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## Legislation

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## I

(Acts whose publication is obligatory)

**REGULATION (EC) No 782/2003 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL  
of 14 April 2003  
on the prohibition of organotin compounds on ships**

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 80(2) thereof,

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

Having regard to the opinion of the European Economic and Social Committee <sup>(2)</sup>,

Having consulted the Committee of the Regions,

Acting in accordance with the procedure laid down in Article 251 of the Treaty <sup>(3)</sup>,

Whereas:

- (1) The Community is seriously concerned by the harmful environmental effects of organotin compounds used as anti-fouling systems on ships, and in particular of tributyltin (TBT) coatings.
- (2) An International Convention on the control of harmful anti-fouling systems on ships (AFS-Convention) was adopted on 5 October 2001 at a Diplomatic Conference (AFS-Conference) held under the aegis of the International Maritime Organisation (IMO) with the attendance of Member States of the Community.
- (3) The AFS-Convention is a framework convention allowing the prohibition of harmful anti-fouling systems used on ships in accordance with well-defined procedures and having due regard to the precautionary principle expressed in the Rio Declaration on Environment and Development.
- (4) The AFS-Convention, at this stage, only prohibits the application of organotin compounds on ships.
- (5) Fixed application dates have been included in the AFS-Convention: 1 January 2003 for the prohibition of the application of organotin compounds on ships and 1 January 2008 for the elimination of the presence of organotin compounds on ships.

(6) The AFS-Convention will only enter into force 12 months after its ratification by at least 25 States representing at least 25 % of the world's tonnage.

(7) Member States should ratify the AFS-Convention at the earliest opportunity.

(8) Member States should be put in the best possible position for a speedy ratification of the AFS-Convention. Any obstacles which might impede such ratification should be removed.

(9) The AFS-Conference, aware that the time remaining until 1 January 2003 might not be sufficient to enable the entry into force of the AFS-Convention by that date, and desiring that organotin compounds should effectively cease to be applied in shipping as from 1 January 2003, requested in AFS-Conference Resolution No 1 that IMO Member States do their utmost to prepare for implementing the AFS-Convention as a matter of urgency, and urged the relevant industries to refrain from the marketing, sale and application of organotin compounds by that date.

(10) As an immediate follow-up to the AFS-Conference the Commission adopted Commission Directive 2002/62/EC of 9 July 2002 adapting to technical progress for the ninth time Annex I to Council Directive 76/769/EEC on the approximation of the laws, regulations and administrative provisions of the Member States relating to restrictions on the marketing and use of certain dangerous substances and preparations (organostannic compounds) <sup>(4)</sup> in order to prohibit, with effect from 1 January 2003, the marketing and use of organostannic compounds in anti-fouling systems for all ships, irrespective of their length.

<sup>(1)</sup> OJ C 262 E, 29.10.2002, p. 492.

<sup>(2)</sup> Opinion delivered on 11 December 2002 (not yet published in the Official Journal).

<sup>(3)</sup> Opinion of the European Parliament of 20 November 2002 (not yet published in the Official Journal) and Decision of the Council of 17 March 2003.

<sup>(4)</sup> OJ L 183, 12.7.2002, p. 58.

- (11) In the light of AFS-Conference Resolution No 1, additional steps are necessary for the implementation of measures concerning organotin compounds in order to ensure a general ban on TBT coating used on ships throughout the Community and its surrounding seas on the dates provided for by the AFS-Convention.
- (12) A Regulation is the appropriate legal instrument as it imposes on shipowners and Member States, directly and within a short time frame, precise requirements to be implemented at the same time and in the same manner throughout the Community. This Regulation, which should seek solely to prohibit organotin compounds, should not duplicate the AFS-Convention.
- (13) This Regulation should not affect the restrictions on the marketing and use of certain dangerous substances and preparations (organostannic compounds) laid down in Directive 76/769/EEC<sup>(1)</sup>.
- (14) Uncertainty regarding the total prohibition of active TBT coatings should not be accepted at Community level; the world-wide shipping industry, which has to programme the maintenance of its ships, should be made aware clearly and in due time that, as from 1 January 2008, ships bearing an active TBT coating on their hulls will no longer be allowed in Community ports.
- (15) Third countries, particularly if they cannot benefit from the added value of a supranational regulation, might experience legal technical difficulties in imposing, through their national legislation, the prohibition on applying TBT coatings to their ships from the day on which the prohibition enters into force under this Regulation. The application of the prohibition in this Regulation on applying TBT coatings should therefore be suspended as regards ships sailing under the flag of a third State for an interim period beginning on 1 July 2003 and ending on the date of entry into force of the AFS-Convention.
- (16) Flag States which have banned the use of TBT coatings on their ships have an economic interest in ensuring that the AFS-Convention enters into force as soon as possible, in order to ensure a world-wide level playing field. This Regulation, which prohibits, as soon as possible, all ships flying the flag of a Member State from applying TBT coatings should constitute an incentive for flag States to ratify the AFS-Convention.
- (17) The definitions used and requirements imposed in this Regulation should as far as possible be based upon those used in the AFS-convention.
- (18) In order to ensure its application to offshore platforms, this Regulation should also apply to ships operating under the authority of a Member State. It should not apply to any warships or other government ships since the treatment of those ships is adequately covered under the AFS-Convention.
- (19) Imposing, as from 1 July 2003, the prohibition of active TBT coatings on all ships which are entitled to fly the flag of a Member State and whose anti-fouling system has been applied, changed or replaced after that date, should be an incentive for the shipping industry to implement the recommendation of AFS-Conference Resolution No 1.
- (20) It is appropriate to establish the same survey and certification regime as that provided for by the AFS-Convention. Under this Regulation all ships of 400 gross tonnage and above, irrespective of the nature of their voyage, should be surveyed, whilst ships of 24 metres or more in length but less than 400 gross tonnage should only have to carry a declaration of compliance with this Regulation or with the AFS-Convention. The Community should have the right to introduce a harmonised survey regime for these ships, if this proves necessary at a later stage.
- (21) For ships less than 24 metres in length, it is not necessary to provide for a specific survey or declaration since these ships, mainly recreational craft and fishing vessels, will be adequately covered under the provisions of Directive 76/769/EEC.
- (22) Certificates and documents issued in conformity with this Regulation, as well as AFS-Certificates and AFS-Declarations issued by Parties to the AFS-Convention, should be recognised.
- (23) If the AFS-Convention has not entered into force by 1 January 2007, the Commission should be permitted to adopt appropriate measures allowing ships flying the flag of a third State to demonstrate their compliance with this Regulation, as well as measures to control the implementation of these provisions.

<sup>(1)</sup> OJ L 262, 27.9.1976, p. 201. Directive as last amended by Commission Directive 2003/3/EC (OJ L 4, 9.1.2003, p. 12).

- (24) The most appropriate regime for controlling the implementation of the prohibition of TBT coatings on ships and the requirements of the AFS-Convention is that laid down in Council Directive 95/21/EC of 19 June 1995 concerning the enforcement, in respect of shipping using Community ports and sailing in the waters under the jurisdiction of the Member States, of international standards for ship safety, pollution prevention and shipboard living and working conditions (port State control)<sup>(1)</sup> and amendments should be made to that Directive at the appropriate time. Having regard to the specific scope of that Directive, equivalent provisions should be applied to ships flying the flag of a Member State during the interim period.
- (25) The measures necessary for the implementation of this Regulation should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down procedures for the exercise of implementing powers conferred on the Commission<sup>(2)</sup>.
- (26) In order to assess the achievement of the objective of this Regulation, the Commission should report to the European Parliament and the Council and propose, if necessary, any appropriate adjustments to the Regulation.
- (27) The entry into force of this Regulation should be such as to allow the effective prohibition of organotin compounds on ships as soon as possible,
2. 'gross tonnage' means the gross tonnage calculated in accordance with the tonnage measurement regulations contained in Annex 1 to the International Convention on Tonnage Measurement of Ships, 1969, or any successor Convention;
3. 'length' means the length as defined in the International Convention on Load Lines, 1966, as modified by the Protocol of 1988 relating thereto, or any successor Convention;
4. 'ship' means a vessel of any type whatsoever operating in the marine environment and includes hydrofoil boats, air-cushion vehicles, submersibles, floating craft, fixed or floating platforms, floating storage units (FSUs) and floating production storage and off-loading units (FPSOs);
5. 'AFS-Convention' means the International Convention on the control of harmful anti-fouling systems on ships, adopted on 5 October 2001, irrespective of its entry into force;
6. 'recognised organisation' means a body recognised in accordance with the provisions of Council Directive 94/57/EC of 22 November 1994 on common rules and standards for ship inspection and survey organisations and for the relevant activities of maritime administrations<sup>(3)</sup>;

HAVE ADOPTED THIS REGULATION:

#### Article 1

##### Objective

The purpose of this Regulation is to reduce or eliminate adverse effects on the marine environment and human health caused by organotin compounds, which act as active biocides in anti-fouling systems used on ships flying the flag of, or operating under the authority of, a Member State, and on ships, regardless of the flag they fly, sailing to or from ports of the Member States.

#### Article 2

##### Definitions

For the purpose of this Regulation:

1. 'anti-fouling system' means a coating, paint, surface treatment, surface, or device that is used on a ship to control or prevent attachment of unwanted organisms;

7. 'AFS-Certificate' means the certificate issued to ships in conformity with the provisions of Annex 4 to the AFS-Convention or, during the interim period, a certificate issued in accordance with the format laid down in Annex II to this Regulation, when it is issued by the administration of any Member State or by a recognised organisation acting on its behalf;
8. 'AFS-Declaration' means a declaration drawn up under the provisions of Annex 4 to the AFS-Convention or, during the interim period, a declaration signed by the owner or the owner's authorised agent and drawn up in accordance with the format laid down in Annex III to this Regulation;
9. 'AFS-Statement of Compliance' means a document recording compliance with Annex 1 to the AFS-Convention, issued by a recognised organisation on behalf of the administration of a Member State;
10. 'interim period' means the period beginning on 1 July 2003 and ending on the date of entry into force of the AFS-Convention.

<sup>(1)</sup> OJ L 157, 7.7.1995, p. 1. Directive as last amended by Directive 2002/84/EC of the European Parliament and of the Council (OJ L 324, 29.11.2002, p. 53).

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

<sup>(3)</sup> OJ L 319, 12.12.1994, p. 20. Directive as last amended by Directive 2002/84/EC of the European Parliament and of the Council.



*Article 3***Scope**

1. This Regulation shall apply to:
  - (a) ships flying the flag of a Member State,
  - (b) ships not flying the flag of a Member State but operating under the authority of a Member State, and
  - (c) ships that enter a port or offshore terminal of a Member State but do not fall within points (a) or (b).
2. This Regulation shall not apply to any warship, naval auxiliary or other ship owned or operated by a State and used, for the time being, only on government non-commercial service.

*Article 4***Prohibition of the application of organotin compounds which act as biocides**

As from 1 July 2003, organotin compounds which act as biocides in anti-fouling systems shall not be applied or re-applied on ships.

However, during the interim period this provision shall only apply to ships referred to in points (a) or (b) of Article 3(1).

*Article 5***Prohibition of the bearing of organotin compounds which act as biocides**

1. Ships entitled to fly the flag of a Member State as from 1 July 2003, and whose anti-fouling system has been applied, changed or replaced after that date, shall not bear organotin compounds which act as biocides in anti-fouling systems on their hulls or external parts and surfaces, unless they bear a coating that forms a barrier to such compounds to prevent them leaching from the underlying non-compliant anti-fouling system.

2. As from 1 January 2008 the ships referred to in Article 3(1) shall either not bear organotin compounds which act as biocides in anti-fouling systems on their hulls or external parts and surfaces, or bear a coating that forms a barrier to such compounds leaching from the underlying non-compliant anti-fouling system.

3. Paragraphs 1 and 2 shall not apply to fixed and floating platforms, FSUs and FPSOs constructed prior to 1 July 2003 that have not been in dry-dock on or after that date.

*Article 6***Survey and certification**

1. The following shall apply as regards the survey and certification of ships flying the flag of a Member State:

- (a) Ships of 400 gross tonnage and above, excluding fixed or floating platforms, FSUs and FPSOs, shall be surveyed and certified as from 1 July 2003 in accordance with the requirements laid down in Annex I, before the ship is put into service for the first time, or when the anti-fouling systems are changed or replaced.
- (b) Ships of 24 metres or more in length, but less than 400 gross tonnage, excluding fixed or floating platforms, FSUs and FPSOs, shall carry an AFS-Declaration to demonstrate compliance with Articles 4 and 5.

If necessary, the Commission, in accordance with the procedure referred to in Article 9(2), may establish a harmonised survey and certification regime for these ships.

- (c) Member States may establish appropriate measures for ships not covered by points (a) and (b) in order to ensure compliance with this Regulation.

2. The following shall apply as regards the recognition of certificates, declarations and statements of compliance:

- (a) as from 1 July 2003, Member States shall recognise any AFS-Certificate;
- (b) until a year after the date referred to in point (a), Member States shall recognise any AFS-Statement of Compliance;
- (c) as from 1 July 2003, Member States shall recognise any AFS-Declaration.

These declarations shall be accompanied by appropriate documentation (such as a paint receipt or a contractor invoice) or contain an appropriate endorsement.

3. If the AFS-Convention has not entered into force by 1 January 2007, the Commission, in accordance with the procedure referred to in Article 9(2), shall adopt appropriate measures in order to allow ships flying the flag of a third State to demonstrate their compliance with Article 5.

*Article 7***Port State control**

During the interim period Member States shall apply control provisions equivalent to those laid down in Directive 95/21/EC to ships of 400 gross tonnage and above flying the flag of a Member State. With regard to the inspections and detection of breaches, Member States shall be guided by the provisions of Article 11 of the AFS-Convention.

If the AFS-Convention has not entered into force by 1 January 2007, the Commission, in accordance with the procedure referred to in Article 9(2), shall establish appropriate procedures for these controls.

*Article 8***Adaptations**

In order to take account of developments at international level and in particular in the International Maritime Organisation (IMO), or to improve the effectiveness of this Regulation in the light of experience, the references to the AFS-Convention, to the AFS-Certificate, to the AFS-Declaration and to the AFS-Statement of Compliance and/or the Annexes to this Regulation, including relevant IMO guidelines in relation to Article 11 of the AFS-Convention, may be amended in accordance with the procedure referred to in Article 9(2).

*Article 9***Committee**

1. The Commission shall be assisted by the Committee on Safe Seas and the Prevention of Pollution from Ships established by Article 3 of Regulation (EC) No 2099/2002 of the

European Parliament and of the Council of 5 November 2002 concerning the Committee on Safe Seas and the Prevention of Pollution from Ships (COSS) and amending the regulations on maritime safety and the prevention of pollution from ships<sup>(1)</sup>, hereinafter referred to as 'the COSS'.

2. Where reference is made to this paragraph, Articles 5 and 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.

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

3. The COSS shall adopt its rules of procedure.

*Article 10***Evaluation**

By 10 May 2004, the Commission shall report to the European Parliament and the Council on the state of ratification of the AFS-Convention and provide information on the extent to which organotin compounds, which act as biocides in anti-fouling systems on ships, are still used on ships not flying the flag of a Member State operating to or from Community ports. In the light of this report the Commission may propose, if necessary, amendments to ensure accelerated reduction of the contribution by ships not flying the flag of a Member State to the presence of harmful anti-fouling compounds in the waters under the jurisdiction of Member States.

*Article 11***Entry into force**

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 Luxembourg, 14 April 2003.

*For the European Parliament*

*The President*

P. COX

*For the Council*

*The President*

A. GIANNITSIS

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<sup>(1)</sup> OJ L 324, 29.11.2002, p. 1.



## ANNEX I

**Surveys and certification requirements for anti-fouling systems on ships flying the flag of a Member State****1. Surveys**

- 1.1. Ships of 400 gross tonnage and above, excluding fixed or floating platforms, FSUs, and FPSOs, shall, as from 1 July 2003, be subject to the following:
  - (a) an initial survey before the ship is put into service or when the ship is for the first time in a dry-dock for the application of anti-fouling systems; and
  - (b) a survey when the anti-fouling systems are changed or replaced. Such surveys shall be endorsed on the certificate required under point 2.1.
- 1.2. The survey shall be such as to ensure that the ship's anti-fouling system fully complies with Articles 4 and 5 of this Regulation.
- 1.3. Surveys shall be carried out by officers duly authorised by the administration of the Member State, or of another Member State, or of a party to the AFS-Convention, or by a surveyor nominated for the purpose by one of those administrations, or by a recognised organisation acting on behalf of the administration.
- 1.4. Unless provided otherwise in this Regulation, Member States shall for the surveys referred to in point 1.1 follow the requirements laid down in Annex 4 to the AFS-Convention, as well as the guidelines for surveys and certification of anti-fouling systems on ships annexed to Resolution MEPC 101(48), adopted on 11 October 2002 by the Marine Environment Protection Committee of the IMO.

**2. Certification**

- 2.1. After completion of a survey referred to in point 1.1(a) or (b), a Member State which is not yet a Party to the AFS-Convention shall issue a certificate in accordance with the format laid down in Annex II. A Member State which is a Party to the AFS-Convention shall issue an AFS-Certificate.
  - 2.2. A Member State may rely upon an AFS-Statement of Compliance for the demonstration of compliance with the requirements of Articles 4 and 5 of this Regulation. A certificate referred to in point 2.1 shall replace this AFS-Statement at the latest a year after the date referred to in point 1.1.
  - 2.3. Member States shall require that a ship referred to in point 1.1 carries a certificate issued in accordance with point 2.1.
  - 2.4. Member States shall, for the purposes of the certification referred to in point 2.1, follow the requirements laid down in Annex 4 to the AFS-Convention.
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ANNEX II

Forms of the certificate and record for anti-fouling systems

The international certificate and the record of anti-fouling systems shall be drawn up in the form set out below.

Where these forms are used only for ships that are not submitted to the surveys and certification requirements of regulation 1 of Annex 4 of the AFS-Convention, references to the AFS-Convention may be deleted.

INTERNATIONAL ANTI-FOULING SYSTEM CERTIFICATE

(This certificate shall be supplemented by a record of anti-fouling systems)
(Official seal) (State)

Issued under the provisions of [the International Convention on the control of harmful anti-fouling systems on ships and] (1) Regulation (EC) No 782/2003 of the European Parliament and of the Council of 14 April 2003 on the prohibition of organotin compounds on ships

under the authority of the Government of
(name of the State)
by

.....
(person or organisation authorised)

When a certificate has been previously issued, this certificate replaces the certificate dated .....

Particulars of ship (2)

Name of ship:

Distinctive number of letters:

Port of registry:

Gross tonnage:

IMO number (3):

An anti-fouling system controlled under [Annex 1 to the Convention and] (1) Regulation (EC) No 782/2003 has not been applied during or after construction of this ship ..... [ ]

An anti-fouling system controlled under [Annex 1 to the Convention and] (1) Regulation (EC) No 782/2003 has been applied on this ship previously, but has been removed by ..... (date) (insert name of the facility) on ..... [ ]

An anti-fouling system controlled under [Annex 1 to the Convention and] (1) Regulation (EC) No 782/2003 has been applied on this ship previously, but has been covered with a sealer coat applied by ..... (insert name of the facility) on ..... (date) [ ]

An anti-fouling system controlled under [Annex 1 to the Convention and] (1) Regulation (EC) No 782/2003 has been applied on this ship prior to 1 January 2003, but must be removed or covered with a sealer coat prior to 1 January 2008 ..... [ ]

(1) May be deleted for ships that are not submitted to the surveys and certification requirements of regulation 1 of Annex 4 to the AFS-Convention.
(2) Alternatively, the particulars of the ship may be placed horizontally in boxes.
(3) In accordance with the Ship Identification Number Scheme adopted by the International Maritime Organisation.

THIS IS TO CERTIFY THAT:

1. the ship has been surveyed in accordance with [Regulation 1 of Annex 4 to the Convention and] <sup>(1)</sup> Regulation (EC) No 782/2003 of the European Parliament and of the Council of 14 April 2003 on the prohibition of organotin compounds on ships; and
2. the survey shows that the anti-fouling system on the ship complies with the applicable requirements of [Annex 1 to the Convention and] <sup>(1)</sup> Regulation (EC) No 782/2003 of the European Parliament and of the Council of 14 April 2003 on the prohibition of organotin compounds on ships.

Issued at: .....  
(Place of issue of Certificate)

.....  
(Date of issue) (Signature of authorised official issuing the Certificate)

Date of completion of the survey on the basis of which this certificate is issued: .....

<sup>(1)</sup> May be deleted for ships that are not submitted to the surveys and certification requirements of regulation 1 of Annex 4 of the AFS-Convention.

**RECORD OF ANTI-FOULING SYSTEMS**

This Record shall be permanently attached to the International Anti-Fouling System Certificate.

*Particulars of ship:*

Name of ship:

Distinctive number or letters:

IMO number:

*Details of anti-fouling system(s) applied*

Type(s) of anti-fouling system(s) used:

Date(s) of application of anti-fouling system(s):

Name(s) of company(ies) and facility(ies)/location(s) where applied:

Name(s) of anti-fouling system manufacturer(s):

Name(s) and colour(s) of anti-fouling system(s):

Active ingredient(s) and their Chemical Abstracts Service Registry Number (CAS number(s)):

Type(s) of sealer coat, if applicable:

Name(s) and colour(s) of sealer coat applied, if applicable:

Date of application of sealer coat:

THIS IS TO CERTIFY that this record is correct in all respects.

Issued at: .....  
(Place of issue of record)

.....  
(Date of issue) (Signature of authorised official issuing the record)

**Endorsement of the Records <sup>(1)</sup>**

THIS IS TO CERTIFY that a survey required in accordance with [Regulation 1(1)(b) of Annex 4 to the Convention and] <sup>(2)</sup> point 2.1 of Annex I to Regulation (EC) No 782/2003 of the European Parliament and of the Council of 14 April 2003 on the prohibition of organotin compounds on ships found that the ship was in compliance with the [Convention and the] <sup>(2)</sup> Regulation

*Details of anti-fouling system(s) applied*

Type(s) of anti-fouling system(s) used: .....

Date(s) of application of anti-fouling system(s): .....

Name(s) of company(ies) and facility(ies) location(s) where applied: .....

.....

Name(s) of anti-fouling system manufacturer(s): .....

Name(s) and colour(s) of anti-fouling system(s): .....

Active ingredient(s) and their CAS number(s): .....

Type(s) of sealer coat, if applicable: .....

Name(s) and colour(s) of sealer coat applied, if applicable: .....

Date of application of sealer coat: .....

Signed .....

*(Signature of authorised official issuing the Record)*

Place: .....

Date <sup>(3)</sup>: .....

*(Seal or stamp of the authority)*

\_\_\_\_\_

<sup>(1)</sup> This page of the Record shall be reproduced and added to the Record as considered necessary by the administration.

<sup>(2)</sup> May be deleted for ships that are not submitted to the surveys and certification requirements of regulation 1 of Annex 4 to the AFS-Convention.

<sup>(3)</sup> Date of completion of the survey on the basis of which this endorsement is made.

ANNEX III

DECLARATION ON ANTI-FOULING SYSTEM FOR SHIPS OF 24 METERS OR MORE IN LENGTH, BUT LESS THAN 400 GROSS TONNAGE

Drawn up under

Regulation (EC) No 782/2003 of the European Parliament and of the Council of 14 April 2003 on the prohibition of organotin compounds on ships

Name of ship: .....

Distinctive number or letters: .....

Port of registry: .....

Length: .....

Gross tonnage: .....

IMO number (if applicable): .....

I declare that the anti-fouling system used on this ship complies with Articles 4 and 5 of Regulation (EC) Nr. 782/2003 of the European Parliament and of the Council of 14 April 2003 on the prohibition of organotin compounds on ships.

.....  
(Date) (Signature of owner or owner's authorised agent)

Endorsement of anti-fouling system(s) applied

Type(s) of anti-fouling system(s) used and date(s) of application:

.....  
(Date) (Signature of owner or owner's authorised agent)

Type(s) of anti-fouling system(s) used and date(s) of application:

.....  
(Date) (Signature of owner or owner's authorised agent)

Type(s) of anti-fouling system(s) used and date(s) of application:

.....  
(Date) (Signature of owner or owner's authorised agent)

\_\_\_\_\_

**COMMISSION REGULATION (EC) No 783/2003**  
**of 8 May 2003**  
**establishing the standard import values for determining the entry price of certain fruit and vegetables**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

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

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

HAS ADOPTED THIS REGULATION:

*Article 1*

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

*Article 2*

This Regulation shall enter into force on 9 May 2003.

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

Done at Brussels, 8 May 2003.

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

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

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



## ANNEX

**to the Commission Regulation of 8 May 2003 establishing the standard import values for determining the entry price of certain fruit and vegetables**

<i>(EUR/100 kg)</i>		
CN code	Third country code <sup>(1)</sup>	Standard import value
0702 00 00	052	86,8
	096	150,7
	212	110,8
	999	116,1
0707 00 05	052	103,8
	999	103,8
0709 90 70	052	93,9
	999	93,9
0805 10 10, 0805 10 30, 0805 10 50	052	39,8
	204	41,3
	220	36,1
	600	49,5
	624	50,5
	999	43,4
0805 50 10	528	62,2
	999	62,2
0808 10 20, 0808 10 50, 0808 10 90	388	79,2
	400	111,2
	404	107,8
	508	84,7
	512	80,7
	524	61,4
	528	71,7
	720	105,1
	804	82,0
	999	87,1

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

**COMMISSION REGULATION (EC) No 784/2003  
of 8 May 2003**

**on the opening of a standing invitation to tender for the resale on the internal market of some  
7 705 tonnes of rice from the 1998 harvest held by the Spanish intervention agency**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Community,

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

Whereas:

- (1) Commission Regulation (EC) No 75/91 of 11 January 1991 laying down the procedures and conditions for the disposal of paddy rice held by intervention agencies <sup>(3)</sup> lays down requirements relating to those procedures and conditions.
- (2) For a very long time now the Spanish intervention agency has been storing a significant quantity of round-, medium- and long-grain A paddy rice from the 1998 harvest. A standing invitation to tender should be opened for the resale on the internal market of approximately 7 705 tonnes of round-, medium- or long-grain A paddy rice from the 1998 harvest held by the Spanish intervention agency.
- (3) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

*Article 1*

The Spanish intervention agency shall open, on the terms laid down in Regulation (EEC) No 75/91, a standing invitation to tender for the resale on the internal market of some 7 705 tonnes of round-, medium- or long-grain A paddy rice from the 1998 harvest which it holds.

*Article 2*

1. The closing date for submitting tenders under the first partial invitation to tender shall be 21 May 2003.
2. The closing date for submitting tenders under the last partial invitation to tender shall be 16 July 2003.
3. The tenders must be lodged with the Spanish intervention agency:  
Fondo Español de Garantía Agraria (FEGA)  
Beneficencia 8  
E-28004 Madrid  
telex 23427 FEGA E  
Fax: (34) 91 521 98 32, (34) 91 522 43 87.

*Article 3*

No later than the Tuesday of the week following the closing date for submitting tenders, the Spanish intervention agency shall inform the Commission of the quantities and average prices of the various lots sold.

*Article 4*

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

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

Done at Brussels, 8 May 2003.

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

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

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

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

**COMMISSION REGULATION (EC) No 785/2003**  
**of 8 May 2003**  
**amending Regulation (EEC) No 2921/90 on aid for the production of casein and caseinates from skimmed milk**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1255/1999 of 17 May 1999 on the common organisation of the market in milk and milk products <sup>(1)</sup>, as last amended by Commission Regulation (EC) No 509/2002 <sup>(2)</sup>, and in particular Article 15 thereof,

Whereas:

- (1) Article 2(1) of Commission Regulation (EEC) No 2921/90 <sup>(3)</sup>, as last amended by Regulation (EC) No 1471/2002 <sup>(4)</sup>, set the aid for skimmed milk processed into casein or caseinates. Given the change in the market price for casein and caseinates on the Community and world markets, the aid should be increased.

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

HAS ADOPTED THIS REGULATION:

*Article 1*

In Article 2(1) of Regulation (EEC) No 2921/90, 'EUR 5,86' is hereby replaced by 'EUR 6,70'.

*Article 2*

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

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

Done at Brussels, 8 May 2003.

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

<sup>(1)</sup> OJ L 160, 26.6.1999, p. 48.

<sup>(2)</sup> OJ L 79, 22.3.2002, p. 15.

<sup>(3)</sup> OJ L 279, 11.10.1990, p. 22.

<sup>(4)</sup> OJ L 219, 14.8.2002, p. 3.

**COMMISSION REGULATION (EC) No 786/2003****of 8 May 2003****adjusting certain compensatory agrimonetary aids granted in the United Kingdom**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2799/98 of 15 December 1998 establishing agrimonetary arrangements for the euro <sup>(1)</sup>, and in particular Articles 4 and 5 thereof,

Whereas:

- (1) The maximum amounts of the compensatory aid resulting from the exchange rates for the pound sterling applicable on 31 December 2000 and 1 January 2001 are fixed by Commission Regulation (EC) No 653/2001 <sup>(2)</sup>.
- (2) The maximum amount of the compensatory aid for the appreciable revaluation of the pound sterling in 2000 is fixed by Commission Regulation (EC) No 654/2001 <sup>(3)</sup>.
- (3) As regards compensatory aid resulting from the exchange rates applicable for certain direct aid and structural or environmental measures, Article 5(3) of Regulation (EC) No 2799/98 lays down that the amounts paid out under the second and third tranches of aid are each to be reduced, vis-à-vis the level of the previous tranche, by at least a third of the amount paid out in the first tranche, and Article 5(4) of that Regulation lays down that the maximum amount of the compensatory aid must be reduced or cancelled as a function of the effect on income of the development of the exchange rates recorded on the first day of the second and third tranches.
- (4) Examination of the exchange rate for the pound sterling fixed by Commission Regulation (EC) No 445/2003 of 11 March 2003 fixing the exchange rates applicable to certain direct aids and structural or environmental measures in 2003 <sup>(4)</sup> indicates a depreciation of that currency.
- (5) For the United Kingdom, therefore, the third tranche of the compensatory aid whose operative events fall on 31 December 2000 and 1 January 2001 should be cancelled.
- (6) As regards compensatory aid for appreciable revaluations of national currencies, Article 4(5) of Regulation (EC) No 2799/98 lays down that the amounts paid out under the second and third tranches are each to be reduced, vis-à-vis the level of the previous tranche, by at least a third of the amount paid out in the first tranche, and that the amounts paid out under the second and third tranches are to be reduced or cancelled as a function of the effect on incomes of the development of exchange rates recorded until the beginning of the month preceding the first month of the relevant tranche, and taking account of the market situation observed over the same period.
- (7) Examination of the average exchange rates fixed for the pound sterling between 1 March 2002 and 31 January 2003 indicates a depreciation of that currency during that period.
- (8) Payment of the third tranche of compensatory aid for the United Kingdom for the appreciable re-evaluation of the pound sterling in 2000 should therefore be cancelled.
- (9) The measures provided for in this Regulation are in accordance with the opinions of the Management Committees concerned.

HAS ADOPTED THIS REGULATION:

*Article 1*

The maximum amounts of the third tranche of compensatory aid for the United Kingdom provided for by Regulation (EC) No 653/2001 relating to aid whose operative events fall on 31 December 2000 or 1 January 2001 shall be cancelled.

*Article 2*

The maximum amount of the third tranche of compensatory aid for the United Kingdom provided for in Article 1 of Regulation (EC) No 654/2001 for the appreciable re-evaluation of the pound sterling in 2000 shall be cancelled.

*Article 3*

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

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

<sup>(2)</sup> OJ L 91, 31.3.2001, p. 62.

<sup>(3)</sup> OJ L 91, 31.3.2001, p. 64.

<sup>(4)</sup> OJ L 67, 12.3.2003, p. 6.

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

Done at Brussels, 8 May 2003.

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

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## COMMISSION REGULATION (EC) No 787/2003

of 8 May 2003

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1255/1999 of 17 May 1999 on the common organisation of the market in milk and milk products <sup>(1)</sup>, as last amended by Commission Regulation (EC) No 509/2002 <sup>(2)</sup>, and in particular Article 29(1) thereof,

Whereas:

- (1) Commission Regulation (EC) No 2535/2001 <sup>(3)</sup>, as last amended by Regulation (EC) No 2302/2002 <sup>(4)</sup>, lays down, *inter alia*, detailed rules for the application to milk and milk products of the import arrangements provided for in the Europe Agreements between the Community and its Member States, of the one part, and certain Central and East European countries, of the other part. In order to implement the concessions provided for by Council Decisions 2003/263/EC <sup>(5)</sup>, 2003/298/EC <sup>(6)</sup> and 2003/299/EC <sup>(7)</sup> on the conclusion of Protocols adjusting the trade aspects of the Europe Agreements establishing an association between the European Communities and their Member States, of the one part, and the Republic of Poland, the Czech Republic and the Slovak Republic, of the other part, the new import tariff quotas should be opened and certain existing quotas should be increased.
- (2) Since the import quotas provided for by Regulation (EC) No 2535/2001 are normally opened only on 1 July and 1 January, provision should be made for a new period for submitting import licence applications, from 1 to 25 May 2003, and for a derogation from Articles 6, 12, 14 and 16 of that Regulation.
- (3) Council Decision 2003/18/EC <sup>(8)</sup>, which approved 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, repealed Regulation

(EC) No 2435/2000. The references made to that Regulation in Regulation (EC) No 2535/2001 should, therefore, be replaced.

- (4) Council Regulation (EC) No 2286/2002 <sup>(9)</sup>, which lays down the arrangements applicable to agricultural products and goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States (ACP States), repealed Regulation (EC) No 1706/98. The references made to that Regulation in Regulation (EC) No 2535/2001 should, therefore, be replaced.
- (5) The first subparagraph of Article 12 of Regulation (EC) No 2535/2001 lays down that importers may lodge only one licence application each for the same quota. An exception is made for quotas for products originating in the Czech Republic and Slovakia, where quota numbers are identical since the two countries were previously one country. The quota numbers for those two countries are to be differentiated from 1 May 2003. That exception should consequently be abolished.
- (6) Council Regulation (EC) No 312/2003 of 18 February 2003 implementing for the Community the tariff provisions laid down in the Agreement establishing an association between the European Community and its Member States, of the one part, and the Republic of Chile, of the other part <sup>(10)</sup>, provides for quota No 09.1924 to be managed on a 'first come, first served' basis, in accordance with Articles 308a to 308c of Commission Regulation (EEC) No 2454/93 of 2 July 1993 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code <sup>(11)</sup>, as last amended by Commission Regulation (EC) No 444/2003 <sup>(12)</sup>. Arrangements should be laid down for import licences in cases where quotas are managed in this way.
- (7) Regulation (EC) No 2535/2001 should be amended accordingly.
- (8) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Milk and Milk Products,

<sup>(1)</sup> OJ L 160, 26.6.1999, p. 48.

<sup>(2)</sup> OJ L 79, 22.3.2002, p. 15.

<sup>(3)</sup> OJ L 341, 22.12.2001, p. 29.

<sup>(4)</sup> OJ L 348, 21.12.2002, p. 78.

<sup>(5)</sup> OJ L 97, 15.4.2003, p. 53.

<sup>(6)</sup> OJ L 107, 30.4.2003, p. 12.

<sup>(7)</sup> OJ L 107, 30.4.2003, p. 36.

<sup>(8)</sup> OJ L 8, 14.1.2003, p. 18.

<sup>(9)</sup> OJ L 348, 21.12.2002, p. 5.

<sup>(10)</sup> OJ L 46, 20.2.2003, p. 1.

<sup>(11)</sup> OJ L 253, 11.10.1993, p. 1.

<sup>(12)</sup> OJ L 68, 12.3.2002, p. 11.

HAS ADOPTED THIS REGULATION:

*Article 1*

Regulation (EC) No 2535/2001 is amended as follows:

1. Article 5(b) and (c) is amended as follows:

'(b) the quotas provided for in Council Regulations (EC) No 1151/2002 (\*), (EC) No 1361/2002 (\*\*), (EC) No 1362/2002 (\*\*\*) and (EC) No 1408/2002 (\*\*\*\*), and in Council Decisions 2003/18/EC (\*\*\*\*\*), 2003/263/EC (\*\*\*\*\*), 2003/298/EC (\*\*\*\*\*), and 2003/299/EC (\*\*\*\*\*);

(c) the quotas provided for in Council Regulation (EC) No 2286/2002 (\*\*\*\*\*);

(\*) OJ L 170, 29.6.2002, p. 15.

(\*\*) OJ L 198, 27.7.2002, p. 1.

(\*\*\*) OJ L 198, 27.7.2002, p. 13.

(\*\*\*\*) OJ L 205, 2.8.2002, p. 9.

(\*\*\*\*\*) OJ L 8, 14.1.2003, p. 18.

(\*\*\*\*\*) OJ L 97, 15.4.2003, p. 53.

(\*\*\*\*\*) OJ L 107, 30.4.2003, p. 12.

(\*\*\*\*\*) OJ L 107, 30.4.2003, p. 36.

(\*\*\*\*\*) OJ L 348, 21.12.2002, p. 5.'

2. The second sentence of the first subparagraph of Article 12 is deleted.

3. Under Title 2, Chapter Ia is inserted:

'CHAPTER IA

**IMPORTS UNDER THE QUOTAS MANAGED IN ACCORDANCE WITH ARTICLES 308a TO 308c OF REGULATION (EEC) No 2454/93**

*Article 19a*

1. Within the context of the quota provided for in Council Regulation (EC) No 312/2003 (\*), and given in Annex VIIa to this Regulation, Articles 308a to 308c of Regulation (EEC) No 2454/93 shall apply.

2. Without prejudice to Title II of Regulation (EC) No 1291/2000, imports under the quotas referred to in paragraph 1 shall be subject to the presentation of an import licence.

3. The rate of guarantee referred to in Article 15(2) of Regulation (EC) No 1291/2000 shall be equal to EUR 10 per 100 kg net of products.

Box 16 of both the licence application and the licence shall contain the eight-digit CN code. The licence shall be valid only for the product so designated.

Licences shall be valid from the day of actual issue within the meaning of Article 23(2) of Regulation (EC) No 1291/2000 until the end of the third subsequent month.

Licences shall be issued no later than the business day following the day on which the application is lodged.

4. Application of the reduced rate of duty shall be subject to the presentation of proof of origin issued in accordance with Annex III to the Agreement with the Republic of Chile.

(\*) OJ L 46, 20.2.2003, p. 1.'

4. Article 20(1)(a) is replaced by the following:

'(a) Regulation (EC) No 2286/2002;'

5. Annex I is amended as follows:

(a) in Part I.B, points 1, 2 and 3 are replaced by the text in Annex I to this Regulation;

(b) Part I.C is replaced by the text in Annex II to this Regulation.

6. Part II.A of Annex II is replaced by the text in Annex III to this Regulation.

7. The Annex contained in Annex IV to this Regulation is inserted as Annex VIIa.

*Article 2*

For the quotas opened on 1 May 2003, referred to in points 1, 2 and 3 of Part B of Annex I to Regulation (EC) No 2535/2001, as amended by this Regulation, the following rules shall apply:

1. Notwithstanding Article 6 and Article 14(1) of Regulation (EC) No 2535/2001, applications for import licences may be submitted from 1 to 25 May 2003.

Licence applications shall relate to no more than 10 % of the quantity under the quota opened on 1 May 2003, and shall involve no less than 10 tonnes.

2. Notwithstanding Article 12 of Regulation (EC) No 2535/2001, importers who have lodged import licence applications during the submission period from 1 to 10 January 2003 may submit a further application in respect of that quota under this Regulation.

3. The second subparagraph of Article 16(3) of Regulation (EC) No 2535/2001 shall not apply.

*Article 3*

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

It shall apply from 1 May 2003.



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

Done at Brussels, 8 May 2003.

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

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## ANNEX I

## 1. Products originating in Poland

Quota number	CN code	Description <sup>(1)</sup> <sup>(2)</sup>	Applicable rate of duty (% of MFN duty)	Annual quantities (tonnes) from 1.7.2002 to 30.6.2003	Quantities opened on 1.7.2002 <sup>(3)</sup>	Quantities opened on 1.1.2003 <sup>(3)</sup>	Quantities opened on 1.5.2003	Annual quantities (tonnes) from 1.7.2003 to 30.6.2004	Annual increase from 1.7.2004
09.4813	0402 10 19 0402 21 19 0402 21 99		Exemption	12 575	6 000	6 000	575	14 300	1 430
09.4814	0405 10 11 0405 10 19 0405 10 30 0405 10 50 0405 10 90 0405 20 90		Exemption	7 545	3 600	3 600	345	8 580	860
09.4815	0406		Exemption	11 318	5 400	5 400	518	12 870	1 290

## 2. Products originating in the Czech Republic

Quota number	CN code	Description <sup>(1)</sup> <sup>(2)</sup>	Applicable rate of duty (% of MFN duty)	Annual quantities (tonnes) from 1.7.2002 to 30.6.2003	Quantities opened on 1.7.2002 <sup>(3)</sup>	Quantities opened on 1.1.2003 <sup>(3)</sup>	Quantities opened on 1.5.2003	Annual quantities (tonnes) from 1.7.2003 to 30.6.2004	Annual increase from 1.7.2004
09.4611	0402		Exemption	4 188	1 438	1 438	1 312	5 500	0
09.4636	0403 10 11 0403 10 13 0403 10 19 0403 10 31 0403 10 33 0403 10 39 0403 90 11 0403 90 13 0403 90 19 0403 90 31 0403 90 33 0403 90 39 0403 90 51 0403 90 53 0403 90 59 0403 90 61 0403 90 63 0403 90 69		Exemption	150	—	—	150	300	0

Quota number	CN code	Description (1) (2)	Applicable rate of duty (% of MFN duty)	Annual quantities (tonnes) from 1.7.2002 to 30.6.2003	Quantities opened on 1.7.2002 (3)	Quantities opened on 1.1.2003 (3)	Quantities opened on 1.5.2003	Annual quantities (tonnes) from 1.7.2003 to 30.6.2004	Annual increase from 1.7.2004
09.4637	0404		Exemption	300	—	—	300	600	0
09.4612	0405 10 11 0405 10 19 0405 10 30 0405 10 50 0405 10 90 0405 20 90 0405 90 10 0405 90 90		Exemption	1 375	625	625	125	1 500	0
09.4613	0406		Exemption	6 630	3 315	3 315	—	7 395	765

### 3. Products originating in the Slovak Republic

Quota number	CN code	Description (1) (2)	Applicable rate of duty (% of MFN duty)	Annual quantities (tonnes) from 1.7.2002 to 30.6.2003	Quantities opened on 1.7.2002 (3)	Quantities opened on 1.1.2003 (3)	Quantities opened on 1.5.2003	Annual quantities (tonnes) from 1.7.2003 to 30.6.2004	Annual increase from 1.7.2004
09.4641	0402		Exemption	2 500	750	750	1 000	3 500	0
09.4645	0403 10 11 0403 10 13 0403 10 19 0403 10 31 0403 10 33 0403 10 39 0403 90 11 0403 90 13 0403 90 19 0403 90 31 0403 90 33 0403 90 39 0403 90 51 0403 90 53 0403 90 59 0403 90 61 0403 90 63 0403 90 69  0404		Exemption	250	—	—	250	500	0

Quota number	CN code	Description <sup>(1)</sup> <sup>(2)</sup>	Applicable rate of duty (% of MFN duty)	Annual quantities (tonnes) from 1.7.2002 to 30.6.2003	Quantities opened on 1.7.2002 <sup>(3)</sup>	Quantities opened on 1.1.2003 <sup>(3)</sup>	Quantities opened on 1.5.2003	Annual quantities (tonnes) from 1.7.2003 to 30.6.2004	Annual increase from 1.7.2004
09.4642	0405 10 11 0405 10 19 0405 10 30 0405 10 50 0405 10 90 0405 20 90 0405 90 10 0405 90 90		Exemption	750	375	375	—	750	0
09.4643	0406		Exemption	2 930	1 430	1 430	70	3 000	300

## ANNEX II

## 'ANNEX IC

**Tariff quotas referred to in Annex II to Regulation (EC) No 2286/2002**

Serial number of the quota	CN code	Description <sup>(1)</sup>	Country of origin	Quota from 1 January to 31 December (in tonnes)		Reduction in customs duties
				annual	six-monthly	
09.4026	0402	Milk and cream, concentrated or containing added sugar or other sweetening matter	ACP	1 000	500	65 %
09.4027	0406	Cheese and curd	ACP	1 000	500	65 %

<sup>(1)</sup> Notwithstanding the rules for the interpretation of the Combined Nomenclature, the wording for the description of the products is to be considered as having no more than an indicative value, the preferential arrangements being determined, within the context of this Annex, by the coverage of the CN codes. Where ex CN codes are referred to, the applicability of the preferential arrangements is determined on the basis of the CN code and the corresponding description taken jointly.'

## ANNEX III

## 'ANNEX IIA

**Concessions referred to in Annex I to Regulation (EC) No 2286/2002**

CN code	Description (1)	Reduction in customs duties (%)
0401		16
0403 10 11 to 0403 10 39		16
0403 90 11 to 0403 90 69		16
0404		16
0405 10		16
0405 20 90		16
0405 90		16
1702 11 00		16
1702 19 00		16
2106 90 51		16
2309 10 15		16
2309 10 19		16
2309 10 39		16
2309 10 59		16
2309 10 70		16
2309 90 35		16
2309 90 39		16
2309 90 49		16
2309 90 59		16
2309 90 70		16

(1) Notwithstanding the rules for the interpretation of the Combined Nomenclature, the wording for the description of the products is to be considered as having no more than an indicative value, the preferential arrangements being determined, within the context of this Annex, by the coverage of the CN codes. Where ex CN codes are referred to, the applicability of the preferential arrangements is determined on the basis of the CN code and the corresponding description taken jointly.'

## ANNEX IV

## 'ANNEX VIIa

**Tariff quota under Annex I of the Association Agreement with the Republic of Chile**

Quota No	CN code	Description	Applicable rate of duty (% of the MFN duty)	Annual quantities (tonnes) (base = calendar year)		Annual increase from 2005
				from 1.2.2003 to 31.12.2003	2004	
09.1924	0406	Cheese and curd	Exemption	1 375	1 500	75'

## COMMISSION REGULATION (EC) No 788/2003

of 8 May 2003

**laying down detailed rules for the application of Council Decision 2003/299/EC as regards the concessions in the form of Community tariff quotas on certain cereal products originating in the Slovak Republic and amending Regulation (EC) No 2809/2000**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Decision 2003/299/EC of 14 April 2003 on the conclusion of a 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 the Slovak Republic, of the other part, to take account of the outcome of negotiations between the parties on new mutual agricultural concessions <sup>(1)</sup>, and in particular Article 3(2) thereof,

Whereas:

- (1) In accordance with Decision 2003/299/EC, the Community has undertaken to establish for each marketing year import tariff quotas at a zero rate of duty for wheat and meslin and maize originating in the Slovak Republic.
- (2) To ensure that imports of wheat and maize covered by these tariff quotas are orderly and not speculative, they should be made subject to the issue of import licences. The licences should be issued, within the quantities set, at the request of the interested parties, subject, where appropriate, to the fixing of a reduction coefficient in respect of the quantities applied for.
- (3) To ensure the proper management of these quotas, deadlines for the lodging of licence applications should be laid down and the information to be included in the applications and licences should be specified.
- (4) To take account of delivery conditions, the import licences should be valid from the day of their issue until the end of the month following that in which they are issued.
- (5) With a view to the sound management of the quotas, provision should be made to derogate from Commission Regulation (EC) No 1291/2000 of 9 June 2000 laying down common detailed rules for the application of the system of import and export licences and advance fixing certificates for agricultural products <sup>(2)</sup>, as amended by Regulation (EC) No 325/2003 <sup>(3)</sup>, as regards the transferable nature of the licences and the tolerance relating to the quantities released into free circulation.
- (6) To ensure sound management of the quotas, the security on the import licences should be set at a relatively high level, by way of derogation from Article 10 of Commission Regulation (EC) No 1162/95 of 23 May 1995

laying down special detailed rules for the application of the system of import and export licences for cereals and rice <sup>(4)</sup>, as last amended by Regulation (EC) No 498/2003 <sup>(5)</sup>.

- (7) Rapid two-way communication should be established between the Commission and the Member States regarding the quantities applied for and imported.
- (8) As Council Regulation (EC) No 2434/2000 of 17 October 2000 establishing certain concessions in the form of Community tariff quotas for certain agricultural products and providing for an adjustment, as an autonomous and transitional measure, of certain agricultural concessions provided for in the Europe Agreement with the Slovak Republic <sup>(6)</sup> has been repealed by Decision 2003/299/EC, Commission Regulation (EC) No 2809/2000 laying down detailed rules for the application, for cereals sector products, of Regulations (EC) No 2290/2000, (EC) No 2433/2000, (EC) No 2434/2000 and (EC) No 2851/2000 establishing certain concessions in the form of Community tariff quotas for certain agricultural products originating in the Republic of Bulgaria, the Czech Republic, the Slovak Republic and the Republic of Poland respectively and amending Regulation (EC) No 1218/96 <sup>(7)</sup>, as last amended by Regulation (EC) No 573/2003 <sup>(8)</sup>, should be amended.
- (9) 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*

1. Imports of wheat and meslin falling within CN code 1001 and referred to in Annex I, originating in the Slovak Republic and benefiting from a zero rate of import duty, under the tariff quota bearing the order number 09.4646, in accordance with Decision 2003/299/EC, shall be subject to an import licence issued in accordance with this Regulation.

2. Imports of maize falling within CN code 1005 and referred to in Annex I, originating in the Slovak Republic and benefiting from a zero rate of import duty, under the tariff quota bearing the order number 09.4647, in accordance with Decision 2003/299/EC, shall be subject to an import licence issued in accordance with this Regulation.

<sup>(1)</sup> OJ L 107, 30.4.2003, p. 36.

<sup>(2)</sup> OJ L 152, 24.6.2000, p. 1.

<sup>(3)</sup> OJ L 47, 21.2.2003, p. 21.

<sup>(4)</sup> OJ L 117, 24.5.1995, p. 2.

<sup>(5)</sup> OJ L 74, 19.3.2003, p. 15.

<sup>(6)</sup> OJ L 280, 4.11.2000, p. 9.

<sup>(7)</sup> OJ L 326, 22.12.2000, p. 16.

<sup>(8)</sup> OJ L 82, 29.3.2003, p. 25.

3. The products referred to in paragraphs 1 to 2 shall be released into free circulation upon presentation of one of the following documents:

- (a) an EUR.1 movement certificate issued by the competent authorities of the exporting country in accordance with Protocol 4 of the Europe Agreement concluded with that country;
- (b) an invoice declaration on the invoice provided by the exporter in accordance with that Protocol.

#### Article 2

1. Applications for import licences shall be lodged with the competent authorities of the Member States no later than 13.00 Brussels time on the second Monday of each month.

Each licence application shall be for a quantity not exceeding the quantity available for the import of the relevant product in the marketing year concerned.

2. No later than 18.00 Brussels time on the same day, the competent authorities of the Member States shall fax the Commission (No (32-2) 295 25 15), in accordance with the model in Annex II, the total quantity resulting from the sum of the quantities indicated on the import licence applications.

That information shall be communicated separately from the information on other import licence applications for cereals.

3. If the total of the quantities for each product concerned since the start of the marketing year and the quantity referred to in paragraph 2 exceed the quota for the marketing year concerned, the Commission shall set, no later than the third working day after the applications are lodged, a single reduction coefficient to be applied to the quantities requested.

4. Without prejudice to paragraph 3, licences shall be issued on the fifth working day following the day on which the application is lodged. No later than 18.00 Brussels time on the day the licences are issued, the competent authorities of the Member States shall fax the Commission the total quantity resulting from the sum of the quantities for which import licence were issued that same day.

#### Article 3

In accordance with Article 23(2) of Regulation (EC) No 1291/2000, the period of validity of the licence shall be calculated from the actual date of issue.

Import licences shall be valid until the end of the month following the month in which they are issued.

#### Article 4

The rights resulting from the import licences shall not be transferable.

#### Article 5

The quantity released into free circulation may not exceed that indicated in sections 17 and 18 of the import licence. The figure '0' shall be entered to that effect in section 19 of the licence.

#### Article 6

The import licence application and the import licence shall contain the following information:

- (a) in section 8, the name of the country of origin;
- (b) in section 20, one of the following entries:
  - Reglamento (CE) n° 788/2003
  - Forordning (EF) nr. 788/2003
  - Verordnung (EG) Nr. 788/2003
  - Κανονισμός (ΕΚ) αριθ. 788/2003
  - Regulation (EC) No 788/2003
  - Règlement (CE) n° 788/2003
  - Regolamento (CE) n. 788/2003
  - Verordening (EG) nr. 788/2003
  - Regulamento (CE) n.º 788/2003
  - Asetus (EY) N:o 788/2003
  - Förordning (EG) nr 788/2003
- (c) in section 24, the words 'zero duty'.

#### Article 7

The security for the import licences provided for in this Regulation shall be EUR 30 per tonne.

#### Article 8

Regulation (EC) No 2809/2000 is amended as follows:

1. the title is replaced by the following:

'Commission Regulation (EC) No 2809/2000 of 20 December 2000 laying down detailed rules for the application, for cereals sector products, of Regulations (EC) No 2290/2000, (EC) No 2433/2000 and (EC) No 2851/2000 establishing certain concessions in the form of community tariff quotas for certain agricultural products originating in the Republic of Bulgaria, the Czech Republic and the Republic of Poland respectively and amending Regulation (EC) No 1218/96';

2. Article 2 is replaced by the following:

'Article 2

Imports of the products listed in Annex I to this Regulation originating in the Czech Republic and in the Republic of Poland and qualifying for partial or total exemption from import duty for the quantity and at the rate of reduction or duty level specified therein shall be subject to the presentation of an import licence issued in accordance with this Regulation.';

3. in Annex I, the rows concerning the Slovak Republic are deleted.

#### Article 9

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

It shall apply from 1 May 2003.



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

Done at Brussels, 8 May 2003.

*For the Commission*  
 Franz FISCHLER  
 Member of the Commission

ANNEX I

Country of origin	CN code	Quota order No	Description	Rate of duty	Quantity from 1.1.2003 to 31.12.2003 (tonnes)	Annual quantity from 1.1.2004 (tonnes)
Slovak Republic	1001	09.4646	Wheat and meslin	Free	100 000	0
Slovak Republic	1005	09.4647	Maize	Free	70 000	0

ANNEX II

**MODEL OF THE NOTIFICATION REFERRED TO IN ARTICLE 2(2)**

**Import quotas for wheat and maize from the Slovak Republic opened pursuant to Council Decision 2003/299/EC**

Quota	Product	CN code	Country of origin	Quantity applied for (tonnes)
Wheat	Wheat and meslin	1001		
Maize	Maize	1005		

**COMMISSION REGULATION (EC) No 789/2003  
of 8 May 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 <sup>(1)</sup>, as amended by Commission Regulation (EC) No 680/2002 <sup>(2)</sup>,

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 <sup>(3)</sup>, as amended by Regulation (EC) No 79/2003 <sup>(4)</sup>, 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 <sup>(5)</sup>. 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 9 May 2003.

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

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

<sup>(3)</sup> OJ L 141, 24.6.1995, p. 12.

<sup>(4)</sup> OJ L 13, 18.1.2003, p. 4.

<sup>(5)</sup> 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, 8 May 2003.

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

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ANNEX

**to the Commission Regulation of 8 May 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 <sup>(2)</sup>
1703 10 00 <sup>(1)</sup>	7,00	0,03	—
1703 90 00 <sup>(1)</sup>	9,19	—	0,00

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

<sup>(2)</sup> 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 790/2003  
of 8 May 2003**

**fixing the maximum export refund for white sugar to certain third countries for the 29th 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 <sup>(1)</sup>, as amended by Commission Regulation (EC) No 680/2002 <sup>(2)</sup>, 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 <sup>(3)</sup>, as amended by Regulation (EC) No 432/2003 <sup>(4)</sup>, 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 29th 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 29th 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 49,930 EUR/100 kg.

*Article 2*

This Regulation shall enter into force on 9 May 2003.

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

Done at Brussels, 8 May 2003.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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

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

<sup>(3)</sup> OJ L 195, 24.7.2002, p. 6.

<sup>(4)</sup> OJ L 65, 8.3.2003, p. 21.

**COMMISSION REGULATION (EC) No 791/2003**  
**of 8 May 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<sup>(1)</sup>, as last amended by Regulation (EC) No 715/2003<sup>(2)</sup>, 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<sup>(3)</sup>, as last amended by Regulation (EC) No 2585/2001<sup>(4)</sup>, 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 7 May 2003, the quantity still available for the period until 30 June 2003,

for destination zone 3: eastern Europe, 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 July 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 30 April to 6 May 2003 under Regulation (EC) No 883/2001 shall be issued in concurrence with 4,34 % of the quantities requested for zone 3: eastern Europe.
2. The issue of export licences for wine-sector products referred to in paragraph 1 for which applications are submitted from 7 May 2003 and the submission of export licence applications from 9 May 2003 for destination zone 3: eastern Europe shall be suspended until 1 July 2003.

*Article 2*

This Regulation shall enter into force on 9 May 2003.

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

Done at Brussels, 8 May 2003.

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

<sup>(1)</sup> OJ L 128, 10.5.2001, p. 1.

<sup>(2)</sup> OJ L 104, 25.4.2003, p. 13.

<sup>(3)</sup> OJ L 179, 14.7.1999, p. 1.

<sup>(4)</sup> OJ L 345, 29.12.2001, p. 10.

## COMMISSION REGULATION (EC) No 792/2003

of 8 May 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 <sup>(1)</sup>, as amended by Commission Regulation (EC) No 680/2002 <sup>(2)</sup>, 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 <sup>(3)</sup>. 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 9 May 2003.

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

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

<sup>(3)</sup> OJ L 214, 8.9.1995, p. 16.

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

Done at Brussels, 8 May 2003.

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

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## 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	41,35 <sup>(1)</sup>
1701 11 90 9910	S00	EUR/100 kg	42,50 <sup>(1)</sup>
1701 12 90 9100	S00	EUR/100 kg	41,35 <sup>(1)</sup>
1701 12 90 9910	S00	EUR/100 kg	42,50 <sup>(1)</sup>
1701 91 00 9000	S00	EUR/1 % of sucrose × 100 kg product net	0,4495
1701 99 10 9100	S00	EUR/100 kg	44,95
1701 99 10 9910	S00	EUR/100 kg	46,20
1701 99 10 9950	S00	EUR/100 kg	46,20
1701 99 90 9100	S00	EUR/1 % of sucrose × 100 kg of net product	0,4495

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 1779/2002 (OJ L 269, 5.10.2002, 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).

<sup>(1)</sup> 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 793/2003****of 8 May 2003****fixing the export refunds on cereals and on wheat or rye flour, groats and meal**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

- (1) Article 13 of Regulation (EEC) No 1766/92 provides that the difference between quotations or prices on the world market for the products listed in Article 1 of that Regulation and prices for those products in the Community may be covered by an export refund.
- (2) The refunds must be fixed taking into account the factors referred to in Article 1 of Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules under Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals <sup>(3)</sup>, as last amended by Regulation (EC) No 1163/2002 <sup>(4)</sup>, as amended by Regulation (EC) No 1324/2002 <sup>(5)</sup>.
- (3) As far as wheat and rye flour, groats and meal are concerned, when the refund on these products is being calculated, account must be taken of the quantities of cereals required for their manufacture. These quantities were fixed in Regulation (EC) No 1501/95.

- (4) The world market situation or the specific requirements of certain markets may make it necessary to vary the refund for certain products according to destination.
- (5) The refund must be fixed once a month. It may be altered in the intervening period.
- (6) It follows from applying the detailed rules set out above to the present situation on the market in cereals, and in particular to quotations or prices for these products within the Community and on the world market, that the refunds should be as set out in the Annex hereto.
- (7) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

*Article 1*

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

*Article 2*

This Regulation shall enter into force on 9 May 2003.

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

Done at Brussels, 8 May 2003.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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

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

<sup>(3)</sup> OJ L 147, 30.6.1995, p. 7.

<sup>(4)</sup> OJ L 170, 29.6.2002, p. 46.

<sup>(5)</sup> OJ L 194, 23.7.2002, p. 26.

## ANNEX

**to the Commission Regulation of 8 May 2003 fixing the export refunds on cereals and on wheat or rye flour, groats and meal**

Product code	Destination	Unit of measurement	Amount of refunds	Product code	Destination	Unit of measurement	Amount of refunds
1001 10 00 9200	—	EUR/t	—	1101 00 15 9130	C09	EUR/t	21,75
1001 10 00 9400	—	EUR/t	—	1101 00 15 9150	C09	EUR/t	20,00
1001 90 91 9000	—	EUR/t	—	1101 00 15 9170	C09	EUR/t	18,50
1001 90 99 9000	C05	EUR/t	0	1101 00 15 9180	C09	EUR/t	17,25
1002 00 00 9000	C06	EUR/t	0	1101 00 15 9190	—	EUR/t	—
1003 00 10 9000	—	EUR/t	—	1101 00 90 9000	—	EUR/t	—
1003 00 90 9000	C07	EUR/t	0	1102 10 00 9500	C10	EUR/t	38,25
1004 00 00 9200	—	EUR/t	—	1102 10 00 9700	C10	EUR/t	30,25
1004 00 00 9400	C06	EUR/t	0	1102 10 00 9900	—	EUR/t	—
1005 10 90 9000	—	EUR/t	—	1103 11 10 9200	C11	EUR/t	0 <sup>(1)</sup>
1005 90 00 9000	C08	EUR/t	0	1103 11 10 9400	C11	EUR/t	0 <sup>(1)</sup>
1007 00 90 9000	—	EUR/t	—	1103 11 10 9900	—	EUR/t	—
1008 20 00 9000	—	EUR/t	—	1103 11 90 9200	C11	EUR/t	0 <sup>(1)</sup>
1101 00 11 9000	—	EUR/t	—	1103 11 90 9800	—	EUR/t	—
1101 00 15 9100	C09	EUR/t	23,25				

<sup>(1)</sup> No refund is granted when this product contains compressed meal.

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

The other destinations are as follows:

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

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

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

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

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

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

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

**COMMISSION REGULATION (EC) No 794/2003**  
**of 8 May 2003**  
**fixing the corrective amount applicable to the refund on cereals**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organization of the market in cereals <sup>(1)</sup>, as last amended by Regulation (EC) No 1666/2000 <sup>(2)</sup>, and in particular Article 13(8) thereof,

Whereas:

- (1) Article 13(8) of Regulation (EEC) No 1766/92 provides that the export refund applicable to cereals on the day on which application for an export licence is made must be applied on request to exports to be effected during the period of validity of the export licence. In this case, a corrective amount may be applied to the refund.
- (2) Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules under Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the cereals and the measures to be taken in the event of disturbance on the market for cereals <sup>(3)</sup>, as last amended by Regulation (EC) No 1163/2002 <sup>(4)</sup>, as amended by Regulation (EC) No 1324/2002 <sup>(5)</sup>, allows for the fixing of a corrective amount for the products listed in Article 1(1)(c) of Regulation (EEC) No 1766/92. That corrective amount must be calculated taking account of the factors referred to in Article 1 of Regulation (EC) No 1501/95.

- (3) The world market situation or the specific requirements of certain markets may make it necessary to vary the corrective amount according to destination.
- (4) The corrective amount must be fixed at the same time as the refund and according to the same procedure; it may be altered in the period between fixings.
- (5) It follows from applying the provisions set out above that the corrective amount must be as set out in the Annex hereto.
- (6) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

*Article 1*

The corrective amount referred to in Article 1(1)(a), (b) and (c) of Regulation (EEC) No 1766/92 which is applicable to export refunds fixed in advance except for malt shall be as set out in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 9 May 2003.

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

Done at Brussels, 8 May 2003.

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

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

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

<sup>(3)</sup> OJ L 147, 30.6.1995, p. 7.

<sup>(4)</sup> OJ L 170, 29.6.2002, p. 46.

<sup>(5)</sup> OJ L 194, 23.7.2002, p. 26.

## ANNEX

## to the Commission Regulation of 8 May 2003 fixing the corrective amount applicable to the refund on cereals

(EUR/t)								
Product code	Destination	Current 5	1st period 6	2nd period 7	3rd period 8	4th period 9	5th period 10	6th period 11
1001 10 00 9200	—	—	—	—	—	—	—	—
1001 10 00 9400	—	—	—	—	—	—	—	—
1001 90 91 9000	—	—	—	—	—	—	—	—
1001 90 99 9000	A00	0	0	-17,00	-17,00	-17,00	—	—
1002 00 00 9000	C03	-25,00	-25,00	-25,00	-25,00	-25,00	—	—
	A05	0	0	-25,00	-25,00	-25,00	—	—
1003 00 10 9000	—	—	—	—	—	—	—	—
1003 00 90 9000	A00	0	0	-12,00	-12,00	-12,00	—	—
1004 00 00 9200	—	—	—	—	—	—	—	—
1004 00 00 9400	A00	0	0	—	—	—	—	—
1005 10 90 9000	—	—	—	—	—	—	—	—
1005 90 00 9000	A00	0	0	0	0	0	—	—
1007 00 90 9000	—	—	—	—	—	—	—	—
1008 20 00 9000	—	—	—	—	—	—	—	—
1101 00 11 9000	—	—	—	—	—	—	—	—
1101 00 15 9100	A00	0	0	-23,25	-23,25	-23,25	—	—
1101 00 15 9130	A00	0	0	-21,75	-21,75	-21,75	—	—
1101 00 15 9150	A00	0	0	-20,00	-20,00	-20,00	—	—
1101 00 15 9170	A00	0	0	-18,50	-18,50	-18,50	—	—
1101 00 15 9180	A00	0	0	-17,25	-17,25	-17,25	—	—
1101 00 15 9190	—	—	—	—	—	—	—	—
1101 00 90 9000	—	—	—	—	—	—	—	—
1102 10 00 9500	A00	0	0	-38,25	-38,25	-38,25	—	—
1102 10 00 9700	A00	0	0	-30,25	-30,25	-30,25	—	—
1102 10 00 9900	—	—	—	—	—	—	—	—
1103 11 10 9200	A00	0	0	0	0	0	—	—
1103 11 10 9400	A00	0	0	0	0	0	—	—
1103 11 10 9900	—	—	—	—	—	—	—	—
1103 11 90 9200	A00	0	0	0	0	0	—	—
1103 11 90 9800	—	—	—	—	—	—	—	—

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

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

The other destinations are as follows:

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

**COMMISSION REGULATION (EC) No 795/2003****of 8 May 2003****fixing the maximum export refund on oats in connection with the invitation to tender 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 <sup>(1)</sup>, as last amended by Regulation (EC) No 1666/2000 <sup>(2)</sup>,

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 <sup>(3)</sup>, as last amended by Regulation (EC) No 1163/2002 <sup>(4)</sup>, as amended by Regulation (EC) No 1324/2002 <sup>(5)</sup>, 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 <sup>(6)</sup>, and in particular Article 8 thereof,

Whereas:

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

- (2) Article 8 of Regulation (EC) No 1582/2002 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 2 to 8 May 2003, pursuant to the invitation to tender issued in Regulation (EC) No 1582/2002, the maximum refund on exportation of oats shall be EUR 9,95/t.

*Article 2*

This Regulation shall enter into force on 9 May 2003.

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

Done at Brussels, 8 May 2003.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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

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

<sup>(3)</sup> OJ L 147, 30.6.1995, p. 7.

<sup>(4)</sup> OJ L 170, 29.6.2002, p. 46.

<sup>(5)</sup> OJ L 194, 23.7.2002, p. 26.

<sup>(6)</sup> OJ L 243, 13.9.2001, p. 15.

**COMMISSION REGULATION (EC) No 796/2003  
of 8 May 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 <sup>(1)</sup>, as last amended by Regulation (EC) No 1666/2000 <sup>(2)</sup>,

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 <sup>(3)</sup>, as last amended by Regulation (EC) No 1163/2002 <sup>(4)</sup>, as amended by Regulation (EC) No 1324/2002 <sup>(5)</sup>, 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 <sup>(6)</sup>, as last amended by Regulation (EC) No 2331/2002 <sup>(7)</sup>.
- (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 2 to 8 May 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 17,00/t.

*Article 2*

This Regulation shall enter into force on 9 May 2003.

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

Done at Brussels, 8 May 2003.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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

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

<sup>(3)</sup> OJ L 147, 30.6.1995, p. 7.

<sup>(4)</sup> OJ L 170, 29.6.2002, p. 46.

<sup>(5)</sup> OJ L 194, 23.7.2002, p. 26.

<sup>(6)</sup> OJ L 142, 31.5.2002, p. 11.

<sup>(7)</sup> OJ L 349, 24.12.2002, p. 19.

**COMMISSION REGULATION (EC) No 797/2003  
of 8 May 2003**

**fixing the maximum reduction in the duty on maize imported in connection with the invitation to  
tender issued in Regulation (EC) No 698/2003**

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<sup>(1)</sup>, as last amended by Regulation (EC) No 1666/2000<sup>(2)</sup>, 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 698/2003<sup>(3)</sup>.

(2) Pursuant to Article 5 of Commission Regulation (EC) No 1839/95<sup>(4)</sup>, as last amended by Regulation (EC) No 2235/2000<sup>(5)</sup>, 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 2 to 8 May 2003, pursuant to the invitation to tender issued in Regulation (EC) No 698/2003, the maximum reduction in the duty on maize imported shall be 44,92 EUR/t and be valid for a total maximum quantity of 108 500 t.

*Article 2*

This Regulation shall enter into force on 9 May 2003.

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

Done at Brussels, 8 May 2003.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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

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

<sup>(3)</sup> OJ L 99, 17.4.2003, p. 28.

<sup>(4)</sup> OJ L 177, 28.7.1995, p. 4.

<sup>(5)</sup> OJ L 256, 10.10.2000, p. 13.



**COMMISSION REGULATION (EC) No 798/2003**  
**of 8 May 2003**  
**concerning tenders notified in response to the invitation to tender for the import of maize issued**  
**in Regulation (EC) No 581/2003**

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 <sup>(1)</sup>, as last amended by Regulation (EC) No 1666/2000 <sup>(2)</sup>, and in particular Article 12(1) thereof,

Whereas:

- (1) An invitation to tender for the maximum reduction in the duty on maize imported into Portugal from third countries was opened pursuant to Commission Regulation (EC) No 581/2003 <sup>(3)</sup>.
- (2) Article 5 of Commission Regulation (EC) No 1839/95 <sup>(4)</sup>, as last amended by Regulation (EC) No 2235/2000 <sup>(5)</sup>, 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 Articles 6 and 7 of Regulation (EC) No 1839/95 a maximum reduction in the duty 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 2 to 8 May 2003 in response to the invitation to tender for the reduction in the duty on imported maize issued in Regulation (EC) No 581/2003.

*Article 2*

This Regulation shall enter into force on 9 May 2003.

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

Done at Brussels, 8 May 2003.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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

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

<sup>(3)</sup> OJ L 83, 1.4.2003, p. 36.

<sup>(4)</sup> OJ L 177, 28.7.1995, p. 4.

<sup>(5)</sup> OJ L 256, 10.10.2000, p. 13.

## COMMISSION REGULATION (EC) No 799/2003

of 8 May 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 <sup>(1)</sup>, as last amended by Regulation (EC) No 1666/2000 <sup>(2)</sup>, 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 <sup>(3)</sup>, as last amended by Commission Regulation (EC) No 411/2002 <sup>(4)</sup>, 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 <sup>(5)</sup>, as last amended by Regulation (EC) No 740/2003 <sup>(6)</sup>, specifies the products for which a rate of refund should be fixed, to be applied where these products are exported in the form of goods listed in 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 <sup>(7)</sup>, 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 <sup>(8)</sup>, as last amended by Commission Regulation (EC) No 1786/2001 <sup>(9)</sup>, 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 9 May 2003.

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

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

<sup>(3)</sup> OJ L 329, 30.12.1995, p. 18.

<sup>(4)</sup> OJ L 62, 5.3.2002, p. 27.

<sup>(5)</sup> OJ L 117, 15.7.2000, p. 1.

<sup>(6)</sup> OJ L 106, 29.4.2003, p. 12.

<sup>(7)</sup> OJ L 275, 29.9.1987, p. 36.

<sup>(8)</sup> OJ L 159, 1.7.1993, p. 112.

<sup>(9)</sup> 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, 8 May 2003.

*For the Commission*  
Erkki LIIKANEN  
*Member of the Commission*

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## ANNEX

**to the Commission Regulation of 8 May 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 <sup>(1)</sup>	Rate of refund per 100 kg of basic product <sup>(EUR/100 kg)</sup>	
		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 <sup>(2)</sup>	—	—
	– – where goods falling within subheading 2208 <sup>(3)</sup> are exported	—	—
	– – in other cases	—	—
1002 00 00	Rye	3,189	3,189
1003 00 90	Barley		
	– where goods falling within subheading 2208 <sup>(3)</sup> are exported	—	—
	– in other cases	1,139	1,139
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 <sup>(2)</sup>	2,525	2,525
	– – where goods falling within subheading 2208 <sup>(3)</sup> are exported	0,732	0,732
	– – in other cases	2,525	2,525
	– 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 <sup>(4)</sup> :		
	– – where Article 4(5) of Regulation (EC) No 1520/2000 applies <sup>(2)</sup>	1,894	1,894
	– – where goods falling within subheading 2208 <sup>(2)</sup> are exported	0,549	0,549
	– – in other cases	1,894	1,894
	– where goods falling within subheading 2208 <sup>(2)</sup> are exported	0,732	0,732
	– other (including unprocessed)	2,525	2,525
	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 <sup>(3)</sup>	2,525	2,525
	– – where goods falling within subheading 2208 <sup>(3)</sup> are exported	0,732	0,732
	– in other cases	2,525	2,525

CN code	Description of products <sup>(1)</sup>	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	13,300	13,300
	– medium grain	13,300	13,300
	– long grain	13,300	13,300
1006 40 00	Broken rice	3,400	3,400
1007 00 90	Sorghum	1,139	1,139

<sup>(1)</sup> 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).

<sup>(2)</sup> The goods concerned fall under CN code 3505 10 50.

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

<sup>(4)</sup> 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 800/2003**  
**of 8 May 2003**  
**amending representative prices and additional duties for the import of certain products 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 markets in the sugar sector <sup>(1)</sup>, as amended by Commission Regulation (EC) No 680/2002 <sup>(2)</sup>,

Having regard to Commission Regulation (EC) No 1423/95 of 23 June 1995 laying down detailed implementing rules for the import of products in the sugar sector other than molasses <sup>(3)</sup>, as last amended by Regulation (EC) No 624/98 <sup>(4)</sup>, and in particular the second subparagraph of Article 1(2), and Article 3(1) thereof,

Whereas:

- (1) The amounts of the representative prices and additional duties applicable to the import of white sugar, raw sugar and certain syrups are fixed by Commission Regulation (EC) No 1153/2002 <sup>(5)</sup>, as last amended by Regulation (EC) No 777/2003 <sup>(6)</sup>.

- (2) It follows from applying the general and detailed fixing rules contained in Regulation (EC) No 1423/95 to the information known to the Commission that the representative prices and additional duties at present in force should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

*Article 1*

The representative prices and additional duties on imports of the products referred to in Article 1 of Regulation (EC) No 1423/95 shall be as set out in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 9 May 2003.

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

Done at Brussels, 8 May 2003.

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

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

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

<sup>(3)</sup> OJ L 141, 24.6.1995, p. 16.

<sup>(4)</sup> OJ L 85, 20.3.1998, p. 5.

<sup>(5)</sup> OJ L 170, 29.6.2002, p. 27.

<sup>(6)</sup> OJ L 113, 7.5.2003, p. 3.

## ANNEX

**to the Commission Regulation of 8 May 2003 altering representative prices and the amounts of additional duties applicable to imports of white sugar, raw sugar and products covered by CN code 1702 90 99**

*(EUR)*

CN code	Amount of representative prices per 100 kg net of product concerned	Amount of additional duty per 100 kg net of product concerned
1701 11 10 <sup>(1)</sup>	16,80	7,90
1701 11 90 <sup>(1)</sup>	16,80	14,19
1701 12 10 <sup>(1)</sup>	16,80	7,71
1701 12 90 <sup>(1)</sup>	16,80	13,67
1701 91 00 <sup>(2)</sup>	19,16	16,99
1701 99 10 <sup>(2)</sup>	19,16	11,55
1701 99 90 <sup>(2)</sup>	19,16	11,55
1702 90 99 <sup>(3)</sup>	0,19	0,45

<sup>(1)</sup> For the standard quality as defined in Annex I, point II, to Council Regulation (EC) No 1260/2001 (OJ L 178, 30.6.2001, p. 1).

<sup>(2)</sup> For the standard quality as defined in Annex I, point I, to Council Regulation (EC) No 1260/2001 (OJ L 178, 30.6.2001, p. 1).

<sup>(3)</sup> By 1 % sucrose content.

## COMMISSION REGULATION (EC) No 801/2003

of 8 May 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 <sup>(1)</sup>, as last amended by Commission Regulation (EC) No 411/2002 <sup>(2)</sup>, 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 <sup>(3)</sup> 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 5 700 tonnes of rice to certain destinations. The procedure laid down in Article 7(4) of Commission Regulation (EC) No 1162/95 <sup>(4)</sup>, as last amended by Regulation (EC) No 2305/2002 <sup>(5)</sup>, 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 5 700 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 9 May 2003.

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

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

<sup>(3)</sup> OJ L 154, 15.6.1976, p. 11.

<sup>(4)</sup> OJ L 117, 24.5.1995, p. 2.

<sup>(5)</sup> 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, 8 May 2003.

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

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## ANNEX

**to the Commission Regulation of 8 May 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 <sup>(1)</sup>	Product code	Destination	Unit of measurement	Amount of refunds <sup>(1)</sup>
1006 20 11 9000	R01	EUR/t	102	1006 30 65 9900	R01	EUR/t	127
1006 20 13 9000	R01	EUR/t	102		064 and 066	EUR/t	153
1006 20 15 9000	R01	EUR/t	102		A97	EUR/t	133
1006 20 17 9000	—	EUR/t	—	1006 30 67 9100	021 and 023	EUR/t	133
1006 20 92 9000	R01	EUR/t	102		064 and 066	EUR/t	153
1006 20 94 9000	R01	EUR/t	102	1006 30 67 9900	064 and 066	EUR/t	153
1006 20 96 9000	R01	EUR/t	102	1006 30 92 9100	R01	EUR/t	127
1006 20 98 9000	—	EUR/t	—		R02	EUR/t	133
1006 30 21 9000	R01	EUR/t	102		R03	EUR/t	138
1006 30 23 9000	R01	EUR/t	102		064 and 066	EUR/t	153
1006 30 25 9000	R01	EUR/t	102		A97	EUR/t	133
1006 30 27 9000	—	EUR/t	—		021 and 023	EUR/t	133
1006 30 42 9000	R01	EUR/t	102	1006 30 92 9900	R01	EUR/t	127
1006 30 44 9000	R01	EUR/t	102		A97	EUR/t	133
1006 30 46 9000	R01	EUR/t	102		064 and 066	EUR/t	153
1006 30 48 9000	—	EUR/t	—		R01	EUR/t	127
1006 30 61 9100	R01	EUR/t	127	1006 30 94 9100	R02	EUR/t	133
	R02	EUR/t	133		R03	EUR/t	138
	R03	EUR/t	138		064 and 066	EUR/t	153
	064 and 066	EUR/t	153		A97	EUR/t	133
	A97	EUR/t	133		021 and 023	EUR/t	133
	021 and 023	EUR/t	133		A97	EUR/t	133
1006 30 61 9900	R01	EUR/t	127	1006 30 94 9900	R01	EUR/t	127
	A97	EUR/t	133		A97	EUR/t	133
	064 and 066	EUR/t	153		064 and 066	EUR/t	153
1006 30 63 9100	R01	EUR/t	127	1006 30 96 9100	R01	EUR/t	127
	R02	EUR/t	133		R02	EUR/t	133
	R03	EUR/t	138		R03	EUR/t	138
	064 and 066	EUR/t	153		064 and 066	EUR/t	153
	A97	EUR/t	133		A97	EUR/t	133
	021 and 023	EUR/t	133		021 and 023	EUR/t	133
1006 30 63 9900	R01	EUR/t	127	1006 30 96 9900	R01	EUR/t	127
	064 and 066	EUR/t	153		A97	EUR/t	133
	A97	EUR/t	133		064 and 066	EUR/t	153
1006 30 65 9100	R01	EUR/t	127	1006 30 98 9100	021 and 023	EUR/t	133
	R02	EUR/t	133		—	EUR/t	—
	R03	EUR/t	138	1006 40 00 9000	—	EUR/t	—
	064 and 066	EUR/t	153				
	A97	EUR/t	133				
	021 and 023	EUR/t	133				

<sup>(1)</sup> 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:	400 t,
destinations 064 and 066:	2 000 t,
destination A97:	300 t.

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

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

The other destinations are defined as follows:

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

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

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

**COMMISSION REGULATION (EC) No 802/2003****of 8 May 2003****on the issue of import licences for high-quality fresh, chilled or frozen beef and veal**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 936/97 of 27 May 1997 opening and providing for the administration of tariff quotas for high-quality fresh, chilled and frozen beef and for frozen buffalo meat <sup>(1)</sup>, as last amended by Regulation (EC) No 649/2003 <sup>(2)</sup>,

Whereas:

- (1) Regulation (EC) No 936/97 provides in Articles 4 and 5 the conditions for applications and for the issue of import licences for meat referred to in Article 2(f).
- (2) Article 2(f) of Regulation (EC) No 936/97 fixes the amount of high-quality fresh, chilled or frozen beef and veal originating in and imported from the United States of America and Canada which may be imported on special terms for the period 1 July 2002 to 30 June 2003 at 11 500 t.

- (3) It should be recalled that licences issued pursuant to this Regulation will, throughout the period of validity, be open for use only in so far as provisions on health protection in force permit,

HAS ADOPTED THIS REGULATION:

*Article 1*

1. All applications for import licences from 1 to 5 May 2003 for high-quality fresh, chilled or frozen beef and veal as referred to in Article 2(f) of Regulation (EC) No 936/97 shall be granted in full.
2. Applications for licences may be submitted, in accordance with Article 5 of Regulation (EC) No 936/97, during the first five days of June 2003 for 10 721,187 t.

*Article 2*

This Regulation shall enter into force on 11 May 2003.

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

Done at Brussels, 8 May 2003.

*For the Commission*

J. M. SILVA RODRÍGUEZ

*Agriculture Director-General*<sup>(1)</sup> OJ L 137, 28.5.1997, p. 10.<sup>(2)</sup> OJ L 95, 11.4.2003, p. 13.

**COMMISSION REGULATION (EC) No 803/2003**  
**of 8 April 2003**  
**amending Council Regulation (EC) No 2368/2002 implementing the Kimberley Process certification**  
**scheme for the international trade in rough diamonds**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2368/2002 implementing the Kimberley Process certification scheme for the international trade in rough diamonds <sup>(1)</sup>, as last amended by Commission Regulation (EC) No 762/2003 <sup>(2)</sup>, and in particular Article 20 thereof,

Whereas:

(1) Article 20 of Regulation (EC) No 2368/2002, as amended by Council Regulation (EC) No 254/2003 <sup>(3)</sup>, provides for the amending of the list of participants in the Kimberley Process certification scheme, including WTO Members and separate customs territories that fulfil the requirements of the scheme.

(2) The Chair of the Kimberley Process certification scheme, through the Chair's Notice of 5 May 2003, has provided an updated list of Participants in the scheme. The updating of the list concerns in particular the addition as Participants of Cameroon, Mali, Poland, Slovenia, Tunisia and Turkey, and the removal from the list of Romania. Annex II should therefore be amended accordingly.

(3) The Plenary Meeting of the Kimberley Process certification scheme of 28 to 30 April 2003 agreed that a revised list of Participants shall be issued by the Chair of the Kimberley Process certification scheme by 10 June 2003, and that all those on the revised list shall have their status as Participants confirmed or withdrawn by 31 July 2003 through a further decision of the Chair.

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

HAS ADOPTED THIS REGULATION:

*Article 1*

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

*Article 2*

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, 8 April 2003.

*For the Commission*  
Christopher PATTEN  
*Member of the Commission*

<sup>(1)</sup> OJ L 358, 31.12.2002, p. 28.

<sup>(2)</sup> OJ L 109, 1.5.2003, p. 10.

<sup>(3)</sup> OJ L 36, 11.2.2003, p. 7.

## ANNEX

## ‘ANNEX II

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

## ALGERIA

## ANGOLA

Ministry of Geology and Mines  
Rua Hochi Min  
Luanda

## ARMENIA

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

## AUSTRALIA

- Community Protection Section  
Australian Customs Section  
Customs House, 5 Constitution Avenue  
Canberra ACT 2601  
Australia
- Minerals Development Section  
Department of Industry, Tourism and Resources  
GPO Box 9839  
Canberra ACT 2601  
Australia

## BELARUS

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

## BOTSWANA

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

## BRAZIL

Ministry of Mines and Energy  
Esplanada dos Ministerios — Bloco “U” — 3.º andar  
70065 — 900 Brasilia — DF  
Brazil

## BURKINA FASO

## CAMEROON

## CANADA

— *International:*

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

— *For specimen of the Canadian KP Certificate:*

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

— *General enquiries:*

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

## CENTRAL AFRICAN REPUBLIC

Independent Diamond Valuers (IDV)  
Immeuble SOCIM, 2<sup>ème</sup> étage  
BP 1613 Bangui  
Central African Republic

## CHINA, People's Republic of

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

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

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

## CONGO, Democratic Republic of

Centre d'Evaluation, d'Expertise et de Certification (CEEC)  
17th floor, BCDC Tower  
30th June Avenue  
Kinshasa  
Democratic Republic of Congo

## HUNGARY

Licensing and Administration Office of the Ministry of Economy and  
Transport  
Margit krt. 85  
1024 Budapest  
Hungary

## CONGO, Republic of

## COTE D'IVOIRE

## CYPRUS

## CZECH REPUBLIC

Ministry of Finance  
Letenska 15  
Prague 1  
Czech Republic

## EUROPEAN COMMUNITY

European Commission  
DG External Relations/A/2  
B-1049 Brussels  
Belgium

## GABON

Ministry of Mines, Energy, Oil and Hydraulic Resources of Gabon  
B.P. 576 or 874  
Libreville  
Gabon

## GHANA

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

## GUINEA

Ministry of Mines and Geology  
BP 2696  
Conakry  
Guinea

## GUYANA

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

## INDIA

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

## ISRAEL

Ministry of Industry and Trade  
P.O. Box 3007  
521 30 Ramat Gan  
Israel

## JAPAN

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

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

## KOREA, Democratic People's Republic of

## KOREA, Republic of

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

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

## LAOS, People's Democratic Republic

Department of Foreign Trade,  
Ministry of Commerce  
Vientiane  
Laos

## LEBANON

## LESOTHO

Commission of Mines and Geology  
P.O. Box 750  
Maseru 100  
Lesotho

## MALAYSIA

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

## MALI

## MALTA

## MAURITIUS

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

## MEXICO

## NAMIBIA

Diamond Commission  
Ministry of Mines and Energy  
Private Bag 13297  
Windhoek  
Namibia

## NORWAY

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

## PHILIPPINES

## POLAND

## RUSSIAN FEDERATION

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

## SIERRA LEONE

Ministry of Mineral Resources  
Youyi Building  
Brookfields  
Freetown  
Sierra Leone

## SLOVENIA

## SOUTH AFRICA

South African Diamond Board  
240 Commissioner Street  
Johannesburg  
South Africa

## SRI LANKA

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

## SWAZILAND

Geological Surveys and Mines Department  
Box 9, Mbabane  
Swaziland

## SWITZERLAND

State Secretariat for Economic Affairs  
Export Control Policy and Sanctions  
Effingerstrasse 1  
3003 Berne  
Switzerland

## TAIWAN, PENGHU, KINMEN and MATSU, Separate Customs Territory

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

## TANZANIA

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

## THAILAND

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

## TOGO

Directorate General — Mines and Geology  
B.P. 356  
216, Avenue Sarakawa  
Lomé  
Togo

TUNISIA

2201 C St., N.W.  
Washington D.C.  
United States of America

TURKEY

UKRAINE

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

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

UNITED ARAB EMIRATES

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

UNITED STATES OF AMERICA

U.S. Department of State

VENEZUELA

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

VIETNAM

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

ZIMBABWE

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

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**COMMISSION REGULATION (EC) No 804/2003**  
**of 8 May 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 <sup>(1)</sup>, as last amended by Regulation (EC) No 1666/2000 <sup>(2)</sup>, 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 <sup>(3)</sup>, as last amended by Commission Regulation (EC) No 411/2002 <sup>(4)</sup>, 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 <sup>(5)</sup>, as amended by Regulation (EC) No 2993/95 <sup>(6)</sup>, 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 9 May 2003.

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

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

<sup>(3)</sup> OJ L 329, 30.12.1995, p. 18.

<sup>(4)</sup> OJ L 62, 5.3.2002, p. 27.

<sup>(5)</sup> OJ L 147, 30.6.1995, p. 55.

<sup>(6)</sup> OJ L 312, 23.12.1995, p. 25.

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

Done at Brussels, 8 May 2003.

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

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## ANNEX

## to the Commission Regulation of 8 May 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 <sup>(1)</sup>	C11	EUR/t	35,35	1104 23 10 9300	C14	EUR/t	29,04
1102 20 10 9400 <sup>(1)</sup>	C11	EUR/t	30,30	1104 29 11 9000	C13	EUR/t	0,00
1102 20 90 9200 <sup>(1)</sup>	C11	EUR/t	30,30	1104 29 51 9000	C13	EUR/t	0,00
1102 90 10 9100	C17	EUR/t	17,09	1104 29 55 9000	C13	EUR/t	0,00
1102 90 10 9900	C17	EUR/t	11,62	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	6,31
1103 19 40 9100	C16	EUR/t	0,00	1107 10 11 9000	C21	EUR/t	0,00
1103 13 10 9100 <sup>(1)</sup>	C19	EUR/t	45,45	1107 10 91 9000	C21	EUR/t	20,27
1103 13 10 9300 <sup>(1)</sup>	C19	EUR/t	35,35	1108 11 00 9200	C10	EUR/t	0,00
1103 13 10 9500 <sup>(1)</sup>	C19	EUR/t	30,30	1108 11 00 9300	C10	EUR/t	0,00
1103 13 90 9100 <sup>(1)</sup>	C14	EUR/t	30,30	1108 12 00 9200	C10	EUR/t	40,40
1103 19 10 9000	C16	EUR/t	31,89	1108 12 00 9300	C10	EUR/t	40,40
1103 19 30 9100	C14	EUR/t	17,65	1108 13 00 9200	C10	EUR/t	40,40
1103 20 60 9000	C20	EUR/t	0,00	1108 13 00 9300	C10	EUR/t	40,40
1103 20 20 9000	C17	EUR/t	11,62	1108 19 10 9200	C10	EUR/t	51,68
1104 19 69 9100	C14	EUR/t	17,09	1108 19 10 9300	C10	EUR/t	51,68
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 <sup>(2)</sup>	C10	EUR/t	39,58
1104 19 10 9000	C13	EUR/t	0,00	1702 30 59 9000 <sup>(2)</sup>	C10	EUR/t	30,30
1104 19 50 9110	C14	EUR/t	40,40	1702 30 91 9000	C10	EUR/t	39,58
1104 19 50 9130	C14	EUR/t	32,83	1702 30 99 9000	C10	EUR/t	30,30
1104 29 01 9100	C14	EUR/t	17,09	1702 40 90 9000	C10	EUR/t	30,30
1104 29 03 9100	C14	EUR/t	17,09	1702 90 50 9100	C10	EUR/t	39,58
1104 29 05 9100	C14	EUR/t	22,78	1702 90 50 9900	C10	EUR/t	30,30
1104 29 05 9300	C14	EUR/t	18,22	1702 90 75 9000	C10	EUR/t	41,47
1104 22 20 9100	C13	EUR/t	0,00	1702 90 79 9000	C10	EUR/t	28,79
1104 22 30 9100	C13	EUR/t	0,00	2106 90 55 9000	C10	EUR/t	30,30
1104 23 10 9100	C14	EUR/t	37,88				

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

<sup>(2)</sup> 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 1779/2002 (OJ L 269, 5.10.2002, 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 805/2003**  
**of 8 May 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 <sup>(1)</sup>, as last amended by Regulation (EC) No 1666/2000 <sup>(2)</sup>, 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 <sup>(3)</sup> 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 9 May 2003.

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

Done at Brussels, 8 May 2003.

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

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

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

<sup>(3)</sup> OJ L 147, 30.6.1995, p. 51.

## ANNEX

**to the Commission Regulation of 8 May 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	25,25
Cereal products excluding maize and maize products	C10	EUR/t	5,70

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.

**DIRECTIVE 2003/20/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**

**of 8 April 2003**

**amending Council Directive 91/671/EEC on the approximation of the laws of the Member States relating to compulsory use of safety belts in vehicles of less than 3,5 tonnes**

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 71(1) thereof,

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

Having regard to the opinion of the European Economic and Social Committee <sup>(2)</sup>,

After consulting the Committee of the Regions,

Acting in accordance with the procedure laid down in Article 251 of the Treaty <sup>(3)</sup>,

Whereas:

- (1) Article 153 of the Treaty requires in particular that, in order to ensure a high level of consumer protection, the Community shall contribute to protecting the health, safety and economic interests of consumers.
- (2) In its Resolution of 13 March 1984 <sup>(4)</sup>, the European Parliament made the compulsory use of safety belts on all roads, whether rural or urban, a priority measure. In its Resolution of 18 February 1986 <sup>(5)</sup>, it stressed the need to make the wearing of safety belts compulsory for all passengers, including children, except in public service vehicles.
- (3) Directive 91/671/EEC <sup>(6)</sup> provides for the compulsory use of child restraints on seats fitted with safety belts. That Directive does not specify the type of child-restraint system that would be appropriate and allows for the carriage of children without being restrained by an appropriate child restraint where such a restraint is unavailable.
- (4) Greater stringency in the use of such systems is necessary, thus moving closer to the principle of compulsory use referred to in the second paragraph of Article 2 of the Directive.

(5) By Council Decision 97/836/EC <sup>(7)</sup>, the Community acceded to the Agreement of the United Nations Economic Commission for Europe concerning the adoption of uniform technical prescriptions for wheeled vehicles, equipment and parts which can be fitted to and/or be used on wheeled vehicles and the conditions for reciprocal recognition of approvals granted on the basis of these prescriptions.

(6) By its accession to that Agreement, the Community acceded to a defined list of regulations established pursuant to that Agreement, including that concerning the approval of restraining devices for child occupants of power-driven vehicles (child restraints).

(7) Although the number of children fatally injured in car crashes is relatively small compared with child pedestrian or child cyclist fatalities, common child protection rules need to be reinforced. In particular, research has shown that the use of child restraints can make a substantial contribution to reducing the severity of injury in the event of a crash and that the risk of a more severe crash injury is higher for unrestrained children than for restrained children.

(8) Member States should nevertheless, with the Commission's agreement, be able to authorise certain exemptions for transport in their territory in the case of very specific situations; Member States should also take the necessary steps in order to avoid abuse.

(9) Since it is increasingly common for M2 and M3 vehicles to be fitted with safety belts in accordance with Commission Directives 96/36/EC <sup>(8)</sup>, 96/37/EC <sup>(9)</sup> and 96/38/EC <sup>(10)</sup>, it is reasonable that seated passengers should be required to use them. Passengers in such vehicles should be informed of the requirement to wear their safety belts when the vehicle is in motion.

<sup>(1)</sup> OJ C 96 E, 27.3.2001, p. 330.

<sup>(2)</sup> OJ C 260, 17.9.2001, p. 30.

<sup>(3)</sup> Opinion of the European Parliament of 31 May 2001 (OJ C 47 E, 21.2.2002, p. 156), Council Common Position of 14 November 2002 (OJ C 299 E, 3.12.2002, p. 38) and Decision of the European Parliament of 11 March 2003 (not yet published in the Official Journal).

<sup>(4)</sup> OJ C 104, 16.4.1984, p. 38.

<sup>(5)</sup> OJ C 68, 24.3.1986, p. 35.

<sup>(6)</sup> OJ L 373, 31.12.1991, p. 26.

<sup>(7)</sup> OJ L 346, 17.12.1997, p. 78.

<sup>(8)</sup> Commission Directive 96/36/EC of 17 June 1996 adapting to technical progress Council Directive 77/541/EEC relating to safety belts and restraint systems of motor vehicles (OJ L 178, 17.7.1996, p. 15).

<sup>(9)</sup> Commission Directive 96/37/EC of 17 June 1996 adapting to technical progress Council Directive 74/408/EEC relating to the interior fittings of motor vehicles (strength of seats and of their anchorages) (OJ L 186, 25.7.1996, p. 28).

<sup>(10)</sup> Commission Directive 96/38/EC of 17 June 1996 adapting to technical progress Council Directive 76/115/EEC relating to anchorages for motor vehicle safety belts (OJ L 187, 26.7.1996, p. 95).

- (10) There are not at present any studies recognised at Community level concerning the use of safety systems by children under three years of age in M2 and M3 vehicles. Accordingly, in view of the importance of protecting children against all types of accident, the Commission should carry out such studies in order to determine the most appropriate Community arrangements to apply to children travelling in such vehicles. Pending the completion of those studies, however, the Member States should be allowed to choose the arrangements to apply.
- (11) Technical developments are constantly taking place in the field of safety systems; machinery for technical adaptation should therefore be established.
- (12) The measures necessary for the implementation of this Directive should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission <sup>(1)</sup>,

HAVE ADOPTED THIS DIRECTIVE:

*Article 1*

Directive 91/671/EEC is hereby amended as follows:

1. the title shall be replaced by the following: 'Council Directive of 16 December 1991 relating to the compulsory use of safety belts and child-restraint systems in vehicles';
2. Article 1 shall be replaced by the following:

*'Article 1*

1. This Directive shall apply to all motor vehicles in categories M1, M2, M3, N1, N2 and N3 as defined in Annex II to Directive 70/156/EEC (\*), intended for use on the road, having at least four wheels and a maximum design speed exceeding 25 km/h.

2. For the purposes of this Directive:

- the definitions of safety systems, including safety belts and child restraints, with regard to vehicles in categories M1 and N1, and of the components thereof shall be those appearing in Annex I to Directive 77/541/EEC (\*\*),
- "rearward-facing" shall mean facing in the direction opposite to the normal direction of travel of the vehicle.

3. Child restraints shall be classified in five "mass groups":

- (a) group 0 for children of a mass of less than 10 kg;
- (b) group 0+ for children of a mass of less than 13 kg;

- (c) group I for children of a mass of from 9 kg to 18 kg;
- (d) group II for children of a mass of from 15 kg to 25 kg;
- (e) group III for children of a mass of from 22 kg to 36 kg.

4. Child restraints shall be subdivided into two classes:

- (a) an integral class comprising a combination of straps or flexible components with a securing buckle, adjusting device, attachments and in some cases a supplementary chair and/or impact shield, capable of being anchored by means of its own integral strap or straps;
- (b) a non-integral class that may comprise a partial restraint which, when used in conjunction with an adult belt which passes around the body of the child or restrains the device in which the child is placed, forms a complete child-restraint system.

(\*) Council Directive 70/156/EEC of 6 February 1970 on the approximation of the laws of the Member States relating to the type-approval of motor vehicles and their trailers (OJ L 42, 23.2.1970, p. 1). Directive as last amended by Commission Directive 2001/116/EC (OJ L 18, 21.1.2002, p. 1).

(\*\*) Council Directive 77/541/EEC of 28 June 1977 on the approximation of the laws of the Member States relating to safety belts and restraint systems of motor vehicles (OJ L 220, 29.8.1977, p. 95). Directive as last amended by Commission Directive 2000/3/EC (OJ L 53, 25.2.2000, p. 1).;

3. Article 2 shall be replaced by the following:

*'Article 2*

1. M1, N1, N2 and N3 vehicles:

- (a) (i) for M1, N1, N2 and N3 vehicles, Member States shall require that all occupants of vehicles in use shall use the safety systems provided.

Children less than 150 cm in height occupying M1, N1, N2 and N3 vehicles fitted with safety systems shall be restrained by an integral or non-integral child-restraint system, within the meaning of Article 1(4)(a) and (b), suitable for the child's mass as defined in Article 1(3);

in M1, N1, N2 and N3 vehicles that are not fitted with safety systems:

- children under three years of age may not be transported,
- without prejudice to point (ii), children aged three and over and less than 150 cm in height shall occupy a seat other than a front seat;

(<sup>1</sup>) OJ L 184, 17.7.1999, p. 23.



- (ii) Member States may allow, in their territory, children of less than 150 cm in height and of at least 135 cm in height to be restrained by a safety belt for adults. These height limits shall be re-examined according to the procedure referred to in Article 7b(2);
- (iii) Member States may, however, allow, in their territory, those children referred to in (i) and (ii) not to be restrained by a child-restraint system when travelling in taxis. However, when the abovementioned children are travelling in taxis not fitted with restraint systems they shall occupy a seat other than a front seat;
- (b) children may not be transported using a rearward-facing child-restraint system in a passenger seat protected by a front air bag, unless the air bag has been deactivated, even in cases where the air bag is automatically deactivated in a sufficient manner;
- (c) where a child-restraint system is used, it shall be approved to the standards of UN-ECE Regulation 44/03 or Directive 77/541/EEC, or any other subsequent adaptation thereto;
- (d) until 9 May 2008 Member States may permit the use of child-restraint systems approved in accordance with the national standards applicable in the Member State on the date of installation of the restraint system or with national standards equivalent to Regulation 44/03 of the United Nations Economic Commission for Europe or Directive 75/541/EEC.
2. M2 and M3 vehicles:
- (a) Member States shall require that all occupants aged three and over of M2 and M3 vehicles in use shall use the safety systems provided while they are seated.
- Child restraints shall be approved in accordance with paragraph (1)(c) and (d);
- (b) passengers in M2 and M3 vehicles shall be informed of the requirement to wear safety belts whenever they are seated and the vehicle is in motion. They shall be informed in one or more of the following ways:
- by the driver,
  - by the conductor, courier or official designated as group leader,
  - by audio-visual means (e.g. video),
  - by signs and/or the pictogram established by the Member States in accordance with the Community design in the Annex, prominently displayed at every seating position.;
4. Article 4 shall be deleted;

5. Article 6 shall be replaced by the following:

*'Article 6*

Member States may, for transport in their territory, with the Commission's agreement, grant exemptions other than those laid down in Article 5, in order:

- to take account of specific physical conditions, or particular circumstances of limited duration,
- to allow certain types of occupation to be carried out effectively,
- to ensure that the police, security or emergency services can perform their duties properly,
- where two child restraints are fitted in the rear of M1 and N1 vehicles and lack of space prevents the fitting of a third, to allow a third child, aged three or over and less than 150 cm in height, to be restrained by means of a safety belt for adults,
- to allow children aged three and over to be restrained by means of an adult safety belt, in seats other than the front seats of M1 and N1 vehicles, for occasional transport over a short distance when no child restraint or an insufficient number of child restraints is available in the vehicle,
- to take account of the specific conditions of use of M2 and M3 vehicles for local transport in urban and built-up areas, or in which standing is allowed.;

6. the following Articles shall be added:

*'Article 6a*

Member States may, with the Commission's agreement, grant temporary exemptions, other than those provided for in Articles 5 and 6, in order that, subject to compliance with the rules of the Member State concerned, for local transport operations, particularly for school buses, a greater number of seated children may be transported in M2 and M3 vehicles than there are seats available fitted with safety belts.

The period of validity of such exemptions, set by the Member State, may not be more than five years from 9 May 2003.

*Article 6b*

Member States may, for transport in their territory, grant temporary exemptions, other than those provided for in Articles 5 and 6, in order, subject to compliance with the rules of the Member State concerned, to allow a greater number of persons to be transported in seats other than the front seats of M1 and N1 vehicles than there are seats available fitted with safety belts or restraint systems.

The period of validity of such exemptions, set by the Member State, may not be more than six years from 9 May 2003';



7. the following Articles shall be added:

*Article 7a*

1. To take account of technical progress, Articles 2 and 6 of this Directive may be adapted in accordance with the procedure referred to in Article 7b(2).

2. The Commission shall continue to carry out studies on the safety systems most suitable for improving the protection of all passengers against all types of accident and shall submit to the European Parliament and the Council a report on the findings of those studies and on the application of this Directive, particularly on the exemptions granted by Member States pursuant to Article 6, in order to assess the advisability of strengthening safety measures and the need for greater harmonisation. Where appropriate, on the basis of this report, the Commission shall submit appropriate proposals.

*Article 7b*

1. The Commission shall be assisted by a committee.

2. Where reference is made to this paragraph, Articles 5 and 7 of Decision 1999/468/EC (\*) shall apply, having regard to the provisions of Article 8 thereof.

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

3. The Committee shall adopt its rules of procedure.

(\*) OJ L 184, 17.7.1999, p. 23.;

8. the Annex appearing in the Annex to this Directive shall be added.

*Article 2*

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive before 9 May 2006. They shall forthwith inform the Commission thereof.

When Member States adopt these measures, they shall contain a reference to this Directive or shall be accompanied by such reference on the occasion of their official publication. The methods of making such reference shall be laid down by Member States.

*Article 3*

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

*Article 4*

This Directive is addressed to the Member States.

Done at Luxembourg, 8 April 2003.

*For the European Parliament*

*The President*

P. COX

*For the Council*

*The President*

G. DRYS

ANNEX

'ANNEX

**COMMUNITY DESIGN FOR THE PICTOGRAM PROMINENTLY DISPLAYED AT EVERY SEATING POSITION  
FITTED WITH A SAFETY BELT IN M2 AND M3 VEHICLES COVERED BY DIRECTIVE 91/671/EEC**

(Colours: a white figure on a blue background)



## II

(Acts whose publication is not obligatory)

## COUNCIL

## COUNCIL DECISION

of 6 February 2003

**concerning the conclusion of an Agreement in the form of an Exchange of Letters between the European Community and Malta adding a Protocol on mutual administrative assistance in customs matters to the Agreement establishing an association between the European Economic Community and Malta**

(2003/315/EC)

THE COUNCIL OF THE EUROPEAN UNION,

HAS DECIDED AS FOLLOWS:

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

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

Whereas:

- (1) To allow mutual administrative assistance in customs matters between the two Parties as provided for in the Agreement establishing an association between the European Economic Community and Malta <sup>(2)</sup>, which entered into force on 1 April 1971, a Protocol should be added to that Agreement.
- (2) To that end, the Commission has negotiated on behalf of the Community a bilateral Agreement in the form of an Exchange of Letters.
- (3) The Agreement in the form of an Exchange of Letters should be approved on behalf of the Community,

*Article 1*

The Agreement in the form of an Exchange of Letters between the European Community and Malta adding a Protocol on mutual administrative assistance in customs matters to the Agreement establishing an association between the European Economic Community and Malta is hereby approved on behalf of the Community.

The text of the Agreement is attached to this Decision.

*Article 2*

The President of the Council is hereby authorised to designate the persons empowered to sign the Agreement in order to bind the Community.

Done at Brussels, 6 February 2003.

*For the Council*

*The President*

P. EFTHYMIU

<sup>(1)</sup> OJ C 45 E, 25.2.2003, p. 90.

<sup>(2)</sup> OJ L 61, 14.3.1971, p. 1.

**AGREEMENT IN THE FORM OF AN EXCHANGE OF LETTERS**

**between the European Community and Malta adding a Protocol on mutual administrative assistance in customs matters to the Agreement establishing an association between the European Economic Community and Malta**

*A. Letter from the European Community*

Brussels, 5 March 2003

Sir,

I have the honour to refer to the negotiations between representatives of the European Community and Malta with a view to concluding an Agreement on mutual administrative assistance in customs matters adding a Protocol to the Agreement establishing an association between the European Economic Community and Malta signed in Valletta on 5 December 1970.

The Protocol, the text of which is annexed hereto, shall form an integral part of the Agreement and shall enter into force on the first day of the second month following the accomplishment of this Exchange of Letters.

I should be grateful if you could confirm the agreement of Malta to the foregoing.

Please accept, Sir, the assurance of my highest consideration.

*For the European Community*A handwritten signature in black ink, appearing to read 'J. Gattolero', is written over a large, faint, stylized signature that spans across the bottom of the page.

*B. Letter from Malta*

Brussels, 5 March 2003

Sir,

I have the honour to acknowledge receipt of your letter of today's date with the following content:

'I have the honour to refer to the negotiations between representatives of the European Community and Malta with a view to concluding an Agreement on mutual administrative assistance in customs matters adding a Protocol to the Agreement establishing an association between the European Economic Community and Malta signed in Valletta on 5 December 1970.

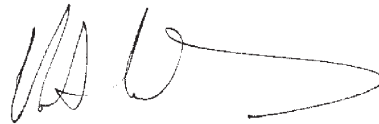
This Protocol, the text of which is annexed hereto, shall form an integral part of the Agreement and shall enter into force on the first day of the second month following the accomplishment of this Exchange of Letters.

I should be grateful if you could confirm the agreement of Malta to the foregoing.'

I can confirm the agreement of Malta to the foregoing.

Please accept, Sir, the assurance of my highest consideration.

*For the Government of Malta*



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## PROTOCOL

### on mutual administrative assistance in customs matters

#### Article 1

##### Definitions

For the purposes of this Protocol:

- (a) 'customs legislation' shall mean any legal or regulatory provisions adopted by the Community or Malta governing the import, export and transit of goods and their placing under any other customs regime or procedure, including measures of prohibition, restriction and control;
- (b) 'applicant authority' shall mean a competent administrative authority which has been designated by a Contracting Party for this purpose and which makes a request for assistance on the basis of this Protocol;
- (c) 'requested authority' shall mean a competent administrative authority which has been designated by a Contracting Party for this purpose and which receives a request for assistance on the basis of this Protocol;
- (d) 'personal data' shall mean all information relating to an identified or identifiable individual;
- (e) 'operation in breach of customs legislation' shall mean any violation or attempted violation of customs legislation.

#### Article 2

##### Scope

1. The Contracting Parties shall assist each other, in the areas within their competence, in the manner and under the conditions laid down in this Protocol, to ensure the correct application of the customs legislation, in particular by preventing, investigating and combating operations in breach of that legislation.

2. Assistance in customs matters, as provided for in this Protocol, shall apply to any administrative authority of the Contracting Parties which is competent for the application of this Protocol. It shall not prejudice the rules governing mutual assistance in criminal matters. Nor shall it cover information obtained under powers exercised at the request of a judicial authority, except where communication of such information is authorised by that authority.

3. Assistance to recover duties, taxes or fines is not covered by this Protocol.

#### Article 3

##### Assistance on request

1. At the request of the applicant authority, the requested authority shall provide it with all relevant information which may enable it to ensure that customs legislation is correctly

applied, including information regarding activities noted or planned which are or could be operations in breach of customs legislation.

2. At the request of the applicant authority, the requested authority shall inform it:

- (a) whether goods exported from the territory of one of the Contracting Parties have been properly imported into the territory of the other Contracting Party, specifying, where appropriate, the customs procedure applied to the goods;
- (b) whether goods imported into the territory of one of the Contracting Parties have been properly exported from the territory of the other Party, specifying, where appropriate, the customs procedure applied to the goods.

3. At the request of the applicant authority, the requested authority shall, within the framework of its legal or regulatory provisions, take the necessary steps to ensure special surveillance of:

- (a) natural or legal persons in respect of whom there are reasonable grounds for believing that they are or have been involved in operations in breach of customs legislation;
- (b) places where stocks of goods have been or may be assembled in such a way that there are reasonable grounds for believing that these goods are intended to be used in operations in breach of customs legislation;
- (c) goods that are or may be transported in such a way that there are reasonable grounds for believing that they are intended to be used in operations in breach of customs legislation;
- (d) means of transport that are or may be used in such a way that there are reasonable grounds for believing that they are intended to be used in operations in breach of customs legislation.

#### Article 4

##### Spontaneous assistance

The Contracting Parties shall assist each other, at their own initiative and in accordance with their legal or regulatory provisions, if they consider that to be necessary for the correct application of customs legislation, particularly by providing information obtained pertaining to:

- activities which are or appear to be operations in breach of customs legislation and which may be of interest to the other Contracting Party,
- new means or methods employed in carrying out operations in breach of customs legislation,

- goods known to be subject to operations in breach of customs legislation,
- natural or legal persons in respect of whom there are reasonable grounds for believing that they are or have been involved in operations in breach of customs legislation,
- means of transport in respect of which there are reasonable grounds for believing that they have been, are, or may be used in operations in breach of customs legislation.

#### Article 5

##### **Delivery, Notification**

At the request of the applicant authority, the requested authority shall, in accordance with legal or regulatory provisions applicable to the latter, take all necessary measures in order:

- to deliver any documents, or
- to notify any decisions

emanating from the applicant authority and falling within the scope of this Protocol, to an addressee residing or established in the territory of the requested authority.

Requests for delivery of documents or notification of decisions shall be made in writing in an official language of the requested authority or in a language acceptable to that authority.

#### Article 6

##### **Form and substance of requests for assistance**

1. Requests pursuant to this Protocol shall be made in writing. They shall be accompanied by the documents necessary to enable compliance with the request. Where required because of the urgency of the situation, oral requests may be accepted, but must be confirmed in writing immediately.
2. Requests pursuant to paragraph 1 shall include the following information:
  - (a) the applicant authority;
  - (b) the measure requested;
  - (c) the object of and the reason for the request;
  - (d) the legal or regulatory provisions and other legal elements involved;
  - (e) indications as exact and comprehensive as possible on the natural or legal persons who are the target of the investigations;
  - (f) a summary of the relevant facts and of the enquiries already carried out.

3. Requests shall be submitted in an official language of the requested authority or in a language acceptable to that authority. This requirement shall not apply to any documents that accompany the request under paragraph 1.

4. If a request does not meet the formal requirements set out above, its correction or completion may be requested; in the meantime, precautionary measures may be ordered.

#### Article 7

##### **Execution of requests**

1. In order to comply with a request for assistance, the requested authority shall proceed, within the limits of its competence and available resources, as though it were acting on its own account or at the request of other authorities of that same Contracting Party, by supplying information already possessed, by carrying out appropriate enquiries or by arranging for them to be carried out. This provision shall also apply to any other authority to which the request has been addressed by the requested authority when the latter cannot act on its own.

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

3. Duly authorised officials of a Contracting Party may, with the agreement of the other Contracting Party and subject to the conditions laid down by the latter, be present to obtain in the offices of the requested authority or any other concerned authority in accordance with paragraph 1, information relating to activities that are or may be operations in breach of customs legislation which the applicant authority needs for the purposes of this Protocol.

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

#### Article 8

##### **Form in which information is to be communicated**

1. The requested authority shall communicate results of enquiries to the applicant authority in writing together with relevant documents, certified copies or other items.
2. This information may be in computerised form.
3. Original documents shall be transmitted only upon request in cases where certified copies would be insufficient. These originals shall be returned at the earliest opportunity.

*Article 9***Exceptions to the obligation to provide assistance**

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

- (a) be likely to prejudice the sovereignty of Malta or that of a Member State which has been requested to provide assistance under this Protocol; or
- (b) be likely to prejudice public policy, security or other essential interests, in particular in the cases referred to under Article 10(2); or
- (c) violate an industrial, commercial or professional secret.

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

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

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

*Article 10***Information exchange and confidentiality**

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

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

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

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

*Article 11***Experts and witnesses**

An official of a requested authority may be authorised to appear, within the limitations of the authorisation granted, as an expert or witness in judicial or administrative proceedings regarding the matters covered by this Protocol, and produce such objects, documents or certified copies thereof, as may be needed for the proceedings. The request for appearance must indicate specifically before which judicial or administrative authority the official will have to appear, on what matters and by virtue of what title or qualification the official will be questioned.

*Article 12***Assistance expenses**

The Contracting Parties shall waive all claims on each other for the reimbursement of expenses incurred pursuant to this Protocol, except, as appropriate, for expenses to experts and witnesses, and those to interpreters and translators who are not public service employees.

*Article 13***Implementation**

1. The implementation of this Protocol shall be entrusted, on the one hand, to the customs authorities of Malta and, on the other hand, to the competent services of the Commission of the European Communities and the customs authorities of the Member States, as appropriate. They shall decide on all practical measures and arrangements necessary for its application, taking into consideration the rules in force in particular in the field of data protection. They may recommend to the competent bodies amendments which they consider should be made to this Protocol.



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

*Article 14*

**Other agreements**

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

- not affect the obligations of the Contracting Parties under any other international agreement or convention,
- be deemed complementary to agreements on mutual assistance which have been or may be concluded between individual Member States and Malta, and

— not affect the Community provisions governing the communication between the competent services of the Commission of the European Communities and the customs authorities of the Member States of any information obtained under this Protocol which could be of interest to the Community.

2. Notwithstanding paragraph 1, the provisions of this Protocol shall take precedence over the provisions of any bilateral agreement on mutual assistance which has been or may be concluded between individual Member States and Malta in so far as the provisions of the latter are incompatible with those of this Protocol.

3. In respect of questions relating to the applicability of this Protocol, the Contracting Parties shall consult each other to resolve the matter in the framework of the Special Committee set up by the Association Council under Article 12 of the Association Agreement.

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# COMMISSION

## COMMISSION DECISION

of 28 March 2003

**on the allocation of quantities of controlled substances allowed for essential uses in the Community in 2003 under Regulation (EC) No 2037/2000 of the European Parliament and of the Council**

*(notified under document number C(2003) 747)*

**(Only the Danish, Dutch, English, Finnish, French, German, Italian, Portuguese, Spanish and Swedish texts are authentic)**

**(Text with EEA relevance)**

(2003/316/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Regulation (EC) No 2037/2000 of the European Parliament and of the Council of 29 June 2000 on substances that deplete the ozone layer <sup>(1)</sup>, as last amended by Commission Decision 2003/160/EC <sup>(2)</sup>, and in particular to Articles 3(1) and 7 thereof;

Whereas:

- (1) The Community has already phased out the production and consumption of chlorofluorocarbons, other fully halogenated chlorofluorocarbons, halons, carbon tetrachloride, 1,1,1-trichloroethane, hydrobromofluorocarbons and bromochloromethane.
- (2) Each year the Commission has to determine essential uses for these controlled substances, the quantities that may be used and the companies that may use them.
- (3) Decision IV/25 of the Parties to the Montreal Protocol on substances that deplete the ozone layer, hereinafter 'the Montreal Protocol', sets out the criteria used by the Commission for determining any essential uses and authorises the production and consumption necessary to satisfy essential uses of controlled substances.
- (4) Decision X/19 of the Parties to the Montreal Protocol authorises the production and consumption necessary to satisfy essential uses of controlled substances listed in

Annexes A and B of the Montreal Protocol for laboratory and analytical uses as listed in Annex IV to the report of the Seventh Meeting of the Parties, subject to the conditions set out in Annex II to the report of the Sixth Meeting of the Parties, Decision VII/11 and Decision XI/15 of the Parties to the Montreal Protocol.

- (5) Substances required for essential uses that are not listed in Annexes A and B of the Montreal Protocol must be specifically approved by the Parties. This requirement applies to essential uses of hydrobromofluorocarbons and bromochloromethane that are listed in Annex C of the Montreal Protocol.
- (6) Pursuant to paragraph 3 of Decision XII/2 of the Twelfth Meeting of the Parties to the Montreal Protocol on measures to facilitate the transition to chlorofluorocarbon-free Metered-Dose Inhalers (MDIs), Austria, Belgium, Denmark, Finland, France, Germany, Ireland, Luxembourg, Norway, Portugal, the Netherlands and the United Kingdom have recently determined that chlorofluorocarbons (CFCs) are no longer essential for the manufacture of specific short-acting beta agonist CFC-MDIs <sup>(3)</sup>. Article 4(4)(i)(b) of Regulation (EC) No 2037/2000 prevents CFCs from being used and placed on the market unless they are considered essential under the conditions described in Article 3(1) of that Regulation. These non-essentiality determinations have reduced the

<sup>(1)</sup> OJ L 244, 29.9.2000, p. 1.

<sup>(2)</sup> OJ L 65, 8.3.2003, p. 29.

<sup>(3)</sup> [www.unep.org/ozone/dec12-2-3.shtml](http://www.unep.org/ozone/dec12-2-3.shtml)

demand for CFCs in the Community. In addition, Article 4(6) of Regulation (EC) No 2037/2000 prevents products being imported and placed on the market containing CFCs unless the CFCs are considered essential under the conditions described in Article 3(1).

- (7) The Commission has published a notice<sup>(1)</sup> to those companies in the Community that intend to use controlled substances for essential uses in the Community in 2003, and has received declarations on intended essential uses of controlled substances in 2003.
- (8) The measures provided for in this Decision are in accordance with the opinion of the Committee that followed the procedures established under Article 18 of Regulation (EC) No 2037/2000,

6. The quantity of controlled substances of Group VII (hydrobromofluorocarbons) subject to Regulation (EC) No 2037/2000 that may be used for essential laboratory uses in the Community in 2003 shall be 11 335 ODP kilograms

7. The quantity of controlled substances of group 'New' (bromochloromethane) subject to Regulation (EC) No 2037/2000 that may be used for essential laboratory uses in the Community in 2003 shall be 1 248 ODP kilograms.

#### Article 2

The chlorofluorocarbon metered-dose inhalers (CFC-MDIs) listed in Annex I shall not be placed on markets that have determined CFCs for these products to be non-essential.

HAS ADOPTED THIS DECISION:

#### Article 3

##### Article 1

1. The quantity of controlled substances of Group I (chlorofluorocarbons 11, 12, 113, 114 and 115) subject to Regulation (EC) No 2037/2000 which may be used for essential medical uses in the Community in 2003 shall be 1 895 260,00 ODP (ozone depletion potential) kilograms.

2. The quantity of controlled substances of Group I (chlorofluorocarbons 11, 12, 113, 114 and 115) and Group II (other fully halogenated chlorofluorocarbons) subject to Regulation (EC) No 2037/2000 which may be used for essential laboratory uses in the Community in 2003 shall be 87 211,365 ODP kilograms.

3. The quantity of controlled substances of Group III (halons) subject to Regulation (EC) No 2037/2000 that may be used for essential laboratory use in the Community in 2003 shall be 6 358,70 ODP kilograms.

4. The quantity of controlled substances of Group IV (carbon tetrachloride) subject to Regulation (EC) No 2037/2000 that may be used for essential laboratory uses in the Community in 2003 shall be 133 811,70 ODP kilograms.

5. The quantity of controlled substances of Group V (1,1,1-trichloroethane) subject to Regulation (EC) No 2037/2000 that may be used for essential laboratory uses in the Community in 2003 shall be 789,68 ODP kilograms.

During the period 1 January to 31 December 2003 the following rules shall apply:

1. the allocation of essential medical use quotas for chlorofluorocarbons 11, 12, 113, 114 and 115 shall be to the companies indicated in Annex II;
2. the allocation of essential laboratory use quotas for chlorofluorocarbons 11, 12, 113, 114 and 115 and other fully halogenated chlorofluorocarbons shall be to the companies indicated in Annex III;
3. the allocation of essential laboratory use quotas for halons shall be to the companies indicated in Annex IV;
4. the allocation of essential laboratory use quotas for carbon tetrachloride shall be to the companies indicated in Annex V;
5. the allocation of essential laboratory use quotas for 1,1,1-trichloroethane shall be to the companies indicated in Annex VI;
6. the allocation of essential laboratory use quotas for hydrobromofluorocarbons shall be to the companies indicated in Annex VII;
7. the allocation of essential laboratory use quotas for bromochloromethane shall be to the companies indicated in Annex VIII;
8. the essential use quotas for chlorofluorocarbons 11, 12, 113, 114 and 115, other fully halogenated chlorofluorocarbons, carbon tetrachloride, 1,1,1-trichloroethane, hydrobromofluorocarbons and bromochloromethane shall be as set out in Annex IX.

<sup>(1)</sup> OJ C 193, 13.8.2002, p. 20.

## Article 4

This Decision is addressed to:

3M Health Care Ltd  
3M House Morley Street  
Loughborough  
Leicestershire LE11 1EP  
United Kingdom

Acros Organics bvba  
Janssen Pharmaceuticaaan 3a  
B-2440 Geel

Agfa-Gevaert NV  
Septestraat 27  
B-2640 Mortsel

Atofina SA  
Cours Michelet — La Défense 10  
F-92091 Paris La Défense

Aventis  
London Road, Holmes Chapel  
Cheshire CW4 8BE  
United Kingdom

Bespak PLC  
North Lynn Industrial Estate  
King's Lynn  
Norfolk PE30 2JJ  
United Kingdom

Bie & Berntsen A/S  
Sandbækvej 7  
DK-2610 Rødovre

Biosolve BV  
Waalreneweg 17  
5554 HA Valkenswaard  
Nederland

Boehringer Ingelheim GmbH  
Binger Straße 173  
D-55216 Ingelheim am Rhein

Butterworth Laboratories Ltd  
54 Waldegrave Road, Teddington  
Middlesex TW11 8NY  
United Kingdom

Carl Roth GmbH  
Schoemperlenstr. 1-5  
D-76185 Karlsruhe

Chiesi Farmaceutici SpA  
Via Palermo 26/A  
I-43100 Parma

Dow Benelux BV  
Herbert H. Dowweg  
4542 NM Hoek  
Nederland

Ecotechnics SpA  
Via L. Longo 21/23  
I-50019 Sesto Fiorentino, Firenze

Environnement SA  
111, Bd Robespierre, BP 4513  
F-78304 Poissy

Fisher Scientific  
Bishop Meadow Road  
Loughborough LE11 5RG  
United Kingdom

GlaxoSmithKline  
Speke Boulevard  
Speke  
Liverpool L24 9JD  
United Kingdom

Groupe de Physique des Solides — CNRS  
Université Paris 7 Denis-Diderot et Paris 6 Pierre  
et Marie Curie  
F-75251 Paris Cedex 5

Honeywell Specialty Chemicals  
Wunstorfer Straße 40  
Postfach 100262  
D-30918 Seelze

IG Sprühtechnik GmbH  
Im Hemmet 1  
D-79664 Wehr

Ineos Fluor Ltd  
PO Box 13, The Heath  
Runcorn  
Cheshire WA7 4QF  
United Kingdom

IVAX Ltd  
Unit 301 Industrial Park  
Waterford  
Ireland

Jaba Farmacêutica SA  
Rua da Tapada Grande, 2  
P-2710-089 Abrunheira, Sintra

Katholieke Universiteit Leuven  
Krakenstraat 3  
B-3000 Leuven

Laboratorio Aldo Unión SA  
Baronesa de Maldá 73  
Esplugues de Llobregat  
E-08950 Barcelona

Laboratorios Lesvi SA  
Aptdo. Correos 65  
E-08740 Sant Andreu de la Barca

Laboratoires sérobiologiques  
3, rue de Seichamps  
F-54425 Pulnoy

Laboratorios Vita SA  
Avenue Barcelona 69  
E-08970 Sant Joan Despí

LGC Promochem GmbH  
Mercatorstr. 51  
D-46485 Wesel

Merck KGaA  
Frankfurter Straße 250  
D-64271 Darmstadt

Miza Pharmaceuticals Ltd  
Astmoor Industrial Estate  
9 Arkwright Road RUNCORN  
Cheshire WA7 1NU  
United Kingdom

Otsuka Pharmaceuticals SA (E)  
Provenca 388  
E-08025 Barcelona

Panreac Química SA  
Riera de Sant Cugat 1  
E-08110 Montcada I Reixac

Rathburn Chemicals Mfg Ltd  
Caberston Road  
Walkerburn EH43 6AS  
Scotland

Rohs Chemie GmbH  
Berliner Str. 54  
D-53819 Neunkirchen-Seelsheid

Schering-Plough Labo NV  
Industriepark 30  
B-2220 Heist Op Den Berg

SDS Solvants, Documentation, Synthèses SA  
ZI de Valdonne, BP 4  
F-13124 Peypin

SICOR S.p.A  
Via Terrazzano 77  
I-20017 Rho Milano

Sigma Aldrich Chemie GmbH  
Riedstraße 2  
D-89555 Steinheim

Sigma Aldrich Chimie SARL  
80, rue de Luzais, L'Île d'Abeau  
Chesnes  
F-38297 Saint-Quentin-Fallavier

Sigma Aldrich Company Ltd  
The Old Brickyard  
New Road  
Gillingham SP8 4XT  
United Kingdom

Sigma Aldrich Laborchemikalien  
Wunstorfer Straße 40, Postfach 100262  
D-30918 Seelze

Valeas SpA Pharmaceuticals  
Via Vallisneri, 10  
I-20133 Milano

Valois SA  
50, avenue de l'Europe  
F-78160 Marly-le-Roi

Valvole Aerosol Research Italiana (VARI) SpA —  
LINDAL Group Italia  
Via del Pino, 10  
I-23854 Olginate (LC)

VWR ISAS  
201, rue Carnot  
F-94126 Fontenay-sous-Bois

YA-Kemia Oy  
Teerisuonkuja 4  
FIN-00700 Helsinki

Done at Brussels, 28 March 2003.

*For the Commission*  
Margot WALLSTRÖM  
*Member of the Commission*

## ANNEX I

Pursuant to paragraph 3 of Decision XII/2 of the Twelfth Meeting of the Parties to the Montreal Protocol on measures to facilitate the transition to chlorofluorocarbon-free metered-dose inhalers (MDIs), the following Parties have determined in December 2002 that, due to the presence of suitable non-CFC MDIs, CFCs no longer qualify as 'essential' under the Protocol when combined with following products:

## List of Non-Essential Substances

Country	Product	Salbutamol	Terbutaline	Fenoterol	Orciprenaline	Reproterol	Carbuterol	Hexoprenaline	Pirbuterol	Clenbuterol	Bitolterol	Procaterol
Austria		x	x	x	x	x	x	x	x	x	x	x
Belgium		x	x	x	x	x	x	x	x	x	x	x
Denmark		x	x	x	x	x	x	x	x	x	x	x
Finland		x										
France		x										
Germany		x	x	x	x	x	x	x	x	x	x	x
Ireland		x										
Luxembourg		x										
Norway		x	x	x	x	x	x	x	x	x	x	x
Portugal		x	x	x	x	x	x	x	x	x	x	x
The Netherlands		x	x	x	x	x	x	x	x	x	x	x
United Kingdom		x										

Source: [www.unep.org/ozone/dec12-2-3.pdf](http://www.unep.org/ozone/dec12-2-3.pdf)

## ANNEX II

## Essential medical uses

Quota of controlled substances of Group I that may be used in the production of metered dose inhalers (MDIs) for the treatment of asthma and other chronic obstructive pulmonary diseases (COPDs) are allocated to:

3M (UK)	Lab Vita (E)
Aventis (UK)	Lab. Aldo-Union (E)
Bespak (UK)	MIZA Pharmaceuticals (UK)
Boehringer Ingelheim (D)	Otsuka Pharmaceuticals (E)
Chiesi (I)	Schering-Plough (B)
Glaxo Smith Kline (UK)	Sicor (I)
IG Sprühtechnik (D)	Valeas (I)
IVAX (IRL)	Valois (F)
Jaba Farmaceutica (P)	VARI (I)
Lab Lesvi (E)	

## ANNEX III

**Essential laboratory uses**

Quota of controlled substances of Group I and II that may be used for laboratory and analytical uses, are allocated to:

Agfa-Gevaert (B)	Ineos Fluor (UK)
Atofina (F)	Katholieke Universiteit Leuven (B)
Bie & Berntsen (DK)	LGC Promochem (D)
Biosolve (NL)	Merck KGaA (D)
Butterworth Laboratories (UK)	Panreac Quimica (E)
Carl Roth (D)	Rathburn Chemicals (UK)
Dow Benelux (NL)	SDS Solvants (F)
Ecotechnics SpA (I)	Sigma Aldrich Chemie (D)
Environnement SA (F)	Sigma Aldrich Chimie (F)
Groupe de Physique des Solides (F)	Sigma Aldrich Company (UK)
Honeywell Specialty Chemicals (D)	VWR ISAS (F)

## ANNEX IV

**Essential laboratory uses**

Quota of controlled substances of Group III that may be used for laboratory and analytical uses are allocated to:

Butterworth Laboratories (UK)  
Ineos Fluor (UK)  
Sigma Aldrich Company (UK)

## ANNEX V

**Essential laboratory uses**

Quota of controlled substances of Group IV that may be used for laboratory and analytical uses, are allocated to:

Acros Organics (B)	Rathburn Chemicals (UK)
Agfa-Gevaert (B)	Rohs Chemie (D)
Bie & Berntsen (DK)	SDS Solvants (F)
Biosolve (NL)	Sigma Aldrich Chemie (D)
Dow Benelux (NL)	Sigma Aldrich Chimie (F)
Fisher Scientific (UK)	Sigma Aldrich Company (UK)
Katholieke Universiteit Leuven (B)	Sigma Aldrich Laborchemikalien (D)
Laboratoires Sérologiques (F)	VWR ISAS (F)
Merck KGaA (D)	YA-Kemia Oy (FIN)
Panreac Quimica (E)	

## ANNEX VI

**Essential laboratory uses**

Quota of controlled substances of Group V that may be used for laboratory and analytical uses are allocated to:

Acros Organics (B)	Rathburn Chemicals (UK)
Agfa-Gevaert (B)	Sigma Aldrich Chemie (D)
Dow Benelux (NL)	Sigma Aldrich Chimie (F)
Katholieke Universiteit Leuven (B)	Sigma Aldrich Company (UK)
Merck KGaA (D)	VWR ISAS (F)
Panreac Quimica (E)	

## ANNEX VII

**Essential laboratory uses**

Quota of controlled substances of Group VII that may be used for laboratory and analytical uses are allocated to:

Acros Organics (B)  
Ineos Fluor (UK)  
Sigma Aldrich Chimie (F)  
Sigma Aldrich Company (UK)

Each quota cannot be debited until the Commission has notified each enterprise that the Parties to the Montreal Protocol have approved the use of hydrobromofluorocarbons in 2003 for Essential Uses.

## ANNEX VIII

**Essential laboratory uses**

Quota for bromochloromethane that may be used for laboratory and analytical uses are allocated to:

Ineos Fluor (UK)  
Sigma Aldrich Chimie (F)

Each quota cannot be debited until the Commission has notified each enterprise that the Parties to the Montreal Protocol have approved the use of bromochloromethane in 2003 for Essential Uses.

## ANNEX IX

[This Annex is not published because it contains confidential commercial information.]



## COMMISSION DECISION

of 8 May 2003

## amending Decision 2003/289/EC concerning protection measures in relation to avian influenza in Belgium

(notified under document number C(2003) 1555)

(Only the French and Dutch texts are authentic)

(Text with EEA relevance)

(2003/317/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 <sup>(1)</sup>, as last amended by Directive 2002/33/EC of the European Parliament and of the Council <sup>(2)</sup>, and, in particular, Article 10 thereof,

Having regard to Council Directive 89/662/EEC of 11 December 1989 concerning veterinary checks in intra-Community trade with a view to the completion of the internal market <sup>(3)</sup>, as last amended by Directive 92/118/EEC <sup>(4)</sup>, in particular Article 9 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 <sup>(5)</sup>, and in particular Article 4(1) and (3) thereof,

Whereas:

- (1) On 16 April 2003 the veterinary authorities of Belgium have informed the Commission about a strong suspicion of avian influenza in the province of Limburg, which was subsequently officially confirmed.
- (2) The Belgian authorities have immediately, before the official confirmation of the disease, implemented the measures foreseen in Council Directive 92/40/EEC <sup>(6)</sup> introducing Community measures for the control of avian influenza.
- (3) For the sake of clarity and transparency the Commission after consultation with the Belgian authorities, has taken Decision 2003/275/EC <sup>(7)</sup> of 16 April 2003 concerning protection measures in relation to strong suspicion of

avian influenza in Belgium, which has been subsequently replaced by Decision 2003/289/EC <sup>(8)</sup>, thereby reinforcing the measures taken by Belgium.

- (4) The measures laid down in Decision 2003/289/EC should be prolonged and adapted in the light of the evolution of the disease.
- (5) 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.
- (6) 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*

Decision 2003/289/EC is amended as follows:

1. In Article 1(3)(b) the words 'or shed' are inserted after the word 'holding'.
2. In Article 8 the time and date 'until 24.00 on 12 May 2003' are replaced by 'until 24.00 on 16 May 2003.'
3. The following Article 8a is added:

*'Article 8a*

Belgium shall amend the measures which it applies to trade so as to bring them into compliance with this Decision and shall give immediate appropriate publicity to the measures adopted. It shall immediately inform the Commission thereof.'

4. The text in the Annex is replaced by the text in the Annex to this Decision.

<sup>(1)</sup> OJ L 224, 18.8.1990, p. 29.

<sup>(2)</sup> OJ L 315, 19.11.2002, p. 14.

<sup>(3)</sup> OJ L 395, 30.12.1989, p. 13.

<sup>(4)</sup> OJ L 62, 15.3.1993, p. 49.

<sup>(5)</sup> OJ L 18, 23.1.2003, p. 11.

<sup>(6)</sup> OJ L 167, 22.6.1992, p. 1.

<sup>(7)</sup> OJ L 99, 17.4.2003, p. 57.

<sup>(8)</sup> OJ L 105, 26.4.2003, p. 24.

*Article 2*

This Decision is addressed to the Kingdom of Belgium.

Done at Brussels, 8 May 2003.

*For the Commission*  
David BYRNE  
*Member of the Commission*

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## ANNEX

## 'ANNEX

**Gebied A**

Het toezichtsgebied Limburg, afgebakend op 20 april 2003 om 10.00 uur, omvat het deel van het Belgische grondgebied dat gelegen is binnen de omtrek gevormd door:

- de N74 vanaf de Nederlandse grens in zuidelijke richting tot aan de Overpelterbaan (Overpelt);
- vervolgens, de Overpelterbaan in zuidelijke richting tot aan de kruising met de N747;
- vervolgens de N747 in zuidelijke richting tot aan de kruising met de N15;
- vervolgens de N15 in zuidelijke richting tot aan de kruising met de E314 (A2);
- vervolgens de E314 (A2) in oostelijke richting tot aan de kruising met de gemeentegrens tussen Houthalen-Helchteren en Genk;
- vervolgens de gemeentegrens tussen Houthalen-Helchteren en Genk, tussen Opglabbeek en achtereenvolgens As en Maaseik, en tussen Meeuwen-Gruitrode en Maaseik in noordoostelijke richting tot aan de kruising met de N771;
- vervolgens N771 in zuidoostelijke richting en voorbij de kruising met de N78 in dezelfde richting verlengd tot aan de grens met Nederland;
- vervolgens de grens met Nederland in noordelijke richting tot aan de N74.

**Gebied B**

Het beschermingsgebied Westmalle, afgebakend op 23 april 2003 om 18.00 uur, omvat het deel van het Belgische grondgebied dat gelegen is binnen de omtrek gevormd door:

- de N133 vanuit het centrum van Brecht in zuidoostelijke richting tot aan de kruising met de N12;
- vervolgens de N12 in zuidelijke richting tot aan de kruising met de Bethaniënlei (Zoersel);
- vervolgens de Bethaniënlei in westelijke richting tot aan de kruising met de Kerklei (Brecht);
- vervolgens de Kerklei in westelijke richting tot aan de kruising met de Brugstraat;
- vervolgens de Brugstraat, overgaand in de Handelslei in westelijke richting tot aan de kruising met de N115 (Brecht);
- vervolgens de N115 in noordoostelijke richting tot de kruising met de N133.

**Gebied C**

Het beschermingsgebied Meer, afgebakend op 24 april 2003 om 16.00 uur, omvat het deel van het Belgische grondgebied dat gelegen is binnen de omtrek gevormd door:

- de N146 (Meer) vanaf de Nederlandse grens in oostelijke en zuidelijke richting tot aan de kruising met Het Lak (Hoogstraten);
- vervolgens Het Lak, overgaand in de Terbeeksestraat in westelijke richting tot aan de kruising met de Gestelsestraat;
- vervolgens de Gestelsestraat, overgaand in Hinnenboomstraat in zuidelijke richting tot aan de kruising met de Blauwen Draaiboom;
- vervolgens de Blauwen Draaiboom in westelijke richting tot aan de kruising met de Vlamingweg (Wuustwezel);
- vervolgens de Vlamingweg in westelijke richting tot aan de kruising met de Muntweg;
- vervolgens de Muntweg in zuidwestelijke richting tot aan de kruising met de Meerseweg;
- vervolgens de Meerseweg in zuidelijke richting tot aan de kruising met de N144;
- vervolgens de N144 in westelijke richting tot de kruising met de Vloeiweg;
- vervolgens de Vloeiweg in noordelijke richting tot de kruising met Tereik;
- vervolgens Tereik in noordelijke richting tot aan de Nederlandse grens;
- vervolgens de Nederlandse grens in noordelijke richting tot aan de N146.

**Gebied D**

Het beschermingsgebied Loenhout, afgebakend op 28 april 2003 om 10.00 uur, omvat het deel van het Belgische grondgebied dat gelegen is binnen de omtrek gevormd door:

- de N144 vanaf de Vloeiweg (Loenhout) in oostelijke richting tot aan de kruising met Vorssingersweg;
- vervolgens de Vorssingersweg in zuidelijke richting en verder doorgetrokken tot aan de gemeentegrens tussen Wuustwezel en Brecht;
- vervolgens de gemeentegrens tussen Wuustwezel en Brecht in westelijke richting tot aan de Laboureur (Brecht);
- vervolgens de Laboureur in zuidoostelijke en vervolgens zuidwestelijke richting tot aan de kruising met de Vogelzang;
- vervolgens de Vogelzang in zuidoostelijke richting tot aan de kruising met de Achterkloosterstraat;

- vervolgens de Achterkloosterstraat in zuidwestelijke richting tot aan de kruising met de Kloosterstraat;
  - vervolgens de Kloosterstraat in zuidelijke richting tot aan de kruising met Grijspeird;
  - vervolgens Grijspeird in westelijke richting tot aan de kruising met de Vondel;
  - vervolgens de Vondel in zuidelijke richting tot aan de kruising met de Legeweg;
  - vervolgens de Legeweg in westelijke richting tot aan de kruising met de Broeckhovenstraat;
  - vervolgens de Broeckhovenstraat in westelijke richting tot aan de kruising met de N115;
  - vervolgens de N115 in westelijke richting tot aan de kruising met de N133;
  - vervolgens de N133 in noordelijke richting tot aan de kruising met de Akkerstraat (Wuustwezel);
  - vervolgens de Akkerstraat in oostelijke en noordelijke richting tot aan de kruising met de Donkweg;
  - vervolgens de Donkweg in oostelijke richting tot aan de kruising met de N144;
  - vervolgens de N144 in oostelijke richting tot aan de kruising met de Bosweg;
  - vervolgens de Bosweg in noordelijke richting tot aan de kruising met de Dijkweg;
  - vervolgens in vogelvlucht vanaf de kruising van de Dijkweg en de Bosweg in oostelijke richting tot aan de kruising van de Vloeiweg en de Hoekweg;
  - vervolgens de Vloeiweg in zuidelijke richting tot aan de kruising met de N144.'
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## COMMISSION DECISION

of 8 May 2003

## amending Decision 2003/290/EC concerning protective measures in relation to avian influenza in the Netherlands

(notified under document number C(2003) 1556)

(Only the Dutch text is authentic)

(Text with EEA relevance)

(2003/318/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 <sup>(1)</sup>, as last amended by Directive 2002/33/EC of the European Parliament and of the Council <sup>(2)</sup>, and in particular Article 10 thereof,

Having regard to Council Directive 89/662/EEC of 11 December 1989 concerning veterinary checks in intra-Community trade with a view to the completion of the internal market <sup>(3)</sup>, as last amended by Directive 92/118/EEC <sup>(4)</sup>, in particular Article 9 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 <sup>(5)</sup>, 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 Netherlands took immediate action as provided for by Council Directive 92/40/EEC <sup>(6)</sup> 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.
- (3) For the sake of clarity and transparency the Commission after consultation with the Dutch authorities, has taken Decision 2003/153/EC <sup>(7)</sup> of 3 March 2003 concerning protection measures in relation to strong suspicion of avian influenza in the Netherlands, thereby reinforcing the measures taken by the Netherlands.

- (4) Subsequently Decisions 2003/156/EC <sup>(8)</sup>, 2003/172/EC <sup>(9)</sup>, 2003/186/EC <sup>(10)</sup>, 2003/191/EC <sup>(11)</sup>, 2003/214/EC <sup>(12)</sup>, 2003/258/EC <sup>(13)</sup> and 2003/290/EC <sup>(14)</sup> were adopted after consultation with the Dutch authorities and evaluation of the situation with all Member States.
- (5) The measures laid down in Decision 2003/290/EC should be prolonged and adapted in the light of the evolution of the disease.
- (6) 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

Decision 2003/290/EC is amended as follows:

1. In Article 1(3)(b) the words 'or shed' are inserted after the word 'holding'.
2. In Article 8 the time and date 'until 24.00 on 12 May 2003' are replaced by 'until 24.00 on 16 May 2003.'

## Article 2

This Decision is addressed to the Netherlands.

Done at Brussels, 8 May 2003.

For the Commission

David BYRNE

Member of the Commission

<sup>(1)</sup> OJ L 224, 18.8.1990, p. 29.

<sup>(2)</sup> OJ L 315, 19.11.2002, p. 14.

<sup>(3)</sup> OJ L 395, 30.12.1989, p. 13.

<sup>(4)</sup> OJ L 62, 15.3.1993, p. 49.

<sup>(5)</sup> OJ L 18, 23.1.2003, p. 11.

<sup>(6)</sup> OJ L 167, 22.6.1992, p. 1.

<sup>(7)</sup> OJ L 59, 4.3.2003, p. 32.

<sup>(8)</sup> OJ L 64, 7.3.2003, p. 36.

<sup>(9)</sup> OJ L 69, 13.3.2003, p. 27.

<sup>(10)</sup> OJ L 71, 15.3.2003, p. 30.

<sup>(11)</sup> OJ L 74, 20.3.2003, p. 30.

<sup>(12)</sup> OJ L 81, 28.3.2003, p. 48.

<sup>(13)</sup> OJ L 95, 11.4.2003, p. 65.

<sup>(14)</sup> OJ L 105, 26.4.2003, p. 28.

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

### COUNCIL COMMON POSITION 2003/319/CFSP

of 8 May 2003

#### concerning European Union support for the implementation of the Lusaka Ceasefire Agreement and the peace process in the Democratic Republic of Congo (DRC) and repealing Common Position 2002/203/CFSP

THE COUNCIL OF THE EUROPEAN UNION,

HAS ADOPTED THIS COMMON POSITION:

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

#### Article 1

Whereas:

(1) The European Union considers that lasting peace in the DRC can be achieved through a negotiated peace fair to all parties, respect for the territorial integrity and national sovereignty of the DRC and respect for democratic principles and human rights in all States of the region, as well as for the principles of good neighbourliness and non-interference in domestic affairs, while taking account of the security interests of the DRC and its neighbouring countries.

The objective of this Common Position is to support the implementation of the Lusaka Ceasefire Agreement and of the various peace agreements, both internal and international, achieved in 2002 and 6 March 2003, and the relevant United Nations Security Council Resolutions, and the overall peace process under way in the DRC.

#### Article 2

(2) The Lusaka Ceasefire Agreement was signed on 10 July 1999 by the DRC, Angola, Namibia, Rwanda, Uganda, Zimbabwe, and later by the 'Mouvement pour la Liberation du Congo' and the 'Rassemblement Congolais pour la Democratie'. Following that, the Pretoria Agreement, between the DRC and Rwanda, was signed on 30 July 2002, the Luanda Agreement, between the DRC and Uganda, was signed on 6 September 2002, and the Pretoria Agreements, in the context of the Inter-Congolese Dialogue, were signed on 17 December 2002 and 6 March 2003 respectively.

The European Union will support action taken by the United Nations and the African Union in support of the implementation of the Lusaka Ceasefire Agreement, the Pretoria Agreement (July 2002), the Luanda Agreement (September 2002), and the Pretoria Agreements in the context of the Inter-Congolese Dialogue (December 2002 and March 2003 respectively), as well as the relevant Security Council Resolutions, and will cooperate closely with these organisations and other relevant actors of the international community in the implementation of this Common Position.

#### Article 3

(3) On 15 December 2001, the European Council in Laeken reaffirmed its full support for the Lusaka Ceasefire Agreement.

(4) The United Nations Security Council has adopted Resolutions 1234 (1999), 1258 (1999), 1291 (2000), 1304 (2000), 1332 (2000), 1341 (2001), 1355 (2001), 1376 (2001), 1399 (2002), 1417 (2002), 1445 (2002), 1457 (2003) and 1468 (2003).

The EU will continue to work for the strict observance of the ceasefire between the signatories to the Lusaka Agreement and, to this end, will continue to lend its support to the United Nations Organisation Mission in the Democratic Republic of the Congo (MONUC) and the Joint Military Commission (JMC). Recalling that the EU has commended foreign troops withdrawals from the DRC, following the Pretoria (July 2002) and Luanda (September 2002) Agreements, the EU will call for full withdrawal of all foreign troops from the DRC, in accordance with the Lusaka Agreement, the Pretoria and Luanda Agreements and the decisions taken on this basis, and the pertinent Security Council Resolutions, monitored as appropriate by MONUC.

(5) Council Common Position 2002/203/CFSP of 11 March 2002 concerning European Union support for the implementation of the Lusaka Ceasefire Agreement and the peace process in the Democratic Republic of Congo <sup>(1)</sup>, should be repealed,

<sup>(1)</sup> OJ L 68, 12.3.2003, p. 1.

*Article 4*

The EU considers that the peace agreements between the DRC and Rwanda (July 2002) and between the DRC and Uganda (September 2002) represent a major step for the normalisation of relations between the signatories and the restoration of lasting peace in the Great Lakes Region. The EU considers that full implementation of these Agreements is absolutely necessary and that this should be done in the same constructive spirit that led to the overall agreements and will call on all parties to refrain from supporting local groups opposed to these agreements.

*Article 5*

The EU will strive for the rapid implementation of the process of disarmament, demobilisation, repatriation, reintegration and resettlement (DDRRR) of combatants of armed groups, bearing in mind the distinction that has to be made between foreign and Congolese groups, as provided for under the Lusaka and Pretoria Agreements and which is an essential element for restoring peace to the region. The EU will recall that this process must be carried out voluntarily, with the cooperation of all the signatories to the Lusaka Agreement, and must lend itself to support by coordinated action by the international community. The EU will support action by MONUC, the third party verification mechanism, and the JMC, as provided for in relevant Security Council Resolutions, the Lusaka Agreement and the Pretoria Agreement (July 2002). The EU will offer further support to the disarmament, demobilisation, repatriation, reintegration and resettlement process by appropriate measures, in particular through support for the multi-country demobilisation and reintegration programme (MDRP) for the Great Lakes Region.

The EU will support the steps taken by the government of the DRC to collaborate with the International Criminal Tribunal for Rwanda, and will call on it to continue to do so.

*Article 6*

The EU affirms that it will support the global and all-inclusive Agreement on the transition in the DRC, signed in Pretoria on 17 December 2002, as well as the Pretoria Agreement of 6 March 2003 on the constitution of the transition and the memorandum on security and the army, in the context of the inter-Congolese dialogue. The EU will urge the signatory parties to implement in good faith the provisions of these agreements and to work together for the formation of an all-inclusive transitional national Government responsible for leading the DRC until the first democratic elections with a view to the early, full restoration of representative democracy, an essential guarantee for the country's lasting and equitable development. The EU will be ready to support the implementation of these agreements. The EU will give its full support to the special envoy of the UN Secretary-General for the Inter-Congolese Dialogue. The EU reaffirms its willingness to support the transition, as soon as its institutions are in place, with projects that are designed in

particular to promote aid to the population, the strengthening of state structures, the economic reconstruction of the country and DDRRR projects. In this context, the EU will underline the importance of adhering to the agreements between the DRC and the international financial institutions, especially the agreement concerning the poverty reduction and growth facility (PRGF) between the government of the DRC and the International Monetary Fund.

*Article 7*

The EU will call for an immediate stop to armed conflict and violence in all parts of the DRC. The EU condemns in the strongest terms the atrocities recently committed in the east of the country, particularly in the Ituri region. Those responsible must be brought to justice. The EU recalls that the Rome Statute of the International Criminal Court is applicable to all acts of genocide, crimes against humanity and war crimes committed on DRC territory after the statute's entry into force (1 July 2002). The EU will urge the complete withdrawal of foreign troops from the Ituri region, as well as increased DDRRR, the full implementation of MONUC's mandate, and peace-building efforts, which are vital in order to reach a degree of stability in Ituri and the Kivus. The EU will call on all the groups in the Ituri region to bring an end to the conflict there, and on all parties to cooperate fully in order to set up the Ituri Pacification Commission (IPC). The EU will also call for the integration to the IPC of those groups in the region that have not given their support to it yet. The EU believes the IPC is more likely to reach agreement under neutral chairmanship and against a backdrop of complete foreign troop withdrawal. The EU will call upon the Governments of the DRC, Rwanda and Uganda to use all their influence to bring an end to the tension and to work towards ensuring that conditions exist in the Ituri region which will allow the Luanda Agreement (September 2002) to be successfully implemented. The EU takes note of the recent amendment of the Luanda Agreement to this end, done at Dar es Salaam in February 2003 and, in accordance with UNSCR 1468 (2003), will call on the Government of Uganda to abide by its commitment to withdraw its troops without further delay.

*Article 8*

The EU condemns the illegal exploitation of natural resources, which represent one of the causes and consequences of four years of war, as well as a factor that fuels prolonged conflict, according to the recent UN report of the panel of experts on the illegal exploitation of natural resources and other forms of wealth of the DRC. The EU calls on all States to draw the appropriate consequences from the findings of the panel and calls on all states concerned to take the necessary measures. The EU supports the action agreed in UNSCR 1457 (2003), which should help bring to an end such exploitation. The EU stands ready to cooperate with the panel to fulfill its new mandate.



*Article 9*

The EU will ensure, bearing in mind the conditions set out in Article 6, an appropriate level of development and humanitarian aid to the DRC and will lend its support to the transitional Government for the reconstruction and development of the country, ensuring that such support benefits all the Congolese people and all the regions of the DRC, and that it contributes dynamically and proactively to the peace process by promoting the restoration of the Congolese State, good governance, an improvement in the economic situation and respect for human rights. The Council notes the Commission's intention to continue its efforts in pursuit of the above objectives.

*Article 10*

The EU will, in its cooperation with the countries in the region involved in the Congolese crisis, take account of the efforts made by the latter to implement the ceasefire and peace agreements and UNSCRs mentioned in Article 2.

*Article 11*

The EU will continue to support the Burundi peace process based on the Arusha Agreement, the success of which is linked to the solution of the Congolese crisis and which in itself could promote peace and stability in the Great Lakes Region. The EU will support the holding of an international conference on peace, security, democracy and development in the Great Lakes Region once progress in the Lusaka and Arusha peace processes so allows and the countries concerned so decide.

*Article 12*

The EU reserves the right to modify or cancel any activities in support of the implementation of the Lusaka Ceasefire Agreement and subsequent Agreements, if the parties do not abide by their terms.

*Article 13*

Common Position 2002/203/CFSP is hereby repealed.

*Article 14*

The implementation of this Common Position will be monitored regularly notably in order to take into account developments in the peace process in the DRC.

*Article 15*

This Common Position shall take effect on the day of its adoption. It shall be reviewed in the light of developments in the region. In any case, a new Decision shall be taken before 8 May 2004.

*Article 16*

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

Done at Brussels, 8 May 2003.

*For the Council*

*The President*

M. CHRISOCHOÏDIS

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