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I

(Acts whose publication is obligatory)

#### COUNCIL REGULATION (EC) No 814/2003 of 8 May 2003

amending Regulation (EC) No 2501/2001 applying a scheme of generalised tariff preferences for the period from 1 January 2002 to 31 December 2004

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal from the Commission,

#### Whereas:

- (1) Since its entry into force on 1 January 2002, Regulation (EC) No 2501/2001 (1) has been found to require certain amendments.
- (2) In particular, a specific provision should be introduced in order to allow any beneficiary country which would face a grave economic and financial crisis to be exempted from the graduation of new sectors. Furthermore, since the provisions of Regulation (EC) No 2501/2001 referring to sectors cannot apply to products to which no specific sector has been assigned, Annex III to the said Regulation should be amended so as to specify a sector for every product covered by any of the different arrangements.
- (3) It proved impossible to adopt the first decision envisaged in Article 12(5) of the abovementioned Regulation before 1 January 2003; it is therefore appropriate to provide that the removal of tariff preferences should apply, in two stages, from 1 November 2003 and 1 May 2004.
- (4) Regulation (EC) No 2501/2001 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

#### Article 1

Regulation (EC) 2501/2001 is hereby amended as follows:

- 1. The following paragraph shall be added to Article 10:
  - '3. The tariff preferences referred to in paragraphs 1 and 2 shall not apply to products of sectors in respect of which those tariff preferences have been removed, for the country of origin concerned, in accordance with column D of Annex I or a decision taken subsequently in accordance with Article 12.';

- 2. Paragraph 6 of Article 12 shall be replaced by the following:
  - '6. The first decision taken in accordance with paragraph 5 shall apply as follows:
  - it shall apply with respect to the removal of tariff preferences by 50 % as from 1 November 2003 and by 100 % as from 1 May 2004, in accordance with the procedure laid down in paragraph 1; and
  - it shall apply as from 1 January 2003 with respect to the re-establishment of tariff preferences, in accordance with the procedure laid down in paragraph 2.

Subsequently, decisions taken in accordance with paragraph 5 shall enter into force on 1 January of the second year following the one during which they were taken.';

- 3. The following paragraph shall be added to Article 12:
  - '8. Where a beneficiary country records a decrease of at least 3 % of its real Gross Domestic Product, expressed in its national currency and in respect of the most recent 12-month period for which data are available, paragraph 1 shall not apply to the decisions taken in accordance with paragraph 5.';
- 4. In Annex I, the explanatory part at the beginning shall be amended as follows:
  - In the reference to 'Column D', the parenthesis '(Article 7(8))' shall be replaced by '(Article 7(8) and Article 10(3))';
- 5. In Annex II, the text under Point 4 ('Statistical sources') shall be replaced by the following:

'The statistical source for per capita income is the World Bank's World Development Report, for quarterly gross domestic product the IMF International Financial Statistics, for manufactured exports the UN Comtrade statistics, and for Community imports the Comext statistics.';

6. In Annex III a further sector, as set out in the Annex to this Regulation, shall be added.

#### Article 2

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

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

Done at Brussels, 8 May 2003.

For the Council
The President
M. CHRISOCHOÏDIS

#### ANNEX

(Sector to be added to Annex III as referred to in Article 1, point 6)

'XXXIV	Other base metals and articles of base	7202 19; 7202 29; 7202 30 00; 7202 92 00; 7207 11 90;
	metal	7207 12 90; 7207 19 19; 7207 19 39; 7207 19 90;
		7207 20 19; 7207 20 59; 7207 20 79; 7208 90 90;
		7209 90 90; 7210 11 90; 7210 12 90; 7210 20 90;
		7210 30 90; 7210 41 90; 7210 49 90; 7210 50 90;
		7210 61 90; 7210 69 90; 7210 70 90; 7210 90 10;
		7210 90 90; 7211 23 91; 7211 23 99; 7211 29 50;
		7211 29 90; 7211 90 19; 7211 90 90; 7212 10 93;
		7212 10 99; 7212 20 19; 7212 20 90; 7212 30 19;
		7212 30 90; 7212 40 95; 7212 40 98; 7212 50 10;
		7212 50 58; 7212 50 75; 7212 50 91; 7212 50 93;
		7212 50 97; 7212 50 99; 7212 60 19; 7212 60 93;
		7212 60 99; 7215 10 00; 7215 50; 7215 90 90; 7216 61;
		7216 69 00; 7216 91; 7216 99 90; 7218 91 90;
		7218 99 19; 7218 99 91; 7218 99 99; 7219 90 90;
		7220 20 31; 7220 20 39; 7220 20 51; 7220 20 59;
		7220 20 91; 7220 20 99; 7220 90 19; 7220 90 39;
		7220 90 90; 7222 20; 7222 30 51; 7222 30 91;
		7222 30 98; 7222 40 91; 7222 40 93; 7222 40 99;
		7224 90 19; 7224 90 91; 7224 90 99; 7225 20 90;
		7225 91 90; 7225 92 90; 7225 99 90; 7226 11 90;
		7226 19 90; 7226 20 80; 7226 92 90; 7226 93 80;
		7226 94 80; 7226 99 80; 7228 10 50; 7228 10 90;
		7228 20 60; 7228 40; 7228 50; 7228 60 81; 7228 60 89;
		7228 70 91; 7228 70 99; 7229; 7301 20 00; 7302 10 10;
		7302 40 90; 7302 90 30; 7302 90 90.'

#### COUNCIL REGULATION (EC) No 815/2003

#### of 8 May 2003

### implementing Article 12 of Regulation (EC) No 2501/2001 applying a scheme of generalised tariff preferences for the period from 1 January 2002 to 31 December 2004

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2501/2001 of 10 December 2001 applying a scheme of generalised tariff preferences for the period from 1 January 2002 to 31 December 2004 (1), and in particular Article 12(5) and (8) thereof,

Having regard to the proposal from the Commission,

#### Whereas:

- (1) The tariff preferences referred to in Articles 7 and 10 of Regulation (EC) No 2501/2001 should be removed in respect of products, originating in a beneficiary country, of a sector which has met, during three consecutive years, either of the criteria laid down in that Regulation.
- (2) Tariff preferences which had been removed under previous schemes, should be re-established in respect of a sector that has not met, during three consecutive years, the criteria referred to in that Regulation.
- (3) The most recent and complete statistics available to establish which sectors meet the conditions laid down in Regulation (EC) No 2501/2001 are those for the years 1997 to 1999.
- (4) The date of application of this Regulation should be set taking into account the necessity for economic operators to adapt to the new customs duties thus established.
- (5) Annex I to Regulation (EC) No 2501/2001 should be replaced in order to reflect the removal or re-establishment of tariff preferences provided for in Articles 7 and 10,
- (6) The condition in Article 12(8) of Regulation (EC) No 2501/2001, whereby the removal of tariff preferences does not apply in cases where a beneficiary country faces

- a decrease of at least 3 % of its real gross domestic product, has been met by Argentina, Uruguay and Venezuela in respect of the most recent 12-month period for which data are available.
- (7) The Committee referred to in Article 37 of Regulation (EC) No 2501/2001 did not deliver an opinion in favour of the proposed Commission Regulation submitted by that Institution with regard to measures to be taken pursuant to Article 12 of that Regulation,

HAS ADOPTED THIS REGULATION:

#### Article 1

- 1. The tariff preferences provided for in Articles 7 and 10 of Regulation (EC) No 2501/2001 shall be removed by 50 % with effect from 1 November 2003 and by 100 % with effect from 1 May 2004, in respect of products originating in the beneficiary countries listed in Annex I to this Regulation, falling under the sectors mentioned in that Annex alongside each country concerned.
- 2. The tariff preferences provided for in Articles 7 and 10 of Regulation (EC) No 2501/2001 shall be re-established with effect from 1 January 2003 in respect of products originating in the beneficiary countries listed in Annex II to this Regulation, falling under the sectors mentioned in that Annex alongside each country concerned.
- 3. Annex I to Regulation (EC) No 2501/2001 shall be replaced by Annex III to this Regulation.

#### Article 2

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

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

Done at Brussels, 8 May 2003.

For the Council
The President
M. CHRISOCHOÏDIS

## $\label{eq:annex} \textit{ANNEX I}$ Sectors in respect of which tariff preferences shall be removed

Country code	Beneficiary country	Sector	Description
BR	Brazil	XIX	Wood
CN	People's Republic of China	III XVI XX XXVIII XXIX XXXII	Edible products of animal origin Plastics and rubber Paper Electro-mechanics Consumer electronics Optical and clocks
СО	Colombia	V	Trees, plants, cut flowers, edible vegetables and nuts
CR	Costa Rica	V	Trees, plants, cut flowers, edible vegetables and nuts
KW	Kuwait	XIII	Mineral products
MA	Morocco	XV	Fertilisers
MU	Mauritius	XXII	Clothing
MX	Mexico	XI XIV XXIV	Edible preparations of meat or fish and beverages Chemicals except fertilisers Glass and ceramic
TH	Thailand	XXIX	Consumer electronics
TN	Tunisia	XV	Fertilisers
		XXII	Clothing

## $\label{eq:ANNEXII} ANNEX {\it II}$ Sectors in respect of which tariff preferences shall be re-established

Country code	Beneficiary country	Sector	Description
AR	Argentina	III XI	Edible products of animal origin Edible preparations and beverages
BR	Brazil	XXX	Transport equipment
CL	Chile	IX XV	Lac, gums and resins Fertilisers
KZ	Kazakhstan	XV XXV XXVII	Fertilisers Jewellery and precious metals Base metals and articles of base metal, other than products of sector
MX	Mexico	III V	Edible products of animal origin Trees, plants, cut flowers, edible vegetables and nuts
MY	Malaysia	VII XXII	Cereals and malt and starches Clothing
RU	Russian Federation	XXVII	Base metals and articles of base metal, other than products of sector XXVI
TH	Thailand	V XXII XXXIII	Trees, plants, cut flowers, edible vegetables and nuts Clothing Miscellaneous

#### ANNEX III

#### 'ANNEX I

#### Beneficiary countries and territories of the Community's scheme of generalised tariff preferences

Column A: code according to the nomenclature of countries and territories for the external trade statistics of the Community

Column B: name of country

Column C: sectors not included in the general arrangements for the beneficiary country concerned (Article 7(7))

Column D: sectors in respect of which tariff preferences have been removed for the beneficiary country concerned (Article 7(8) and Article 10(3))

Column E: countries included in the special incentive arrangements for the protection of labour rights (Title III, Section 1)

Column F: sectors included in these arrangements for the beneficiary country concerned (Article 8(1) and (2))

Column G: countries included in the special incentive arrangements for the protection of the environment (Title III, Section 2)

Column H: countries included in the special arrangements for least developed countries (Article 9)

Column I: countries included in the special arrangements to combat drug production and trafficking (Title IV)

A	В	С	D	Е	F	G	Н	I
		-	D	E	r	G	п	1
AE	United Arab Emirates							
AF	Afghanistan						X	
AG	Antigua and Barbuda							
AI	Anguilla							
AM	Armenia	II, XXVI						
AN	Netherlands Antilles							
AO	Angola						X	
AQ	Antarctica							
AR	Argentina		I, XVII					
AS	American Samoa							
AW	Aruba							
AZ	Azerbaijan	II, XXVI						
ВВ	Barbados							
BD	Bangladesh						X	
BF	Burkina Faso						X	
ВН	Bahrain							
BI	Burundi						X	
ВЈ	Benin						X	



A	В	С	D	Е	F	G	Н	I
BM	Bermuda							
BN	Brunei Darussalam		XXV					
ВО	Bolivia							X
BR	Brazil		I, VI, IX, XI, XII, XVII, XIX, XX, XXIII, XXVI					
BS	Bahamas							
ВТ	Bhutan						X	
BV	Bouvet Island							
BW	Botswana							
BY	Belarus	II, XXVI	XV					
BZ	Belize							
CC	Cocos Islands (or Keeling Islands)							
CD	Democratic Republic of Congo						X	
CF	Central African Republic						X	
CG	Congo							
CI	Côte d'Ivoire							
CK	Cook Islands							
CL	Chile		V					
CM	Cameroon							
CN	People's Republic of China	XXVI (¹)	III, IV, VIII, XIV, XVI, XVIII, XX, XXII, XXIII, XXIV, XXVII, XXVII, XXIX, XXXII, XXXII, XXXII					
СО	Colombia		V					X
CR	Costa Rica		V					X
CU	Cuba							
CV	Cape Verde						X	
CX	Christmas Islands							
CY	Cyprus							
DJ	Djibouti						X	
DM	Dominica							
DO	Dominican Republic							
DZ	Algeria							
EC	Ecuador							X
EG	Egypt							
ER	Eritrea						X	
ET	Ethiopia						X	



A	В	С	D	Е	F	G	Н	I
FJ	Fiji		D	E	r	9	11	
FK	Falklands Islands							
FM	Federated States of Micronesia							
GA	Gabon							
GD	Grenada							
GE	Georgia	II, XXVI						
GH	Ghana							
GI	Gibraltar							
GL	Greenland	II						
GM	Gambia						X	
GN	Guinea						X	
GQ	Equatorial Guinea						X	
GS	South Georgia and South Sandwich Islands							
GT	Guatemala							X
GU	Guam							
GW	Guinea-Bissau						X	
GY	Guyana							
НМ	Heard Island and McDonald Islands							
HN	Honduras							X
НТ	Haiti						X	
ID	Indonesia		X, XIX, XXIII					
IN	India		XVII, XVIII, XXI					
IO	British Indian Ocean Territory							
IQ	Iraq							
IR	Iran (Islamic Republic of)							
JM	Jamaica							
JO	Jordan							
KE	Kenya							<u></u>
KG	Kyrgyzstan	II, XXVI						
KH	Cambodia						X	_ <del></del>
KI	Kiribati						X	<u> </u>
KM	Comoros						X	ı



A	В	С	D	Е	F	G	Н	I
KN	St Kitts and Nevis							
KW	Kuwait		XIII					
KY	Cayman Islands							
KZ	Kazakhstan	II, XXVI						
LA	Lao People's Democratic Republic						X	
LB	Lebanon							
LC	St Lucia							
LK	Sri Lanka							
LR	Liberia						X	
LS	Lesotho						X	
LY	Libyan Arab Jamahiriya		XIII					
MA	Morocco		XV					
MD	Moldova (Republic of)	II, XXVI		X	All except II and XXVI			
MG	Madagascar						X	
МН	Marshall Islands							
ML	Mali						X	
MM	Myanmar						X	
MN	Mongolia							
МО	Macao		XXII					
MP	Northern Mariana Islands							
MR	Mauritania						X	
MS	Montserrat							
MU	Mauritius		XXII					
MV	Maldives						X	
MW	Malawi						X	
MX	Mexico		XI, XIV, XXIV, XXVI					
MY	Malaysia		X, XVI, XIX, XXIX					
MZ	Mozambique						X	
NA	Namibia							
NC	New Caledonia							
NE	Niger						X	
NF	Norfolk Island							
NG	Nigeria							
NI	Nicaragua							X



A	В	С	D	E	F	G	Н	I
NP	Nepal						X	
NR	Nauru							
NU	Niue Island							
OM	Oman							
PA	Panama							X
PE	Peru							X
PF	French Polynesia							
PG	Papua New Guinea							
PH	Philippines		X					
PK	Pakistan		XVII, XVIII, XXI					X
PM	St Pierre and Miquelon							
PN	Pitcairn							
PW	Palau							
PY	Paraguay							
QA	Qatar							
RU	Russian Federation	II, XXVI	XIII, XV					
RW	Rwanda						X	
SA	Saudi Arabia		XIII					
SB	Solomon Islands						X	
SC	Seychelles							
SD	Sudan						X	
SH	Santa Helena							
SL	Sierra Leone						X	
SN	Senegal						X	
SO	Somalia						X	
SR	Suriname							
ST	São Tomé and Príncipe						X	
SV	El Salvador							X
SY	Syrian Arab Republic							
SZ	Swaziland							
TC	Turks and Caicos Islands							
TD	Chad						X	
TF	French Southern territories							
TG	Togo						X	

A	В	С	D	E	F	G	Н	I
TH	Thailand		II, XI, XVI, XVIII, XXIII, XXV, XXIX					
TJ	Tajikistan	II, XXVI						
TK	Tokelau Islands							
TM	Turkmenistan	II, XXVI						
TN	Tunisia		XV, XXII					
ТО	Tonga							
TP	East Timor							
TT	Trinidad and Tobago							
TV	Tuvalu						X	
TZ	Tanzania (United Republic of)						X	
UA	Ukraine	II, XXVI	VIII, XV					
UG	Uganda						X	
UM	United States minor outlying islands							
UY	Uruguay		I					
UZ	Uzbekistan	II, XXVI						
VC	St Vincent and Northern Grenadines							
VE	Venezuela							X
VG	Virgin Islands (British)							
VI	Virgin Islands (USA)							
VN	Viet Nam							
VU	Vanuatu						X	
WF	Wallis and Futuna							
WS	Samoa						X	
YE	Yemen						X	
YT	Mayotte							
ZA	South Africa	XXVI						
ZM	Zambia						X	
ZW	Zimbabwe							

<sup>(1)</sup> Only the products of sector XXVI which are underlined in Annex III are not included for the People's Republic of China, pursuant to Article 7(7).

#### COMMISSION REGULATION (EC) No 816/2003

#### of 12 May 2003

amending Regulation (EC) No 2808/98 laying down detailed rules for the application of the agrimonetary system for the euro in agriculture

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 (¹), and in particular Article 9 thereof,

#### Whereas.

- (1) Article 4 of Commission Regulation (EC) No 2808/98 (²), as last amended by Regulation (EC) No 2452/2000 (³), provides that the exchange rate to be used for the conversion into national currency of the aid per hectare and the amounts of a structural or environmental character is the average of the exchange rates applicable during the month preceding the date of the operative event calculated *pro rata temporis*. How that average is calculated should be laid down.
- (2) Regulation (EC) No 2808/98 should be amended accordingly.

(3) 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 following sentence is added to Article 4(3) of Regulation (EC) No 2808/98:

'The average of the exchange rates shall be fixed by the Commission during the month following the date of the operative event.'

#### 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, 12 May 2003.

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

<sup>(</sup>²) OJ L 349, 24.12.1998, p. 36.

<sup>(3)</sup> OJ L 282, 8.11.2000, p. 9.

#### COMMISSION REGULATION (EC) No 817/2003

#### of 12 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 (¹), as last amended by Regulation (EC) No 1947/2002 (²), and in particular Article 4(1) thereof,

#### Whereas:

(1) Regulation (EC) No 3223/94 lays down, pursuant to the outcome of the Uruguay Round multilateral trade negotiations, the criteria whereby the Commission fixes the standard values for imports from third countries, in respect of the products and periods stipulated in the Annex thereto. (2) In compliance with the above criteria, the standard import values must be fixed at the levels set out in the Annex to this Regulation,

HAS ADOPTED THIS REGULATION:

#### Article 1

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

#### Article 2

This Regulation shall enter into force on 13 May 2003.

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

Done at Brussels, 12 May 2003.

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

ANNEX
to the Commission Regulation of 12 May 2003 establishing the standard import values for determining the entry price of certain fruit and vegetables

(EUR/100 kg)

CN code	Third country code (1)	Standard import value
0702 00 00	052 096 999	77,5 150,7 114,1
0707 00 05	052 999	109,0 109,0
0709 90 70	052 999	93,1 93,1
0805 10 10, 0805 10 30, 0805 10 50	052 204 220 600 624 999	39,8 46,0 52,9 51,1 56,2 49,2
0805 50 10	528 999	62,2 62,2
0808 10 20, 0808 10 50, 0808 10 90	388 400 404 508 512 524 528 720 804 999	81,6 111,8 107,8 79,6 82,4 61,4 74,8 111,9 95,4 89,6

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

#### **COMMISSION REGULATION (EC) No 818/2003**

#### of 12 May 2003

fixing Community producer and import prices for carnations and roses with a view to the application of the arrangements governing imports of certain floricultural products originating in Cyprus, Israel, Jordan, Morocco and the West Bank and the Gaza Strip

THE COMMISSION OF THE EUROPEAN COMMUNITIES.

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 4088/87 of 21 December 1987 fixing conditions for the application of preferential customs duties on imports of certain flowers originating in Cyprus, Israel, Jordan, Morocco and the West Bank and the Gaza Strip (1), as last amended by Regulation (EC) No 1300/ 97 (2), and in particular Article 5(2)(a) thereof,

Pursuant to Article 2(2) and Article 3 of abovementioned Regulation (EEC) No 4088/87, Community import and producer prices are fixed each fortnight for uniflorous (bloom) carnations, multiflorous (spray) carnations, large-flowered roses and small-flowered roses and apply for two-weekly periods. Pursuant to Article 1b of Commission Regulation (EEC) No 700/88 of 17 March 1988 laying down detailed rules for the application of the arrangements for the import into the Community of certain floricultural products originating in Cyprus, Israel, Jordan, Morocco and the West Bank and the

Gaza Strip (3), as last amended by Regulation (EC) No 2062/ 97 (4), those prices are determined for fortnightly periods on the basis of weighted prices provided by the Member States. Those prices should be fixed immediately so the customs duties applicable can be determined. To that end, provision should be made for this Regulation to enter into force immediately,

HAS ADOPTED THIS REGULATION:

#### Article 1

The Community producer and import prices for uniflorous (bloom) carnations, multiflorous (spray) carnations, large-flowered roses and small-flowered roses as referred to in Article 1b of Regulation (EEC) No 700/88 for a fortnightly period shall be as set out in the Annex.

#### Article 2

This Regulation shall enter into force on 13 May 2003. It shall apply from 14 to 27 May 2003.

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

Done at Brussels, 12 May 2003.

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

<sup>(3)</sup> OJ L 72, 18.3.1988, p. 16. (4) OJ L 289, 22.10.1997, p. 1.

#### ANNEX

to the Commission Regulation of 12 May 2003 fixing Community producer and import prices for carnations and roses with a view to the application of the arrangements governing imports of certain floricultural products originating in Cyprus, Israel, Jordan, Morocco and the West Bank and the Gaza Strip

(EUR/100 pieces)

#### Period: from 14 to 27 May 2003

Community producer price	Uniflorous (bloom) carnations	Multiflorous (spray) carnations	Large-flowered roses	Small-flowered roses
	20,23	12,42	36,67	22,89
Community import prices	Uniflorous (bloom) carnations	Multiflorous (spray) carnations	Large-flowered roses	Small-flowered roses
Israel	6,08	16,52	19,04	16,89
Morocco	18,03	13,74	_	_
Cyprus	_	_	_	_
Jordan	_	_	_	_
West Bank and Gaza Strip	4,42	_	_	_

#### **COMMISSION REGULATION (EC) No 819/2003** of 12 May 2003

#### suspending the preferential customs duties and re-establishing the Common Customs Tariff duty on imports of small-flowered roses originating in Israel

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 4088/87 of 21 December 1987 fixing conditions for the application of preferential customs duties on imports of certain flowers originating in Cyprus, Israel, Jordan and Morocco and the West Bank and the Gaza Strip (1), as last amended by Regulation (EC) No 1300/97 (2), and in particular Article 5(2)(b) thereof,

- Whereas:
- (1) Regulation (EEC) No 4088/87 lays down the conditions for applying a preferential duty on large-flowered roses, small-flowered roses, uniflorous (bloom) carnations and multiflorous (spray) carnations within the limit of tariff quotas opened annually for imports into the Community of fresh cut flowers.
- Council Regulation (EC) No 747/2001 (3), as amended (2)by Commission Regulation (EC) No 209/2003 (4), opens and provides for the administration of Community tariff quotas for cut flowers and flower buds, fresh, originating in Cyprus, Egypt, Israel, Malta, Morocco and the West Bank and the Gaza Strip respectively.
- Commission Regulation (EC) No 818/2003 (5) fixes the Community producer and import prices for carnations and roses for the application of the import arrangements.
- Commission Regulation (EEC) No 700/88 (6), as last (4) amended by Regulation (EC) No 2062/97 (7), lays down the detailed rules for the application of the arrangements.

On the basis of prices recorded pursuant to Regulations (EEC) No 4088/87 and (EEC) No 700/88, it must be concluded that the conditions laid down in Article 2(3) of Regulation (EEC) No 4088/87 for suspension of the preferential customs duty are met for small-flowered roses originating in Israel. The Common Customs Tariff duty should be re-established.

- (6) The quota for the products in question covers the period 1 January to 31 December 2003. As a result, the suspension of the preferential duty and the reintroduction of the Common Customs Tariff duty apply up to the end of that period at the latest.
- In between meetings of the Management Committee for Live Plants and Floriculture Products, the Commission must adopt such measures,

HAS ADOPTED THIS REGULATION:

#### Article 1

For imports of small-flowered roses (CN code ex 0603 10 10) originating in Israel, the preferential customs duty fixed by Regulation (EC) No 747/2001 is hereby suspended and the Common Customs Tariff duty is hereby re-established.

Article 2

<sup>(</sup>¹) OJ L 382, 31.12.1987, p. 22. (²) OJ L 177, 5.7.1997, p. 1. (³) OJ L 199, 2.8.1994, p. 1. (⁴) OJ L 28, 4.2.2003, p. 30. (⁵) See page 15 of this Official Journal. (°) OJ L 72, 18.3.1988, p. 16. (²) OJ L 289, 22.10.1997, p. 1.

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

Done at Brussels, 12 May 2003.

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

#### **COMMISSION REGULATION (EC) No 820/2003**

#### of 12 May 2003

fixing the maximum export refund on wholly milled long grain B rice to certain third countries in connection with the invitation to tender issued in Regulation (EC) No 1898/2002

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

#### Whereas:

- An invitation to tender for the export refund on rice was issued pursuant to Commission Regulation (EC) No 1898/2002 (3).
- (2) Article 5 of Commission Regulation (EEC) No 584/ 75 (4), as last amended by Regulation (EC) No 1948/ 2002 (5), allows the Commission to fix, in accordance with the procedure laid down in Article 22 of Regulation (EC) No 3072/95 and on the basis of the tenders submitted, a maximum export refund. In fixing this maximum, the criteria provided for in Article 13 of Regulation (EC) No 3072/95 must be taken into account. A contract is awarded to any tenderer whose tender is equal to or less than the maximum export refund.

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

HAS ADOPTED THIS REGULATION:

#### Article 1

The maximum export refund on wholly milled long grain B rice to be exported to certain third countries pursuant to the invitation to tender issued in Regulation (EC) No 1898/2002 is hereby fixed on the basis of the tenders submitted from 5 to 8 May 2003 at 295,00 EUR/t.

#### Article 2

This Regulation shall enter into force on 13 May 2003.

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

Done at Brussels, 12 May 2003.

<sup>(</sup>¹) OJ L 329, 30.12.1995, p. 18. (²) OJ L 62, 5.3.2002, p. 27. (³) OJ L 287, 25.10.2002, p. 11. (°) OJ L 61, 7.3.1975, p. 25.

<sup>(5)</sup> OJ L 299, 1.11.2002, p. 18.

#### **COMMISSION REGULATION (EC) No 821/2003**

#### of 12 May 2003

fixing the maximum export refund on wholly milled round grain rice to certain third countries in connection with the invitation to tender issued in Regulation (EC) No 1896/2002

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

#### Whereas:

- An invitation to tender for the export refund on rice was issued pursuant to Commission Regulation (EC) No 1896/2002 (3).
- (2) Article 5 of Commission Regulation (EEC) No 584/ 75 (4), as last amended by Regulation (EC) No 1948/ 2002 (5), allows the Commission to fix, in accordance with the procedure laid down in Article 22 of Regulation (EC) No 3072/95 and on the basis of the tenders submitted, a maximum export refund. In fixing this maximum, the criteria provided for in Article 13 of Regulation (EC) No 3072/95 must be taken into account. A contract is awarded to any tenderer whose tender is equal to or less than the maximum export refund.

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

HAS ADOPTED THIS REGULATION:

#### Article 1

The maximum export refund on wholly milled round grain rice to be exported to certain third countries pursuant to the invitation to tender issued in Regulation (EC) No 1896/2002 is hereby fixed on the basis of the tenders submitted from 5 to 8 May 2003 at 153,00 EUR/t.

#### Article 2

This Regulation shall enter into force on 13 May 2003.

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

Done at Brussels, 12 May 2003.

<sup>(</sup>¹) OJ L 329, 30.12.1995, p. 18. (²) OJ L 62, 5.3.2002, p. 27. (³) OJ L 287, 25.10.2002, p. 5. (⁴) OJ L 61, 7.3.1975, p. 25.

<sup>(5)</sup> OJ L 299, 1.11.2002, p. 18.

#### **COMMISSION REGULATION (EC) No 822/2003**

#### of 12 May 2003

fixing the maximum export refund on wholly milled round grain, medium grain and long grain A rice to be exported to certain third countries in connection with the invitation to tender issued in Regulation (EC) No 1897/2002

THE COMMISSION OF THE EUROPEAN COMMUNITIES.

Having regard to the Treaty establishing the European Community,

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

- An invitation to tender for the export refund on rice was (1)issued pursuant to Commission Regulation (EC) No 1897/2002 (3).
- Article 5 of Commission Regulation (EEC) No 584/ (2) 75 (4), as last amended by Regulation (EC) No 1948/ 2002 (5), allows the Commission to fix, in accordance with the procedure laid down in Article 22 of Regulation (EC) No 3072/95 and on the basis of the tenders submitted, a maximum export refund. In fixing this maximum, the criteria provided for in Article 13 of Regulation (EC) No 3072/95 must be taken into account. A contract is awarded to any tenderer whose tender is equal to or less than the maximum export refund.

- The application of the abovementioned criteria to the current market situation for the rice in question results in the maximum export refund being fixed at the amount specified in Article 1.
- 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 maximum export refund on wholly milled grain, medium grain and long grain A rice to be exported to certain third countries pursuant to the invitation to tender issued in Regulation (EC) No 1897/2002 is hereby fixed on the basis of the tenders submitted from 5 to 8 May 2003 at 153,00 EUR/t.

#### Article 2

This Regulation shall enter into force on 13 May 2003.

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

Done at Brussels, 12 May 2003.

<sup>(</sup>¹) OJ L 329, 30.12.1995, p. 18. (²) OJ L 62, 5.3.2002, p. 27. (³) OJ L 287, 25.10.2002, p. 8. (⁴) OJ L 61, 7.3.1975, p. 25.

<sup>(5)</sup> OJ L 299, 1.11.2002, p. 18.

II

(Acts whose publication is not obligatory)

#### **COUNCIL**

#### **COUNCIL DECISION**

#### of 19 December 2002

on declassifying the Schengen consultation network (technical specifications)

(2003/330/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 207 thereof,

#### Whereas:

- (1) Document SCH/II-Vision (99) 5 lays down, *inter alia*, the principles pursuant to which the computerised procedure for consultation, for the purposes of issuing visas, of the central authorities referred to in Article 17(2) of the Convention implementing the Schengen Agreement of 14 June 1985 between the Governments of the States of the Benelux Economic Union, the Federal Republic of Germany and the French Republic on the gradual addition of checks at their common borders, signed in Schengen on 19 June 1990, must be applied.
- (2) Council Decision 2000/645/EC of 17 October 2000 correcting the Schengen *acquis* as contained in Schengen Executive Committee SCH/Com-ex(94) 15 rev. (¹) confirmed that document SCH/II-Vision (99) 5 constituted part of the Schengen *acquis* and Article 2 of that Decision classified the document as confidential.
- (3) Document SCH/II-Vision (99) 5 was subsequently amended by Council Decisions of 24 April 2001 and of 19 December 2002, in accordance with the provisions of Article 1 of Council Regulation (EC) No 789/2001 of 24 April 2001 reserving to the Council implementing powers with regard to certain detailed provisions and practical procedures for examining visa applications (2).
- (4) Document SCH/II-Vision (99) 5, as subsequently amended, (hereinafter the 'Schengen consultation network (technical specifications)'), should now be partly declassified; the remaining parts of the Schengen consultation network (technical specifications) should have their classification downgraded to 'Restreint UE'.

(5) It is appropriate to repeal Article 2 of Decision 2000/645/EC, so that future decisions on the classification of the Schengen consultation network (technical specifications) may be taken in accordance with the normal rules on the classification of documents, as set out in Council Decision 2001/264/EC of 19 March 2001 adopting the Council's security regulations (3),

HAS DECIDED AS FOLLOWS:

#### Article 1

The Schengen consultation network (technical specifications) shall be declassified, with the exception of points 2 and 3 of part I thereof and Annexes 3, 6, 7 and 9 thereto.

#### Article 2

Points 2 and 3 of part I of and Annexes 3, 6, 7 and 9 to the Schengen consultation network (technical specifications) shall be classified 'Restreint UE'.

#### Article 3

- 1. Article 2 of Decision 2000/645/EC shall be repealed.
- 2. Future decisions on the classification of the Schengen consultation network (technical specifications) shall be taken in accordance with the provisions of Decision 2001/264/EC.

<sup>(1)</sup> OJ L 272, 25.10.2000, p. 24.

<sup>(2)</sup> OJ L 116, 26.4.2001, p. 2.

<sup>(3)</sup> OJ L 101, 11.4.2001, p. 1.

#### Article 4

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

Done at Brussels, 19 December 2002.

For the Council The President L. ESPERSEN

#### **COMMISSION**

#### **COMMISSION DECISION**

of 7 May 2003

amending Decision 2003/56/EC on health certificates for the importation of live animals and animal products from New Zealand

(notified under document number C(2003) 1460)

(Text with EEA relevance)

(2003/331/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Decision 97/132/EC of 17 December 1996 on the conclusion of the Agreement between the European Community and New Zealand on sanitary measures applicable to trade in live animals and animal products (¹), as amended by Decision 1999/837/EC (²), and in particular Article 4 thereof.

Whereas:

- (1) Commission Decision 2003/56/EC of 24 January 2003 on health certificates for the importation of live animals and animal products from New Zealand (³), lays down the certification requirements and models of the official health certificates for the importation of live animals and animal products from New Zealand.
- (2) That Decision implements full equivalence for certain animal products by laying down the models of the official health certificates on that basis in accordance with Annex VII to the Agreement between the Community and New Zealand on sanitary measures applicable to trade in live animals and animal products (the Agreement).
- (3) In order to facilitate the changeover to the new official health certificates, Decision 2003/56/EC provides for a transitional period of a maximum of 90 days. That transitional period expires on 2 May 2003.

- (4) The Joint Management Committee for the Agreement, in its meeting of 27 and 28 February, issued a recommendation concerning determination of equivalence of certification systems for a further range of animal products. That recommendation, leading to full equivalence for those products, needs to be implemented in accordance with Annex VII to the Agreement. Therefore, the model of the official health certificate for those products as laid down in Annex I to Decision 2003/56/EC should also be replaced by the model as set out in Annexes II to V to that Decision.
- (5) Accordingly, in order to facilitate the changeover to the new official health certificates, it is necessary to extend the transitional period provided for in Decision 2003/56/EC by a further 30 days.
- (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

Article 4 of Decision 2003/56/EC is replaced by the following:

'Article 4

For a transitional period not exceeding 120 days from the date of application of this Decision, Member States shall authorise the importation of live animals and animal products set out in Annex I under the models of certificates previously applicable.'

<sup>(1)</sup> OJ L 57, 26.2.1997, p. 4.

<sup>(</sup>²) OJ L 332, 23.12.1999, p. 1.

<sup>(3)</sup> OJ L 22, 25.1.2003, p. 38.

Article 2

This Decision shall apply from 2 May 2003.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 7 May 2003.

For the Commission
David BYRNE
Member of the Commission

#### **COMMISSION DECISION**

#### of 8 May 2003

#### amending Decision 2003/126/EC as regards the financial assistance for two Community reference laboratories in the United Kingdom

(notified under document number C(2003) 1464)

(Only the Spanish, German, English, French and Dutch texts are authentic)

(2003/332/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Decision 90/424/EEC of 26 June 1990 on expenditure in the veterinary field (1), as last amended by Decision 2001/572/EC (2) and, in particular, Article 28(2) thereof,

#### Whereas:

- (1)Commission Decision 2003/126/EC on financial aid from the Community for the operation of certain Community reference laboratories in the field of veterinary public health (biological risks) for the year 2003 (3) grants Community financial aid to them to carry out certain functions and duties.
- The laboratory of the Centre for Environment, Fisheries (2)and Aquaculture Science (CEFAS) at Weymouth, United Kingdom, designated as the Community reference laboratory for monitoring the viral and bacteriological contamination of bivalve molluscs by Council Decision 1999/313/EC (4), was requested to add to its annual work programme a project in support of the development of Community food safety policy and legislation in the area of bacterial and viral contamination of bivalve molluscs, where special attention should be paid to the assessment of risks related to zoonotic diseases causing major concern to public health.
- (3)CEFAS presented such project in February 2003. The objective of the project is to investigate some aspects of microbiological accumulation in bivalve shellfish in relation to human health, specially in the area of contamination of shellfish by Norovirus (NV) and hepatitis A virus (HAV), the detection of NVs in shellfish and the detection of both total vibrios and pathogenic strains in bivalve shellfish.

- In the light of the zoonotic importance of bacterial and viral contamination of bivalve molluscs, it is appropriate to provide financial assistance for a period of not more than one year to cover certain costs incurred by CEFAS in order to carry out the project. Therefore, the Community financial assistance should be increased to cover CEFAS's amended annual work programme.
- (5) Regulation (EC) No 999/2001 of the European Parliament and of the Council of 22 May 2001 laying down rules for the prevention, control and eradication of certain transmissible spongiform encephalopathies (5), as last amended by Commission Regulation (EC) No 260/ 2003 (6), provides for a procedure to establish the status of a country with respect to bovine spongiform encephalopathy (BSE). The Regulation also sets out a BSE monitoring programme for the Community.
- Regulation (EC) No 999/2001 furthermore designates the Veterinary Laboratories Agency at Weybridge, United Kingdom as the Community reference laboratory (CRL) for transmissible spongiform encephalopathies (TSEs). Its functions includes collecting and collating data on the results of tests carried out in the Community and keeping abreast of trends in surveillance, epidemiology and prevention of TSEs throughout the world.
- The Commission has invited the CRL for TSEs to add to (7) its annual work programme the analysis of the results of the Community BSE monitoring programme and the development, on the basis of such analysis, of an epidemiological valid integrated approach to initial and continuing evaluation of country BSE status. In carrying out this task, the CRL for TSEs takes into account the method developed by the Scientific Steering Committee (SSC) for assessment of the geographical BSE risk and the recommendations of the International Animal Health Organisation (OIE) on BSE risk categories and surveillance and monitoring systems. To this end, the CRL for TSEs has added a project, presented on 20 February 2003, to its annual work programme. Therefore, the Community financial assistance should be increased to cover the amended annual work programme of the CRL for TSEs.

<sup>(</sup>¹) OJ L 224, 18.8.1990, p. 19. (²) OJ L 203, 28.7.2001, p. 16. (³) OJ L 50, 25.2.2003, p. 25.

<sup>(4)</sup> OJ L 120, 8.5.1999, p. 40.

<sup>(5)</sup> OJ L 147, 31.5.2001, p. 1. (6) OJ L 37, 13.2.2003, p. 7.

- (8) Rules laid down in Commission Regulation (EC) No 324/2003 of 20 February 2003 establishing the eligibility criteria for the expenditure of the Community reference laboratories receiving financial assistance under Article 28 of Decision 90/424/EEC and establishing the procedures for the submission of expenditure and the conduct of audits (1), should apply without prejudice to the need for providing different deadlines appropriate to the schedule for the projects concerned.
- (9) Decision 2003/126/EC should be amended accordingly.
- (10) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS DECISION:

#### Article 1

Decision 2003/126/EC, is amended as follows:

- 1. Article 5(2) is replaced by:
  - '2. The financial assistance is hereby set at a maximum of EUR 648 775 for the period 1 January 2003 to 31 December 2003.

Within the maximum referred to in the first subparagraph and without prejudice to the time limits laid down in Article 2 of Commission Regulation (EC) No 324/2003, an amount of EUR 508 755 shall be reserved for the project to investigate some aspects of microbiological accumulation in bivalve shellfish in relation to human public health, specially in the area of contamination of shellfish by Norovirus (NV) and hepatitis A virus (HAV), the detection of NVs in shellfish and the detection of both total vibrios and pathogenic strains in bivalve, and shall be directly granted to the Community reference laboratory for monitoring the viral and bacteriological contamination of bivalve molluscs at Weymouth subject to:

(a) forwarding monthly intermediate reports on the progress of the project;

- (b) forwarding a draft report by 31 December 2003 at the latest:
- (c) forwarding a final report, accompanied by justifying evidence as to the costs incurred, by 31 March 2004.
- 2. Article 6(2) is replaced by:
  - '2. The financial assistance is hereby set at a maximum of EUR 530 000 for the period 1 January 2003 to 31 December 2003.

Within the maximum referred to in the first subparagraph and without prejudice to the time limits laid down in Article 2 of Commission Regulation (EC) No 324/2003, an amount of EUR 170 000 shall be reserved for the project to the development of guidelines for evaluation of BSE status of countries using surveillance data in conjunction with exposure risk assessment and shall be granted to the Community reference laboratory for TSEs subject to:

- (a) forwarding monthly intermediate reports on the progress of the project;
- (b) forwarding a final report by 30 September 2003 at the latest:
- (c) forwarding a final summary report, including the software for conducting evaluations accompanied by justifying evidence as to the costs incurred, by 31 December 2003.

#### Article 2

This Decision is addressed to the Federal Republic of Germany, the Kingdom of Spain, the French Republic, the Kingdom of the Netherlands and the United Kingdom of Great Britain and Northern Ireland.

Done at Brussels, 8 May 2003.

For the Commission
David BYRNE
Member of the Commission

#### **COMMISSION DECISION**

#### of 12 May 2003

#### concerning protection measures in relation to a strong suspicion of avian influenza in Germany

(notified under document number C(2003) 1591)

(Text with EEA relevance)

(2003/333/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 90/425/EEC of 26 June 1990 concerning veterinary and zootechnical checks applicable in intra-community trade in certain live animals and products with a view to the completion of the internal market (1), as last amended by Directive 2002/33/EC of the European Parliament and of the Council (2), and, in particular, Article 10(4) 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 (3), as last amended by Directive 92/118/EEC (4), in particular Article 9 thereof,

#### Whereas:

- On 9 May 2003 the veterinary authorities of Germany (1) have informed the Commission about a strong suspicion of avian influenza in a poultry flock in the Land of North Rhine-Westphalia.
- Avian influenza is a highly contagious poultry disease (2) that can pose a serious threat for the poultry industry.
- The German authorities have immediately, before the (3) official confirmation of the disease, implemented the measures foreseen in Council Directive 92/40/EEC of 19 May 1992 introducing Community measures for the control of avian influenza (5), while further confirmatory diagnostic procedures are carried out.
- Directive 92/40/EEC sets out the minimum control measures to be applied in the event of an outbreak of avian influenza. The Member State may take more stringent action in the field covered by this Directive if deemed necessary and proportionate to contain the disease, taking into account the particular epidemiological, animal husbandry, commercial and social conditions prevailing.
- The German authorities have, in cooperation with the (5) Commission, put in place a standstill in the Land of North Rhine-Westphalia for transport of live poultry and hatching eggs, which includes a prohibition of dispatch of live poultry and hatching eggs. However, in view of

the specificity of poultry production, movements of hatching eggs, day-old chicks, ready-to-lay pullets and poultry for immediate slaughter may be authorised within the Land of North Rhine-Westphalia. Furthermore the dispatch of fresh, unprocessed manure and litter of poultry should also be prohibited from the Land of North Rhine-Westphalia.

- Fresh poultry meat destined for intra-Community trade has to be marked with a health mark in accordance with the health mark foreseen in Chapter XII of Annex I to Council Directive 71/118/EEC (6), as last amended by Directive 97/79/EC (7). In order to allow the marketing on the German market of fresh poultry meat obtained from poultry originating from the established surveillance zones special provisions for its health marking shall be laid down in accordance to Article 4(1) and (3) of 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 (8).
- (7) The German authorities should reinforce bio-security and hygiene measures including cleaning and disinfection procedures to prevent the further spread of the disease at all levels of poultry and egg production.
- To better understand the epidemiology of the disease a (8)serological survey shall be carried out in pigs that are kept on holdings where poultry have been found infected with avian influenza.
- The German authorities should furthermore ensure that precautionary measures are taken for persons at risk.
- In order to avoid the spread of the infection and after evaluation of the epidemiological situation the preventive culling of poultry at risk may be appropriate and decided by the German authorities.
- (11)These measures should be urgently adopted by the Commission for the sake of clarity and transparency, in collaboration with the German authorities.
- The situation shall be reviewed at the meeting of the (12)Standing Committee on the Food Chain and Animal Health scheduled for 15 May 2003,

<sup>(</sup>¹) OJ L 224, 18.8.1990, p. 29. (²) OJ L 315, 19.11.2002, p. 14. (³) OJ L 395, 30.12.1989, p. 13. (\*) OJ L 62, 15.3.1993, p. 49.

<sup>(5)</sup> OJ L 167, 22.6.1992, p. 1.

<sup>(°)</sup> OJ L 55, 8.3.1971, p. 23. (°) OJ L 24, 30.1.1998, p. 31. (°) OJ L 18, 23.1.2003, p. 11.

HAS ADOPTED THIS DECISION:

#### Article 1

- 1. Without prejudice to the measures taken by Germany within the framework of Directive 92/40/EEC applied to the surveillance zones, the German veterinary authorities shall ensure that no live poultry, hatching eggs and fresh, unprocessed, and non-heat-treated poultry manure or litter, are dispatched from the area described in the Annex to other parts of Germany, to other Member States and third countries.
- 2. Without prejudice to the measures taken by Germany within the framework of Directive 92/40/EEC within the surveillance zones, the German veterinary authorities shall ensure that no live poultry and hatching eggs are transported within the area described in the Annex.
- 3. By way of derogation from paragraph 2 the competent veterinary authority, taking all appropriate bio-security measures in accordance with Articles 4 and 5 to avoid the spread of avian influenza, may authorise the transport within the area described in the Annex from areas situated outside the surveillance zones of:
- (a) poultry for immediate slaughter, including spent laying hens, to a slaughterhouse that has been designated by the competent veterinary authority;
- (b) day-old chicks and ready-to-lay pullets, to a holding under official control where no other poultry is kept;
- (c) hatching eggs, to a hatchery under official control.

If live poultry transported in accordance with (a) or (b) originate in a part of Germany outside of the Annex or in another Member State or third country, the transport has to be authorised by the German authorities and by the competent authority of the Member State or third country of dispatch.

4. By way of derogation from paragraph 2 the competent veterinary authority, taking all appropriate bio-security measures to avoid the spread of avian influenza, may authorise transport of live poultry and hatching eggs not prohibited by Directive 92/40/EEC, and in particular in respect to movements of day-old chicks in accordance with the provisions of its Article 9(4)(a), (b) and (c), which shall be transported under official control to holdings within the area described in the Annex.

#### Article 2

Fresh poultry meat obtained from slaughter poultry transported by taking all appropriate bio-security measures in accordance with Articles 4 and 5 and originating from the established surveillance zones:

- (a) shall be marked with a round format mark in accordance with the further requirements of the competent authorities;
- (b) shall not be dispatched to other Member States or third countries;
- (c) must be obtained, cut, stored and transported separately from other fresh poultry meat destined for intra-Community trade and for exports to third countries, and must be

used in such a way as to avoid it being introduced into meat products or meat preparations intended for intra-Community trade or for export to third countries, unless it has undergone the treatment specified in table 1(a), (b) or (c) of Annex III to Directive 2002/99/EC.

#### Article 3

Without prejudice to the measures already taken in the framework of Directive 92/40/EEC, Germany shall ensure that the preventive emptying and culling of poultry in holdings and areas at risk is completed as soon as possible.

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

#### Article 4

In order to enhance bio-security in the poultry sector, the competent veterinary authority of Germany shall ensure that in the area described in the Annex:

- (a) table eggs shall only be transported from a holding to a packing station either in disposable packaging or in containers, trays and other non-disposable equipment, which must be cleaned and disinfected before and after each use in accordance with (d). In addition, in case of table eggs originating from an area outside of the Annex or another Member State, the competent veterinary authority shall ensure that the packaging, containers, trays and other non-disposable equipment used for their transport are returned;
- (b) slaughter poultry intended for immediate slaughter shall be transported with trucks and in crates or cages which must be cleaned and disinfected before and after each use in accordance with (d). In addition, in case of slaughter poultry originating from an area outside the Annex or another Member State, the competent veterinary authority shall ensure that the crates, cages and containers are returned;
- (c) day-old chicks are transported in disposable packing material to be destroyed after use;
- (d) the disinfectants and the method of cleaning and disinfection must be approved by the competent authority.

#### Article 5

The competent veterinary authority of Germany shall ensure that, in the area described in the Annex, stringent bio-security measures are taken at all levels of poultry and egg production in order to avoid risky contacts that may cause the spread of avian influenza between farms. These measures shall aim in particular at avoiding risky contacts of poultry, transport means, equipment and people entering or leaving poultry farms, egg packing stations, hatcheries, slaughterhouses, feedmills, litter processing and rendering plants. For this purpose all poultry farmers shall keep a register of all professional visits to their farms as well as their professional visits to other poultry holdings.

<sup>(</sup>¹) OJ L 224, 18.8.1990, p. 19.

<sup>(</sup>²) OJ L 203, 28.7.2001, p. 16.

#### Article 6

- 1. The German authorities shall ensure that appropriate precautionary measures are adopted as regards the prevention of influenza infections in poultry workers and other persons at risk. These measures may include:
- (a) the use of protective clothing, gloves and glasses;
- (b) vaccination against human influenza;
- (c) prophylactic antiviral treatment.
- 2. The German authorities shall regularly inform the Commission in the framework of the Standing Committee of the Food Chain and Animal Health of the measures adopted.

#### Article 7

- 1. The German authorities shall carry out serological investigations in pigs kept on all holdings where poultry have been found infected with avian influenza.
- 2. In case of positive findings the pigs may only be moved to other pig holdings or a slaughterhouse following authorisation by the competent veterinary authority if subsequent appropriate tests have revealed that the risk of spread of avian influenza viruses is negligible.
- 3. Movement to other pig holdings may take place only after all restrictions related to avian influenza in the holding of origin have been lifted.

4. The German authorities shall regularly inform the Commission in the framework of the Standing Committee of the Food Chain and Animal Health of the results of the survey.

#### Article 8

This Decision shall apply until 24.00 hours on 16 May 2003.

#### Article 9

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

#### Article 10

This Decision is addressed to the Member States.

Done at Brussels, 12 May 2003.

For the Commission
David BYRNE
Member of the Commission

ANNEX

In Germany the Land of North Rhine-Westphalia.

#### **CORRIGENDA**

Corrigendum to 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

(Official Journal of the European Union L 115 of 9 May 2003)

On the second page of the contents and on page 53 in the title:

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for: '... 8 April 2003 ...',
read: '... 8 May 2003 ...';
on page 53:
for: 'Done at Brussels, 8 April 2003.',
read: 'Done at Brussels, 8 May 2003.'.
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