

English edition

## Legislation

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## I

(Acts whose publication is obligatory)

**COUNCIL REGULATION (EC) No 859/2003**

**of 14 May 2003**

**extending the provisions of Regulation (EEC) No 1408/71 and Regulation (EEC) No 574/72 to nationals of third countries who are not already covered by those provisions solely on the ground of their nationality**

THE COUNCIL OF THE EUROPEAN UNION,

Rome on 4 November 1950 and as they result from the constitutional traditions common to the Member States, as general principles of Community law.

Having regard to the Treaty establishing the European Community and in particular Article 63, point 4 thereof,

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

(5) This Regulation respects the fundamental rights and observes the principles recognised in particular by the Charter of Fundamental Rights of the European Union, in particular the spirit of its Article 34(2).

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

Whereas:

(6) The promotion of a high level of social protection and the raising of the standard of living and quality of life in the Member States are objectives of the Community.

(1) As its special meeting in Tampere on 15 and 16 October 1999, the European Council proclaimed that the European Union should ensure fair treatment of third-country nationals who reside legally in the territory of its Member States, grant them rights and obligations comparable to those of EU citizens, enhance non-discrimination in economic, social and cultural life and approximate their legal status to that of Member States' nationals.

(7) As regards the conditions of social protection of third-country nationals, and in particular the social security scheme applicable to them, the Employment and Social Policy Council argued in its conclusions of 3 December 2001 that the coordination applicable to third-country nationals should grant them a set of uniform rights as near as possible to those enjoyed by EU citizens.

(2) In its resolution of 27 October 1999 <sup>(3)</sup>, the European Parliament called for prompt action on promises of fair treatment for third-country nationals legally resident in the Member States and on the definition of their legal status, including uniform rights as close as possible to those enjoyed by the citizens of the European Union.

(8) Currently, Council Regulation (EEC) No 1408/71 of 14 June 1971 on the application of social security schemes to employed persons and their families moving within the Community <sup>(5)</sup>, which is the basis for the coordination of the social security schemes of the different Member States, and Council Regulation (EEC) No 574/72 of 21 March 1972, laying down the procedure for implementing Regulation (EEC) No 1408/71 <sup>(6)</sup>, apply only to certain third-country nationals. The number and diversity of legal instruments used in an effort to resolve problems in connection with the coordination of the Member States' social security schemes encountered by nationals of third countries who are in the same situation as Community nationals give rise to legal and administrative complexities. They create major difficulties for the individuals concerned, their employers, and the competent national social security bodies.

(3) The European Economic and Social Committee has also appealed for equal treatment of Community nationals and third-country nationals in the social field, notably in its opinion of 26 September 1991 on the status of migrant workers from third countries <sup>(4)</sup>.

(4) Article 6(2) of the Treaty on European Union provides that the Union shall respect fundamental rights, as guaranteed by the European Convention on the Protection of Human Rights and Fundamental Freedoms signed in

<sup>(1)</sup> OJ C 126 E, 28.5.2002, p. 388.

<sup>(2)</sup> Opinion of 21 November 2002 (not yet published in the Official Journal).

<sup>(3)</sup> OJ C 154, 5.6.2000, p. 63.

<sup>(4)</sup> OJ C 339, 31.12.1991, p. 82.

<sup>(5)</sup> OJ L 149, 5.7.1971, p. 2; Regulation last amended by Regulation (EC) No 1386/2001 of the European Parliament and of the Council (OJ L 187, 10.7.2001, p. 1).

<sup>(6)</sup> OJ L 74, 27.3.1972, p. 1; Regulation last amended by Commission Regulation (EC) No 410/2002 (OJ L 62, 5.3.2002, p. 17).

- (9) Hence, it is necessary to provide for the application of the coordination rules of Regulation (EEC) No 1408/71 and Regulation (EEC) No 574/72 to third-country nationals legally resident in the Community who are not currently covered by the provisions of these Regulations on grounds of their nationality and who satisfy the other conditions provided for in this Regulation; such an extension is in particular important with a view to the forthcoming enlargement of the European Union.
- (10) The application of Regulation (EEC) No 1408/71 and Regulation (EEC) No 574/72 to these persons does not give them any entitlement to enter, to stay or to reside in a Member State or to have access to its labour market.
- (11) The provisions of Regulation (EEC) No 1408/71 and Regulation (EEC) No 574/72 are, by virtue of this Regulation, applicable only in so far as the person concerned is already legally resident in the territory of a Member State. Being legally resident is therefore a prerequisite for the application of these provisions.
- (12) The provisions of Regulation (EEC) No 1408/71 and Regulation (EEC) No 574/72 are not applicable in a situation which is confined in all respects within a single Member State. This concerns, *inter alia*, the situation of a third country national who has links only with a third country and a single Member State.
- (13) The continued right to unemployment benefit, as laid down in Article 69 of Regulation (EEC) No 1408/71, is subject to the condition of registering as a job-seeker with the employment services of each Member State entered. Those provisions may therefore apply to a third-country national only provided he/she has the right, where appropriate pursuant to his/her residence permit, to register as a job-seeker with the employment services of the Member State entered and the right to work there legally.
- (14) Transitional provisions should be adopted to protect the persons covered by this Regulation and to ensure that they do not lose rights as a result of its entry into force.
- (15) To achieve these objectives it is necessary and appropriate to extend the scope of the rules coordinating the national social security schemes by adopting a Community legal instrument which is binding and directly applicable in every Member State which takes part in the adoption of this Regulation.
- (16) This Regulation is without prejudice to rights and obligations arising from international agreements with third countries to which the Community is a party and which afford advantages in terms of social security.
- (17) Since the objectives of the proposed action cannot be sufficiently achieved by the Member States and can therefore, by reason of the scale or effects of the

proposed action, be better achieved at Community level, the Community may take measures in accordance with the principle of subsidiarity enshrined in Article 5 of the Treaty. In compliance with the principle of proportionality as set out in that Article, this Regulation does not go beyond what is necessary to achieve these objectives.

- (18) In accordance with Article 3 of the Protocol on the position of the United Kingdom and Ireland annexed to the Treaty on the European Union and to the Treaty establishing the European Community, Ireland and the United Kingdom gave notice, by letters of 19 and 23 April 2002, of their wish to take part in the adoption and application of this Regulation.
- (19) In accordance with Articles 1 and 2 of the Protocol on the position of Denmark annexed to the Treaty on the European Union and to the Treaty establishing the European Community, Denmark is not taking part in the adoption of this Regulation and is not therefore bound by or subject to it,

HAS ADOPTED THIS REGULATION:

#### Article 1

Subject to the provisions of the Annex to this Regulation, the provisions of Regulation (EEC) No 1408/71 and Regulation (EEC) No 574/72 shall apply to nationals of third countries who are not already covered by those provisions solely on the ground of their nationality, as well as to members of their families and to their survivors, provided they are legally resident in the territory of a Member State and are in a situation which is not confined in all respects within a single Member State.

#### Article 2

1. This Regulation shall not create any rights in respect of the period before 1 June 2003.
2. Any period of insurance and, where appropriate, any period of employment, self-employment or residence completed under the legislation of a Member State before 1 June 2003 shall be taken into account for the determination of rights acquired in accordance with the provisions of this Regulation.
3. Subject to the provisions of paragraph 1, a right shall be acquired under this Regulation even if it relates to a contingency arising prior to 1 June 2003.
4. Any benefit that has not been awarded or that has been suspended on account of the nationality or the residence of the person concerned shall, at the latter's request, be awarded or resumed from 1 June 2003, provided that the rights for which benefits were previously awarded did not give rise to a lump-sum payment.

5. The rights of persons who prior to 1 June 2003, obtained the award of a pension may be reviewed at their request, account being taken of the provisions of this Regulation.

6. If the request referred to in paragraph 4 or paragraph 5 is lodged within two years from 1 June 2003, rights deriving from this Regulation shall be acquired from that date and the provisions of the legislation of any Member State on the forfeiture or lapse of rights may not be applied to the persons concerned.

7. If the request referred to in paragraph 4 or paragraph 5 is lodged after expiry of the deadline referred to in paragraph 6, rights not forfeited or lapsed shall be acquired from the date of such request, subject to any more favourable provisions of the legislation of any Member State.

*Article 3*

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

This Regulation shall be binding in its entirety and directly applicable in the Member States in accordance with the Treaty establishing the European Community.

Done at Brussels, 14 May 2003.

*For the Council*

*The President*

A.-A. TSOCHATZOPOULOS

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ANNEX

**SPECIAL PROVISIONS REFERRED TO IN ARTICLE 1**

I. GERMANY

In the case of family benefits, this Regulation shall apply only to third-country nationals who are in possession of a residence permit meeting the definition in German law of the 'Aufenthaltserlaubnis' or 'Aufenthaltsberechtigung'.

II. AUSTRIA

In the case of family benefits, this Regulation shall apply only to third-country nationals who fulfil the conditions laid down by Austrian legislation for permanent entitlement to family allowances.

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**COMMISSION REGULATION (EC) No 860/2003**  
**of 19 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 20 May 2003.

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

Done at Brussels, 19 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 19 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	88,9
	096	49,6
	999	69,3
0707 00 05	052	89,2
	999	89,2
0709 90 70	052	72,7
	999	72,7
0805 10 10, 0805 10 30, 0805 10 50	052	41,2
	204	40,6
	220	39,9
	388	62,8
	600	55,7
	624	58,9
	999	49,8
0805 50 10	382	68,2
	400	53,4
	528	61,7
	999	61,1
0808 10 20, 0808 10 50, 0808 10 90	204	46,5
	388	82,7
	400	108,3
	404	78,2
	508	75,4
	512	75,9
	524	67,5
	528	70,4
	720	96,4
	804	86,4
999	78,8	

<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 861/2003  
of 19 May 2003**

**on the issue of import licences for rice originating in the ACP States and the overseas countries and territories against applications submitted in the first five working days of May 2003 pursuant to Regulation (EC) No 638/2003**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Decision (EC) No 2286/2002 of 10 December 2002 on 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) and repealing Regulation (EC) No 1706/98 <sup>(1)</sup>,

Having regard to Council Decision 2001/822/EC of 27 November 2001 on the association of the overseas countries and territories with the European Community (Overseas Association Decision) <sup>(2)</sup>,

Having regard to Commission Regulation (EC) No 638/2003 of 9 April 2003 laying down detailed rules for applying Council Regulation (EC) No 2286/2002 and Council Decision 2001/822/EC as regards the arrangements applicable to imports of rice originating in the African, Caribbean and Pacific States (ACP States) and the overseas countries and territories (OCT) <sup>(3)</sup>, and in particular Article 17(2) thereof,

Whereas:

Examination of the quantities for which applications have been submitted shows that licences for the May 2003 tranche should be issued for the quantities applied for reduced, where appropriate, by the percentages not covered and fixing the quantities carried over to the subsequent tranche,

HAS ADOPTED THIS REGULATION:

*Article 1*

1. Import licences for rice against applications submitted during the first five working days of May 2003 pursuant to Regulation (EC) No 638/2003 and notified to the Commission shall be issued for the quantities applied for reduced, where appropriate, by the percentages set out in the Annex hereto.
2. The available quantities carried over to the subsequent tranche are set out in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 20 May 2003.

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

Done at Brussels, 19 May 2003.

*For the Commission*

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

<sup>(1)</sup> OJ L 348, 21.12.2002, p. 5.

<sup>(2)</sup> OJ L 314, 30.11.2001, p. 1.

<sup>(3)</sup> OJ L 93, 10.4.2003, p. 3.

## ANNEX

**Reduction percentages to be applied to quantities applied for under the tranche for May 2003 and quantities carried over to the following tranche**

Origin/Product	Reduction percentage		Quantity carried over to the tranche for September 2003 (tonnes)	
	Netherlands Antilles and Aruba	Least-developed OCTs	Netherlands Antilles and Aruba	Least-developed OCTs
OCT (Article 10) — CN code 1006	57,5733	— <sup>(1)</sup>	—	4 130,768

<sup>(1)</sup> Issue for the quantity applied for.

Origin/product	Reduction percentage	Quantity carried over to the tranche for September 2003 (tonnes)
ACP (Article 3(1)) — CN codes 1006 10 21 to 1006 10 98, 1006 20 and 1006 30	89,3976	—
ACP (Article 5) — CN code 1006 40 00	94,3450	—

**COMMISSION REGULATION (EC) No 862/2003**  
**of 19 May 2003**  
**on the supply of cereals as food aid**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1292/96 of 27 June 1996 on food-aid policy and food-aid management and special operations in support of food security <sup>(1)</sup>, as modified by Regulation (EC) No 1726/2001 of the European Parliament and of the Council <sup>(2)</sup>, and in particular Article 24(1)(b) thereof,

Whereas:

- (1) The abovementioned Regulation lays down the list of countries and organisations eligible for Community aid and specifies the general criteria on the transport of food aid beyond the fob stage.
- (2) Following the taking of a number of decisions on the allocation of food aid, the Commission has allocated white sugar to certain beneficiaries.
- (3) It is necessary to make these supplies in accordance with the rules laid down by Commission Regulation (EC) No 2519/97 of 16 December 1997 laying down general rules for the mobilisation of products to be supplied under Council Regulation (EC) No 1292/96 as Community food aid <sup>(3)</sup>. It is necessary to specify the time limits and conditions of supply to determine the resultant costs,

HAS ADOPTED THIS REGULATION:

*Article 1*

Cereals shall be mobilised in the Community, as Community food aid for supply to the recipient listed in the Annex, in accordance with Regulation (EC) No 2519/97 and under the conditions set out in the Annex.

The tenderer is deemed to have noted and accepted all the general and specific conditions applicable. Any other condition or reservation included in his tender is deemed unwritten.

*Article 2*

This Regulation shall enter into force on the 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, 19 May 2003.

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

<sup>(1)</sup> OJ L 166, 5.7.1996, p. 1.

<sup>(2)</sup> OJ L 234, 1.9.2001, p. 10.

<sup>(3)</sup> OJ L 346, 17.12.1997, p. 23.

## ANNEX

## LOTS A and B

1. **Action No:** 3/03 (A); 4/03 (B)
2. **Beneficiary** (?): Ethiopia
3. **Beneficiary's representative:** Emergency Food Security Reserve, Addis Ababa, Contact: Ato Sirak Hailu, tel.: (251-1) 51 71 62, fax :51 83 63
4. **Country of destination:** Ethiopia
5. **Product to be mobilised:** common wheat
6. **Total quantity (tonnes net):** 40 000
7. **Number of lots:** 2 (A: 15 000 tonnes; B: 25 000 tonnes)
8. **Characteristics and quality of the product** (?): see OJ C 312, 31.10.2000, p. 1 (A.1)
9. **Packaging** (?): see OJ C 267, 13.9.1996, p. 1 (1.0 A 1.c, 2.c and B.3)
10. **Labelling or marking** (?): see OJ C 114, 29.4.1991, p. 1 (II.A(3))
  - Language to be used for the markings: English
  - Supplementary markings: —
11. **Method of mobilisation of the product:** the Community market
12. **Specified delivery stage** (?): free at destination
13. **Alternative delivery stage:** free at port of shipment — fob stowed
14. a) **Port of shipment:** —  
b) **Loading address:** —
15. **Port of landing:** —
16. **Place of destination:** EFSR warehouse in Dira Dawa
  - port or warehouse of transit: Berbera
  - overland transport route: —
17. **Period or deadline of supply at the specified stage** (?):
  - first deadline: A: 17.8.2003; B: 18.8-14.9.2003
  - second deadline: A: 31.8.2003; B: 1-28.9.2003
18. **Period or deadline of supply at the alternative stage:**
  - first deadline: A: 16-29.6.2003; B: 14-20.7.2003
  - second deadline: A: 1-13.7.2003; B: 28.7-3.8.2003
19. **Deadline for the submission of tenders (at 12 noon, Brussels time):**
  - first deadline: 3.6.2003
  - second deadline: 17.6.2003
20. **Amount of tendering guarantee:** EUR 5 per tonne
21. **Address for submission of tenders and tendering guarantees** (?): M. Vestergaard, Commission européenne; Bureau: L130 7/46, B-1049 Brussels; telex: 25670 AGREC B; fax (32-2) 296 70 03/296 70 04
22. **Export refund** (?): refund applicable on 14.5.2003, fixed by Commission Regulation (EC) No 729/2003 (OJ L 105, 26.4.2003, p. 9)

## Notes:

- (<sup>1</sup>) Supplementary information: Torben Vestergaard (tel. (32-2) 299 30 50; fax (32-2) 296 20 05).
- (<sup>2</sup>) The supplier shall contact the beneficiary or its representative as soon as possible to establish which consignment documents are required.
- (<sup>3</sup>) The supplier shall deliver to the beneficiary a certificate from an official entity certifying that for the product to be delivered the standards applicable, relative to nuclear radiation, in the Member State concerned, have not been exceeded. The radioactivity certificate must indicate the caesium-134 and -137 and iodine-131 levels.
- (<sup>4</sup>) Commission Regulation (EC) No 2298/2001 (OJ L 308, 27.11.2001, p. 16), is applicable as regards the export refund. The date referred to in Article 2 of the said Regulation is that indicated in point 22 of this Annex.
- (<sup>5</sup>) The supplier shall supply to the beneficiary or its representative, on delivery, the following document:  
— phytosanitary certificate.
- (<sup>6</sup>) Notwithstanding OJ C 114 of 29 April 1991, point II.A(3)(c) or II.B(3)(c) is replaced by the following: 'the words "European Community"'.  
(<sup>7</sup>) Since the goods may be rebagged, the supplier must provide 2 % of empty bags of the same quality as those containing the goods, with the marking followed by a capital 'R'.
- (<sup>8</sup>) In addition to the provisions of Article 14(3) of the Regulation (EC) No 2519/97, vessels chartered shall not appear on any of the four most recent quaternary lists of detained vessels as published by the Paris Memorandum of Understanding on Port State Control (Council Directive 95/21/EC (OJ L 157, 7.7.1995, p. 1)).
- (<sup>9</sup>) The final subparagraph of Article 14(14) of Regulation (EC) No 2519/97 applies.
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Before the Commission can award the supply contract, it needs various items of information about the tenderer concerned (in particular the bank account to be credited). These details are contained in a form available on the Internet at the following website:

[http://europa.eu.int/comm/budget/execution/ftiers\\_fr.htm](http://europa.eu.int/comm/budget/execution/ftiers_fr.htm).

If these details are missing, the tenderer designated as the supplier may not invoke the time limit for notification referred to in Article 9(4) of Regulation (EC) No 2519/97.

You should therefore include the above form with your bid after filling in the required details.

**COMMISSION REGULATION (EC) No 863/2003**  
**of 19 May 2003**

**amending Regulations (EC) No 1939/2001, (EC) No 1940/2001 and (EC) No 346/2003 on the opening of standing invitations to tender for the resale on the Community internal market of rice held by the Greek, Italian and French intervention agencies for use in animal feed**

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 Article 8(b) thereof,

Whereas:

- (1) By Regulation (EEC) No 75/91 of 11 January 1991 <sup>(3)</sup>, the Commission laid down the procedures and conditions for the disposal of paddy rice held by intervention agencies.
- (2) The invitations to tender provided for in Commission Regulation (EC) No 1939/2001 <sup>(4)</sup>, as last amended by Regulation (EC) No 357/2003 <sup>(5)</sup>, in Commission Regulation (EC) No 1940/2001 <sup>(6)</sup>, as last amended by Regulation (EC) No 357/2003, and in Commission Regulation (EC) No 346/2003 <sup>(7)</sup> have not resulted in the disposal of the total quantity put up for sale. As a result, new invitations to tender should be opened.
- (3) To safeguard the rights of economic operators, the new invitations to tender should be opened after the closing dates for the previous invitations to tender.
- (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*

Regulations (EC) No 1939/2001 and (EC) No 1940/2001 are hereby amended as follows:

In Article 5(1), '17 October 2001' is replaced by '4 June 2003'.

The first subparagraph of Article 5(3) is replaced by the following:

'3. The closing date for the submission of tenders for the last partial invitation to tender shall be 30 July 2003 at 12.00 (Brussels time).'

*Article 2*

Regulation (EC) No 346/2003 is hereby amended as follows:

In Article 5(1), '5 March 2003' is replaced by '4 June 2003'.

The first subparagraph of Article 5(3) is replaced by the following:

'3. The closing date for the submission of tenders for the last partial invitation to tender shall be 30 July 2003 at 12.00 (Brussels time).'

*Article 3*

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

It shall apply from 22 May 2003.

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

Done at Brussels, 19 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.

<sup>(4)</sup> OJ L 263, 3.10.2001, p. 15.

<sup>(5)</sup> OJ L 53, 28.2.2003, p. 6.

<sup>(6)</sup> OJ L 263, 3.10.2001, p. 19.

<sup>(7)</sup> OJ L 50, 25.2.2003, p. 15.

## COMMISSION REGULATION (EC) No 864/2003

of 19 May 2003

**opening a standing invitation to tender for the export to certain third countries of rye held by the German intervention agency**

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 5 thereof,

Whereas:

- (1) Commission Regulation (EEC) No 2131/93 <sup>(3)</sup>, as last amended by Regulation (EC) No 1630/2000 <sup>(4)</sup>, lays down the procedure and conditions for the disposal of cereals held by intervention agencies.
- (2) Commission Regulation (EEC) No 3002/92 <sup>(5)</sup>, as last amended by Regulation (EC) No 770/96 <sup>(6)</sup>, lays down common detailed rules for verifying the use and/or destination of products from intervention.
- (3) By Regulation (EC) No 2441/2001 <sup>(7)</sup>, as amended by Regulation (EC) No 882/2002 <sup>(8)</sup>, and by Regulation (EC) No 1080/2002 <sup>(9)</sup>, as amended by Regulation (EC) No 1851/2002 <sup>(10)</sup>, the Commission opened standing invitations to tender for the export of rye held by the German intervention agency to zone VII and to certain third countries respectively. For the sake of clarity and rationality those Regulations should be replaced by a single act.
- (4) Given the current market situation, a standing invitation to tender should be opened for the export to certain third countries of 1 200 000 tonnes of rye held by the German intervention agency.
- (5) Special rules must be laid down to ensure that the operations are properly carried out and monitored. To that end, securities should be lodged to ensure that the goals of the operations are achieved without excessive cost to the operators. Derogations should accordingly be made to certain rules, in particular those laid down in Regulation (EEC) No 2131/93.

(6) Where removal of the rye is delayed by more than five days or the release of one of the securities required is delayed for reasons imputable to the intervention agency, the Member State concerned should pay compensation.

(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 German intervention agency shall issue a standing invitation to tender for the export of rye held by it in accordance with Regulation (EEC) No 2131/93, save as otherwise provided in this Regulation.

*Article 2*

1. The invitation to tender shall cover a maximum of 1 200 000 tonnes of rye for export to all third countries with the exception of Albania, Armenia, Azerbaijan, Belarus, Bosnia and Herzegovina, Bulgaria, Croatia, Czech Republic, Estonia, Faeroe Islands, Georgia, Hungary, Iceland, Kazakhstan, Kyrgyzstan, Latvia, Liechtenstein, Lithuania, Moldova, Norway, Poland, Slovakia, Romania, Russia, Serbia and Montenegro, Slovenia, Switzerland, Tajikistan, Turkmenistan, Ukraine and Uzbekistan.

2. The quantity of rye referred to in paragraph 1 shall be stored in the regions listed in Annex I.

*Article 3*

1. No export refund or tax or monthly increase shall be granted on exports carried out under this Regulation.

2. Article 8(2) of Regulation (EEC) No 2131/93 shall not apply.

3. Notwithstanding the third paragraph of Article 16 of Regulation (EEC) No 2131/93, the price to be paid for the export shall be that quoted in the tender, with no monthly increase.

<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 191, 31.7.1993, p. 76.

<sup>(4)</sup> OJ L 187, 26.7.2000, p. 24.

<sup>(5)</sup> OJ L 301, 17.10.1992, p. 17.

<sup>(6)</sup> OJ L 104, 27.4.1996, p. 13.

<sup>(7)</sup> OJ L 329, 14.12.2001, p. 20.

<sup>(8)</sup> OJ L 139, 29.5.2002, p. 23.

<sup>(9)</sup> OJ L 164, 22.6.2002, p. 11.

<sup>(10)</sup> OJ L 280, 18.10.2002, p. 3.



*Article 4*

1. Export licences shall be valid from their date of issue within the meaning of Article 9 of Regulation (EEC) No 2131/93 until the end of the fourth month thereafter.

2. Tenders submitted in response to the invitation to tender opened by this Regulation may not be accompanied by export licence applications submitted under Article 49 of Commission Regulation (EC) No 1291/2000 <sup>(1)</sup>.

*Article 5*

1. Notwithstanding the third subparagraph of Article 7(1) of Regulation (EEC) No 2131/93, the time limit for submission of tenders in respect of the first partial invitation to tender shall be 09.00 (Brussels time) on 22 May 2003.

2. The time limit for submission of tenders in respect of subsequent partial invitations to tender shall be 09.00 (Brussels time) each Thursday thereafter.

3. The last partial invitation to tender shall expire at 09.00 (Brussels time) on 27 May 2004.

4. Tenders shall be lodged with the German intervention agency.

*Article 6*

1. The intervention agency, the storer and the successful tenderer shall, at the request of the latter and by common agreement, either before or at the time of removal from storage as the successful tenderer chooses, take reference samples for counter-analysis at the rate of at least one sample for every 500 tonnes and shall analyse the samples. The intervention agency may be represented by a proxy, provided this is not the storer.

Reference samples for counter-analysis shall be taken and analysed within seven working days of the date of the successful tenderer's request or within three working days if the samples are taken on removal from storage.

In the event of a dispute, the analysis results shall be forwarded to the Commission.

2. The successful tenderer must accept the lot as established where the final result of sample analyses indicates a quality:

- (a) higher than that specified in the notice of invitation to tender;
- (b) higher than the minimum characteristics laid down for intervention but below the quality described in the notice of invitation to tender, providing that the differences do not exceed the following limits:
  - one kilogram per hectolitre as regards specific weight, which must not, however, be less than 68 kg/hl,
  - one percentage point as regards moisture content,

- half a percentage point as regards the impurities specified in points B.2 and B.4 of the Annex to Commission Regulation (EC) No 824/2000 <sup>(2)</sup>, and

- half a percentage point as regards the impurities specified in point B.5 of the Annex to Regulation (EC) No 824/2000, the percentages admissible for noxious grains and ergot, however, remaining unchanged.

Where the final result of sample analyses indicates a quality higher than the minimum characteristics laid down for intervention but below the quality described in the notice of invitation to tender, and a difference exceeding the limits set out in point (b), the successful tenderer may:

- accept the lot as established, or
- refuse to take over the lot in question.

In the case provided for in the second indent of the second subparagraph, the successful tenderer shall be discharged of all obligations relating to the lot in question and the securities shall be released provided the Commission and the intervention agency are immediately notified using the form given in Annex II.

Where the final result of sample analyses indicates a quality below the minimum characteristics laid down for intervention, the successful tenderer may not remove the lot in question. The successful tenderer shall be discharged of all obligations relating to the lot in question and the securities shall be released provided the Commission and the intervention agency are immediately notified using the form set out in Annex II. In the cases provided for in the second indent of the second subparagraph of paragraph 2 and in the third subparagraph thereof, the successful tenderer may request the intervention agency to supply another lot of intervention rye of the quality laid down at no additional charge. In that case, the security shall not be released. The lot must be replaced within three days of the date of the successful tenderer's request. The successful tenderer shall immediately inform the Commission thereof using the form set out in Annex II.

3. If, as a result of successive replacements, the successful tenderer has not received a replacement lot of the quality laid down within one month of the date of the first request for a replacement, the successful tenderer shall be discharged of all obligations and the securities shall be released, provided the Commission and the intervention agency have been immediately informed using the form set out in Annex II.

4. If the rye is removed before the results of the analyses are known, all risks shall be borne by the successful tenderer from the time the lot is removed, without prejudice to any means of redress against the storer.

5. Except where the final results of analyses indicate a quality below the minimum characteristics laid down for intervention, as referred to in the third subparagraph of paragraph 2, the costs of taking the samples and conducting the analyses provided for in paragraph 1, but not of inter-bin transfers, shall be borne by the European Agricultural Guidance and Guarantee Fund (EAGGF) in respect of up to one analysis per 500 tonnes. The costs of inter-bin transfers and any additional analyses requested by the successful tenderer shall be borne by that tenderer.

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

<sup>(2)</sup> OJ L 100, 20.4.2000, p. 31.



*Article 7*

Notwithstanding Article 12 of Regulation (EEC) No 3002/92, the documents relating to the sale of rye under this Regulation, and in particular the export licence, the removal order referred to in Article 3(1)(b) of Regulation (EEC) No 3002/92, the export declaration and, where applicable, the T5 copy shall carry the following entry:

- Centeno de intervención sin aplicación de restitución ni gravamen, Reglamento (CE) n° 864/2003
- Rug fra intervention uden restitutionsydelse eller -avgift, forordning (EF) nr. 864/2003
- Interventionsroggen ohne Anwendung von Ausfuhrerstattungen oder Ausfuhrabgaben, Verordnung (EG) Nr. 864/2003
- Σίκαλη παρέμβασης χωρίς εφαρμογή επιστροφής ή φόρου, κανονισμός (ΕΚ) αριθ. 864/2003
- Intervention rye without application of refund or tax, Regulation (EC) No 864/2003
- Seigle d'intervention ne donnant pas lieu à restitution ni taxe, règlement (CE) n° 864/2003
- Segala d'intervento senza applicazione di restituzione né di tassa, regolamento (CE) n. 864/2003
- Rogge uit interventie, zonder toepassing van restitutie of belasting, Verordening (EG) nr. 864/2003
- Centeio de intervenção sem aplicação de uma restituição ou imposição, Regulamento (CE) n.º 864/2003
- Interventioruista, johon ei sovelleta vientitukea eikä vientimaksua, asetus (EY) N:o 864/2003
- Interventionsråg, utan tillämpning av bidrag eller avgift, förordning (EG) nr 864/2003.

*Article 8*

1. The security lodged under Article 13(4) of Regulation (EEC) No 2131/93 shall be released once the export licences have been issued to the successful tenderers.

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

Done at Brussels, 19 May 2003.

2. Notwithstanding Article 17(1) of Regulation (EEC) No 2131/93, the obligation to export shall be covered by a security equal to the difference between the intervention price applying on the day of the award and the price awarded but not less than EUR 70 per tonne. Half of this security shall be lodged when the licence is issued and the remaining half shall be lodged before the cereals are removed.

3. Notwithstanding Article 15(2) of Regulation (EEC) No 3002/92, the part of the security lodged when the licence is issued shall be released within 20 working days of the date on which the successful tenderer provides proof that the cereals removed have left the customs territory of the Community.

4. Notwithstanding the second indent of Article 17(3) of Regulation (EEC) No 2131/93, the remainder of the security shall be released within 15 working days of the date on which the successful tenderer provides the proof referred to in Article 16 of Commission Regulation (EC) No 800/1999<sup>(1)</sup>.

5. Except in duly substantiated exceptional cases, in particular the opening of an administrative enquiry, where the securities provided for in paragraphs 1, 3 and 4 are released after the time limits specified in those paragraphs, the Member State shall be required to pay compensation amounting to EUR 0,015 per 10 tonnes for each day's delay.

This compensation shall not be charged to the EAGGF.

*Article 9*

Within two hours of the expiry of the time limit for the submission of tenders, the German intervention agency shall notify the Commission of tenders received. Such notification shall be made using the form set out in Annex III.

*Article 10*

Regulations (EC) No 2441/2001 and (EC) No 1080/2002 are hereby repealed.

*Article 11*

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

For the Commission

Franz FISCHLER

Member of the Commission

<sup>(1)</sup> OJ L 102, 17.4.1999, p. 11.

## ANNEX I

Place of storage	(tonnes)
	Quantity
Schleswig-Holstein/Hamburg/Niedersachsen/ Bremen/Mecklenburg-Vorpommern	549 191
Nordrhein-Westfalen/Hessen/Rheinland-Pfalz/ Saarland/Baden-Württemberg/Bayern	37 934
Berlin/Brandenburg/Sachsen-Anhalt/Sachsen/ Thüringen	612 746

## ANNEX II

**COMMUNICATION OF REFUSAL AND POSSIBLE EXCHANGE OF LOTS UNDER THE STANDING INVITATION TO TENDER FOR THE EXPORT TO CERTAIN THIRD COUNTRIES, OF RYE HELD BY THE GERMAN INTERVENTION AGENCY**

(Article 6(1) of Regulation (EC) No 864/2003)

- Name of successful tenderer:
- Date of award contract:
- Date of refusal of lot by successful tenderer:

Lot No	Quantity in tonnes	Address of silo	Reason for refusal to take over
			<ul style="list-style-type: none"> <li>— Specific weight (kg/hl)</li> <li>— % sprouted grains</li> <li>— % miscellaneous impurities (Schwarzbesatz)</li> <li>— % of matter which is not basic cereal of unimpaired quality</li> <li>— Other</li> </ul>

Transmit to DG AGRI-C.1:

- Fax: (32-2) 296 49 56
- (32-2) 295 25 15.

## ANNEX III

**STANDING INVITATION TO TENDER FOR THE EXPORT OF RYE HELD BY THE GERMAN INTERVENTION AGENCY TO CERTAIN THIRD COUNTRIES**

(Regulation (EC) No 864/2003)

1	2	3	4	5	6	7
Tender No	Consignment No	Quantity (tonnes)	Offer price (EUR/tonne) <sup>(1)</sup>	Price increases (+) or reductions (-) (EUR/tonne) p.m.	Commercial costs (EUR/tonne)	Destination
1						
2						
3						
etc.						

<sup>(1)</sup> This price includes the increases or reductions relating to the lot to which the tender refers.

Transmit to DG AGRI C-1:

— fax: (32-2) 296 49 56

(32-2) 295 25 15.

**COMMISSION REGULATION (EC) No 865/2003**  
**of 19 May 2003**  
**supplementing the Annex to Regulation (EC) No 2400/96 (Cítricos Valencianos or Cítricos Valencians)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2081/92 of 14 July 1992 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs<sup>(1)</sup>, as last amended by Regulation (EC) No 692/2003<sup>(2)</sup>, and in particular Article 6(3) and (4) thereof,

Whereas:

- (1) In accordance with Article 5 of Regulation (EEC) No 2081/92, Spain has sent the Commission an application for registration of the name 'Cítricos Valencianos' or 'Cítricos Valencians' as a geographical indication.
- (2) In accordance with Article 6(1) of that Regulation, the application has been found to meet all the requirements laid down therein and in particular to contain all the information required in accordance with Article 4 thereof.
- (3) No statement of objection under Article 7 of Regulation (EEC) No 2081/92 has been received by the Commission in respect of the name given in the Annex hereto following its publication in the *Official Journal of the European Communities*<sup>(3)</sup>.

(4) The name should therefore be entered in the 'Register of protected designations of origin and protected geographical indications' and hence be protected throughout the Community as a protected geographical indication.

(5) The Annex to this Regulation supplements the Annex to Commission Regulation (EC) No 2400/96<sup>(4)</sup>, as last amended by Regulation (EC) No 617/2003<sup>(5)</sup>,

HAS ADOPTED THIS REGULATION:

*Article 1*

The name in the Annex hereto is added to the Annex to Regulation (EC) No 2400/96 and entered as a protected geographical indication (PGI) in the 'Register of protected designations of origin and protected geographical indications' provided for in Article 6(3) of Regulation (EEC) No 2081/92.

*Article 2*

This Regulation shall enter into force on the 20th 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, 19 May 2003.

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

<sup>(1)</sup> OJ L 208, 24.7.1992, p. 1.

<sup>(2)</sup> OJ L 99, 17.4.2003, p. 1.

<sup>(3)</sup> OJ C 204, 28.8.2002, p. 6 (Cítricos Valencianos or Cítricos Valencians).

<sup>(4)</sup> OJ L 327, 18.12.1996, p. 11.

<sup>(5)</sup> OJ L 89, 5.4.2003, p. 3.

ANNEX

**PRODUCTS LISTED IN ANNEX I TO THE EC TREATY INTENDED FOR HUMAN CONSUMPTION**

**Fruit, vegetables and cereals**

SPAIN

Cítricos Valencianos or Cítricos Valencians. (PGI)

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**COMMISSION REGULATION (EC) No 866/2003**  
**of 19 May 2003**

**amending for the 18th time Council Regulation (EC) No 881/2002 imposing certain specific restrictive measures directed against certain persons and entities associated with Usama bin Laden, the Al-Qaida network and the Taliban, and repealing Council Regulation (EC) No 467/2001**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 881/2002 imposing certain specific restrictive measures directed against certain persons and entities associated with Usama bin Laden, the Al-Qaida network and the Taliban, and repealing Council Regulation (EC) No 467/2001 of 27 May 2002 prohibiting the export of certain goods and services to Afghanistan, strengthening the flight ban and extending the freeze of funds and other financial resources in respect of the Taliban of Afghanistan <sup>(1)</sup>, as last amended by Commission Regulation (EC) No 742/2003 <sup>(2)</sup>, and in particular Article 7(1), first indent, thereof,

Whereas:

- (1) Annex I to Regulation (EC) No 881/2002 lists the persons, groups and entities covered by the freezing of funds and economic resources under that Regulation.

- (2) On 10 April 2003, the Sanctions Committee decided to amend the list of persons, groups and entities to whom the freezing of funds and economic resources should apply and on 25 April 2003, the Sanctions Committee decided to make technical corrections to the list, therefore, Annex I should be amended accordingly,

HAS ADOPTED THIS REGULATION:

*Article 1*

Annex I to Regulation (EC) No 881/2002 is hereby amended in accordance with 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, 19 May 2003.

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

<sup>(1)</sup> OJ L 139, 29.5.2002, p. 9.

<sup>(2)</sup> OJ L 106, 29.4.2003, p. 16.

## ANNEX

Annex I to Regulation (EC) No 881/2002 is amended as follows:

1. The entry 'Ali, Yusaf Ahmed, Hallbybacken 15, 70 Spanga, Sweden, date of birth 20 November 1974' under the heading 'natural persons' shall be replaced with the following:

'Ali Ahmed Yusaf (*alias* Ali Galoul), Krålingegränd 33, S-16362 Spånga, Sweden; date of birth 20 November 1974; place of birth: Garbaharey, Somalia; nationality: Swedish; passport No: Swedish passport 1041635; national identification No: 741120-1093'.

2. The entry 'Al-Kadr, Ahmad Said (aka Al-Kanadi, Abu Abd Al-Rahman); born 1.3.1948, Cairo, Egypt; thought to be an Egyptian and Canadian national' under the heading 'natural persons' shall be replaced with the following:

'Ahmad Sa'id Al-Kadr; date of birth: 1 March 1948; place of birth: Cairo, Egypt; nationality: Canadian and thought to be an Egyptian national'.

3. The entry 'AOUADI, Mohamed Ben Belgacem (aka AOUADI, Mohamed Ben Belkacem); date of birth 12 November 1974; place of birth Tunisia; Address: Via A. Masina n. 7, Milan, Italy; Codice Fiscale: DAOMMD74T11Z352Z' under the heading 'natural persons' shall be replaced with the following:

'Aoudi Mohamed ben Belgacem BEN ABDALLAH (*alias* Aouadi, Mohamed Ben Belkacem), (a) Via A. Masina n. 7, Milan, Italy, (b) Via Dopini n. 3, Gallarate, Italy; date of birth 12 November 1974, place of birth: Tunis, Tunisia; nationality: Tunisian; passport No L 191609 issued on 28 February 1996; national identification No: 04643632 delivered on 18 June 1999; Codice Fiscale: DAOMMD74T11Z352Z. Other information: his mother's name is Bent Ahmed Ourida'.

4. The entry 'ESSID, Sami Ben Khemais; date of birth 10 February 1968; place of birth Tunisia; Address: Via Dubini n. 3, Gallarate (VA), Italy; Codice Fiscale: SSDSBN68B10Z352F' under the heading 'natural persons' shall be replaced with the following:

'Essid Sami Ben Khemais BEN SALAH (*alias* (a) Omar El Mouhajer (b) Saber), Via Dubini n. 3, Gallarate (VA), Italy; date of birth: 10 February 1968; place of birth: Menzel Jemil Bizerte, Tunisia; nationality: Tunisian; passport No: K/929139 delivered on 14 February 1995; national identification No: 00319547 delivered on 8 December 1994; Codice Fiscale: SSDSBN68B10Z352F. Other information: his mother's name Saidani Beya'.

5. The entry 'BIN MUHAMMAD, Ayadi Chafiq (aka AYADI SHAFIQ, Ben Muhammad; aka AYADI CHAFIK, Ben Muhammad; aka AIADI, Ben Muhammad; aka AIADY, Ben Muhammad), Helene Meyer Ring 10-1415-80809, Munich, Germany; 129 Park Road, London NW8, England; 28 Chaussée De Lille, Moscron, Belgium; Darvingasse 1/2/58-60, Vienna, Austria; Tunisia; born 21.1.1963, Safais (Sfax), Tunisia' under the heading 'natural persons' shall be replaced with the following:

'Ayadi Shafiq Ben Mohamed BEN MOHAMED (*alias* (a) Bin Muhammad, Ayadi Chafiq (b) Ayadi Chafik, Ben Muhammad (c) Aiadi, Ben Muhammad (d) Aiady, Ben Muhammad (e) Ayadi Shafiq Ben Mohamed (f) Ben Mohamed, Ayadi Chafiq (g) Abou El Baraa), (a) Helene Meyer Ring 10-1415-80809, Munich, Germany (b) 129 Park Road, NW8, London, England (c) 28 Chaussée De Lille, Moscron, Belgium (d) Darvingasse 1/2/58-60, Vienna, Austria; date of birth: 21 March 1963; place of birth: Sfax, Tunisia; nationality: Tunisian, Bosnian, Austrian; passport No: E 423362 delivered in Islamabad on 15 May 1988; national identification No: 1292931; other information: his mother's name is Medina Abid; he is actually in Ireland'.

6. The entry 'BOUCHOUCHA, Mokhtar (aka BUSHUSHA, Mokhtar); date of birth 13 October 1969; place of birth Tunisia; Address: Via Milano n. 38, Spinadesco (CR), Italy; Codice Fiscale: BCHMHT69R13Z352T' under the heading 'natural persons' shall be replaced with the following:

'Bouchoucha Mokhtar Ben Mohamed BEN MOKHTAR (*alias* Bushusha, Mokhtar), Via Milano n. 38, Spinadesco (CR), Italy; date of birth: 13 October 1969; place of birth: Tunis, Tunisia; nationality: Tunisian; passport No: K/754050 delivered on 26 May 1999; national identification No: 04756904 delivered on 14 September 1987; Codice Fiscale: BCHMHT69R13Z352T. Other information: his mother's name is Bannour Hedia'.

7. The entry 'CHARAABI, Tarek (aka SHARAABI, Tarek); date of birth 31 March 1970; place of birth Tunisia; Address: Viale Bligny n. 42, Milan, Italy; Codice Fiscale: CHRTRK70C31Z352U' under the heading 'natural persons' shall be replaced with the following:

'Charaabi Tarek Ben Bechir BEN AMARA (*alias* (a) Sharaabi, Tarek (b) Haroun, Frank), Viale Bligny n. 42, Milan, Italy; date of birth: 31 March 1970; place of birth: Tunis, Tunisia; nationality: Tunisian; passport No: L 579603 delivered in Milan on 19 Nov 1997; national identification No: 007-99090; Codice Fiscale: CHRTRK70C31Z352U. Other information: his mother's name is Charaabi Hedia'.

8. The entry 'DARKAZANLI, Mamoun, Uhenhorser Weg 34, Hamburg, 2085 Germany; born 4.8.1958, Aleppo, Syria; Passport No 1310636262 (Germany)' under the heading 'natural persons' shall be replaced with the following:

'Mamoun DARKAZANLI (*alias* (a) Abu Ilyas (b) Abu Ilyas Al Suri (c) Abu Luz), Uhlenhorster Weg 34, Hamburg, 22085 Germany; date of birth: 4 August 1958; place of birth: Damascus, Syria; nationality: Syrian and German; passport No: 1310636262 (Germany), expires on 29 October 2005; national identification No: German identity card No 1312072688, expires on 20 August 2011'.

9. The entry 'HIJAZI, Riad (aka HIJAZI, Raed M.; aka AL-HAWEN, Abu-Ahmad; aka ALMAGHRIBI, Rashid (the Moroccan); aka AL-AMRIKI, Abu-Ahmad (the American); aka AL-SHAHID, Abu-Ahmad), Jordan; born 1968, California, USA; SSN: 548-91-5411' under the heading 'natural persons' shall be replaced with the following:

'Ri'ad (Raed) Muhammad Hasan MUHAMMAD HIJAZI (*alias* (a) Hijazi, Raed M. (b) Al-Hawen, Abu-Ahmad (c) Al-Shahid, Abu-Ahmad (d) Al-Maghribi, Rashid (the Moroccan) (e) Al-Amriki, Abu-Ahmad (the American)); date of birth: 30 December 1968; place of birth: California, United States of America; nationality: Jordanian national; national identification No: SSN: 548-91-5411 National number 9681029476; other information: originally from Ramlah; place of residence while in Jordan — al-Shumaysani (Sheisani) (area of Amman), behind the trade unions complex'.

10. The entry 'Himmat, Ali Ghaleb, Via Posero 2, CH-6911 Campione d'Italia, Switzerland; date of birth 16 June 1938; place of birth: Damascus, Syria; citizen of Switzerland and Tunisia' under the heading 'natural persons' shall be replaced with the following:

'Ali Ghaleb HIMMAT, Via Posero 2, CH-6911 Campione D'Italia, Italy; date of birth: 16 June 1938; place of birth: Damascus, Syria; nationality: Swiss'.

11. The entry 'Huber, Albert Friedrich Armand (aka Huber, Ahmed), Mettmenstetten, Switzerland, date of birth 1927' under the heading 'natural persons' shall be replaced with the following:

'Armand Albert Friedrich HUBER (*alias* Huber, Ahmed), Rossimattstrasse 33, 3074 Muri b. Bern, Switzerland; date of birth 1927; nationality: Swiss'.

12. The entry 'Zain Al-Abidin Muhahhad Husain (aka Abu Zubaida and Abd Al-Hadi Al-Wahab). Born 12.3.1971, Riyadh, Saudi Arabia. Thought to be a Saudi, Palestinian and Jordanian national. Close associate of UBL and facilitator of terrorist travel' under the heading 'natural persons' shall be replaced with the following:

'Zayn al-Abidin Muhammad HUSAYN (*alias* (a) Abu Zubaida (b) Abd Al-Hadi Al-Wahab (c) Zain Al-Abidin Muhahhad Husain (d) Zain Al-Abidin Muhahhad Husain (e) Abu Zubaydah (f) Tariq); date of birth: 12 March 1971; place of birth: Riyadh, Saudi Arabia; nationality: thought to be a Saudi and Palestinian national; passport No: bearer of Egyptian passport No 484824 issued on 18 January 1984 at the Egyptian embassy in Riyadh; other information: close associate of Usama bin Laden and facilitator of terrorist travel'.

13. The entry 'NASREDDIN, Ahmed Idris (aka NASREDDIN, Ahmad I.; aka NASREDDIN, Hadj Ahmed; aka NASREDDINE, Ahmed Idriss); Corso Sempione 69, 20149 Milan, Italy; 1 via delle Scuole, 6900 Lugano, Switzerland; Piazzale Biancamano, Milan, Italy; Rue De Cap Spartel, Tangiers, Morocco; date of birth: 22 November 1929; place of birth: Adi Ugri, Ethiopia; Italian Fiscal Code: NSRDRS29S22Z315Y' under the heading 'natural persons' shall be replaced with the following:

'Nasreddin Ahmed IDRIS (*alias* (a) Nasreddin, Ahmad I. (b) Nasreddin, Hadj Ahmed (c) Nasreddine, Ahmed Idriss (d) Ahmed Idris Nasreddin), (a) Corso Sempione 69, 20149 Milan, Italy, (b) Piazzale Biancamano, Milan, Italy, (c) Rue De Cap Spartel, Tangiers, Morocco, (d) No 10, Rmilat, Villa Nasreddin in Tangiers, Morocco; date of birth: 22 November 1929; place of birth: Adi Ugri, Ethiopia (now Eritrea); nationality: Italian; national identification No: Italian Identity Card No AG 2028062 (Expiry date 7 September 2005); Foreign ID card No: K 5249; Italian Fiscal Code: NSRDRS29S22Z315Y. Other information: In 1994, Mr. Nasreddin left his residence in 1 via delle Scuole, 6900 Lugano, Switzerland and moved to Morocco'.

14. The entry 'Mansour, Mohamed (aka Al-Mansour, dr. Mohamed), Ob. Heslibachstrasse 20, Kusnacht, Switzerland; Zurich, Switzerland; date of birth 1928, place of birth Egypt or United Arab Emirates' under the heading 'natural persons' shall be replaced with the following:

'Mansour MOHAMED (*alias* Al-Mansour, Dr. Mohamed), Obere Heslibachstrasse 20, 8700 Kuesnacht, ZH (Zurich), Switzerland; date of birth: 30 August 1928; place of birth: (a) Egypt (b) United Arab Emirates; nationality: Swiss'.

15. The entry 'Nada, Youssef (aka Nada, Youssef M.) (aka Nada, Youssef Mustafa), Via Arogno 32, 6911 Campione d'Italia, Italy; Via per Arogno 32, CH-6911 Campione d'Italia, Switzerland; Via Riasc 4, CH-6911 Campione d'Italia I, Switzerland; date of birth 17 May 1931 or 17 May 1937; place of birth: Alexandria, Egypt; citizen of Tunisia' under the heading 'natural persons' shall be replaced with the following:

'Nada Youssef MUSTAFA (*alias* (a) Nada, Youssef, (b) Nada, Youssef M.), (a) via Arogno 32, 6911 Campione d'Italia, Italy (b) Via per Arogno 32, CH-6911 Campione d'Italia, Italy (c) Via Riasc 4, CH-6911 Campione d'Italia I, Italy; date of birth: (a) 17 May 1931 (b) 17 May 1937; place of birth: Alexandria, Egypt; national identification No: Italian Identity Card No AE 1111288 (Expiry date 21 March 2005)'.



16. The entry 'Abdul Rahman Yasin (aka TAHA, Abdul Rahman S.; aka TAHER, Abdul Rahman S.; aka YASIN, Abdul Rahman Said; aka YASIN, Aboud); born 10.4.1960, Bloomington, Indiana United States of America; SSN 156-92-9858 (United States of America); passport No 27082171 (United States of America (issued 21.6.1992 in Amman, Jordan) or passport No M0887925 (Iraq); citizen United States of America' under the heading 'natural persons' shall be replaced with the following:
- 'Abdul Rahman YASIN (*alias* (a) Taha, Abdul Rahman S. (b) Taher, Abdul Rahman S. (c) Yasin, Abdul Rahman Said (d) Yasin, Aboud); date of birth: 10 Apr 1960; place of birth: Bloomington, Indiana United States of America; nationality: American; passport No: (a) 27082171 (United States of America (Issued on 21 June 1992 in Amman, Jordan)) (b) M0887925 (Iraq); national identification: SSN 156-92-9858 (United States of America); other information: Abdul Rahman Yasin is in Iraq'.
17. The entry 'Mansour-Fattouh, Zeinab, Zurich, Switzerland' under the heading 'natural persons' shall be replaced with the following:
- 'Mansour Fattouh ZEINAB, Obere Heslibachstrasse 20, 8700 Kuesnacht, ZH, Switzerland; date of birth: 7 May 1933'.
-

**COMMISSION REGULATION (EC) No 867/2003****of 19 May 2003****fixing the minimum selling prices for beef put up for sale under the third invitation to tender referred to in Regulation (EC) No 596/2003**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1254/1999 of 17 May 1999 on the common organisation of the market in beef and veal <sup>(1)</sup>, as last amended by Commission Regulation (EC) No 2345/2001 <sup>(2)</sup>, and in particular Article 28(2) thereof,

Whereas:

- (1) Tenders have been invited for certain quantities of beef fixed by Commission Regulation (EC) No 596/2003 <sup>(3)</sup>.
- (2) Pursuant to Article 9 of Commission Regulation (EEC) No 2173/79 of 4 October 1979 on detailed rules of application for the disposal of beef bought in by intervention agencies and repealing Regulation (EEC) No 216/69 <sup>(4)</sup>, as last amended by Regulation (EC) No 2417/95 <sup>(5)</sup>, the minimum selling prices for meat put up for sale by tender should be fixed, taking into account tenders submitted.

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

HAS ADOPTED THIS REGULATION:

*Article 1*

The minimum selling prices for beef for the third invitation to tender held in accordance with Regulation (EC) No 596/2003 for which the time limit for the submission of tenders was 12 May 2003 are as set out in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 20 May 2003.

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

Done at Brussels, 19 May 2003.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ L 160, 26.6.1999, p. 21.

<sup>(2)</sup> OJ L 315, 1.12.2001, p. 29.

<sup>(3)</sup> OJ L 85, 2.4.2003, p. 3.

<sup>(4)</sup> OJ L 251, 5.10.1979, p. 12.

<sup>(5)</sup> OJ L 248, 14.10.1995, p. 39.

## ANEXO — BILAG — ANHANG — ΠΑΡΑΡΤΗΜΑ — ANNEX — ANNEXE — ALLEGATO — BIJLAGE — ANEXO — LIITE — BILAGA

Estado miembro	Productos	Precio mínimo Expresado en euros por tonelada
Medlemsstat	Produkter	Mindstepriser i EUR/t
Mitgliedstaat	Erzeugnisse	Mindestpreise Ausgedrückt in EUR/Tonne
Κράτος μέλος	Προϊόντα	Ελάχιστες πωλήσεις εκφραζόμενες σε ευρώ ανά τόνο
Member State	Products	Minimum prices Expressed in EUR per tonne
État membre	Produits	Prix minimaux Exprimés en euros par tonne
Stato membro	Prodotti	Prezzi minimi Espressi in euro per tonnellata
Lidstaat	Producten	Minimumprijzen Uitgedrukt in euro per ton
Estado-Membro	Produtos	Preço mínimo Expresso em euros por tonelada
Jäsenvaltio	Tuotteet	Vähimmäishinnat euroina tonnia kohden ilmaistuna
Medlemsstat	Produkter	Minimipriser i euro per ton

a) **Carne con hueso — Kød, ikke udbenet — Fleisch mit Knochen — Κρέατα με κόκαλα — Bone-in beef — Viande avec os — Carni non disossate — Vlees met been — Carne com osso — Luullinen naudanliha — Kött med ben**

DANMARK	— Forfjerdinger	—
DEUTSCHLAND	— Hinterviertel	—
	— Vorderviertel	750
ESPAÑA	— Cuartos traseros	1 350
	— Cuartos delanteros	750
FRANCE	— Quartiers arrière	—
	— Quartiers avant	701
ITALIA	— Quarti anteriori	701
ÖSTERREICH	— Vorderviertel	—

b) **Carne deshuesada — Udbenet kød — Fleisch ohne Knochen — Κρέατα χωρίς κόκαλα — Bonelss beef — Viande désossée — Carni senza osso — Vlees zonder been — Carne desossada — Luuton naudanliha — Benfritt kött**

DEUTSCHLAND	— Hinterhese (INT 11)	—
	— Kugel (INT 12)	—
	— Oberschale (INT 13)	—
	— Unterschale (INT 14)	—
	— Hüfte (INT 16)	2 500
	— Roastbeef (INT 17)	4 510
	— Lappen (INT 18)	—
	— Hochrippe (INT 19)	—
	— Vorderviertel (INT 24)	—
ESPAÑA	— Lomo de intervención (INT 17)	—
	— Paleta de intervención (INT 22)	—
	— Pecho de intervención (INT 23)	—
	— Cuarto delantero de intervención (INT 24)	—

FRANCE	— Tranche grasse d'intervention (INT 12)	—
	— Tranche d'intervention (INT 13)	—
	— Semelle d'intervention (INT 14)	2 321
	— Rumsteck d'intervention (INT 16)	—
	— Faux-filet d'intervention (INT 17)	—
	— Flanchet d'intervention (INT 18)	—
	— Épaule d'intervention (INT 22)	—
	— Poitrine d'intervention (INT 23)	—
	— Avant d'intervention (INT 24)	—
	IRELAND	— Intervention shoulder (INT 22)
— Intervention forequarter (INT 24)		—
ITALIA	— Girello d'intervento (INT 14)	—
	— Filetto d'intervento (INT 15)	—
	— Scamone (INT 16)	—
	— Roastbeef d'intervento (INT 17)	—
NEDERLAND	— Interventieschouder (INT 22)	—
	— Interventieborst (INT 23)	—

**COMMISSION REGULATION (EC) No 868/2003**  
**of 19 May 2003**

**fixing the minimum selling prices for beef put up for sale under the third invitation to tender referred to in Regulation (EC) No 604/2003**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1254/1999 of 17 May 1999 on the common organisation of the market in beef and veal <sup>(1)</sup>, as last amended by Commission Regulation (EC) No 2345/2001 <sup>(2)</sup>, and in particular Article 28(2) thereof,

Whereas:

- (1) Tenders have been invited for certain quantities of beef fixed by Commission Regulation (EC) No 604/2003 <sup>(3)</sup>.
- (2) Pursuant to Article 9 of Commission Regulation (EEC) No 2173/79 of 4 October 1979 on detailed rules of application for to disposal of beef bought in by intervention agencies and repealing Regulation (EEC) No 216/69 <sup>(4)</sup>, as last amended by Regulation (EC) No 2417/95 <sup>(5)</sup>, the minimum selling prices for meat put up for sale by tender should be fixed, taking into account tenders submitted.

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

HAS ADOPTED THIS REGULATION:

*Article 1*

The minimum selling prices for beef for the third invitation to tender held in accordance with Regulation (EC) No 604/2003 for which the time limit for the submission of tenders was 13 May 2003 are as set out in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 20 May 2003.

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

Done at Brussels, 19 May 2003.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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<sup>(1)</sup> OJ L 160, 26.6.1999, p. 21.

<sup>(2)</sup> OJ L 315, 1.12.2001, p. 29.

<sup>(3)</sup> OJ L 86, 3.4.2003, p. 7.

<sup>(4)</sup> OJ L 251, 5.10.1979, p. 12.

<sup>(5)</sup> OJ L 248, 14.10.1995, p. 39.

## ANEXO — BILAG — ANHANG — ΠΑΡΑΡΤΗΜΑ — ANNEX — ANNEXE — ALLEGATO — BIJLAGE — ANEXO — LIITE — BILAGA

Estado miembro	Productos	Precio mínimo Expresado en euros por tonelada
Medlemsstat	Produkter	Mindstepriser i EUR/t
Mitgliedstaat	Erzeugnisse	Mindestpreise Ausgedrückt in EUR/Tonne
Κράτος μέλος	Προϊόντα	Ελάχιστες πωλήσεις εκφραζόμενες σε ευρώ ανά τόνο
Member State	Products	Minimum prices Expressed in EUR per tonne
État membre	Produits	Prix minimaux Exprimés en euros par tonne
Stato membro	Prodotti	Prezzi minimi Espressi in euro per tonnellata
Lidstaat	Producten	Minimumprijzen Uitgedrukt in euro per ton
Estado-Membro	Produtos	Preço mínimo Expresso em euros por tonelada
Jäsenvaltio	Tuotteet	Vähimmäishinnat euroina tonnina kohden ilmaistuna
Medlemsstat	Produkter	Minimipriser i euro per ton

a) **Carne con hueso — Kød, ikke udbenet — Fleisch mit Knochen — Κρέατα με κόκαλα — Bone-in beef — Viande avec os — Carni non disossate — Vlees met been — Carne com osso — Luullinen naudanliha — Kött med ben**

DEUTSCHLAND	— Vorderviertel	601
FRANCE	— Quartiers avant	—
ESPAÑA	— Cuartos delanteros	—

b) **Carne deshuesada — Udbenet kød — Fleisch ohne Knochen — Κρέατα χωρίς κόκαλα — Boneless beef — Viande désossée — Carni senza osso — Vlees zonder been — Carne desossada — Luuton naudanliha — Benfritt kött**

FRANCE	— Flanchet d'intervention (INT 18)	—
	— Épaule d'intervention (INT 22)	—
	— Avant d'intervention (INT 24)	—

**COMMISSION REGULATION (EC) No 869/2003**  
**of 19 May 2003**  
**fixing the export refunds on olive oil**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organisation of the market in oils and fats <sup>(1)</sup>, as last amended by Regulation (EC) No 1513/2001 <sup>(2)</sup>, and in particular Article 3(3) thereof,

Whereas:

- (1) Article 3 of Regulation No 136/66/EEC provides that, where prices within the Community are higher than world market prices, the difference between these prices may be covered by a refund when olive oil is exported to third countries.
- (2) The detailed rules for fixing and granting export refunds on olive oil are contained in Commission Regulation (EEC) No 616/72 <sup>(3)</sup>, as last amended by Regulation (EEC) No 2962/77 <sup>(4)</sup>.
- (3) Article 3(3) of Regulation No 136/66/EEC provides that the refund must be the same for the whole Community.
- (4) In accordance with Article 3(4) of Regulation No 136/66/EEC, the refund for olive oil must be fixed in the light of the existing situation and outlook in relation to olive oil prices and availability on the Community market and olive oil prices on the world market. However, where the world market situation is such that the most favourable olive oil prices cannot be determined, account may be taken of the price of the main competing vegetable oils on the world market and the difference recorded between that price and the price of olive oil during a representative period. The amount of the refund may not exceed the difference between the price of olive oil in the Community and that on the world market, adjusted, where appropriate, to take account of export costs for the products on the world market.

- (5) In accordance with Article 3(3) third indent, point (b) of Regulation No 136/66/EEC, it may be decided that the refund shall be fixed by tender. The tendering procedure should cover the amount of the refund and may be limited to certain countries of destination, quantities, qualities and presentations.
- (6) The second indent of Article 3(3) of Regulation No 136/66/EEC provides that the refund on olive oil may be varied according to destination where the world market situation or the specific requirements of certain markets make this necessary.
- (7) The refund must be fixed at least once every month. It may, if necessary, be altered in the intervening period.
- (8) It follows from applying these detailed rules to the present situation on the market in olive oil and in particular to olive oil prices within the Community and on the markets of third countries that the refund should be as set out in the Annex hereto.
- (9) The Management Committee for Oils and Fats 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(2)(c) of Regulation No 136/66/EEC shall be as set out in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 20 May 2003.

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

Done at Brussels, 19 May 2003.

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

<sup>(1)</sup> OJ L 172, 30.9.1966, p. 3025/66.

<sup>(2)</sup> OJ L 201, 26.7.2001, p. 4.

<sup>(3)</sup> OJ L 78, 31.3.1972, p. 1.

<sup>(4)</sup> OJ L 348, 30.12.1977, p. 53.

## ANNEX

**to the Commission Regulation of 19 May 2003 fixing the export refunds on olive oil**

Product code	Destination	Unit of measurement	Amount of refund
1509 10 90 9100	A00	EUR/100 kg	0,00
1509 10 90 9900	A00	EUR/100 kg	0,00
1509 90 00 9100	A00	EUR/100 kg	0,00
1509 90 00 9900	A00	EUR/100 kg	0,00
1510 00 90 9100	A00	EUR/100 kg	0,00
1510 00 90 9900	A00	EUR/100 kg	0,00

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

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



**COMMISSION DIRECTIVE 2003/39/EC**  
**of 15 May 2003**  
**amending Council Directive 91/414/EEC to include propineb and propyzamide as active substances**  
**(Text with EEA relevance)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 91/414/EEC of 15 July 1991 concerning the placing of plant-protection products on the market <sup>(1)</sup>, as last amended by Commission Directive 2003/31/EC <sup>(2)</sup>, and in particular Article 6(1) thereof,

Whereas:

- (1) Commission Regulation (EEC) No 3600/92 of 11 December 1992 laying down the detailed rules for the implementation of the first stage of the programme of work referred to in Article 8(2) of Council Directive 91/414/EEC concerning the placing of plant-protection products on the market <sup>(3)</sup>, as last amended by Regulation (EC) No 2266/2000 <sup>(4)</sup>, establishes a list of active substances to be assessed, with a view to their possible inclusion in Annex I to Directive 91/414/EEC. That list includes propineb and propyzamide.
- (2) For those active substances the effects on human health and the environment have been assessed in accordance with the provisions laid down in Regulation (EEC) No 3600/92 for a range of uses proposed by the notifiers. In accordance with Commission Regulation (EC) No 933/94 of 27 April 1994 laying down the active substances of plant-protection products and designating the rapporteur Member State for the implementation of Commission Regulation (EEC) No 3600/92 <sup>(5)</sup>, as last amended by Regulation (EC) No 2230/95 <sup>(6)</sup>, the following rapporteur Member States were designated, which in turn submitted the relevant assessment reports and recommendations to the Commission in accordance with Article 7(1)(c) of Regulation (EEC) No 3600/92: for propineb: rapporteur Member State Italy, all relevant information was submitted on 17 July 1996; for propyzamide: rapporteur Member State Sweden, all relevant information was submitted on 19 May 1998.
- (3) Those assessment reports have been reviewed by the Member States and the Commission within the Standing Committee on the Food Chain and Animal Health.
- (4) In accordance with Article 6(4) of Directive 91/414/EEC and in view of a possible unfavourable decision for propineb, the Commission organised a tripartite meeting with the main data submitter and the rapporteur

Member State on 4 December 1997. The main data submitter provided further data in order to meet the initial concerns.

- (5) The reviews of all active substances were finalised on 26 February 2003 in the format of the Commission review reports for propineb and propyzamide.
- (6) The review of propyzamide did not reveal any open questions or concerns, which would have required a consultation of the Scientific Committee on Plants.
- (7) The report on propineb and further information were also submitted to the Scientific Committee for Plants for separate consultation. The Scientific Committee was asked to comment on the long-term exposure assessment for birds and on the appropriate animal model to be used for derivation of the acceptable daily intake (ADI) and the acceptable operator exposure level (AOEL). In its opinion <sup>(7)</sup> the Committee identified a number of respects in which the risks from propineb to birds and from propineb and the metabolite PTU to wild mammals have not been adequately addressed and also indicated ways to improve the risk assessment. Additionally, the Committee emphasised the necessity of a clear expression and justification of all end points, data, assumptions and rationales used for risk assessment. The Committee considered that the rat is the appropriate species for the derivation of ADI and AOEL. The recommendations of the Scientific Committee were taken into account during the further review and in this Directive and in the review report. After the missing information was subsequently delivered by the main notifier and evaluated by the rapporteur Member State, the Member States within the Standing Committee concluded that the risk for birds and wild mammals would be acceptable if appropriate risk-mitigation measures are applied.
- (8) It has appeared from the various examinations made that plant-protection products containing propineb or propyzamide may be expected to satisfy, in general, the requirements laid down in Article 5(1)(a) and (b) and Article 5(3) of Directive 91/414/EEC, in particular with regard to the uses which were examined and detailed in the Commission review report. It is therefore appropriate to include these active substances in Annex I, in order to ensure that in all Member States the authorisations of plant-protection products containing this active substance can be granted in accordance with the provisions of that Directive.

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

<sup>(2)</sup> OJ L 101, 23.4.2003, p. 3.

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

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

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

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

<sup>(7)</sup> Opinion of the Scientific Committee on Plants on specific questions from the Commission regarding the evaluation of propineb in the context of Council Directive 91/414/EEC (SCP/PROPINEB/002 final adopted 8 November 2001).

- (9) The Commission review report is required for the proper implementation by the Member States, of several sections of the uniform principles laid down in Directive 91/414/EEC. It is, therefore, appropriate to provide that the finalised review report, except for confidential information, should be kept available or made available by the Member States for consultation by any interested parties.
- (10) A reasonable period should be allowed to elapse before an active substance is included in Annex I in order to permit Member States and the interested parties to prepare themselves to meet the new requirements which will result from the inclusion.
- (11) After inclusion, Member States should be allowed a reasonable period within which to implement the provisions of Directive 91/414/EEC as regards plant-protection products containing propineb or propyzamide, and in particular, to review existing authorisations to ensure that the conditions regarding those active substances set out in Annex I to Directive 91/414/EEC are satisfied. A longer period should be provided for the submission and assessment of the complete dossier of each plant-protection product in accordance with the uniform principles laid down in Directive 91/414/EEC.
- (12) It is therefore appropriate to amend Directive 91/414/EEC accordingly.
- (13) The measures provided for in this Directive are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS DIRECTIVE:

*Article 1*

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

*Article 2*

Member States shall adopt and publish by 30 September 2004 at the latest the laws, regulations and administrative provisions necessary to comply with this Directive. They shall forthwith inform the Commission thereof.

They shall apply those provisions from 1 October 2004.

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

*Article 3*

1. Member States shall review the authorisation for each plant-protection product containing propineb or propyzamide to ensure that the conditions relating to those active substances set out in Annex I to Directive 91/414/EEC are complied with. Where necessary and by 30 September 2004 at the latest, they shall amend or withdraw the authorisation.

2. Member States shall, for each authorised plant-protection product containing propineb or propyzamide as either the only active substance or as one of several active substances all of which were listed in Annex I to Directive 91/414/EEC by 31 March 2004 at the latest, re-evaluate the product in accordance with the uniform principles provided for in Annex VI to Directive 91/414/EEC, on the basis of a dossier satisfying the requirements of Annex III to that Directive. On the basis of that evaluation, they shall determine whether the product satisfies the conditions set out in Article 4(1)(b), (c), (d) and (e) of Directive 91/414/EEC. Where necessary and by 31 March 2008 at the latest, they shall amend or withdraw the authorisation.

*Article 4*

This Directive shall enter into force on 1 April 2004.

*Article 5*

This Directive is addressed to the Member States.

Done at Brussels, 15 May 2003.

*For the Commission*

David BYRNE

*Member of the Commission*

## ANNEX

The following entries shall be added at the end of the table in Annex I to Directive 91/414/EC

No	Common name, identification Nos	IUPAC name	Purity <sup>(1)</sup>	Entry into force	Expiration of inclusion	Specific provisions
54	Propineb CAS No: 12071-83-9 (monomer), 9016-72-2 (homopolymer) CIPAC No: 177	Polymeric zinc 1,2-propylenebis(dithiocarbamate)	The technical active substance should comply with the FAO specification	1 April 2004	31 March 2014	<p>Only uses as fungicide may be authorised</p> <p>For the implementation of the uniform principles of Annex VI, the conclusions of the review report on propineb, and in particular Appendices I and II thereto, as finalised in the Standing Committee on the Food Chain and Animal Health on 26 February 2003 shall be taken into account. In this overall assessment:</p> <ul style="list-style-type: none"> <li>— Member States should pay particular attention to the potential for ground water contamination when the active substance is applied in regions with vulnerable soils and/or extreme climatic conditions</li> <li>— Member States should pay particular attention to the protection of small mammals, aquatic organisms and non-target arthropods. Conditions of authorisation should include risk mitigation measures, where appropriate</li> <li>— Member States should observe the acute dietary exposure situation of consumers in view of future revisions of maximum residue levels</li> </ul>
55	Propyzamide CAS No: 23950-58-5 CIPAC No: 315	3,5-dichloro-N-(1,1-dimethylprop-2-ynyl)benzamide	920 g/kg	1 April 2004	31 March 2014	<p>Only uses as herbicide may be authorised</p> <p>For the implementation of the uniform principles of Annex VI, the conclusions of the review report on propyzamide, and in particular Appendices I and II thereof, as finalised in the Standing Committee on Plant Health 26 February 2003 shall be taken into account. In this overall assessment, Member States:</p> <ul style="list-style-type: none"> <li>— must pay particular attention to the protection of operators and must ensure that conditions of authorisation include risk mitigation measures, where appropriate</li> <li>— must pay particular attention to the protection of birds and wild mammals in particular if the substance is applied during the breeding season. Conditions of authorisation should include risk mitigation measures, where appropriate</li> </ul>

<sup>(1)</sup> Further details on identity and specification of active substance are provided in the review report.'

## II

(Acts whose publication is not obligatory)

## COUNCIL

## COUNCIL DECISION

of 17 March 2003

**concerning the conclusion of an Agreement in the form of an Exchange of Letters between the European Community and the Socialist Republic of Vietnam amending the Memorandum of Understanding between the European Community and the Government of Vietnam on the prevention of fraud in trade in footwear products**

(2003/360/EC)

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal from the Commission,

Whereas:

- (1) The Commission has negotiated with the Socialist Republic of Vietnam, on behalf of the Community, a bilateral Agreement in the form of an Exchange of Letters, amending the Memorandum of Understanding between the European Community and the Government of Vietnam on the prevention of fraud in trade in footwear products <sup>(1)</sup> initialled on 4 August 1999 and provisionally in force since 1 January 2000.
- (2) The Agreement in the form of an Exchange of Letters should be approved on behalf of the Community,

HAS DECIDED AS FOLLOWS:

*Sole Article*

The Agreement in the form of an Exchange of Letters between the European Community and Vietnam amending the Memorandum of Understanding on the prevention of fraud in trade in footwear products between the European Community and the Government of Vietnam is hereby approved on behalf of the Community.

The text of the Agreement is attached to this Decision.

Done at Brussels, 17 March 2003.

*For the Council*

*The President*

G. DRYS

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<sup>(1)</sup> OJ L 1, 4.1.2000, p. 13.

**AGREEMENT IN THE FORM OF AN EXCHANGE OF LETTERS****between the European Community and the Socialist Republic of Vietnam amending the Memorandum of Understanding between the European Community and the Government of Vietnam, on the prevention of fraud in trade in footwear products***A. Letter from the Community*

Brussels, 6 May 2003

Sir,

1. I have the honour to refer to the negotiations held between our respective delegations on the 28 November 2002 with a view to amending the Memorandum of Understanding between the European Community and the Government of Vietnam on the prevention of fraud in trade in footwear products, applied provisionally from 1 January 2000.
2. As a result of those negotiations, it was agreed to amend the Memorandum of Understanding as follows:
  - (a) Article 3(3) shall be supplemented by the following:

'Subject to an administrative arrangement to be entered into between the Socialist Republic of Vietnam and the Community, the transmission of this information by electronic means may replace the issue of export certificates in paper form.'
  - (b) Article 7(2) shall be replaced by the following:

'This Memorandum of Understanding shall be applied until 31 December 2004.'
3. I should be obliged if you would confirm the agreement of your Government to the contents of this letter.

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

*For the European Community*

*B. Letter from the Government of the Socialist Republic of Vietnam*

Brussels, 6 May 2003

Sir,

I have the honour to acknowledge receipt of your letter dated 6 May 2003 which reads as follows:

1. I have the honour to refer to the negotiations held between our respective delegations on the 28 November 2002 with a view to amending the Memorandum of Understanding between the European Community and the Government of Vietnam on the prevention of fraud in trade in footwear products, applied provisionally from 1 January 2000.
2. As a result of those negotiations, it was agreed to amend the Memorandum of Understanding as follows:
  - (a) Article 3(3) shall be supplemented by the following:

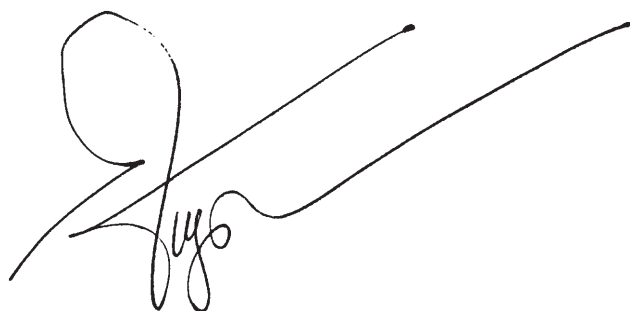
“Subject to an administrative arrangement to be entered into between the Socialist Republic of Vietnam and the Community, the transmission of this information by electronic means may replace the issue of export certificates in paper form.”;
  - (b) Article 7(2) shall be replaced by the following:

“This Memorandum of Understanding shall be applied until 31 December 2004.”
3. I should be obliged if you would confirm the agreement of your Government to the contents of this letter.’

I have the honour to confirm that my Government is in agreement with the contents of this letter.

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

*For the Government of the Socialist Republic of Vietnam*



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# COMMISSION

## COMMISSION RECOMMENDATION

of 6 May 2003

### concerning the definition of micro, small and medium-sized enterprises

(notified under document number C(2003) 1422)

(Text with EEA relevance)

(2003/361/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community, and in particular Article 211, second indent, thereof,

Whereas:

(1) In a report submitted to the Council in 1992 at the request of the 'Industry' Council held on 28 May 1990, the Commission had proposed limiting the proliferation of definitions of small and medium-sized enterprises in use at Community level. Commission Recommendation 96/280/EC of 3 April 1996 concerning the definition of small and medium-sized enterprises<sup>(1)</sup> was based on the idea that the existence of different definitions at Community level and at national level could create inconsistencies. Following the logic of a single market without internal frontiers, the treatment of enterprises should be based on a set of common rules. The pursuit of such an approach is all the more necessary in view of the extensive interaction between national and Community measures assisting micro, small and medium-sized enterprises (SME), for example in connection with Structural Funds or research. It means that situations in which the Community focuses its action on a given category of SMEs and the Member States on another must be avoided. In addition, it was considered that the application of the same definition by the Commission, the Member States, the European Investment Bank (EIB) and the European Investment Fund (EIF) would improve the consistency and effectiveness of policies targeting SMEs and would, therefore, limit the risk of distortion of competition.

(2) Recommendation 96/280/EC has been applied widely by the Member States, and the definition contained in the Annex thereto has been taken over in Commission Regulation (EC) No 70/2001 of 12 January 2001 on the application of Articles 87 and 88 of the EC Treaty to State aid to small and medium-sized enterprises<sup>(2)</sup>. Apart from the need to adapt Recommendation 96/280/EC to

economic developments, pursuant to Article 2 of the Annex thereto, consideration must be given to a number of difficulties of interpretation which have emerged in its application, as well as the observations received from enterprises. In view of the number of amendments now requiring to be made to Recommendation 96/280/EC, and for the sake of clarity, it is appropriate to replace the Recommendation.

(3) It should also be made clear that, in accordance with Articles 48, 81 and 82 of the Treaty, as interpreted by the Court of Justice of the European Communities, an enterprise should be considered to be any entity, regardless of its legal form, engaged in economic activities, including in particular entities engaged in a craft activity and other activities on an individual or family basis, partnerships or associations regularly engaged in economic activities.

(4) The criterion of staff numbers (the 'staff headcount criterion') remains undoubtedly one of the most important, and must be observed as the main criterion; introducing a financial criterion is nonetheless a necessary adjunct in order to grasp the real scale and performance of an enterprise and its position compared to its competitors. However, it would not be desirable to use turnover as the sole financial criterion, in particular because enterprises in the trade and distribution sector have by their nature higher turnover figures than those in the manufacturing sector. Thus the turnover criterion should be combined with that of the balance sheet total, a criterion which reflects the overall wealth of a business, with the possibility of either of these two criteria being exceeded.

(5) The turnover ceiling refers to enterprises engaged in very different types of economic activity. In order not to restrict unduly the usefulness of applying the definition, it should be updated to take account of changes in both prices and productivity.

<sup>(1)</sup> OJ L 107, 30.4.1996, p. 4.

<sup>(2)</sup> OJ L 10, 13.1.2001, p. 33.



- (6) As regards the ceiling for the balance sheet total, in the absence of any new element, it is justified to maintain the approach whereby the turnover ceilings are subjected to a coefficient based on the statistical ratio between the two variables. The statistical trend requires a greater increase to be made to the turnover ceiling. Since the trend differs according to the size-category of the enterprise, it is also appropriate to adjust the coefficient in order to reflect the economic trend as closely as possible and not to penalise microenterprises and small enterprises as opposed to medium-sized enterprises. This coefficient is very close to 1 in the case of microenterprises and small enterprises. To simplify matters, therefore, a single value must be chosen for those categories for the turnover ceiling and balance sheet total ceiling.
- (7) As in Recommendation 96/280/EC, the financial ceilings and the staff ceilings represent maximum limits and the Member States, the EIB and the EIF may fix ceilings lower than the Community ceilings if they wish to direct their measures towards a specific category of SME. In the interests of administrative simplification, the Member States, the EIB and the EIF may use only one criterion — the staff headcount — for the implementation of some of their policies. However, this does not apply to the various rules in competition law where the financial criteria must also be used and adhered to.
- (8) Following the endorsement of the European Charter for Small Enterprises by the European Council of Santa Maria da Feira in June 2000, microenterprises — a category of small enterprises particularly important for the development of entrepreneurship and job creation — should also be better defined.
- (9) To gain a better understanding of the real economic position of SMEs and to remove from that category groups of enterprises whose economic power may exceed that of genuine SMEs, a distinction should be made between various types of enterprises, depending on whether they are autonomous, whether they have holdings which do not entail a controlling position (partner enterprises), or whether they are linked to other enterprises. The current limit shown in Recommendation 96/280/EC, of a 25 % holding below which an enterprise is considered autonomous, is maintained.
- (10) In order to encourage the creation of enterprises, equity financing of SMEs and rural and local development, enterprises can be considered autonomous despite a holding of 25 % or more by certain categories of investors who have a positive role in business financing and creation. However, conditions for these investors have not previously been specified. The case of 'business angels' (individuals or groups of individuals pursuing a regular business of investing venture capital) deserves special mention because — compared to other venture capital investors — their ability to give relevant advice to new entrepreneurs is extremely valuable. Their investment in equity capital also complements the activity of venture capital companies, as they provide smaller amounts at an earlier stage of the enterprise's life.
- (11) To simplify matters, in particular for Member States and enterprises, use should be made when defining linked enterprises of the conditions laid down in Article 1 of Council Directive 83/349/EEC of 13 June 1983 based on Article 54(3)(g) of the Treaty on consolidated accounts <sup>(1)</sup>, as last amended by Directive 2001/65/EC of the European Parliament and of the Council <sup>(2)</sup>, in so far as these conditions are suitable for the purposes of this Recommendation. To strengthen the incentives for investing in the equity funding of an SME, the presumption of absence of dominant influence on the enterprise in question was introduced, in pursuance of the criteria of Article 5(3), of Council Directive 78/660/EEC of 25 July 1978 based on Article 54(3)(g) of the Treaty on the annual accounts of certain types of companies <sup>(3)</sup>, as last amended by Directive 2001/65/EC.
- (12) Account should also be taken, in suitable cases, of relations between enterprises which pass through natural persons, with a view to ensuring that only those enterprises which really need the advantages accruing to SMEs from the different rules or measures in their favour actually benefit from them. In order to limit the examination of these situations to the strict minimum, the account taken of such relationships has been restricted to the relevant market or to adjacent markets — reference being had, where necessary, to the Commission's definition of 'relevant markets' in the Commission notice on the definition of relevant market for the purposes of Community competition law <sup>(4)</sup>.
- (13) In order to avoid arbitrary distinctions between different public bodies of a Member State, and given the need for legal certainty, it is considered necessary to confirm that an enterprise with 25 % or more of its capital or voting rights controlled by a public body is not an SME.
- (14) In order to ease the administrative burden for enterprises, and to simplify and speed up the administrative handling of cases for which SME status is required, it is appropriate to allow enterprises to use solemn declarations to certify certain of their characteristics.

<sup>(1)</sup> OJ L 193, 18.7.1983, p. 1.

<sup>(2)</sup> OJ L 283, 27.10.2001, p. 28.

<sup>(3)</sup> OJ L 222, 14.8.1978, p. 11.

<sup>(4)</sup> OJ C 372, 9.12.1997, p. 5.



- (15) It is necessary to establish in detail the composition of the staff headcount for SME definition purposes. In order to promote the development of vocational training and sandwich courses, it is desirable, when calculating staff numbers, to disregard apprentices and students with a vocational training contract. Similarly, maternity or parental leave periods should not be counted.
- (16) The various types of enterprise defined according to their relationship with other enterprises correspond to objectively differing degrees of integration. It is therefore appropriate to apply distinct procedures to each of those types of enterprise when calculating the quantities representing their activities and economic power,

HEREBY RECOMMENDS:

*Article 1*

1. This Recommendation concerns the definition of micro, small and medium-sized enterprises used in Community policies applied within the Community and the European Economic Area.
2. Member States, the European Investment Bank (EIB) and the European Investment Fund (EIF), are invited:
  - (a) to comply with Title I of the Annex for their programmes directed towards medium-sized enterprises, small enterprises or microenterprises;
  - (b) to take the necessary steps with a view to using the size classes set out in Article 7 of the Annex, especially where the monitoring of their use of Community financial instruments is concerned.

*Article 2*

The ceilings shown in Article 2 of the Annex are to be regarded as maximum values. Member States, the EIB and the EIF may fix lower ceilings. In implementing certain of their policies, they may also choose to apply only the criterion of number of employees, except in fields governed by the various rules on State aid.

*Article 3*

This Recommendation will replace Recommendation 96/280/EC as from 1 January 2005.

*Article 4*

This Recommendation is addressed to the Member States, the EIB and the EIF.

They are requested to inform the Commission by 31 December 2004 of any measures they have taken further to it and, no later than 30 September 2005, to inform it of the first results of its implementation.

Done at Brussels, 6 May 2003.

*For the Commission*

Erkki LIIKANEN

*Member of the Commission*

## ANNEX

## TITLE I

**DEFINITION OF MICRO, SMALL AND MEDIUM-SIZED ENTERPRISES ADOPTED BY THE COMMISSION***Article 1***Enterprise**

An enterprise is considered to be any entity engaged in an economic activity, irrespective of its legal form. This includes, in particular, self-employed persons and family businesses engaged in craft or other activities, and partnerships or associations regularly engaged in an economic activity.

*Article 2***Staff headcount and financial ceilings determining enterprise categories**

1. The category of micro, small and medium-sized enterprises (SMEs) is made up of enterprises which employ fewer than 250 persons and which have an annual turnover not exceeding EUR 50 million, and/or an annual balance sheet total not exceeding EUR 43 million.
2. Within the SME category, a small enterprise is defined as an enterprise which employs fewer than 50 persons and whose annual turnover and/or annual balance sheet total does not exceed EUR 10 million.
3. Within the SME category, a microenterprise is defined as an enterprise which employs fewer than 10 persons and whose annual turnover and/or annual balance sheet total does not exceed EUR 2 million.

*Article 3***Types of enterprise taken into consideration in calculating staff numbers and financial amounts**

1. An 'autonomous enterprise' is any enterprise which is not classified as a partner enterprise within the meaning of paragraph 2 or as a linked enterprise within the meaning of paragraph 3.
2. 'Partner enterprises' are all enterprises which are not classified as linked enterprises within the meaning of paragraph 3 and between which there is the following relationship: an enterprise (upstream enterprise) holds, either solely or jointly with one or more linked enterprises within the meaning of paragraph 3, 25 % or more of the capital or voting rights of another enterprise (downstream enterprise).

However, an enterprise may be ranked as autonomous, and thus as not having any partner enterprises, even if this 25 % threshold is reached or exceeded by the following investors, provided that those investors are not linked, within the meaning of paragraph 3, either individually or jointly to the enterprise in question:

- (a) public investment corporations, venture capital companies, individuals or groups of individuals with a regular venture capital investment activity who invest equity capital in unquoted businesses ('business angels'), provided the total investment of those business angels in the same enterprise is less than EUR 1 250 000;
  - (b) universities or non-profit research centres;
  - (c) institutional investors, including regional development funds;
  - (d) autonomous local authorities with an annual budget of less than EUR 10 million and fewer than 5 000 inhabitants.
3. 'Linked enterprises' are enterprises which have any of the following relationships with each other:
    - (a) an enterprise has a majority of the shareholders' or members' voting rights in another enterprise;
    - (b) an enterprise has the right to appoint or remove a majority of the members of the administrative, management or supervisory body of another enterprise;
    - (c) an enterprise has the right to exercise a dominant influence over another enterprise pursuant to a contract entered into with that enterprise or to a provision in its memorandum or articles of association;
    - (d) an enterprise, which is a shareholder in or member of another enterprise, controls alone, pursuant to an agreement with other shareholders in or members of that enterprise, a majority of shareholders' or members' voting rights in that enterprise.

There is a presumption that no dominant influence exists if the investors listed in the second subparagraph of paragraph 2 are not involving themselves directly or indirectly in the management of the enterprise in question, without prejudice to their rights as stakeholders.

Enterprises having any of the relationships described in the first subparagraph through one or more other enterprises, or any one of the investors mentioned in paragraph 2, are also considered to be linked.

Enterprises which have one or other of such relationships through a natural person or group of natural persons acting jointly are also considered linked enterprises if they engage in their activity or in part of their activity in the same relevant market or in adjacent markets.

An 'adjacent market' is considered to be the market for a product or service situated directly upstream or downstream of the relevant market.

4. Except in the cases set out in paragraph 2, second subparagraph, an enterprise cannot be considered an SME if 25 % or more of the capital or voting rights are directly or indirectly controlled, jointly or individually, by one or more public bodies.

5. Enterprises may make a declaration of status as an autonomous enterprise, partner enterprise or linked enterprise, including the data regarding the ceilings set out in Article 2. The declaration may be made even if the capital is spread in such a way that it is not possible to determine exactly by whom it is held, in which case the enterprise may declare in good faith that it can legitimately presume that it is not owned as to 25 % or more by one enterprise or jointly by enterprises linked to one another. Such declarations are made without prejudice to the checks and investigations provided for by national or Community rules.

#### *Article 4*

##### **Data used for the staff headcount and the financial amounts and reference period**

1. The data to apply to the headcount of staff and the financial amounts are those relating to the latest approved accounting period and calculated on an annual basis. They are taken into account from the date of closure of the accounts. The amount selected for the turnover is calculated excluding value added tax (VAT) and other indirect taxes.

2. Where, at the date of closure of the accounts, an enterprise finds that, on an annual basis, it has exceeded or fallen below the headcount or financial ceilings stated in Article 2, this will not result in the loss or acquisition of the status of medium-sized, small or microenterprise unless those ceilings are exceeded over two consecutive accounting periods.

3. In the case of newly established enterprises whose accounts have not yet been approved, the data to apply is to be derived from a bona fide estimate made in the course of the financial year.

#### *Article 5*

##### **Staff headcount**

The headcount corresponds to the number of annual work units (AWU), i.e. the number of persons who worked full-time within the enterprise in question or on its behalf during the entire reference year under consideration. The work of persons who have not worked the full year, the work of those who have worked part-time, regardless of duration, and the work of seasonal workers are counted as fractions of AWU. The staff consists of:

- (a) employees;
- (b) persons working for the enterprise being subordinated to it and deemed to be employees under national law;
- (c) owner-managers;
- (d) partners engaging in a regular activity in the enterprise and benefiting from financial advantages from the enterprise.

Apprentices or students engaged in vocational training with an apprenticeship or vocational training contract are not included as staff. The duration of maternity or parental leaves is not counted.

#### *Article 6*

##### **Establishing the data of an enterprise**

1. In the case of an autonomous enterprise, the data, including the number of staff, are determined exclusively on the basis of the accounts of that enterprise.

2. The data, including the headcount, of an enterprise having partner enterprises or linked enterprises are determined on the basis of the accounts and other data of the enterprise or, where they exist, the consolidated accounts of the enterprise, or the consolidated accounts in which the enterprise is included through consolidation.

To the data referred to in the first subparagraph are added the data of any partner enterprise of the enterprise in question situated immediately upstream or downstream from it. Aggregation is proportional to the percentage interest in the capital or voting rights (whichever is greater). In the case of cross-holdings, the greater percentage applies.

To the data referred to in the first and second subparagraph is added 100 % of the data of any enterprise, which is linked directly or indirectly to the enterprise in question, where the data were not already included through consolidation in the accounts.

3. For the application of paragraph 2, the data of the partner enterprises of the enterprise in question are derived from their accounts and their other data, consolidated if they exist. To these is added 100 % of the data of enterprises which are linked to these partner enterprises, unless their accounts data are already included through consolidation.

For the application of the same paragraph 2, the data of the enterprises which are linked to the enterprise in question are to be derived from their accounts and their other data, consolidated if they exist. To these is added, pro rata, the data of any possible partner enterprise of that linked enterprise, situated immediately upstream or downstream from it, unless it has already been included in the consolidated accounts with a percentage at least proportional to the percentage identified under the second subparagraph of paragraph 2.

4. Where in the consolidated accounts no staff data appear for a given enterprise, staff figures are calculated by aggregating proportionally the data from its partner enterprises and by adding the data from the enterprises to which the enterprise in question is linked.

## TITLE II

### SUNDRY PROVISIONS

#### *Article 7*

#### **Statistics**

The Commission will take the necessary measures to present the statistics that it produces in accordance with the following size-classes of enterprises:

- (a) 0 to 1 person;
- (b) 2 to 9 persons;
- (c) 10 to 49 persons;
- (d) 50 to 249 persons.

#### *Article 8*

#### **References**

1. Any Community legislation or any Community programme to be amended or adopted and in which the term 'SME', 'microenterprise', 'small enterprise' or 'medium-sized enterprise', or any other similar term occurs, should refer to the definition contained in this Recommendation.

2. As a transitional measure, current Community programmes using the SME definition in Recommendation 96/280/EC will continue to be implemented for the benefit of the enterprises which were considered SMEs when those programmes were adopted. Legally binding commitments entered into by the Commission on the basis of such programmes will remain unaffected.

Without prejudice to the first subparagraph, any amendment of the SME definition within the programmes can be made only by adopting the definition contained in this Recommendation in accordance with paragraph 1.

#### *Article 9*

#### **Revision**

On the basis of a review of the application of the definition contained in this Recommendation, to be drawn up by 31 March 2006, and taking account of any amendments to Article 1 of Directive 83/349/EEC on the definition of linked enterprises within the meaning of that Directive, the Commission will, if necessary, adapt the definition contained in this Recommendation, and in particular the ceilings for turnover and the balance-sheet total in order to take account of experience and economic developments in the Community.

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## COMMISSION DECISION

of 14 May 2003

**repealing Decision 98/399/EC approving the plan for the eradication of classical swine fever in feral pigs in the province of Varese, Italy***(notified under document number C(2003) 1527)***(Only the Italian text is authentic)****(Text with EEA relevance)**

(2003/362/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 2001/89/EC of 23 October 2001 on Community measures for the control of classical swine fever <sup>(1)</sup>, and in particular Article 16(1), thereof,

Whereas:

- (1) In 1997 classical swine fever was confirmed in the feral pig population in the province of Varese, Italy.
- (2) A plan for the eradication of classical swine fever was approved by Commission Decision 98/399/EC of 8 June 1998 approving the plan presented by Italy for the eradication of classical swine fever in feral pigs in the province of Varese <sup>(2)</sup>.
- (3) Italy has submitted information suggesting that classical swine fever has been successfully eradicated from the province of Varese.
- (4) The Italian authorities will continue an intensive surveillance on classical swine fever in feral pigs in the framework of the programme for the eradication and monitoring of swine vesicular disease and classical swine fever approved by Commission Decision 2002/943/EC of 28 November 2002 approving programmes for the eradica-

tion and monitoring of certain animal diseases and for the prevention of zoonoses presented by the Member States for the year 2003 <sup>(3)</sup>.

- (5) It is therefore appropriate to repeal Decision 98/399/EC.
- (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 98/399/EC is repealed.

*Article 2*

This Decision is addressed to the Italian Republic.

Done at Brussels, 14 May 2003.

*For the Commission*

David BYRNE

*Member of the Commission*

<sup>(1)</sup> OJ L 316, 1.12.2001, p. 5.

<sup>(2)</sup> OJ L 176, 20.6.1998, p. 36.

<sup>(3)</sup> OJ L 326, 3.12.2002, p. 12.

**COMMISSION DECISION****of 14 May 2003****approving the plan for the eradication of classical swine fever in feral pigs in certain areas of Belgium***(notified under document number C(2003) 1529)***(Only the French and Dutch texts are authentic)****(Text with EEA relevance)**

(2003/363/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 2001/89/EC of 23 October 2001 on Community measures for the control of classical swine fever <sup>(1)</sup>, and in particular Article 16(1), thereof,

Whereas:

- (1) In November 2002 classical swine fever was confirmed in the feral pig population in Belgium.
- (2) In the light of the epidemiological situation, Belgium has submitted a plan for the eradication of classical swine fever in feral pigs in the concerned areas of Belgium.
- (3) The submitted plan has been examined and found to comply with the provisions of Directive 2001/89/EC and should therefore be approved.
- (4) For the sake of transparency it is appropriate to indicate in the present Decision the geographical areas of Belgium where the eradication plan shall be implemented.
- (5) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS DECISION:

*Article 1*

The plan submitted by Belgium for the eradication of classical swine fever in feral pigs in the areas referred to in the Annex is approved.

*Article 2*

Belgium shall bring into force the laws, regulations and administrative provisions for implementing the plan referred to in Article 1.

*Article 3*

This Decision is addressed to Belgium.

Done at Brussels, 14 May 2003.

*For the Commission*

David BYRNE

*Member of the Commission*

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<sup>(1)</sup> OJ L 316, 1.12.2001, p. 5.

## ANNEX

The territory of Belgium located in-between:

- the motorway E40 (A3) from the border with Germany until the cross with road N68,
  - then, the road N68 in the southern direction, at Eupen continuing into the Aachenerstraße until the cross with the Paveestraße,
  - then, the Paveestraße until the cross with the Kirchstraße,
  - then, the Kirchstraße, continuing into the Bergstraße and the Neustraße until the cross with the road Olengraben,
  - then, the road Olengraben, continuing into the Haasstraße until the cross with the Malmedystraße,
  - then, the Malmedystraße, continuing into the road N68 in the southern direction until the cross with the road N62,
  - then, the road N62 in the eastern and the southern direction until the cross with motorway E42 (A27),
  - then, the motorway E42 (A27) until the border with Germany.
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## COMMISSION DECISION

of 15 May 2003

**excluding from Community financing certain expenditure incurred by the Member States under the Guarantee Section of the European Agricultural Guidance and Guarantee Fund (EAGGF)***(notified under document number C(2003) 1539)***(Only the Spanish, German, Greek, English, French, Italian and Portuguese texts are authentic)**

(2003/364/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 729/70 of 21 April 1970 on the financing of the common agricultural policy <sup>(1)</sup>, as last amended by Regulation (EC) No 1287/95 <sup>(2)</sup>, and in particular Article 5(2)(c) thereof,Having regard to Council Regulation (EC) No 1258/1999 of 17 May 1999 on the financing of the common agricultural policy <sup>(3)</sup>, and in particular Article 7(4) thereof,

After consulting the Committee for the European Agricultural Guidance and Guarantee Fund,

Whereas:

(1) Article 5(2)(c) of Regulation (EEC) No 729/70 and Article 7(4) of Regulation (EC) No 1258/1999 stipulate that the Commission is to exclude expenditure from Community financing where it finds that it has not been incurred in accordance with Community rules.

(2) The above Articles of Regulation (EEC) No 729/70 and Regulation (EC) No 1258/1999 as well as Article 8(1) and (2) of Commission Regulation (EC) No 1663/95 of 7 July 1995 laying down detailed rules for the application of Council Regulation (EEC) No 729/70 regarding the procedure for the clearance of the accounts of the EAGGF Guarantee Section <sup>(4)</sup>, as last amended by Regulation (EC) No 2025/2001 <sup>(5)</sup>, provide that the Commission is to carry out the necessary checks, forward its findings to the Member States, consider any comments from the latter, enter into bilateral discussions to reach an agreement with the Member States concerned and formally communicate its conclusions to them, referring to Commission Decision 94/442/EC of 1 July 1994 setting up a conciliation procedure in the context of the clearance of the accounts of the European Agricultural Guidance and Guarantee Fund (EAGGF) Guarantee Section <sup>(6)</sup>, as last amended by Decision 2001/535/EC <sup>(7)</sup>.

(3) The Member States have had the opportunity to request that a conciliation procedure be initiated. That procedure has been applied in some cases and the reports issued on the outcome have been considered by the Commission.

(4) Articles 2 and 3 of Regulation (EEC) No 729/70 and Article 2 of Regulation (EC) No 1258/1999 provide that refunds on exports to third countries and intervention intended to stabilise agricultural markets may be financed only where they are either granted or undertaken in accordance with the Community rules governing the common organisations of agricultural markets.

(5) The findings of checks performed, the results of bilateral discussions and the outcome of the conciliation procedures have shown that some expenditure declared by the Member States does not meet those conditions and cannot therefore be financed under the EAGGF Guarantee Section.

(6) The Annex to this Decision sets out the amounts that are not recognised as being chargeable to the EAGGF Guarantee Section. Those amounts do not relate to expenditure incurred more than 24 months before the Commission's written notification of the results of the checks to the Member States.

(7) As regards the cases covered by this Decision, the assessment of the amounts to be excluded on grounds of non-compliance with Community rules was notified by the Commission to the Member States and is set out in a summary report on the subject.

(8) This Decision is without prejudice to any financial conclusions that the Commission may draw from the judgments of the Court of Justice in cases pending on 28 February 2003 and relating to its content,

<sup>(1)</sup> OJ L 94, 28.4.1970, p. 13.<sup>(2)</sup> OJ L 125, 8.6.1995, p. 1.<sup>(3)</sup> OJ L 160, 26.6.1999, p. 103.<sup>(4)</sup> OJ L 158, 8.7.1995, p. 6.<sup>(5)</sup> OJ L 274, 17.10.2001, p. 3.<sup>(6)</sup> OJ L 182, 16.7.1994, p. 45.<sup>(7)</sup> OJ L 193, 17.7.2001, p. 25.



HAS ADOPTED THIS DECISION:

*Article 1*

The expenditure itemised in the Annex hereto that has been incurred by the Member States' accredited paying agencies and declared under the EAGGF Guarantee Section is hereby excluded from Community financing because it does not comply with Community rules.

*Article 2*

This Decision is addressed to the Federal Republic of Germany, the Hellenic Republic, the Kingdom of Spain, the French Republic, Ireland, the Italian Republic, the Republic of Austria and the Portuguese Republic.

Done at Brussels, 15 May 2003.

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

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## ANNEX

## Total corrections

Sector	Member State	Budget item	Reason	Currency	Expenditure to exclude from financing	Deductions already made	Financial impact of this decision	Financial year
Agri-environmental measures	A	5011	Ad hoc correction — shortcomings in the management of recoveries	EUR	63 531,00	0,00	63 531,00	1999
	<b>Total A</b>				<b>63 531,00</b>	<b>0,00</b>	<b>63 531,00</b>	
Livestock premiums	E	2120-2125	Flat-rate corrections (2 % and 5 % accredited to budget items) shortcomings in key controls and secondary controls	EUR	49 025,30	0,00	49 025,30	2000
Livestock premiums	E	2124,2128	Flat-rate corrections (2 %, 5 % and 10 % accredited to autonomous communities) shortcomings in key controls and secondary controls	EUR	2 850 510,00	0,00	2 850 510,00	2000
	<b>Total E</b>				<b>2 899 535,30</b>	<b>0,00</b>	<b>2 899 535,30</b>	
Livestock premiums	D	2120-2125	Flat-rate corrections of 2 % — shortcomings in secondary controls	EUR	804 200,60	0,00	804 200,60	1998-1999
Emergency BSE payments	D	2190	Ad hoc correction in connection with Regulation (EC) No 2443/96	EUR	1 037,41	1 037,41	0,00	1998
Financial audit	D	miscellaneous	Materiality threshold for errors exceeded	EUR	927 401,00	0,00	927 401,00	2000
	<b>Total D</b>				<b>1 732 639,01</b>	<b>1 037,41</b>	<b>1 731 601,60</b>	
Financial audit	F	4081	Adjustment	EUR	44 560,42	44 560,42	0,00	2001
Wine and tobacco	F	1611-1630	Failure to comply with legislation: spirits	EUR	1 412 550,00	0,00	1 412 550,00	1999-2000
Wine and tobacco	F	1611-1630	Failure to comply with legislation: concentrated must and rectified concentrated must	EUR	23 146 858,00	0,00	23 146 858,00	1999-2000
	<b>Total F</b>				<b>24 603 968,42</b>	<b>44 560,42</b>	<b>24 559 408,00</b>	
Arable crops	EL	1041-1062 1310,1858	Flat-rate corrections of 5 % for unsound management and lack of key controls	EUR	57 294 195,00	24 146 701,10	33 147 493,90	2000-2001
	<b>Total EL</b>				<b>57 294 195,00</b>	<b>24 146 701,10</b>	<b>33 147 493,90</b>	

Sector	Member State	Budget item	Reason	Currency	Expenditure to exclude from financing	Deductions already made	Financial impact of this decision	Financial year
Beekeeping	IRL	2320/2540	Non-eligible expenditure	EUR	16 986,67	0,00	16 986,67	1999-2001
	<b>Total IRL</b>				<b>16 986,67</b>	<b>0,00</b>	<b>16 986,67</b>	
Livestock premiums	I	2120-2125	Ad hoc correction: failure to impose penalties	EUR	3 842 890,00	0,00	3 842 890,00	1999-2000
Arable crops	I	1041-1062 1310,1858	Flat-rate correction of 2 % — shortcomings in secondary controls	EUR	75 966 670,00	0,00	75 966 670,00	2000-2001
Financial audit	I	4072	Amended correction — Calabria region	EUR		9 579,24	- 9 579,24	2001
Financial audit	I	4072	Correction for payments not in compliance with Regulation (EEC) No 2080/92	EUR	56 152,28	0,00	56 152,28	2001
Financial audit	I	4072	Shortcomings in the management of advance payments and guarantees	EUR	82 259,70	0,00	82 259,70	2001
	<b>Total I</b>				<b>79 947 971,98</b>	<b>9 579,24</b>	<b>79 938 392,74</b>	
Livestock premiums	P	2120-2125 3211	Flat-rate corrections (2 % and 5 % accredited to budget items) shortcomings in key controls and secondary controls	EUR	2 446 684,20	0,00	2 446 684,20	1999
	<b>Total P</b>				<b>2 446 684,20</b>	<b>0,00</b>	<b>2 446 684,20</b>	

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

**COUNCIL COMMON POSITION 2003/365/CFSP  
of 19 May 2003  
amending Common Position 2001/357/CFSP concerning restrictive measures against Liberia**

THE COUNCIL OF THE EUROPEAN UNION,

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

Whereas:

- (1) On 7 May 2001 the Council adopted Common Position 2001/357/CFSP<sup>(1)</sup> concerning restrictive measures against Liberia so as to implement UNSC Resolution 1343 (2001) setting out measures to be imposed against Liberia, adopted on 7 March 2001 by the United Nations Security Council, (hereinafter referred to as UNSCR 1343 (2001)).
- (2) On 7 May 2003 the United Nations Security Council adopted UNSCR 1478 (2003) whereby the measures imposed against Liberia by UNSCRs 1343 (2001) and 1408 (2002) are amended and extended until 7 May 2004.
- (3) UNSCR 1478 (2003) calls upon the Government of Liberia to establish an effective Certificate of Origin regime for Liberian rough diamonds that is transparent and internationally verifiable, and provides that when such a regime is ready to become fully operational and to be properly implemented, rough diamonds controlled by the Government of Liberia through the Certificate of Origin regime shall be exempted from the import prohibition imposed by UNSCR 1343 (2001).
- (4) Action by the Community is needed in order to implement certain measures,

HAS ADOPTED THIS COMMON POSITION:

*Article 1*

Common Position 2001/357/CFSP is hereby amended as follows:

<sup>(1)</sup> OJ L 126, 8.5.2001, p. 1, Common Position as last amended by Common Position 2002/457/CFSP (OJ L 155 of 14.6.2002, p. 62).

1. Article 3 shall be replaced by the following:

*'Article 3*

Member States shall take the necessary measures to prevent the entry into, or transit through, their territories of:

- (a) senior members of the Government of Liberia and its armed forces and their spouses and any other individuals providing financial and military support to armed rebel groups in countries neighbouring Liberia, in particular the RUF (Revolutionary United Front) in Sierra Leone, as designated by the Committee established by paragraph 14 of UNSCR 1343 (2001), under the conditions set out in UNSCR 1343 (2001);
- (b) any individuals, including from the LURD (Liberians United for Reconciliation and Democracy) or other armed rebel groups, determined by that Committee to be in violation of the arms embargo set out in Article 1, under the conditions set out in UNSCR 1478 (2003).'

2. The following Article shall be inserted:

*'Article 3a*

1. The direct or indirect import into the Community of all round logs and timber products originating in Liberia shall be prohibited.

2. Paragraph 1 shall apply as from 7 July 2003 unless the Council decides otherwise in accordance with any future relevant United Nations Security Council Resolutions.'

*Article 2*

Common Position 2001/357/CFSP is hereby extended until 7 May 2004 unless the Council decides otherwise in accordance with any future relevant United Nations Security Council Resolution.

*Article 3*

This Common Position shall take effect on the date of its adoption.

It shall be applicable from 7 May 2003.

*Article 4*

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

Done at Brussels, 19 May 2003.

*For the Council*  
*The President*  
G. PAPANDREOU

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**COUNCIL COMMON POSITION 2003/366/CFSP**  
**of 19 May 2003**  
**amending Common Position 2002/400/CFSP concerning the temporary reception by Member States of the European Union of certain Palestinians**

THE COUNCIL OF THE EUROPEAN UNION,

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

Whereas:

- (1) On 21 May 2002, the Council adopted Common Position 2002/400/CFSP concerning the temporary reception by Member States of the European Union of certain Palestinians <sup>(1)</sup> and granting them national permits valid for a period of up to 12 months.
- (2) The validity of those permits should be extended,

HAS ADOPTED THIS COMMON POSITION:

*Article 1*

Common Position 2002/400/CFSP is hereby amended as follows:

1. The first subparagraph of Article 3 shall read as follows:  
'Each of the Member States referred to in Article 2 shall provide the Palestinians it receives with a national permit to enter its territory and stay for a period of up to 24 months.'

2. Article 8 shall read as follows:

*'Article 8*

The Council shall keep the application of this Common Position under review and shall evaluate such application within 23 months from its adoption or earlier at the request of any of its members.'

*Article 2*

This Common Position shall take effect on the day of its adoption.

*Article 3*

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

Done at Brussels, 19 May 2003.

*For the Council*  
*The President*  
G. PAPANDREOU

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<sup>(1)</sup> OJ L 138, 28.5.2002, p. 33.