAKIS

ANNEX I

'ANNEX I

CZECH REPUBLIC

List of products subject to double-checking

Cold-rolled sheet

7209 15 00

7209 16 90

7209 17 90

7209 18 91

7209 18 99

7209 25 00

7209 26 90

7209 27 90

7209 28 90

7211 23 10

7211 23 51

7211 29 20

Welded tubes

Complete CN heading 7306'

ANNEX II

'ANNEX IV

**LISTA DE LAS AUTORIDADES NACIONALES COMPETENTES
LISTE OVER KOMPETENTE NATIONALE MYNDIGHEDER
LISTE DER ZUSTÄNDIGEN BEHÖRDEN DER MITGLIEDSTAATEN
ΔΙΕΥΘΥΝΣΕΙΣ ΤΩΝ ΑΡΧΩΝ ΕΚΔΟΣΗΣ ΑΔΕΙΩΝ ΤΩΝ ΚΡΑΤΩΝ ΜΕΛΩΝ
LIST OF THE COMPETENT NATIONAL AUTHORITIES
LISTE DES AUTORITÉS NATIONALES COMPÉTENTES
ELENCO DELLE COMPETENTI AUTORITÀ NAZIONALI
LIJST VAN BEVOEGDE NATIONALE INSTANTIES
LISTA DAS AUTORIDADES NACIONAIS COMPETENTES
LUETTELO TOIMIVALTAISISTA KANSALLISISTA VIRANOMAISISTA
FÖRTECKNING ÖVER BEHÖRIGA NATIONELLA MYNDIGHETER**

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Department of Trade and Industry
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COMMISSION REGULATION (EC) No 543/2003
of 27 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 28 March 2003.

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

Done at Brussels, 27 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 27 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	85,8
	204	64,6
	212	123,3
	999	91,2
0707 00 05	052	87,0
	096	75,4
	204	74,2
	999	78,9
0709 10 00	220	91,5
	999	91,5
0709 90 70	052	101,6
	204	144,8
	999	123,2
0805 10 10, 0805 10 30, 0805 10 50	052	58,3
	204	45,6
	212	58,2
	220	42,2
	600	62,0
	624	59,2
	999	54,3
0808 10 20, 0808 10 50, 0808 10 90	388	80,2
	400	96,0
	404	94,1
	508	76,8
	512	83,1
	524	65,1
	528	75,1
	720	132,3
	999	87,8
	0808 20 50	388
512		69,8
528		71,9
720		49,1
999		65,2

⁽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 544/2003

of 27 March 2003

amending Annexes I and II to Council Regulation (EEC) No 2377/90 laying down a Community procedure for the establishment of maximum residue limits of veterinary medicinal products in foodstuffs of animal origin

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2377/90 of 26 June 1990 laying down a Community procedure for the establishment of maximum residue limits of veterinary medicinal products in foodstuffs of animal origin ⁽¹⁾, as last amended by Commission Regulation (EC) No 61/2003 ⁽²⁾, and in particular Articles 6, 7 and 8 thereof,

Whereas:

(1) In accordance with Regulation (EEC) No 2377/90, maximum residue limits must be established progressively for all pharmacologically active substances which are used within the Community in veterinary medicinal products intended for administration to food-producing animals.

(2) Maximum residue limits should be established only after the examination within the Committee for Veterinary Medicinal Products of all the relevant information concerning the safety of residues of the substance concerned for the consumer of foodstuffs of animal origin and the impact of residues on the industrial processing of foodstuffs.

(3) In establishing maximum residue limits for residues of veterinary medicinal products in foodstuffs of animal origin, it is necessary to specify the animal species in which residues may be present, the levels which may be present in each of the relevant meat tissues obtained from the treated animal (target tissue) and the nature of the residue which is relevant for the monitoring of residues (marker residue).

(4) For the control of residues, as provided for in appropriate Community legislation, maximum residue limits should usually be established for the target tissues of liver or kidney. However, the liver and kidney are

frequently removed from carcasses moving in international trade, and maximum residue limits should therefore also always be established for muscle or fat tissues.

(5) In the case of veterinary medicinal products intended for use in laying birds, lactating animals or honey bees, maximum residue limits must also be established for eggs, milk or honey.

(6) Bacitracin should be inserted into Annex I to Regulation (EEC) No 2377/90.

(7) Sulphur should be inserted into Annex II to Regulation (EEC) No 2377/90.

(8) An adequate period should be allowed before the entry into force of this Regulation in order to allow Member States to make any adjustment which may be necessary to the authorisations to place the veterinary medicinal products concerned on the market which have been granted in accordance with Directive 2001/82/EC ⁽³⁾ of the European Parliament and of the Council to take account of the provisions of this Regulation.

(9) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Veterinary Medicinal Products,

HAS ADOPTED THE FOLLOWING REGULATION:

Article 1

Annexes I and II to Regulation (EEC) No 2377/90 are hereby amended as set out in the Annex hereto.

Article 2

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

It shall apply from the 60th day following its publication.

⁽¹⁾ OJ L 224, 18.8.1990, p. 1.

⁽²⁾ OJ L 11, 16.1.2003, p. 12.

⁽³⁾ OJ L 311, 28.11.2001, p. 1.

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

Done at Brussels, 27 March 2003.

For the Commission
Erkki LIIKANEN
Member of the Commission

ANNEX

A. Annex I to Council Regulation (EEC) No 2377/90 is amended as follows:

1. Anti-infectious agents
- 1.2 Antibiotics
- 1.2.12 Polypeptides

Pharmacologically active substance(s)	Marker residue	Animal species	MRLs	Target tissues
'Bacitracin	Sum of bacitracin A, bacitracin B, and bacitracin C	Rabbits	150 µg/kg 150 µg/kg 150 µg/kg 150 µg/kg	Muscle Fat Liver Kidney'

B. Annex II to Council Regulation (EEC) No 2377/90 is amended as follows:

1. Inorganic chemicals

Pharmacologically active substance(s)	Animal species
'Sulphur	All food producing species'

COMMISSION REGULATION (EC) No 545/2003
of 27 March 2003

amending Regulation (EEC) No 94/92 laying down detailed rules for implementing the arrangements for imports from third countries provided for in Council Regulation (EEC) No 2092/91

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2092/91 of 24 June 1991 on organic production of agricultural products and indications referring thereto on agricultural products and foodstuffs ⁽¹⁾, as last amended by Regulation (EC) No 223/2003 ⁽²⁾, and in particular Article 11(1) thereof,

Whereas:

- (1) The list of third countries from which certain agricultural products obtained by the organic production method must originate in order to be marketed within the Community, provided for in Article 11(1) of Regulation (EEC) No 2092/91, is set out in the Annex to Commission Regulation (EEC) No 94/92 ⁽³⁾, as last amended by Regulation (EC) No 2382/2002 ⁽⁴⁾. That list was drawn up in accordance with Article 11(2) of Regulation (EEC) No 2092/91.
- (2) Costa Rica submitted to the Commission a request to be included in the list provided for in Article 11(1) of Regulation (EEC) No 2092/91. Its authorities submitted the information required pursuant to Article 2(2) of Regulation (EEC) No 94/92.
- (3) The examination of this information and consequent discussion with the authorities of Costa Rica has led to the conclusion that in that country the rules governing production and inspection of agricultural products are equivalent to those laid down in Regulation (EEC) No 2092/91.

- (4) Imports from Costa Rica into the Community take place currently according to Article 11(6) of Regulation (EEC) No 2092/91.
- (5) The Commission has carried out an on-the-spot check of the rules of production and the inspection measures actually applied in Costa Rica, provided for in Article 11(5) of Regulation (EEC) No 2092/91.
- (6) Furthermore, the Australian authorities have informed the Commission that one inspection body has ceased its activity. Therefore the name of that body should be deleted from the Annex to Regulation (EEC) No 94/92.
- (7) Regulation (EEC) No 94/92 should therefore be amended accordingly.
- (8) The measures provided for in this Regulation are in accordance with the opinion of the Committee mentioned in Article 14 of Regulation (EEC) No 2092/91,

HAS ADOPTED THIS REGULATION:

Article 1

The Annex to Regulation (EEC) No 94/92 is amended as set out in the Annex to this Regulation.

Article 2

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

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

Done at Brussels, 27 March 2003.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 198, 22.7.1991, p. 1.

⁽²⁾ OJ L 31, 6.2.2003, p. 3.

⁽³⁾ OJ L 11, 17.1.1992, p. 14.

⁽⁴⁾ OJ L 358, 31.12.2002, p. 120.

ANNEX

The Annex to Regulation (EEC) No 94/92 is amended as follows:

1. After the text referring to Australia: the following text is inserted

‘Costa Rica

1. Product categories:

(a) unprocessed crop products within the meaning of Article 1(1)(a) of Regulation (EEC) No 2092/91;

(b) processed crop products intended for human consumption within the meaning of Article 1(1)(b) of Regulation (EEC) No 2092/91.

2. Origin:

Products of category 1(a) and organically produced ingredients in products of category 1(b) that have been produced in Costa Rica.

3. Inspection bodies: Eco-LOGICA and BCS Oko-Garantie.

4. Certificate issuing body: Ministerio de Agricultura y Ganadería.

5. Duration of the inclusion: 30.6.2006.’

2. In point 3 referring to Australia, the indent ‘— Organic Vignerons Association of Australia Inc. (OVAA)’ is deleted.

COMMISSION REGULATION (EC) No 546/2003
of 27 March 2003

on certain notifications regarding the application of Council Regulations (EEC) No 2771/75, (EEC) No 2777/75 and (EEC) No 2783/75 in the eggs and poultrymeat sectors

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Community,

Article 1

Having regard to Council Regulation (EEC) No 2771/75 of 29 October 1975 on the common organisation of the market in eggs ⁽¹⁾, as last amended by Commission Regulation (EC) No 493/2002 ⁽²⁾, and in particular Article 15 thereof,

1. No later than 12.00 each Thursday, each Member State shall electronically notify the Commission of:

- (a) the selling price in packing stations for eggs in class A from caged hens, being the average of categories L and M;
- (b) the selling price in slaughter plants or the wholesale prices recorded on the representative markets for whole class A chickens known as '65 % chickens', or for another whole chicken presentation if it is more representative.

Having regard to Council Regulation (EEC) No 2777/75 of 29 October 1975 on the common organisation of the market in poultrymeat ⁽³⁾, as last amended by Regulation (EC) No 493/2002, and in particular Article 15 thereof,

2. The prices referred to in paragraph 1 shall be the average prices in the week preceding the week of notification. They shall exclude VAT and be expressed in national currency per 100 kg.

Having regard to Council Regulation (EEC) No 2783/75 of 29 October 1975 on the common system of trade for ovalbumin and lactalbumin ⁽⁴⁾, as last amended by Commission Regulation (EC) No 2916/95 ⁽⁵⁾, and in particular Article 10 thereof,

3. Member States shall adopt no later than 1 May 2003 an electronic data transmission system acceptable to the Commission.

Whereas:

Article 2

(1) Commission Regulation (EC) No 572/1999 of 16 March 1999 concerning certain reciprocal communications between the Member States and the Commission relating to eggs and poultrymeat and repealing Regulation (EEC) No 1527/73 ⁽⁶⁾ introduced a system whereby the Member States and the Commission notify each other of the prices on the eggs and poultrymeat markets, with a view to their sound management.

At least once a month at Management Committee meetings, the Commission shall provide a summary of the prices notified under Article 1 and shall make them available to the Member States on its website.

(2) Experience indicates a need to make some improvements to the system. Regulation (EC) No 572/1999 must therefore be replaced.

Article 3

(3) The weekly prices should be notified to the Commission by an electronic data transmission system acceptable to it and the prices should be available for consultation by electronic means.

Regulation (EC) No 572/1999 is hereby repealed.

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

Article 4

⁽¹⁾ OJ L 282, 1.11.1975, p. 49.

⁽²⁾ OJ L 77, 20.3.2002, p. 7.

⁽³⁾ OJ L 282, 1.11.1975, p. 77.

⁽⁴⁾ OJ L 282, 1.11.1975, p. 104.

⁽⁵⁾ OJ L 305, 19.12.1995, p. 49.

⁽⁶⁾ OJ L 70, 17.3.1999, p. 16.

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

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

Done at Brussels, 27 March 2003.

For the Commission
Franz FISCHLER
Member of the Commission

COMMISSION REGULATION (EC) No 547/2003
of 27 March 2003

on the advance use of certain textile products following overlicensing by Malaysia

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 3030/93 of 12 October 1993 on common rules for imports of certain textile products from third countries ⁽¹⁾, as last amended by Regulation (EC) No 138/2003 ⁽²⁾, and in particular Article 8 thereof,

Whereas:

- (1) The Malaysian authorities have issued in 2002 licences for the export of textile products falling under categories 5 and 6 (anoraks and trousers) above the quota levels agreed between Malaysia and the European Communities. This implies that sufficient quantities are not available for the import of products of those categories shipped in 2002 in excess of year 2002 quotas, even after recourse to the flexibility provisions in Annex VIII of Regulation (EEC) No 3030/93.
- (2) Article 8 of Regulation (EEC) 3030/93 allows the Commission to open up additional opportunities for imports under particular circumstances, and notably that in case of over-licensing by the authorities of a supplier country the additional quantities granted shall be deducted from the quantitative limits of the same categories of products for the following quota year, i.e. 2003.
- (3) Although the granting of additional quantities for a quota year with a corresponding deduction from the quotas of the following year in cases of over-licensing

contemplated in Article 8 of Regulation (EC) No 3030/93 constitutes a response to an extraordinary situation, which is not part of an usual management of textile import regulations, it is recognised that Malaysia in the past has been issuing export licenses in accordance with its agreement with the European Communities and that Malaysian authorities in the current case have been cooperating in order to minimise the negative impact of such over-licensing.

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

HAS ADOPTED THIS REGULATION:

Article 1

The following additional quantities are granted to Malaysia in quota year 2002:

Category 5: (pullovers, pulls, jerseys, anoraks etc.):
467 836 pieces,

Category 6: (trousers, shorts etc.): 2 873 564 pieces.

These quantities are deducted from the corresponding quantitative limits for 2003.

Article 2

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

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

Done at Brussels, 27 March 2003.

For the Commission

Pascal LAMY

Member of the Commission

⁽¹⁾ OJ L 275, 8.11.1993, p. 1.

⁽²⁾ OJ L 23, 28.1.2003, p. 1.

COMMISSION REGULATION (EC) No 548/2003**of 27 March 2003****authorising transfers between the quantitative limits of textiles and clothing products originating in the People's Republic of China**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 3030/93 of 12 October 1993 on common rules for imports of certain textile products from third countries ⁽¹⁾, as last amended by Regulation (EC) No 138/2003 ⁽²⁾, and in particular Article 7 thereof,

Whereas:

- (1) Article 5 of the Agreement between the European Economic Community and the People's Republic of China on trade in textile products ⁽³⁾, initialled on 9 December 1988 and approved by Council Decision 90/647/EEC, as last amended and extended by an Agreement in the form of an Exchange of Letters, initialled on 19 May 2000 and approved by Council Decision 2000/787/EC ⁽⁴⁾, provides that transfers may be made between quota years. Those flexibility provisions were notified to the Textiles Monitoring Body of the World Trade Organisation following China's accession to it.
- (2) On 20 February 2003 the People's Republic of China submitted a request for transfers of quantities from the quota year 2003 to the quota year 2002.
- (3) The transfers requested by the People's Republic of China fall within the limits of the flexibility provisions referred to in Article 5 of the Agreement between the

European Economic Community and the People's Republic of China on trade in textiles products as set out in Annex VIII to Regulation (EEC) No 3030/93.

- (4) It is appropriate to grant the request.
- (5) It is desirable for this Regulation to enter into force on the day after its publication in order to allow operators to benefit from it as soon as possible.
- (6) The measures provided for in this Regulation are in accordance with the opinion of the Textile Committee set up by Article 17 of Regulation (EEC) No 3030/93,

HAS ADOPTED THIS REGULATION:

Article 1

Transfers between the quantitative limits for textile goods originating in the People's Republic of China fixed by the Agreement between the European Community and the People's Republic of China on trade in textile products are authorised for the quota year 2002 in accordance with the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 28 March 2003.

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

Done at Brussels, 27 March 2003.

For the Commission

Pascal LAMY

Member of the Commission

⁽¹⁾ OJ L 275, 8.11.1993, p. 1.

⁽²⁾ OJ L 23, 28.1.2003, p. 1.

⁽³⁾ OJ L 352, 15.12.1990, p. 1.

⁽⁴⁾ OJ L 314, 14.12.2000, p. 13.

ANNEX

720 China						Adjustment			
Group	Category	Unit	Limit 2002	Working level after previous adjustments	Working level after implementing 1 % normal flexibilities	Quantity	%	Flexibility	New adjusted working level
IB	3	kg	5 929 000	6 403 320	6 462 610	118 580	2,0	Transfer from quota year 2003	6 581 190

COMMISSION REGULATION (EC) No 549/2003

of 27 March 2003

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1260/2001 of 19 June 2001 on the common organisation of the market in sugar ⁽¹⁾, as amended by Commission Regulation (EC) No 680/2002 ⁽²⁾,

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

Whereas:

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 28 March 2003.

⁽¹⁾ OJ L 178, 30.6.2001, p. 1.

⁽²⁾ OJ L 104, 20.4.2002, p. 26.

⁽³⁾ OJ L 141, 24.6.1995, p. 12.

⁽⁴⁾ OJ L 13, 18.1.2003, p. 4.

⁽⁵⁾ OJ L 145, 27.6.1968, p. 12.

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

Done at Brussels, 27 March 2003.

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

ANNEX

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

(in EUR)

CN code	Amount of the representative price in 100 kg net of the product in question	Amount of the additional duty in 100 kg net of the product in question	Amount of the duty to be applied to imports in 100 kg net of the product in question because of suspension as referred to in Article 5 of Regulation (EC) No 1422/95 ⁽²⁾
1703 10 00 ⁽¹⁾	7,73	0	—
1703 90 00 ⁽¹⁾	9,94	—	0

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

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

COMMISSION REGULATION (EC) No 550/2003

of 27 March 2003

fixing the export refunds on white sugar and raw sugar without further processing

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1260/2001 of 19 June 2001 on the common organisation of the markets in the sugar sector ⁽¹⁾, as amended by Commission Regulation (EC) No 680/2002 ⁽²⁾, and in particular the second subparagraph of Article 27(5) thereof,

Whereas:

(1) Article 27 of Regulation (EC) No 1260/2001 provides that the difference between quotations or prices on the world market for the products listed in Article 1(1)(a) of that Regulation and the prices for those products within the Community may be covered by an export refund.

(2) Regulation (EC) No 1260/2001 provides that when refunds on white sugar and raw sugar, non-denatured and exported without further processing, are being fixed, account must be taken of the situation on the Community and world markets in sugar, and in particular of the price and cost factors set out in Article 28 of that Regulation. The same Article provides that the economic aspect of the proposed exports should also be taken into account.

(3) The refund on raw sugar must be fixed in respect of the standard quality. The latter is defined in Annex I, point II, to Regulation (EC) No 1260/2001. Furthermore, this refund should be fixed in accordance with Article 28(4) of Regulation (EC) No 1260/2001. Candy sugar is defined in Commission Regulation (EC) No 2135/95 of 7 September 1995 laying down detailed rules of application for the grant of export refunds in the sugar sector ⁽³⁾. The refund thus calculated for sugar containing added flavour or colouring matter must apply to their sucrose content and, accordingly, be fixed per 1 % of the said content.

(4) In special cases, the amount of the refund may be fixed by other legal instruments.

(5) The refund must be fixed every two weeks. It may be altered in the intervening period.

(6) The first subparagraph of Article 27(5) of Regulation (EC) No 1260/2001 provides that refunds on the products referred to in Article 1 of that Regulation may vary according to destination, where the world market situation or the specific requirements of certain markets make this necessary.

(7) The significant and rapid increase in preferential imports of sugar from the western Balkan countries since the start of 2001 and in exports of sugar to those countries from the Community seems to be highly artificial in nature.

(8) In order to prevent any abuses associated with the re-importation into the Community of sugar sector products that have qualified for export refunds, refunds for the products covered by this Regulation should not be fixed for all the countries of the western Balkans.

(9) In view of the above and of the present situation on the market in sugar, and in particular of the quotations or prices for sugar within the Community and on the world market, refunds should be fixed at the appropriate amounts.

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

HAS ADOPTED THIS REGULATION:

Article 1

The refunds to be granted on exports of the products listed in Article 1(1)(a) of Regulation (EC) No 1260/2001, non-denatured and without further processing, are hereby fixed in accordance with the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 28 March 2003.

⁽¹⁾ OJ L 178, 30.6.2001, p. 1.

⁽²⁾ OJ L 104, 20.4.2002, p. 26.

⁽³⁾ OJ L 214, 8.9.1995, p. 16.

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

Done at Brussels, 27 March 2003.

For the Commission
Franz FISCHLER
Member of the Commission

ANNEX

REFUNDS ON WHITE SUGAR AND RAW SUGAR EXPORTED WITHOUT FURTHER PROCESSING

Product code	Destination	Unit of measurement	Amount of refund
1701 11 90 9100	S00	EUR/100 kg	40,25 ⁽¹⁾
1701 11 90 9910	S00	EUR/100 kg	40,93 ⁽¹⁾
1701 12 90 9100	S00	EUR/100 kg	40,25 ⁽¹⁾
1701 12 90 9910	S00	EUR/100 kg	40,93 ⁽¹⁾
1701 91 00 9000	S00	EUR/1 % of sucrose × 100 kg product net	0,4375
1701 99 10 9100	S00	EUR/100 kg	43,75
1701 99 10 9910	S00	EUR/100 kg	44,49
1701 99 10 9950	S00	EUR/100 kg	44,49
1701 99 90 9100	S00	EUR/1 % of sucrose × 100 kg of net product	0,4375

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).

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:

S00: all destinations (third countries, other territories, victualling and destinations treated as exports from the Community) with the exception of Albania, Croatia, Bosnia and Herzegovina, Serbia and Montenegro (including Kosovo, as defined in UN Security Council Resolution 1244 of 10 June 1999) and the former Yugoslav Republic of Macedonia, save for sugar incorporated in the products referred to in Article 1(2)(b) of Council Regulation (EC) No 2201/96 (OJ L 297, 21.11.1996, p. 29).

⁽¹⁾ This amount is applicable to raw sugar with a yield of 92 %. Where the yield for exported raw sugar differs from 92 %, the refund amount applicable shall be calculated in accordance with Article 28(4) of Regulation (EC) No 1260/2001.

COMMISSION REGULATION (EC) No 551/2003
of 27 March 2003

fixing the maximum export refund for white sugar to certain third countries for the 26th partial invitation to tender issued within the framework of the standing invitation to tender provided for in Regulation (EC) No 1331/2002

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1260/2001 of 19 June 2001 on the common organisation of the markets in the sugar sector ⁽¹⁾, as amended by Commission Regulation (EC) No 680/2002 ⁽²⁾, and in particular Article 27(5) thereof,

Whereas:

(1) Commission Regulation (EC) No 1331/2002 of 23 July 2002 on a standing invitation to tender to determine levies and/or refunds on exports of white sugar ⁽³⁾, as amended by Regulation (EC) No 432/2003 ⁽⁴⁾, for the 2002/2003 marketing year, requires partial invitations to tender to be issued for the export of this sugar to certain third countries.

(2) Pursuant to Article 9(1) of Regulation (EC) No 1331/2002 a maximum export refund shall be fixed, as the case may be, account being taken in particular of the state and foreseeable development of the Community and world markets in sugar, for the partial invitation to tender in question.

(3) Following an examination of the tenders submitted in response to the 26th partial invitation to tender, the provisions set out in Article 1 should be adopted.

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

HAS ADOPTED THIS REGULATION:

Article 1

For the 26th partial invitation to tender for white sugar issued pursuant to Regulation (EC) No 1331/2002 the maximum amount of the export refund to certain third countries is fixed at 47,640 EUR/100 kg.

Article 2

This Regulation shall enter into force on 28 March 2003.

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

Done at Brussels, 27 March 2003.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 178, 30.6.2001, p. 1.

⁽²⁾ OJ L 104, 20.4.2002, p. 26.

⁽³⁾ OJ L 195, 24.7.2002, p. 6.

⁽⁴⁾ OJ L 65, 8.3.2003, p. 21.

COMMISSION REGULATION (EC) No 552/2003
of 27 March 2003
fixing the export refunds on products processed from cereals and rice

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

Whereas:

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 28 March 2003.

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 193, 29.7.2000, p. 1.

⁽³⁾ OJ L 329, 30.12.1995, p. 18.

⁽⁴⁾ OJ L 62, 5.3.2002, p. 27.

⁽⁵⁾ OJ L 147, 30.6.1995, p. 55.

⁽⁶⁾ OJ L 312, 23.12.1995, p. 25.

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

Done at Brussels, 27 March 2003.

For the Commission
Franz FISCHLER
Member of the Commission

ANNEX

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

Product code	Destination	Unit of measurement	Refunds	Product code	Destination	Unit of measurement	Refunds
1102 20 10 9200 ⁽¹⁾	C11	EUR/t	28,74	1104 23 10 9300	C14	EUR/t	23,61
1102 20 10 9400 ⁽¹⁾	C11	EUR/t	24,64	1104 29 11 9000	C13	EUR/t	0,00
1102 20 90 9200 ⁽¹⁾	C11	EUR/t	24,64	1104 29 51 9000	C13	EUR/t	0,00
1102 90 10 9100	C17	EUR/t	0,00	1104 29 55 9000	C13	EUR/t	0,00
1102 90 10 9900	C17	EUR/t	0,00	1104 30 10 9000	C13	EUR/t	0,00
1102 90 30 9100	C18	EUR/t	0,00	1104 30 90 9000	C14	EUR/t	5,13
1103 19 40 9100	C16	EUR/t	0,00	1107 10 11 9000	C21	EUR/t	0,00
1103 13 10 9100 ⁽¹⁾	C19	EUR/t	36,95	1107 10 91 9000	C21	EUR/t	0,00
1103 13 10 9300 ⁽¹⁾	C19	EUR/t	28,74	1108 11 00 9200	C10	EUR/t	0,00
1103 13 10 9500 ⁽¹⁾	C19	EUR/t	24,64	1108 11 00 9300	C10	EUR/t	0,00
1103 13 90 9100 ⁽¹⁾	C14	EUR/t	24,64	1108 12 00 9200	C10	EUR/t	32,85
1103 19 10 9000	C16	EUR/t	26,34	1108 12 00 9300	C10	EUR/t	32,85
1103 19 30 9100	C14	EUR/t	0,00	1108 13 00 9200	C10	EUR/t	32,85
1103 20 60 9000	C20	EUR/t	0,00	1108 13 00 9300	C10	EUR/t	32,85
1103 20 20 9000	C17	EUR/t	0,00	1108 19 10 9200	C10	EUR/t	50,16
1104 19 69 9100	C14	EUR/t	0,00	1108 19 10 9300	C10	EUR/t	50,16
1104 12 90 9100	C13	EUR/t	0,00	1109 00 00 9100	C10	EUR/t	0,00
1104 12 90 9300	C13	EUR/t	0,00	1702 30 51 9000 ⁽²⁾	C10	EUR/t	32,18
1104 19 10 9000	C13	EUR/t	0,00	1702 30 59 9000 ⁽²⁾	C10	EUR/t	24,64
1104 19 50 9110	C14	EUR/t	32,85	1702 30 91 9000	C10	EUR/t	32,18
1104 19 50 9130	C14	EUR/t	26,69	1702 30 99 9000	C10	EUR/t	24,64
1104 29 01 9100	C14	EUR/t	0,00	1702 40 90 9000	C10	EUR/t	24,64
1104 29 03 9100	C14	EUR/t	0,00	1702 90 50 9100	C10	EUR/t	32,18
1104 29 05 9100	C14	EUR/t	0,00	1702 90 50 9900	C10	EUR/t	24,64
1104 29 05 9300	C14	EUR/t	0,00	1702 90 75 9000	C10	EUR/t	33,72
1104 22 20 9100	C13	EUR/t	0,00	1702 90 79 9000	C10	EUR/t	23,40
1104 22 30 9100	C13	EUR/t	0,00	2106 90 55 9000	C10	EUR/t	24,64
1104 23 10 9100	C14	EUR/t	30,80				

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

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

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

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

The other destinations are as follows:

C10 All destinations except for Estonia,

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

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

C13 All destinations except for Estonia, Hungary and Lithuania,

C14 All destinations except for Estonia and Hungary,

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

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

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

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

C19 All destinations except for Estonia, Hungary and Slovenia,

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

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

COMMISSION REGULATION (EC) No 553/2003
of 27 March 2003
fixing the export refunds on cereal-based compound feedingstuffs

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 28 March 2003.

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

Done at Brussels, 27 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. 51.

ANNEX

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

Product codes benefiting from export refund:

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

Cereal products	Destination	Unit of measurement	Amount of refunds
Maize and maize products: CN codes 0709 90 60, 0712 90 19, 1005, 1102 20, 1103 13, 1103 29 40, 1104 19 50, 1104 23, 1904 10 10	C10	EUR/t	20,53
Cereal products excluding maize and maize products	C10	EUR/t	0,00

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

The other destinations are as follows:

C10 All destinations except for Estonia.

**COMMISSION REGULATION (EC) No 554/2003
of 27 March 2003**

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

Whereas:

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 28 March 2003.

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 193, 29.7.2000, p. 1.

⁽³⁾ OJ L 329, 30.12.1995, p. 18.

⁽⁴⁾ OJ L 62, 5.3.2002, p. 27.

⁽⁵⁾ OJ L 117, 15.7.2000, p. 1.

⁽⁶⁾ OJ L 160, 18.6.2002, p. 16.

⁽⁷⁾ OJ L 275, 29.9.1987, p. 36.

⁽⁸⁾ OJ L 159, 1.7.1993, p. 112.

⁽⁹⁾ OJ L 242, 12.9.2001, p. 3.

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

Done at Brussels, 27 March 2003.

For the Commission
Erkki LIIKANEN
Member of the Commission

ANNEX

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

CN code	Description of products ⁽¹⁾	Rate of refund per 100 kg of basic product ^(EUR/100 kg)	
		In case of advance fixing of refunds	Other
1001 10 00	Durum wheat: – on exports of goods falling within CN codes 1902 11 and 1902 19 to the United States of America – in other cases	—	—
1001 90 99	Common wheat and meslin: – on exports of goods falling within CN codes 1902 11 and 1902 19 to the United States of America – in other cases: -- where Article 4(5) of Regulation (EC) No 1520/2000 applies ⁽²⁾ -- where goods falling within subheading 2208 ⁽³⁾ are exported -- in other cases	—	—
1002 00 00	Rye	2,634	2,634
1003 00 90	Barley – where goods falling within subheading 2208 ⁽³⁾ are exported – in other cases	—	—
1004 00 00	Oats	—	—
1005 90 00	Maize (corn) used in the form of: – starch: -- where Article 4(5) of Regulation (EC) No 1520/2000 applies ⁽²⁾ -- where goods falling within subheading 2208 ⁽³⁾ are exported -- in other cases – glucose, glucose syrup, maltodextrine, maltodextrine syrup of CN codes 1702 30 51, 1702 30 59, 1702 30 91, 1702 30 99, 1702 40 90, 1702 90 50, 1702 90 75, 1702 90 79, 2106 90 55 ⁽⁴⁾ : -- where Article 4(5) of Regulation (EC) No 1520/2000 applies ⁽²⁾ -- where goods falling within subheading 2208 ⁽²⁾ are exported -- in other cases – where goods falling within subheading 2208 ⁽²⁾ are exported – other (including unprocessed) Potato starch of CN code 1108 13 00 similar to a product obtained from processed maize: – where Article 4(5) of Regulation (EC) No 1520/2000 applies ⁽³⁾ -- where goods falling within subheading 2208 ⁽³⁾ are exported – in other cases	2,053 0,415 2,053 1,540 0,311 1,540 0,415 2,053 2,053 0,415 2,053	2,053 0,415 2,053 1,540 0,311 1,540 0,415 2,053 2,053 0,415 2,053

CN code	Description of products ⁽¹⁾	Rate of refund per 100 kg of basic product (EUR/100 kg)	
		In case of advance fixing of refunds	Other
ex 1006 30	Wholly-milled rice:		
	– round grain	13,000	13,000
	– medium grain	13,000	13,000
	– long grain	13,000	13,000
1006 40 00	Broken rice	3,300	3,300
1007 00 90	Sorghum	—	—

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

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

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

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

COMMISSION REGULATION (EC) No 555/2003
of 27 March 2003
on the issuing of export licences for wine-sector products

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 883/2001 of 24 April 2001, laying down detailed rules for implementing Council Regulation (EC) No 1493/1999 as regards trade with third countries in products in the wine sector⁽¹⁾, as last amended by Regulation (EC) No 2380/2002⁽²⁾, and in particular Article 7 and Article 9(3) thereof,

Whereas:

- (1) Article 63(7) of Council Regulation (EC) No 1493/1999 of 17 May 1999 on the common organisation of the market in wine⁽³⁾, as last amended by Regulation (EC) No 2585/2001⁽⁴⁾, limits the grant of export refunds for wine-sector products to the volumes and expenditure contained in the Agreement on Agriculture concluded during the Uruguay Round multilateral trade negotiations.
- (2) Article 9 of Regulation (EC) No 883/2001 lays down the conditions under which the Commission may take specific measures to prevent an overrun of the quantity laid down or the budget available under the said Agreement.
- (3) On the basis of information on export licence applications available to the Commission on 26 March 2003, the quantity still available for the period until 30 April

2003, for destination zone 1: Africa, referred to in Article 9(5) of Regulation (EC) No 883/2001, could be exceeded unless the issue of export licences with advance fixing of the refund is restricted. Therefore, the submission of applications and the issue of licences should be suspended for this zone until 1 May 2003,

HAS ADOPTED THIS REGULATION:

Article 1

1. Export licences with advance fixing of the refund for wine-sector products for which applications are submitted from 19 to 25 March 2003 under Regulation (EC) No 883/2001 shall be issued in concurrence with 100 % of the quantities requested for zone 1: Africa.

2. The issue of export licences for wine-sector products referred to in paragraph 1 for which applications are submitted from 26 March 2003 and the submission of export licence applications from 28 March 2003 for destination zone 1: Africa shall be suspended until 1 May 2003.

Article 2

This Regulation shall enter into force on 28 March 2003.

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

Done at Brussels, 27 March 2003.

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

⁽¹⁾ OJ L 128, 10.5.2001, p. 1.

⁽²⁾ OJ L 358, 31.12.2002, p. 117.

⁽³⁾ OJ L 179, 14.7.1999, p. 1.

⁽⁴⁾ OJ L 345, 29.12.2001, p. 10.

COMMISSION REGULATION (EC) No 556/2003
of 27 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 21 to 27 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 28 March 2003.

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

Done at Brussels, 27 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 557/2003
of 27 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 and Sweden to all third countries, with the exception of Bulgaria, Estonia, Hungary, Latvia, Lithuania, the Czech Republic, Slovakia and Slovenia was opened pursuant to Regulation (EC) No 1582/2002.

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

HAS ADOPTED THIS REGULATION:

Article 1

No action shall be taken on the tenders notified from 21 to 27 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 28 March 2003.

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

Done at Brussels, 27 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 558/2003
of 27 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 21 to 27 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 14,00/t.

Article 2

This Regulation shall enter into force on 28 March 2003.

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

Done at Brussels, 27 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 559/2003
of 27 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 21 to 27 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 37,95 EUR/t and be valid for a total maximum quantity of 22 500 t.

Article 2

This Regulation shall enter into force on 28 March 2003.

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

Done at Brussels, 27 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 560/2003
of 27 March 2003**

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

- (1) Article 13 of Regulation (EC) No 3072/95 provides that the difference between quotations or prices on the world market for the products listed in Article 1 of that Regulation and prices for those products within the Community may be covered by an export refund.
- (2) Article 13(4) of Regulation (EC) No 3072/95, provides that when refunds are being fixed account must be taken of the existing situation and the future trend with regard to prices and availabilities of rice and broken rice on the Community market on the one hand and prices for rice and broken rice on the world market on the other. The same Article provides that it is also important to ensure equilibrium and the natural development of prices and trade on the rice market and, furthermore, to take into account the economic aspect of the proposed exports and the need to avoid disturbances of the Community market with limits resulting from agreements concluded in accordance with Article 300 of the Treaty.
- (3) Commission Regulation (EEC) No 1361/76 ⁽³⁾ lays down the maximum percentage of broken rice allowed in rice for which an export refund is fixed and specifies the percentage by which that refund is to be reduced where the proportion of broken rice in the rice exported exceeds that maximum.
- (4) Export possibilities exist for a quantity of 6 633 tonnes of rice to certain destinations. The procedure laid down in Article 7(4) of Commission Regulation (EC) No 1162/95 ⁽⁴⁾, as last amended by Regulation (EC) No 2305/2002 ⁽⁵⁾, should be used. Account should be taken of this when the refunds are fixed.
- (5) Article 13(5) of Regulation (EC) No 3072/95 defines the specific criteria to be taken into account when the export refund on rice and broken rice is being calculated.

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

With the exception of the quantity of 6 633 tonnes provided for in the Annex, the issue of export licences with advance fixing of the refund is suspended.

Article 3

This Regulation shall enter into force on 28 March 2003.

⁽¹⁾ OJ L 329, 30.12.1995, p. 18.

⁽²⁾ OJ L 62, 5.3.2002, p. 27.

⁽³⁾ OJ L 154, 15.6.1976, p. 11.

⁽⁴⁾ OJ L 117, 24.5.1995, p. 2.

⁽⁵⁾ OJ L 348, 21.12.2002, p. 92.

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

Done at Brussels, 27 March 2003.

For the Commission
Franz FISCHLER
Member of the Commission

ANNEX

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

Product code	Destination	Unit of measurement	Amount of refunds ⁽¹⁾	Product code	Destination	Unit of measurement	Amount of refunds ⁽¹⁾
1006 20 11 9000	R01	EUR/t	99	1006 30 65 9900	R01	EUR/t	124
1006 20 13 9000	R01	EUR/t	99		064 and 066	EUR/t	150
1006 20 15 9000	R01	EUR/t	99		A97	EUR/t	130
1006 20 17 9000	—	EUR/t	—	1006 30 67 9100	021 and 023	EUR/t	130
1006 20 92 9000	R01	EUR/t	99		064 and 066	EUR/t	150
1006 20 94 9000	R01	EUR/t	99	1006 30 67 9900	064 and 066	EUR/t	150
1006 20 96 9000	R01	EUR/t	99	1006 30 92 9100	R01	EUR/t	124
1006 20 98 9000	—	EUR/t	—		R02	EUR/t	130
1006 30 21 9000	R01	EUR/t	99		R03	EUR/t	135
1006 30 23 9000	R01	EUR/t	99		064 and 066	EUR/t	150
1006 30 25 9000	R01	EUR/t	99		A97	EUR/t	130
1006 30 27 9000	—	EUR/t	—		021 and 023	EUR/t	130
1006 30 42 9000	R01	EUR/t	99	1006 30 92 9900	R01	EUR/t	124
1006 30 44 9000	R01	EUR/t	99		A97	EUR/t	130
1006 30 46 9000	R01	EUR/t	99		064 and 066	EUR/t	150
1006 30 48 9000	—	EUR/t	—		R01	EUR/t	124
1006 30 61 9100	R01	EUR/t	124	1006 30 94 9100	R01	EUR/t	124
	R02	EUR/t	130		R02	EUR/t	130
	R03	EUR/t	135		R03	EUR/t	135
	064 and 066	EUR/t	150		064 and 066	EUR/t	150
	A97	EUR/t	130		A97	EUR/t	130
	021 and 023	EUR/t	130		021 and 023	EUR/t	130
1006 30 61 9900	R01	EUR/t	124	1006 30 94 9900	R01	EUR/t	124
	A97	EUR/t	130		A97	EUR/t	130
	064 and 066	EUR/t	150		064 and 066	EUR/t	150
1006 30 63 9100	R01	EUR/t	124	1006 30 96 9100	R01	EUR/t	124
	R02	EUR/t	130		R02	EUR/t	130
	R03	EUR/t	135		R03	EUR/t	135
	064 and 066	EUR/t	150		064 and 066	EUR/t	150
	A97	EUR/t	130		A97	EUR/t	130
	021 and 023	EUR/t	130		021 and 023	EUR/t	130
1006 30 63 9900	R01	EUR/t	124	1006 30 96 9900	R01	EUR/t	124
	064 and 066	EUR/t	150		A97	EUR/t	130
	A97	EUR/t	130		064 and 066	EUR/t	150
1006 30 65 9100	R01	EUR/t	124		021 and 023	EUR/t	130
	R02	EUR/t	130	1006 30 98 9100	021 and 023	EUR/t	130
	R03	EUR/t	135	1006 30 98 9900	—	EUR/t	—
	064 and 066	EUR/t	150	1006 40 00 9000	—	EUR/t	—
	A97	EUR/t	130				
	021 and 023	EUR/t	130				

⁽¹⁾ The procedure laid down in Article 7(4) of Regulation (EC) No 1162/95 applies to licences applied for under that Regulation for quantities according to the destination:

destination R01:	2 000 t,
all destinations R02 and R03:	1 000 t,
destinations 021 and 023:	375 t,
destinations 064 and 066:	3 000 t,
destination A97:	258 t.

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

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

The other destinations are defined as follows:

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

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

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

**COMMISSION DIRECTIVE 2003/23/EC
of 25 March 2003**

amending Council Directive 91/414/EEC to include imazamox, oxasulfuron, ethoxysulfuron, foramsulfuron, oxadiargyl and cyazofamid as active substances

(Text with EEA relevance)

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 ⁽¹⁾, as last amended by Commission Directive 2002/81/EC ⁽²⁾, and in particular Article 6(1) thereof,

Whereas:

- (1) In accordance with Article 6(2) of Directive 91/414/EEC France received on 2 December 1997 an application from Cyanamid NV/SA (now BASF AG) for the inclusion of the active substance imazamox in Annex I to Directive 91/414/EEC. Commission Decision 1998/676/EC ⁽³⁾ confirmed that the dossier was 'complete' in the sense that it could be considered as satisfying, in principle, the data and information requirements of Annexes II and III to Directive 91/414/EEC.
- (2) Italy received a similar application on 29 May 1998 from Novartis Protezione Piante SpA (now Syngenta) concerning oxasulfuron. This application was declared complete by Commission Decision 1999/237/EC ⁽⁴⁾.
- (3) Italy received a similar application on 3 July 1996 from Hoechst Schering AgrEvo GmbH (now Bayer Crop Science) concerning ethoxysulfuron. This application was declared complete by Commission Decision 97/591/EC ⁽⁵⁾.
- (4) Germany received a similar application on 30 March 2000 from Aventis Crop Science (now Bayer Crop Science) concerning foramsulfuron. This application was declared complete by Commission Decision 2000/540/EC ⁽⁶⁾.
- (5) Italy received a similar application on 16 June 1997 from Rhone-Poulenc Agro SA (now Bayer Crop Science) concerning oxadiargyl. This application was declared complete by Commission Decision 98/398/EC ⁽⁷⁾.
- (6) France received a similar application on 16 December 1999 from Ishira Sangyo Kaisha Ltd concerning cyazofamid. This application was declared complete by Commission Decision 2000/412/EC ⁽⁸⁾.
- (7) For these active substances, the effects on human health and the environment have been assessed, in accordance with the provisions of Article 6(2) and (4) of Directive 91/414/EEC, for the uses proposed by the applicants. The nominated rapporteur Member States, submitted a draft assessment report concerning the substance to the Commission on 9 September 1999 (imazamox), 10 May 2000 (oxasulfuron), 20 May 1998 (ethoxysulfuron), 1 June 2001 (foramsulfuron), 20 July 1999 (oxadiargyl) and 27 August 2001 (cyazofamid).
- (8) The draft assessment reports have been reviewed by the Member States and the Commission within the Standing Committee on the Food Chain and Animal Health. The review was finalised on 3 December 2002 in the format of the Commission review reports for imazamox, oxadiargyl, oxasulfuron, ethoxysulfuron, foramsulfuron and cyazofamid.
- (9) The reviews of imazamox, oxasulfuron foramsulfuron, oxadiargyl and cyazofamid did not reveal any open questions or concern, which would have required a consultation of the Scientific Committee on Plants.
- (10) The documents and information on ethoxysulfuron were also submitted to the Scientific Committee for Plants for separate consultation. In a first consultation the Scientific Committee was invited to comment on the occurrence of uterine tumours in rats. In its opinion ⁽⁹⁾ the Committee considered the increase in uterine tumour incidence in rats of no relevance to human risk as it occurred only at a high dose causing marked general toxicity. No additional mechanistic studies were deemed necessary. An additional consultation was made on the potential risk to aquatic organisms. In its second opinion ⁽¹⁰⁾ the Committee concluded that assessment of the risk of ethoxysulfuron to aquatic organisms was lacking in several respects, in particular with respect to sediment-dwelling organisms. Also assessment of the risk to aquatic plants and algae from the metabolite Hoe 136086 of ethoxysulfuron was considered incomplete.

⁽¹⁾ OJ L 230, 19.8.1991, p. 1.

⁽²⁾ OJ L 276, 12.10.2002, p. 28.

⁽³⁾ OJ L 317, 26.11.1998, p. 47.

⁽⁴⁾ OJ L 87, 31.3.1999, p. 15.

⁽⁵⁾ OJ L 239, 30.8.1997, p. 48.

⁽⁶⁾ OJ L 230, 12.9.2000, p. 14.

⁽⁷⁾ OJ L 176, 20.6.1998, p. 34.

⁽⁸⁾ OJ L 155, 28.6.2000, p. 62.

⁽⁹⁾ Opinion of the Scientific Committee on Plants regarding the evaluation of ethoxysulfuron in the context of Council Directive 91/414/EEC concerning the placing of plant protection products on the market SCP/ETHOXY/002-Final — adopted 22 September 2000.

⁽¹⁰⁾ Opinion on the evaluation of ethoxysulfuron (AE F095404) in the context of Council Directive 91/414/EEC concerning the placing of plant protection products on the market — SCP/ETHOXY-Bis/002 adopted 7 June 2001.

Additional studies and information were subsequently provided by the applicant and the risk assessment for the active substance and its degradation products was revised by the rapporteur Member State.

- (11) It has appeared from the various examinations made that plant protection products containing the active substances concerned may be expected to satisfy, in general, the requirements laid down in Article 5(1) (a) and (b) and Article 5(3) of Directive 91/414/EEC, in particular with regard to the uses which were examined and detailed in the Commission review reports. It is therefore appropriate to include these active substances in Annex I, in order to ensure that in all Member States the authorisations of plant protection products containing this active substance can be granted in accordance with the provisions of that Directive.
- (12) The Commission review reports are required for the proper implementation by the Member States, of several sections of the uniform principles laid down in Directive 91/414/EEC. It is, therefore, appropriate to provide that the finalised review reports, except for confidential information within the meaning of Article 14 of Directive 91/414/EEC, should be kept available or made available by the Member States for consultation by any interested parties.
- (13) After inclusion, Member States should be allowed a reasonable period to implement the provisions of Directive 91/414/EEC as regards plant protection products containing imazamox, oxasulfuron, ethoxysulfuron, foramsulfuron, oxadiargyl or cyazofamid and in particular to review existing provisional authorisations and, by the end of this period at the latest, to transform those authorisations into full authorisations, to amend them or to withdraw them in accordance with the provisions of Directive 91/414/EEC.
- (14) It is therefore appropriate to amend Directive 91/414/EEC accordingly.
- (15) The measures provided for in this Directive are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Annex I to Directive 91/414/EEC is amended as set out in the Annex to this Directive.

Article 2

Member States shall adopt and publish by 31 December 2003 at the latest the laws, regulations and administrative provisions necessary to comply with this Directive. They shall forthwith inform the Commission thereof.

They shall apply those provisions from 1 January 2004.

When Member States adopt those provisions, they shall contain a reference to this Directive or shall be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

Article 3

1. Member States shall review the authorisation for each plant protection product containing imazamox, oxasulfuron, ethoxysulfuron, foramsulfuron, oxadiargyl, or cyazofamid to ensure that the conditions relating to this active substance set out in Annex I to Directive 91/414/EEC are complied with. Where necessary, they shall amend or withdraw the authorisation in accordance with Directive 91/414/EEC before 31 December 2003.

2. Member States shall, for each authorised plant protection product containing imazamox, oxasulfuron, ethoxysulfuron, foramsulfuron, oxadiargyl, or cyazofamid as either the only active substance or as one of several active substances all of which were listed in Annex I to Directive 91/414/EEC by 30 June 2003, re-evaluate the product in accordance with the uniform principles provided for in Annex VI to Directive 91/414/EEC, on the basis of a dossier satisfying the requirements of Annex III thereto. On the basis of that evaluation, they shall determine whether the product satisfies the conditions set out in Article 4(1)(b), (c), (d) and (e) of Directive 91/414/EEC. Where necessary and by 31 December 2004 at the latest, they shall amend or withdraw the authorisation for each such plant protection product.

Article 4

This Directive shall enter into force on 1 July 2003.

Article 5

This Directive is addressed to the Member States.

Done at Brussels, 25 March 2003.

For the Commission

David BYRNE

Member of the Commission

ANNEX

In Annex I the following rows are added at the end of the table:

No	Common name, identification numbers	IUPAC name	Purity (%)	Entry into force	Expiration of inclusion	Specific provisions
41	Imazamox CAS No 114311-32-9 CIPAC No 619	(±)-2-(4-isopropyl-4-methyl-5-oxo-2-imidazolyl-5-(methoxymethyl) nicotinic acid	950 g/kg	1 July 2003	30 June 2013	<p>Only uses as herbicide may be authorised.</p> <p>For the implementation of the uniform principles of Annex VI, the conclusions of the review report on imazamox, and in particular Appendices I and II thereof, as finalised in the Standing Committee on the Food Chain and Animal Health on 3 December 2002 shall be taken into account.</p> <p>In this overall assessment Member States should pay particular attention to the potential for groundwater contamination, when the active substance is applied in regions with vulnerable soil and/or climate conditions. Risk mitigation measures should be applied where appropriate.</p>
42	Oxasulfuron CAS No 144651-06-9 CIPAC No 626	Oxetan-3-yl 2[(4,6-dimethylpyrimidin-2-yl) carbamoyl-sulfamoyl] benzoate	960 g/kg	1 July 2003	30 June 2013	<p>Only uses as herbicide may be authorised.</p> <p>For the implementation of the uniform principles of Annex VI, the conclusions of the review report on oxasulfuron, and in particular Appendices I and II thereof, as finalised in the Standing Committee on the Food Chain and Animal Health on 3 December 2002 shall be taken into account.</p> <p>— Member States must pay particular attention to the protection of groundwater, when the active substance is applied in regions with vulnerable soil and/or climate conditions.</p> <p>Risk mitigation measures should be applied, where appropriate.</p>
43	Ethoxysulfuron CAS No 126801-58-9 CIPAC No 591	3-(4,6-dimethoxypyrimidin-2-yl)-1-(2-ethoxyphenoxy-sulfonyl)urea	950 g/kg	1 July 2003	30 June 2013	<p>Only uses as herbicide may be authorised.</p> <p>For the implementation of the uniform principles of Annex VI, the conclusions of the review report on ethoxysulfuron, and in particular Appendices I and II thereof, as finalised in the Standing Committee on the Food Chain and Animal Health on 3 December 2002 shall be taken into account.</p> <p>Member States should pay particular attention to the protection of non-target aquatic plants and algae in drainage canals. Risk mitigation measures should be applied where appropriate.</p>

No	Common name, identification numbers	IUPAC name	Purity ⁽¹⁾	Entry into force	Expiration of inclusion	Specific provisions
44	Foramsulfuron CAS No 173159-57-4 CIPAC No 659	1-(4,6-dimethoxypyrimidin-2-yl)-3-(2-dimethylcarbamoyl-5-formamidophenylsulfonyl)urea	940 g/kg	1 July 2003	30 June 2013	<p>Only uses as herbicide may be authorised.</p> <p>For the implementation of the uniform principles of Annex VI, the conclusions of the review report on foramsulfuron, and in particular Appendices I and II thereof, as finalised in the Standing Committee on the Food Chain and Animal Health on 3 December 2002 shall be taken into account.</p> <p>In this overall assessment Member States should pay particular attention to the protection of aquatic plants. Risk mitigation measures should be applied, where appropriate.</p>
45	Oxadiargyl CAS No 39807-15-3 CIPAC No 604	5-tert-butyl-3-(2,4-dichloro-5-propargyloxyphenyl)-1,3,4-oxadiazol-2-(3H)-one	980 g/kg	1 July 2003	30 June 2013	<p>Only uses as herbicide may be authorised.</p> <p>For the implementation of the uniform principles of Annex VI, the conclusions of the review report on oxadiargyl, and in particular Appendices I and II thereof, as finalised in the Standing Committee on the Food Chain and Animal Health on 3 December 2002 shall be taken into account.</p> <p>In this overall assessment Member States should pay particular attention to the protection of algae and aquatic plants. Risk mitigation measures should be applied where appropriate.</p>
46	Cyazofamid CAS No 120116-88-3 CIPAC No 653	4-chloro-2cyano-N,N-dimethyl-5-P-tolyimidazole -1-sulfonamide	935 g/kg	1 July 2003	30 June 2013	<p>Only uses as fungicide may be authorised.</p> <p>For the implementation of the uniform principles of Annex VI, the conclusions of the review report on cyazofamid, and in particular Appendices I and II thereof, as finalised in the Standing Committee on the Food Chain and Animal Health on 3 December 2002 shall be taken into account. In this overall assessment</p> <ul style="list-style-type: none"> — Member States must pay particular attention to the protection of aquatic organisms; — Member States must pay particular attention to the degradation kinetics of the metabolite CTCA in soil, especially for Northern European regions. <p>Risk mitigation measures or use restrictions should be applied where appropriate.</p>

⁽¹⁾ Further details on identity and specification of active substances are provided in the review report.

II

(Acts whose publication is not obligatory)

COUNCIL

**DECISION No 1/2003 OF THE EU-CZECH REPUBLIC ASSOCIATION COUNCIL
of 4 February 2003**

**extending the double-checking system established by Decision No 3/97 of the Association Council
for the period from the date of entry into force of this Decision up to the date of accession by the
Czech Republic to the European Union**

(2003/212/EC)

THE ASSOCIATION COUNCIL,

Whereas:

- (1) The Contact Group referred to in Article 10 of Protocol 2 to the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and the Czech Republic, of the other part⁽¹⁾, which entered into force on 1 February 1995, met on 23 October 2002 and agreed to recommend to the Association Council established under Article 104 of the Agreement that the double-checking system introduced in 1998 by Decision No 3/97 of the Association Council⁽²⁾, extended by Decision No 7/98⁽³⁾ for the period from 1 January to 31 December 1999, extended by Decision No 1/2000⁽⁴⁾ for the period from 1 January to 31 December 2000, extended by Decision No 1/2001⁽⁵⁾ for the period from 1 January to 31 December 2001 and extended by Decision No 1/2002⁽⁶⁾ for the period from 1 January to 31 December 2002, should be extended for the period from the date of entry into force of this Decision up to the date of accession by the Czech Republic to the European Union.
- (2) The Association Council, having been supplied with all relevant information, has agreed with this recommendation,

HAS DECIDED AS FOLLOWS:

Article 1

1. The double-checking system established by Decision No 3/97 of the Association Council shall continue to apply for the period from the date of entry into force of this Decision up to

the date of accession by the Czech Republic to the European Union. In the Preamble and Article 1(1) and (3) of the Decision, references to the period '1 January to 31 December 2002' shall be replaced by references to '7 April 2003 up to the date of accession by the Czech Republic to the European Union'.

2. Annex I to that Decision shall be replaced by the attached Annex.

Article 2

Goods shipped to the Community as from 1 January 2003 until the date of entry into force of this Decision shall be excluded from the scope of this Decision.

Article 3

This Decision shall enter into force on the 10th day after that of its publication in the *Official Journal of the European Union*.

Done at Brussels, 4 February 2003.

For the Association Council

The President

G. PAPANDREOU

⁽¹⁾ OJ L 360, 31.12.1994, p. 2.

⁽²⁾ OJ L 13, 19.1.1998, p. 99.

⁽³⁾ OJ L 29, 3.2.1999, p. 26.

⁽⁴⁾ OJ L 69, 17.3.2000, p. 53.

⁽⁵⁾ OJ L 35, 6.2.2001, p. 37.

⁽⁶⁾ OJ L 135, 23.5.2002, p. 23.

ANNEX

'ANNEX I

CZECH REPUBLIC

List of products subject to double-checking*Cold-rolled sheet*

7209 15 00

7209 16 90

7209 17 90

7209 18 91

7209 18 99

7209 25 00

7209 26 90

7209 27 90

7209 28 90

7211 23 10

7211 23 51

7211 29 20

Welded tubes

Complete CN heading 7306'

Information relating to the entry into force of the Protocol adjusting the trade aspects of the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and Romania, of the other part, to take account of the outcome of negotiations between the Parties on new mutual agricultural concessions

The Protocol adjusting the trade aspects of the Europe Agreement with Romania, to take account of the outcome of negotiations between the Parties on new mutual agricultural concessions, which the Council decided to conclude on 19 December 2002 ⁽¹⁾, enters into force on 1 April 2003, since notification of the accomplishment of the procedures specified in Article 4 of that Protocol was completed on 7 March 2003.

⁽¹⁾ OJ L 8, 14.1.2003, p. 18.

COMMISSION

COMMISSION DECISION of 25 March 2003

on the application of Article 3(3)(e) of Directive 1999/5/EC of the European Parliament and of the Council to radio equipment intended to be used on non-SOLAS vessels and which is intended to participate in the Automatic Identification System (AIS)

(notified under document number C(2003) 808)

(Text with EEA relevance)

(2003/213/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Directive 1999/5/EC of the European Parliament and of the Council of 9 March 1999 on radio equipment and telecommunications terminal equipment and the mutual recognition of their conformity⁽¹⁾, and in particular Article 3(3)(e), thereof,

Whereas:

- (1) A number of Member States have implemented or intend to implement common safety principles and rules for automatic identification system (AIS) equipment on non-SOLAS vessels not falling under the carriage requirements of Chapter V of the International Convention for the Safety of Life at Sea, 1974 (SOLAS).
- (2) The harmonisation of radio services contributes to a safer navigation of non-SOLAS vessels, particularly in case of distress and bad weather conditions and such vessels are therefore invited by Member States to participate in the AIS.
- (3) The AIS is described in the International Maritime Organisation (IMO) Regulation 19 to Chapter V of SOLAS — Carriage requirements for shipborne navigational systems and equipment, — which sets out navigational equipment to be carried on board ships, according to ship type.
- (4) The International Telecommunication Union (ITU) Radio Regulations has designated certain frequencies 161.975 (AIS1) and 162.025 (AIS2) MHz for use by the AIS.

Other frequencies allocated for maritime communications may be available to the AIS. All radio equipment operating on those frequencies should be compatible with the designated use of these frequencies and it should provide a reasonable guarantee of assurance that it will function correctly in times of operation.

- (5) The measures set out in this Decision are in accordance with the opinion of the Telecommunications Conformity Assessment and Market Surveillance Committee,

HAS ADOPTED THIS DECISION:

Article 1

Radio equipment which operates in the maritime mobile service as defined in Article 1.28 of the International Telecommunications Union (ITU) Radio Regulations, or in the maritime mobile satellite service as defined in Article 1.29 of the ITU Radio Regulations shall comply with the essential requirements set out in Article 3(3)(e) of Directive 1999/5/EC.

To that end such equipment shall be designed in such a way as to ensure that it operates correctly in its intended maritime environment when used on non-SOLAS vessels and it shall meet all the appropriate operational requirements of the Automatic Identification System (AIS).

Article 2

The requirements of Article 1 of this Decision shall apply as from 28 March 2003.

⁽¹⁾ OJ L 91, 7.4.1999, p. 10.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 25 March 2003.

For the Commission
Erkki LIIKANEN
Member of the Commission

COMMISSION DECISION
of 27 March 2003
concerning protective measures in relation to avian influenza in the Netherlands

(notified under document number C(2003) 1102)

(Only the Dutch text is authentic)

(Text with EEA relevance)

(2003/214/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 Directive 2002/33/EC of the European Parliament and of the Council ⁽²⁾, and in particular Article 10 thereof,

Having regard to Council Directive 2002/99/EC of 16 December 2002 laying down the animal health rules governing the production, processing, distribution and introduction of products of animal origin for human consumption ⁽³⁾, and in particular Article 4(1) and (3) thereof,

Whereas:

- (1) Since 28 February 2003 the Netherlands have declared several outbreaks of highly pathogenic avian influenza.
- (2) The infection with avian influenza subtype H7N7 has affected several poultry flocks in an area called 'Gelderse Vallei'.
- (3) Avian influenza is a highly contagious poultry disease that can pose a serious threat for the poultry industry.
- (4) In view of the high mortality and the rapid spread of the infection the Netherlands took immediate action as provided for by Council Directive 92/40/EEC ⁽⁴⁾ of 19 May 1992 introducing Community measures for the control of avian influenza, as amended by the Act of Accession of Austria, Finland and Sweden, before the disease was officially confirmed.
- (5) Council Directive 92/40/EEC sets out the minimum control measures to be applied in the event of an outbreak of avian influenza. The Member State may take more stringent action in the field covered by this Directive if deemed necessary and proportionate to contain the disease, taking into account the particular epidemiological, animal husbandry, commercial and social conditions prevailing.

- (6) Furthermore, all movements of live poultry and hatching eggs within the Netherlands and their dispatch to other Member States was prohibited.
- (7) The same prohibitions should apply to exports to third countries in order to protect their health status and to prevent the risk of re-entry of such consignments in another Member State.
- (8) For the sake of clarity and transparency the Commission has taken Decision 2003/153/EC ⁽⁵⁾ of 3 March 2003 concerning protection measures in relation to strong suspicion of avian influenza in the Netherlands, as amended by Decision 2003/156/EC ⁽⁶⁾, after consultation with the Dutch authorities, thereby reinforcing the measures taken by the Netherlands and granting certain specific derogations for movements of slaughter poultry and day-old chicks within the Netherlands.
- (9) By Commission Decisions 2003/156/EC, 2003/172/EC ⁽⁷⁾, 2003/186/EC ⁽⁸⁾ and 2003/191/EC ⁽⁹⁾ the measures provided for in Decision 2003/153/EC were prolonged in view of the evolution of the disease and amended as necessary.
- (10) The currently available epidemiological information and the first results of the surveillance programme, carried out nation-wide in the Netherlands, suggest that the occurrence of the highly pathogenic avian influenza virus appears to be restricted in the 'Gelderse Vallei'.
- (11) In the light of the evolution of the disease, it is appropriate to further prolong the measures adopted under Decision 2003/191/EC. However, a derogation should also be provided for the dispatch of day-old chicks from the Netherlands to other Member States under certain conditions, unless they are originating from hatcheries or holdings within the established surveillance zones. For this purpose, additional certification requirements should be provided for.

⁽¹⁾ OJ L 224, 18.8.1990, p. 29.

⁽²⁾ OJ L 315, 19.11.2002, p. 14.

⁽³⁾ OJ L 18, 23.1.2003, p. 11.

⁽⁴⁾ OJ L 167, 22.6.1992, p. 1.

⁽⁵⁾ OJ L 59, 4.3.2003, p. 32.

⁽⁶⁾ OJ L 64, 7.3.2003, p. 36.

⁽⁷⁾ OJ L 69, 13.3.2003, p. 27.

⁽⁸⁾ OJ L 71, 15.3.2003, p. 30.

⁽⁹⁾ OJ L 74, 20.3.2003, p. 30.

- (12) Furthermore, movements of rearing turkeys within the Netherlands but outside the restricted zones, and movements of hatching eggs within the restricted zones, should be authorised under official control.
- (13) Fresh poultrymeat destined for intra-Community trade has to be marked with a health mark in accordance with the health mark foreseen in Chapter XII of Annex I of Directive 71/118/EEC⁽¹⁾, as last amended by Council Directive 97/79/EC⁽²⁾. In order to allow the marketing on the Dutch market of fresh poultrymeat obtained from poultry originating from the established surveillance zones special provisions for its health marking shall be laid down.
- (14) Having evaluated the situation in close cooperation with the Dutch authorities in order to protect the Community poultry population and to avoid the spread of the infection outside the protection zone it is appropriate to preventively empty the poultry holdings situated in two areas particularly at risk.
- (15) The other Member States have already adjusted the measures they apply to trade, and they are sufficiently informed by the Commission, and in particular in the context of the Standing Committee on the Food Chain and Animal Health on the appropriate period for their implementation.
- (16) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS DECISION:

Article 1

1. Without prejudice to the measures taken by the Netherlands within the framework of Council Directive 92/40/EEC applied to the surveillance zones, the Dutch veterinary authorities shall ensure that no live poultry and hatching eggs are dispatched from the Netherlands to other Member States and to third countries.

2. By derogation from paragraph 1 the Netherlands may dispatch day old chicks, which have been hatched in a hatchery situated outside the surveillance zones and at least 25 km away from any suspected or infected hatchery or holding. The hatching eggs must originate from a holding which at the day of collection of the eggs and on the day of the hatch is situated outside the established surveillance zones and at least 25 km away from any suspected or infected hatchery or holding. The flocks from which the day-old chicks derive of must have been subjected to a serological survey with negative results. The hatching eggs must be hatched in incubators or hatchers separately from hatching eggs not complying with this paragraph.

The animal health certificates accompanying consignments of day-old chicks from the Netherlands as specified above to other Member States shall include the words:

⁽¹⁾ OJ L 55, 8.3.1971, p. 23.

⁽²⁾ OJ L 13, 16.1.1997, p. 18.

'The animal health conditions of this consignment are in accordance with Decision 2003/214/EC.'

The competent authority shall only allow the dispatch of day-old chicks as provided for under this paragraph following 48 hours advance notification to the central and local veterinary authorities of destination and shall dispatch the notification.

3. Without prejudice to the measures taken by the Netherlands within the framework of Council Directive 92/40/EEC within the surveillance zones, the Dutch veterinary authorities shall ensure that no live poultry and hatching eggs are transported within the Netherlands.

4. By way of derogation from paragraph 3 the competent veterinary authority, taking all appropriate bio-security measures to avoid the spread of avian influenza, may authorise the transport from areas situated outside the surveillance zones of:

- (a) poultry for immediate slaughter, including spent laying hens, to a slaughterhouse that has been designated by the competent veterinary authority;
- (b) day-old chicks and ready-to-lay pullets to a holding under official control;
- (c) hatching eggs to a hatchery under official control;
- (d) turkeys from a rearing facility to a fattening holding under official control;
- (e) day-old chicks for dispatch to other Member States and third countries in accordance with paragraph 2.

5. By way of derogation from paragraph 3 the competent veterinary authority, taking all appropriate bio-security measures to avoid the spread of avian influenza, may authorise transport of live poultry and hatching eggs not prohibited by Council Directive 92/40/EEC and in particular in respect to movements of day-old chicks in accordance with the provisions of Article 9(4)(a), (b) and (c), which shall be transported to holdings within the Netherlands under official control.

Article 2

Fresh poultrymeat obtained from slaughter poultry originating from the established surveillance zones:

- (a) shall be marked with a round format mark in accordance with the further requirements of the competent authorities;
- (b) shall not be dispatched to other Member States or third countries;
- (c) must be obtained, cut, stored and transported separately from other fresh poultrymeat destined for intra-Community trade and for exports to third countries and must be used in such a way as to avoid it being introduced into meat products or meat preparations intended for intra-Community trade or for export to third countries, unless it has undergone the treatment specified in table 1(a), (b) or (c) of Annex III to Directive 2002/99/EC.

Article 3

Without prejudice to the measures already taken in the framework of Directive 92/40/EEC, the Netherlands shall as soon as possible preventively empty the poultry holdings situated in the zones described in the Annex.

The precautionary measures referred to in the first subparagraph shall be taken without prejudice to Council Decision 90/424/EEC ⁽¹⁾ on expenditure in the veterinary field as last amended by Decision 2001/572/EC ⁽²⁾.

Article 4

This Decision shall apply from 28 March 2003 until 24.00 on 10 April 2003.

Article 5

The Netherlands 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 6

This Decision is addressed to the Kingdom of the Netherlands.

Done at Brussels, 27 March 2003.

For the Commission

David BYRNE

Member of the Commission

⁽¹⁾ OJ L 224, 18.8.1990, p. 19.

⁽²⁾ OJ L 203, 28.7.2001, p. 16.

ANNEX

Area A:

Buffergebied pluimvee Putten de Gelderse Vallei 24-03-2003

- (a) Vanaf Strand Horst de Palmbosweg volgend in zuidelijke richting tot aan de Buitenbrinkweg.
- (b) Buitenbrinkweg volgend in zuidoostelijke richting tot aan de Schaapsdijk.
- (c) Schaapsdijk volgend in zuidoostelijke richting tot aan de Zeeweg.
- (d) Zeeweg volgend in oostelijke richting tot aan Telgterweg.
- (e) Telgterweg volgend in zuidelijke richting overgaand in Telgterengweg tot aan Bulderweg.
- (f) Bulderweg volgend in oostelijke richting tot aan Volenbeekweg.
- (g) Volenbeekweg volgend in zuidelijke richting tot aan de Oude Telgterweg.
- (h) Oude Telgterweg volgend in westelijke richting tot aan de Watervalweg.
- (i) Watervalweg volgend in zuidelijke richting tot aan de kruising van de Watervalweg/Telgterweg (Ermelo).
- (j) Vanaf de kruising van de Watervalweg/Telgterweg (Ermelo), de Telgterweg volgend in zuidelijke richting tot aan de Oude Rijksweg N798 (Putten).
- (k) Oude Rijksweg N798 (Putten) volgend in zuidwestelijke richting tot aan de Stationsstraat.
- (l) Stationsstraat volgend in westelijke richting overgaand in Zuiderzeestraatweg tot aan de Waterweg.
- (m) Waterweg volgend in zuidwestelijke richting tot aan Hoornsdam.
- (n) Hoornsdam volgend in westelijke richting tot aan het Nuldernauw.
- (o) Nuldernauw volgend in noordoostelijke richting tot Strand Horst.

Area B:

Buffergebied pluimvee Wageningen in de Gelderse Vallei 24-03-2003

- (a) Vanaf de kruising Werftweg/Veensteeg (De Kraats) de Veensteeg volgend zuidoostelijke richting tot aan Heuvelweg.
 - (b) Heuvelweg volgend in noordoostelijke richting tot aan Slagsteeg.
 - (c) Slagsteeg volgend in zuidelijke richting tot aan de Weerdjesweg.
 - (d) Weerdjesweg volgend in oostelijke richting tot aan Harsloweg.
 - (e) Harsloweg volgend in zuidelijk richting tot aan Lange Rijnsteeg.
 - (f) Lange Rijnsteeg volgend in oostelijke richting overgaand in Dijkgraaf overgaand in Lange Steeg tot aan Doctor Willem Dreeslaan (N781).
 - (g) Doctor Willem Dreeslaan (N781) volgend in zuidoostelijke richting overgaand in Mansholtlaan overgaand in de Diedenweg overgaand in Westerbergweg overgaand in Onderlangs overgaand in Veerdam tot aan de rivier de Rijn.
 - (h) De rivier de Rijn stroomafwaarts volgend tot aan de Rijnbrug N233 (Rhenen).
 - (i) De Rijnbrug (N233) volgend in noordelijke richting overgaand in Lijnweg (N233) overgaand in Cuneraweg (N233) tot aan Zuidelijke Meentsteeg.
 - (j) Zuidelijke Meentsteeg volgend in noordoostelijke richting overgaand in Werftweg.
 - (k) Werftweg volgend in oostelijke richting tot de kruising Werftweg/Veensteeg (De Kraats).
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