

English edition

Legislation

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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EC) No 1013/2003
of 13 June 2003
establishing the standard import values for determining the entry price of certain fruit and vegetables

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 14 June 2003.

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

Done at Brussels, 13 June 2003.

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

⁽¹⁾ OJ L 337, 24.12.1994, p. 66.

⁽²⁾ OJ L 299, 1.11.2002, p. 17.

ANNEX

to the Commission Regulation of 13 June 2003 establishing the standard import values for determining the entry price of certain fruit and vegetables

<i>(EUR/100 kg)</i>		
CN code	Third country code ⁽¹⁾	Standard import value
0702 00 00	052	78,9
	096	52,4
	999	65,7
0707 00 05	052	104,6
	628	143,3
	999	124,0
0709 90 70	052	82,6
	999	82,6
0805 50 10	382	57,7
	388	58,8
	528	59,0
	999	58,5
0808 10 20, 0808 10 50, 0808 10 90	388	82,0
	400	96,6
	508	82,1
	512	71,2
	524	63,7
	528	68,4
	720	102,7
	800	224,9
	804	103,2
	999	99,4
	0809 10 00	052
999		171,4
0809 20 95	052	341,0
	064	261,1
	068	156,6
	400	276,9
	999	258,9
0809 30 10, 0809 30 90	052	115,0
	999	115,0
0809 40 05	052	134,1
	999	134,1

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

COMMISSION REGULATION (EC) No 1014/2003
of 13 June 2003

fixing the minimum selling prices for butter and the maximum aid for cream, butter and concentrated butter for the 121st individual invitation to tender under the standing invitation to tender provided for in Regulation (EC) No 2571/97

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1255/1999 of 17 May 1999 on the common organisation of the market in milk and milk products ⁽¹⁾, as last amended by Commission Regulation (EC) No 509/2002 ⁽²⁾, and in particular Article 10 thereof,

Whereas:

- (1) The intervention agencies are, pursuant to Commission Regulation (EC) No 2571/97 of 15 December 1997 on the sale of butter at reduced prices and the granting of aid for cream, butter and concentrated butter for use in the manufacture of pastry products, ice-cream and other foodstuffs ⁽³⁾, as last amended by Regulation (EC) No 635/2000 ⁽⁴⁾, to sell by invitation to tender certain quantities of butter that they hold and to grant aid for cream, butter and concentrated butter. Article 18 of that Regulation stipulates that in the light of the tenders received in response to each individual invitation to tender a minimum selling price shall be fixed for butter and maximum aid shall be fixed for cream, butter and concentrated butter. It is further stipulated that the price

or aid may vary according to the intended use of the butter, its fat content and the incorporation procedure, and that a decision may also be taken to make no award in response to the tenders submitted. The amount(s) of the processing securities must be fixed accordingly.

- (2) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Milk and Milk Products,

HAS ADOPTED THIS REGULATION:

Article 1

The minimum selling prices and the maximum aid and processing securities applying for the 121st individual invitation to tender, under the standing invitation to tender provided for in Regulation (EC) No 2571/97, shall be fixed as indicated in the Annex hereto.

Article 2

This Regulation shall enter into force on 14 June 2003.

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

Done at Brussels, 13 June 2003.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 160, 26.6.1999, p. 48.

⁽²⁾ OJ L 79, 22.3.2002, p. 15.

⁽³⁾ OJ L 350, 20.12.1997, p. 3.

⁽⁴⁾ OJ L 76, 25.3.2000, p. 9.

ANNEX

to the Commission Regulation of 13 June 2003 fixing the minimum selling prices for butter and the maximum aid for cream, butter and concentrated butter for the 121st individual invitation to tender under the standing invitation to tender provided for in Regulation (EC) No 2571/97

(EUR/100 kg)

Formula			A		B	
Incorporation procedure			With tracers	Without tracers	With tracers	Without tracers
Minimum selling price	Butter ≥ 82 %	Unaltered	—	—	—	—
		Concentrated	—	—	—	—
Processing security		Unaltered	—	—	—	—
		Concentrated	—	—	—	—
Maximum aid	Butter ≥ 82 %		85	81	85	81
	Butter < 82 %		83	79	—	79
	Concentrated butter		105	101	105	101
	Cream		—	—	36	34
Processing security		Butter	94	—	94	—
		Concentrated butter	116	—	116	—
		Cream	—	—	40	—

**COMMISSION REGULATION (EC) No 1015/2003
of 13 June 2003**

**fixing the maximum purchasing price for butter for the 74th invitation to tender carried out under
the standing invitation to tender governed by Regulation (EC) No 2771/1999**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1255/1999 of 17 May 1999 on the common organisation of the market in milk and milk products ⁽¹⁾, as last amended by Commission Regulation (EC) No 509/2002 ⁽²⁾, and in particular Article 10 thereof,

Whereas:

- (1) Article 13 of Commission Regulation (EC) No 2771/1999 of 16 December 1999 laying down detailed rules for the application of Council Regulation (EC) No 1255/1999 as regards intervention on the market in butter and cream ⁽³⁾, as last amended by Regulation (EC) No 359/2003 ⁽⁴⁾, provides that, in the light of the tenders received for each invitation to tender, a maximum buying-in price is to be fixed in relation to the intervention price applicable and that it may also be decided not to proceed with the invitation to tender.

- (2) As a result of the tenders received, the maximum buying-in price should be fixed as set out below.

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

HAS ADOPTED THIS REGULATION:

Article 1

For the 74th invitation to tender issued under Regulation (EC) No 2771/1999, for which tenders had to be submitted not later than 10 June 2003, the maximum buying-in price is fixed at 295,38 EUR/100 kg.

Article 2

This Regulation shall enter into force on 14 June 2003.

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

Done at Brussels, 13 June 2003.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 160, 26.6.1999, p. 48.

⁽²⁾ OJ L 79, 22.3.2002, p. 15.

⁽³⁾ OJ L 333, 24.12.1999, p. 11.

⁽⁴⁾ OJ L 53, 28.2.2003, p. 17.

**COMMISSION REGULATION (EC) No 1016/2003
of 13 June 2003**

**fixing the maximum aid for concentrated butter for the 293rd special invitation to tender opened
under the standing invitation to tender provided for in Regulation (EEC) No 429/90**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1255/1999 of 17 May 1999 on the common organisation of the market in milk and milk products ⁽¹⁾, as last amended by Commission Regulation (EC) No 509/2002 ⁽²⁾, and in particular Article 10 thereof,

Whereas:

- (1) In accordance with Commission Regulation (EEC) No 429/90 of 20 February 1990 on the granting by invitation to tender of an aid for concentrated butter intended for direct consumption in the Community ⁽³⁾, as last amended by Regulation (EC) No 124/1999 ⁽⁴⁾, the intervention agencies are opening a standing invitation to tender for the granting of aid for concentrated butter; Article 6 of that Regulation provides that in the light of the tenders received in response to each special invitation to tender, a maximum amount of aid is to be fixed for concentrated butter with a minimum fat content of 96 % or a decision is to be taken to make no award; the end-use security must be fixed accordingly.

(2) In the light of the tenders received, the maximum aid should be fixed at the level specified below and the end-use security determined accordingly.

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

HAS ADOPTED THIS REGULATION:

Article 1

For the 293rd special invitation to tender under the standing invitation to tender opened by Regulation (EEC) No 429/90, the maximum aid and the amount of the end-use security shall be as follows:

- | | |
|---------------------|-----------------|
| — maximum aid: | EUR 105/100 kg, |
| — end-use security: | EUR 116/100 kg. |

Article 2

This Regulation shall enter into force on 14 June 2003.

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

Done at Brussels, 13 June 2003.

For the Commission
Franz FISCHLER
Member of the Commission

⁽¹⁾ OJ L 160, 26.6.1999, p. 48.

⁽²⁾ OJ L 79, 22.3.2002, p. 15.

⁽³⁾ OJ L 45, 21.2.1990, p. 8.

⁽⁴⁾ OJ L 16, 21.1.1999, p. 19.

**COMMISSION REGULATION (EC) No 1017/2003
of 13 June 2003**

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

(1) An invitation to tender for the export refund on rice was issued pursuant to Commission Regulation (EC) No 1898/2002 ⁽³⁾.

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

(3) The application of the abovementioned criteria to the current market situation for the rice in question results in the maximum export refund being fixed at the amount specified in Article 1.

(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

The maximum export refund on wholly milled long grain B rice to be exported to certain third countries pursuant to the invitation to tender issued in Regulation (EC) No 1898/2002 is hereby fixed on the basis of the tenders submitted from 9 to 12 June 2003 at 295,00 EUR/t.

Article 2

This Regulation shall enter into force on 14 June 2003.

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

Done at Brussels, 13 June 2003.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 329, 30.12.1995, p. 18.

⁽²⁾ OJ L 62, 5.3.2002, p. 27.

⁽³⁾ OJ L 287, 25.10.2002, p. 11.

⁽⁴⁾ OJ L 61, 7.3.1975, p. 25.

⁽⁵⁾ OJ L 299, 1.11.2002, p. 18.

**COMMISSION REGULATION (EC) No 1018/2003
of 13 June 2003**

**concerning tenders submitted in response to the invitation to tender for the export to certain
third countries of wholly milled round grain A rice issued in Regulation (EC) No 1896/2002**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

- (1) An invitation to tender for the export refund on rice was issued under Commission Regulation (EC) No 1896/2002 ⁽³⁾.
- (2) Article 5 of Commission Regulation (EEC) No 584/75 ⁽⁴⁾, as last amended by Regulation (EC) No 1948/2002 ⁽⁵⁾, allows the Commission to decide, in accordance with the procedure laid down in Article 22 of Regulation (EC) No 3072/95 and on the basis of the tenders submitted, to make no award.

(3) On the basis of the criteria laid down in Article 13 of Regulation (EC) No 3072/95 a maximum refund should not be fixed.

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

HAS ADOPTED THIS REGULATION:

Article 1

No action shall be taken on the tenders submitted from 9 to 12 June 2003 in response to the invitation to tender for the export refund on wholly milled round grain A rice to certain third countries issued in Regulation (EC) No 1896/2002.

Article 2

This Regulation shall enter into force on 14 June 2003.

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

Done at Brussels, 13 June 2003.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 329, 30.12.1995, p. 18.

⁽²⁾ OJ L 62, 5.3.2002, p. 27.

⁽³⁾ OJ L 287, 25.10.2002, p. 5.

⁽⁴⁾ OJ L 61, 7.3.1975, p. 25.

⁽⁵⁾ OJ L 299, 1.11.2002, p. 18.

**COMMISSION REGULATION (EC) No 1019/2003
of 13 June 2003**

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

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

(3) The application of the abovementioned criteria to the current market situation for the rice in question results in the maximum export refund being fixed at the amount specified in Article 1.

(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

The maximum export refund on wholly milled grain, medium grain and long grain A rice to be exported to certain third countries pursuant to the invitation to tender issued in Regulation (EC) No 1897/2002 is hereby fixed on the basis of the tenders submitted from 9 to 12 June 2003 at 138,00 EUR/t.

Article 2

This Regulation shall enter into force on 14 June 2003.

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

Done at Brussels, 13 June 2003.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 329, 30.12.1995, p. 18.

⁽²⁾ OJ L 62, 5.3.2002, p. 27.

⁽³⁾ OJ L 287, 25.10.2002, p. 8.

⁽⁴⁾ OJ L 61, 7.3.1975, p. 25.

⁽⁵⁾ OJ L 299, 1.11.2002, p. 18.

COMMISSION REGULATION (EC) No 1020/2003
of 13 June 2003
concerning the classification of certain goods in the Combined Nomenclature

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff⁽¹⁾, as last amended by Commission Regulation (EC) No 2176/2002⁽²⁾, and in particular Article 9(1) thereof,

Whereas:

- (1) In order to ensure uniform application of the Combined Nomenclature annexed to Regulation (EEC) No 2658/87, it is necessary to adopt measures concerning the classification of the goods referred to in the Annex to this Regulation.
- (2) Regulation (EEC) No 2658/87 has laid down the general rules for the interpretation of the Combined Nomenclature. Those rules apply also to any other nomenclature which is wholly or partly based on it or which adds any additional subdivision to it and which is established by specific Community provisions, with a view to the application of tariff and other measures relating to trade in goods.
- (3) Pursuant to those general rules, the goods described in column 1 of the table set out in the Annex to this Regulation should be classified under the CN code indicated in column 2, by virtue of the reasons set out in column 3.
- (4) It is appropriate to provide that, subject to the measures in force in the Community relating to double checking systems and to prior and retrospective Community surveillance of imports of textile products into the Community, binding tariff information issued by the customs authorities of Member States in respect of the

classification of goods in the Combined Nomenclature and which is not in accordance with this Regulation, can continue to be invoked by the holder for a period of 60 days, under Article 12(6) of Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code⁽³⁾, as last amended by Regulation (EC) No 2700/2000 of the European Parliament and of the Council⁽⁴⁾.

- (5) The measures provided for in this Regulation are in accordance with the opinion of the Customs Code Committee,

HAS ADOPTED THIS REGULATION:

Article 1

The goods described in column 1 of the table set out in the Annex shall be classified in the Combined Nomenclature in the corresponding CN code indicated in column 2 of that table.

Article 2

Subject to the measures in force in the Community relating to double checking systems and to prior and retrospective Community surveillance of imports of textile products into the Community, binding tariff information issued by the customs authorities of Member States which is not in accordance with this Regulation, can continue to be invoked for a period of 60 days, under Article 12(6) of Regulation (EEC) No 2913/92.

Article 3

This Regulation shall enter into force on the 20th 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, 13 June 2003.

For the Commission
Frederik BOLKESTEIN
Member of the Commission

⁽¹⁾ OJ L 256, 7.9.1987, p. 1.
⁽²⁾ OJ L 331, 7.12.2002, p. 3.

⁽³⁾ OJ L 302, 19.10.1992, p. 1.
⁽⁴⁾ OJ L 311, 12.12.2000, p. 17.

ANNEX

Description of the goods	Classification (CN code)	Reasons
(1)	(2)	(3)
<p>A self-coloured cover, suitable for laundering (approximately 73 cm x 42 cm), made from a multi-layer quilted textile product, the outer layer consisting of a woven fabric (65 % polyester, 25 % cotton and 10 % polypropylene), the middle layer of wadding and the inner layer of a self-coloured non-woven fabric (100 % polypropylene). It has a zip fastener to allow it to be filled.</p> <p>(pillowcase)</p> <p>(See photograph no 627) (*)</p>	6302 32 90	<p>Classification is determined by the provisions of General Rules 1 and 6 for the interpretation of the Combined Nomenclature, notes 2(A) and 7 to section XI, subheading note 2(A) to section XI, note 1 to chapter 63 and the wording of CN codes 6302, 6302 32 and 6302 32 90.</p> <p>The multi-layer quilted textile is made up of a product of heading 5811. See also the Harmonised System explanatory notes to heading 5811.</p> <p>This article is considered to be bed linen within the meaning of heading 6302. See also the Harmonised System explanatory notes to heading 6302 (1) which include pillowcases into heading 6302.</p> <p>Classification under heading 9404 (articles of bedding) is ruled out, since this article is neither stuffed nor internally fitted with any material. See also the Harmonised System explanatory notes to heading 9404 (B). Moreover, the Harmonised System explanatory notes to heading 9404 (e) exclude pillowcases and assign them to heading 6302.</p>

(*) The photographs are purely for illustration.



COMMISSION REGULATION (EC) No 1021/2003
of 13 June 2003
concerning the classification of certain goods in the Combined Nomenclature

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff⁽¹⁾, as last amended by Commission Regulation (EC) No 23176/2002⁽²⁾, and in particular Article 9(1) thereof,

Whereas:

- (1) In order to ensure uniform application of the Combined Nomenclature annexed to Regulation (EEC) No 2658/87, it is necessary to adopt measures concerning the classification of the goods referred to in the Annex to this Regulation.
- (2) Regulation (EEC) No 2658/87 has laid down the general rules for the interpretation of the Combined Nomenclature. Those rules also apply to any other nomenclature which is wholly or partly based on it or which adds any additional subdivision to it and which is established by specific Community provisions, with a view to the application of tariff and other measures relating to trade in goods.
- (3) Pursuant to the said general rules, the goods described in column 1 of the table set out in the Annex to this Regulation should be classified under the CN code indicated in column 2, by virtue of the reasons set out in column 3.
- (4) It is appropriate that binding tariff information issued by the customs authorities of Member States in respect of the classification of goods in the Combined Nomenclature

and which is not in accordance with this Regulation, can continue to be invoked by the holder, under Article 12(6) of Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code⁽³⁾, as last amended by Regulation (EC) No 2700/2000 of the European Parliament and of the Council⁽⁴⁾, for a period of three months.

- (5) The measures provided for in this Regulation are in accordance with the opinion of the Customs Code Committee,

HAS ADOPTED THIS REGULATION:

Article 1

The goods described in column 1 of the table set out in the Annex shall be classified within the Combined Nomenclature under the CN code indicated in column 2 of that table.

Article 2

Binding tariff information issued by the customs authorities of Member States which is not in accordance with this Regulation can continue to be invoked under Article 12(6) of Regulation (EEC) No 2913/92 for a period of three months.

Article 3

This Regulation shall enter into force on the 20th 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, 13 June 2003.

For the Commission
Frederik BOLKESTEIN
Member of the Commission

⁽¹⁾ OJ L 256, 7.9.1987, p. 1.
⁽²⁾ OJ L 331, 7.12.2002, p. 3.

⁽³⁾ OJ L 302, 19.10.1992, p. 1.
⁽⁴⁾ OJ L 311, 12.12.2000, p. 17.

ANNEX

Description of the goods	Classification CN code	Reasons
(1)	(2)	(3)
<p>Product in the form of discs (approximately 4,5 cm in diameter and approximately 1 cm thick), made of puffed rice, one surface being covered with a thin layer of a dark brown coloured icing, not more than 0,5 mm thick and containing less than 0,4 % of cocoa. The product also contains sugar, vegetable fat, skimmed and half skimmed milk powder, whey powder, carob powder, soya-bean lecithin, colouring agent and flavouring agent. It is put up for retail sale.</p> <p>(See photograph) (*)</p>	1904 10 30	<p>Classification is determined by the provisions of General Rules 1 and 6 for the interpretation of the Combined Nomenclature, Note 1 to Chapter 18, Note 3 to Chapter 19 and by the wording of CN codes 1904, 1904 10 and 1904 10 30.</p> <p>The product contains, by application of Note 3 to Chapter 19, less than 6 % by weight of cocoa calculated on a totally defatted basis (see the Harmonised System explanatory note to Chapter 19).</p> <p>It cannot be considered to be, within the meaning of Note 3 to Chapter 19, a preparation coated with chocolate of heading 1806 (see also the Harmonised System explanatory note to Chapter 18, exclusion (d)).</p> <p>Since the product is obtained by the swelling or roasting of cereals it, not being covered by any other heading in the Nomenclature, meets the terms of heading 1904 (see the Harmonised System explanatory note to heading 1904, Part (A)).</p>

(*) The photograph is purely for information.



COMMISSION REGULATION (EC) No 1022/2003
of 13 June 2003
fixing the import duties in the cereals sector

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Having regard to Commission Regulation (EC) No 1249/96 of 28 June 1996 laying down detailed rules for the application of Council Regulation (EEC) No 1766/92 as regards import duties in the cereals sector ⁽³⁾, as last amended by Regulation (EC) No 1900/2002 ⁽⁴⁾, and in particular Article 2(1) thereof,

Whereas:

- (1) Article 10 of Regulation (EEC) No 1766/92 provides that the rates of duty in the Common Customs Tariff are to be charged on import of the products referred to in Article 1 of that Regulation. However, in the case of the products referred to in paragraph 2 of that Article, the import duty is to be equal to the intervention price valid for such products on importation and increased by 55 %, minus the cif import price applicable to the consignment in question. However, that duty may not exceed the rate of duty in the Common Customs Tariff.
- (2) Pursuant to Article 10(3) of Regulation (EEC) No 1766/92, the cif import prices are calculated on the basis of the representative prices for the product in question on the world market.

- (3) Regulation (EC) No 1249/96 lays down detailed rules for the application of Council Regulation (EEC) No 1766/92 as regards import duties in the cereals sector.
- (4) The import duties are applicable until new duties are fixed and enter into force. They also remain in force in cases where no quotation is available for the reference exchange referred to in Annex II to Regulation (EC) No 1249/96 during the two weeks preceding the next periodical fixing.
- (5) In order to allow the import duty system to function normally, the representative market rates recorded during a reference period should be used for calculating the duties.
- (6) Application of Regulation (EC) No 1249/96 results in import duties being fixed as set out in the Annex to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The import duties in the cereals sector referred to in Article 10(2) of Regulation (EEC) No 1766/92 shall be those fixed in Annex I to this Regulation on the basis of the information given in Annex II.

Article 2

This Regulation shall enter into force on 16 June 2003.

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

Done at Brussels, 13 June 2003.

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

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 193, 29.7.2000, p. 1.

⁽³⁾ OJ L 161, 29.6.1996, p. 125.

⁽⁴⁾ OJ L 287, 25.10.2002, p. 15.

ANNEX I

Import duties for the products covered by Article 10(2) of Regulation (EEC) No 1766/92

CN code	Description	Import duty ⁽¹⁾ (EUR/tonne)
1001 10 00	Durum wheat high quality	0,00
	medium quality	0,00
	low quality	9,22
1001 90 91	Common wheat seed	10,48
ex 1001 90 99	Common high quality wheat other than for sowing ⁽²⁾	10,48
1002 00 00	Rye	42,58
1005 10 90	Maize seed other than hybrid	57,79
1005 90 00	Maize other than seed ⁽³⁾	57,79
1007 00 90	Grain sorghum other than hybrids for sowing	42,58

⁽¹⁾ For goods arriving in the Community via the Atlantic Ocean or via the Suez Canal (Article 2(4) of Regulation (EC) No 1249/96), the importer may benefit from a reduction in the duty of:

— EUR 3 per tonne, where the port of unloading is on the Mediterranean Sea, or

— EUR 2 per tonne, where the port of unloading is in Ireland, the United Kingdom, Denmark, Sweden, Finland or the Atlantic coasts of the Iberian peninsula.

⁽²⁾ Importers are entitled to a flat-rate reduction of EUR 14 per tonne.

⁽³⁾ The importer may benefit from a flat-rate reduction of EUR 24 per tonne, where the conditions laid down in Article 2(5) of Regulation (EC) No 1249/96 are met.

ANNEX II

Factors for calculating duties

(period from 30 May 2003 to 12 June 2003)

1. Averages over the two-week period preceding the day of fixing:

Exchange quotations	Minneapolis	Chicago	Minneapolis	Minneapolis	Minneapolis	Minneapolis
Product (% proteins at 12 % humidity)	HRS2. 14 %	YC3	HAD2	Medium quality (*)	Low quality (**)	US barley 2
Quotation (EUR/t)	112,05	80,62	161,71 (***)	151,71 (***)	131,71 (***)	98,34 (***)
Gulf premium (EUR/t)	—	12,16	—	—	—	—
Great Lakes premium (EUR/t)	18,40	—	—	—	—	—

(*) A discount of 10 EUR/t (Article 4(1) of Regulation (EC) No 1249/96).

(**) A discount of 30 EUR/t (Article 3 of Regulation (EC) No 2378/2002).

(***) Fob Gulf.

2. Freight/cost: Gulf of Mexico–Rotterdam: 16,55 EUR/t; Great Lakes–Rotterdam: 26,19 EUR/t.

3. Subsidy within the meaning of the third paragraph of Article 4(2) of Regulation (EC) No 1249/96: 0,00 EUR/t (HRW2)
0,00 EUR/t (SRW2).

COURT OF JUSTICE

AMENDMENTS TO THE RULES OF PROCEDURE OF THE COURT OF JUSTICE FOLLOWING THE ENTRY INTO FORCE OF THE TREATY OF NICE

THE COURT OF JUSTICE,

Having regard to the Treaty establishing the European Community, in particular the sixth paragraph of Article 223 thereof,

Having regard to the Treaty establishing the European Atomic Energy Community, in particular the sixth paragraph of Article 139 thereof,

Whereas:

- (1) The Treaty of Nice amending the Treaty on European Union, the Treaties establishing the European Communities and certain related acts has made amendments to the provisions of the EC and EAEC Treaties concerning the Court of Justice and has replaced the Protocols on the Statute of the Court of Justice annexed to the Treaty establishing the European Community and to the Treaty establishing the European Atomic Energy Community by a new Protocol on the Statute of the Court of Justice annexed to the Treaty on European Union, to the Treaty establishing the European Community and to the Treaty establishing the European Atomic Energy Community.
- (2) Articles 221 of the EC Treaty and 137 of the EAEC Treaty, as amended, provide that the Court is to sit in chambers, in a Grand Chamber or, where appropriate, as a full Court, and Article 16 of the new Protocol on the Statute of the Court of Justice lays down the composition of the chambers and of the Grand Chamber; account must be taken of those new formations in the Rules of Procedure and certain detailed rules must be laid down for the assignment of cases to the formations and for their composition for each case.
- (3) Articles 222 of the EC Treaty and 138 of the EAEC Treaty, as amended, and Article 20 of the new Protocol on the Statute of the Court of Justice provide that the Court may, in certain circumstances, decide that a case is to be determined without an opinion from the Advocate General; provision must be made in the Rules of Procedure for the manner in which that decision is to be taken.
- (4) Article 300(6) of the EC Treaty, as amended, gives the European Parliament the right to obtain the opinion of the Court of Justice as to whether an agreement envisaged is compatible with the provisions of that Treaty;

provision must be made in the Rules of Procedure for the procedure to be followed where a request for an opinion is made by the Parliament.

- (5) Article 16 of the new Protocol on the Statute of the Court of Justice provides that the Judges are to elect the Presidents of the chambers from among their number and that the Presidents of the chambers of five Judges are to be elected for three years; consequential amendments must be made to the Rules of Procedure.
- (6) The expiry of the Treaty establishing the European Coal and Steel Community and the entry into force of the new Protocol on the Statute of the Court of Justice make it necessary to make a number of drafting amendments to the provisions of the Rules of Procedure,

With the approval of the Council given on 8 April 2003,

HAS ADOPTED THE FOLLOWING AMENDMENTS TO ITS RULES OF PROCEDURE:

Article 1

The Rules of Procedure of the Court of Justice of the European Communities of 19 June 1991 (OJ L 176, 4.7.1991, p. 7; Corrigendum in OJ L 383, 29.12.1992, p. 117), as amended on 21 February 1995 (OJ L 44, 28.2.1995, p. 61), 11 March 1997 (OJ L 103, 19.4.1997, p. 1; Corrigendum in OJ L 351, 23.12.1997, p. 72), 16 May 2000 (OJ L 122, 24.5.2000, p. 43), 28 November 2000 (OJ L 322, 19.12.2000, p. 1), 3 April 2001 (OJ L 119, 27.4.2001, p. 1) and 17 September 2002 (OJ L 272, 10.10.2002, p. 24; Corrigendum in OJ L 281, 19.10.2002), shall be amended as follows:

1. Article 1 is replaced by the following:

'In these Rules:

 - "Union Treaty" means the Treaty on European Union,
 - "EC Treaty" means the Treaty establishing the European Community,
 - "EAEC Treaty" means the Treaty establishing the European Atomic Energy Community,
 - "Statute" means the Protocol on the Statute of the Court of Justice,
 - "EEA Agreement" means the Agreement on the European Economic Area.

For the purposes of these Rules:

- “institutions” means the institutions of the Community and bodies which are established by the Treaties, or by an act adopted in implementation thereof, and which may be parties before the Court,
 - “EFTA Surveillance Authority” means the surveillance authority referred to in the EEA Agreement.’
2. In Article 7(1) the words ‘Article 32(b) of the ECSC Treaty’ shall be deleted.
 3. In Article 9(1):
 - (a) in the first paragraph, the words ‘of five and three Judges’ shall be added after the word ‘Chambers’, and the words ‘the provisions of the second paragraph of Article 221 of the EC Treaty, the second paragraph of Article 32 of the ECSC Treaty and the second paragraph of Article 137 of the EAEC Treaty’ shall be replaced by the words ‘Article 16 of the Statute’;
 - (b) in the second paragraph, the words ‘The composition of the Chambers’ shall be replaced by the words ‘The assignment of Judges to Chambers’ and the words ‘of the European Communities’ shall be replaced by the words ‘of the European Union’.
 4. In Article 9(2) the words ‘of three Judges’ shall be added after the word ‘Chambers’.
 5. Article 9(3) shall be replaced by the following:

‘3. For cases assigned to a formation of the Court in accordance with Article 44(3), the word “Court” in these Rules shall mean that formation.’
 6. In Article 9(4):
 - (a) The first subparagraph shall be deleted;
 - (b) in the second subparagraph (now the sole paragraph), the words ‘assigned to a Chamber’ shall be replaced by the words ‘assigned to a Chamber of five or three Judges’.
 7. Article 10(1) shall be replaced by the following:

‘1. The Judges shall, immediately after the election of the President of the Court, elect the Presidents of the Chambers of five Judges for a term of three years.

The Judges shall elect the Presidents of the Chambers of three Judges for a term of one year.

The Court shall appoint for a period of one year the First Advocate General.

The provisions of Article 7(2) and (3) shall apply.

The elections and appointment made in pursuance of this paragraph shall be published in the *Official Journal of the European Union*.’
 8. In Article 11:
 - (a) in the first paragraph, the words ‘of five Judges’ shall be added after the words ‘a President of a Chamber’;
 - (b) the following new second subparagraph shall be added: ‘When the President of the Court and the Presidents of the Chambers of five Judges are all prevented from attending at the same time, or their posts are vacant at

the same time, the functions of President shall be exercised by one of the Presidents of the Chambers of three Judges according to the order of precedence laid down in Article 6 of these Rules’;

- (c) the present second subparagraph shall become the third and in that subparagraph the words ‘the Presidents of the Chambers’ shall be replaced by ‘all the Presidents of Chambers’.

9. The following shall be inserted after Article 11:

‘CHAPTER 2(a)

FORMATIONS OF THE COURT

Article 11(a)

The Court shall sit in the following formations:

- the full Court, composed of all the Judges,
- the Grand Chamber, composed of eleven Judges in accordance with Article 11(b),
- Chambers composed of five or three Judges in accordance with Article 11(c).

Article 11(b)

1. For each case the Grand Chamber shall be composed of the President of the Court, the Presidents of the Chambers of five Judges, the Judge-Rapporteur and the number of Judges necessary to reach eleven. The last-mentioned Judges shall be designated from the list referred to in paragraph (2), following the order laid down therein, the starting-point moving on by one name at each general meeting of the Court.

2. After the election of the President of the Court and of the Presidents of the Chambers of five Judges, a list of the other Judges shall be drawn up for the purposes of determining the composition of the Grand Chamber. That list shall follow the order laid down in Article 6 of these Rules, alternating with the reverse order: the first Judge on that list shall be the first according to the order laid down in that Article, the second Judge shall be the last according to that order, the third Judge shall be the second according to that order, the fourth Judge the penultimate according to that order, and so on.

The list shall be published in the *Official Journal of the European Union*.

Article 11(c)

1. The Chambers of five Judges and three Judges shall, for each case, be composed of the President of the Chamber, the Judge-Rapporteur and the number of Judges required to attain the number of five and three Judges respectively. Those last-mentioned Judges shall be designated from the lists referred to in paragraph (2) and following the order laid down in them, the starting-point being moved on by one name at each general meeting of the Court.

2. For the composition of the Chambers of five Judges, after the election of the Presidents of those Chambers lists shall be drawn up including all the Judges attached to the Chamber concerned, with the exception of its President. The lists shall be drawn up in the same way as the list referred to in Article 11(b)(2).

For the composition of the Chambers of three Judges, after the election of the Presidents of those Chambers lists shall be drawn up including all the Judges attached to the Chamber concerned, with the exception of its President. The lists shall be drawn up according to the order laid down in Article 6 of these Rules.

The lists referred to in this paragraph shall be published in the *Official Journal of the European Union*.

Article 11(d)

Where the Court considers that several cases must be heard and determined together by one and the same formation of the Court, the composition of that formation shall be that fixed for the case in respect of which the preliminary report was first examined.

Article 11(e)

When a member of the formation determining a case is prevented from attending, he shall be replaced by a Judge according to the order of the lists referred to in Article 11(b)(2) or 11(c)(2).

When the President of the Court is prevented from attending, the functions of the President of the Grand Chamber shall be exercised in accordance with the provisions of Article 11.

When the President of a Chamber of five Judges is prevented from attending, the functions of President of the Chamber shall be exercised by a President of a Chamber of three Judges, where necessary according to the order laid down in Article 6 of these Rules or, if that Chamber does not include a President of a Chamber of three Judges, by one of the other Judges according to the order laid down in Article 6.

When the President of a Chamber of three Judges is prevented from attending, the functions of President of the Chamber shall be exercised by a Judge of that Chamber according to the order laid down in Article 6 of these Rules.'

10. In Article 16(6) the words 'of the European Communities' shall be replaced by the words 'of the European Union'.
11. The words 'the third paragraph of Article 36 of the ECSC Treaty' shall be deleted from Article 16(7).
12. In Article 17 paragraph (2) shall be replaced by the following:

'2. The Registrar shall assist the Court, the President and the Presidents of Chambers and the Judges in all their official functions.'

13. In Article 24(1) the words 'Article 12 of the EC Statute, Article 16 of the ECSC Statute and Article 12 of the EAEC Statute' shall be replaced by the words 'Article 13 of the Statute'.

14. In Article 25(1) the word 'Court' shall be replaced by the words 'Grand Chamber and of the full Court'.

15. In Article 25(2) the words 'of five and three Judges' shall be added after the word 'Chambers'.

16. In Article 25(3) the words 'and the Chambers may' shall be replaced by the word 'may'.

17. In Article 26(2):

- (a) the word 'Court' shall be replaced by the words 'Grand Chamber or full Court';
- (b) the words 'Articles 15 of the EC Statute, 18 of the ECSC Statute and 15 of the EAEC Statute' shall be replaced by the words 'the third or fourth paragraph of Article 17 of the Statute'.

18. In Article 26(3):

- (a) the words 'any Chamber' shall be replaced by the words 'any Chamber of five or three Judges';
- (b) the words 'Articles 15 of the EC Statute, 18 of the ECSC Statute and 15 of the EAEC Statute' shall be replaced by the words 'the second paragraph of Article 17 of the Statute';
- (c) after the word 'attained' there shall be added the words 'and if it is not possible to replace the Judges prevented from attending in accordance with Article 11(e)'.

19. In Article 27(1) the words 'and Chambers shall deliberate' shall be replaced by the words 'shall deliberate'.

20. The words 'or Chamber' shall be deleted from Article 27(4).

21. The words 'or Chamber' shall be deleted from Article 27(6).

22. Article 29(3) shall be amended as follows:

- (a) in the third subparagraph the words 'or Chamber' shall be deleted;
- (b) in the fifth subparagraph the words 'Article 20 of the EC Statute' shall be replaced by the words 'Article 23 of the Statute';
- (c) in the sixth subparagraph the words 'the final paragraph of Article 20 of the EC Statute' shall be replaced by the words 'the fourth paragraph of Article 23 of the Statute'.

23. In Article 29(4) the words 'or Chamber' shall be deleted.

24. In Article 30(1) the words 'or a Chamber' shall be deleted.

25. Article 35(1) shall be amended as follows:

- (a) after the words 'towards the Court', the words 'a Chamber' shall be deleted;

- (b) after the words 'of the Court', the words 'or Chamber' shall be deleted.
26. In Article 36 the words 'Article 17 of the EC Statute, Article 20 of the ECSC Statute and Article 17 of the EAEC Statute' shall be replaced by the words 'Article 19 of the Statute'.
27. In Article 38(1) the words 'Article 19 of the EC Statute, Article 22 of the ECSC Statute and Article 19 of the EAEC Statute' shall be replaced by the words 'Article 21 of the Statute'.
28. In Article 38(4) the words 'the second paragraph of Article 19 of the EC Statute, the second paragraph of Article 22 of the ECSC Statute and the second paragraph of Article 19 of the EAEC Statute' shall be replaced by the words 'the second paragraph of Article 21 of the Statute'.
29. In Article 38(6) the words 'Articles 42 and 89 of the ECSC Treaty' shall be deleted.
30. Article 44 shall be replaced by the following:

'CHAPTER 1(a)

THE PRELIMINARY REPORT AND ASSIGNMENT OF CASES TO FORMATIONS

Article 44

1. The President shall fix a date on which the Judge-Rapporteur is to present his preliminary report to the general meeting of the Court, either:

- (a) after the rejoinder has been lodged; or
- (b) where no reply or no rejoinder has been lodged within the time-limit fixed in accordance with Article 41(2); or
- (c) where the party concerned has waived his right to lodge a reply or rejoinder; or
- (d) where the expedited procedure referred to in Article 62(a) is to be applied, when the President fixes a date for the hearing.

2. The preliminary report shall contain recommendations as to whether a preparatory inquiry or any other preparatory step should be undertaken and as to the formation to which the case should be assigned. It shall also contain the Judge-Rapporteur's recommendation, if any, as to whether to dispense with a hearing as provided for in Article 44(a) and as to whether to dispense with an opinion of the Advocate General pursuant to the fifth subparagraph of Article 20 of the Statute.

The Court shall decide, after hearing the Advocate General, what action to take upon the recommendations of the Judge-Rapporteur.

3. The Court shall assign to the Chambers of five and three Judges any case brought before it in so far as the difficulty or importance of the case or particular circumstances are not such as to require that it should be assigned to the Grand Chamber.

However, a case may not be assigned to a Chamber of five or three Judges if a Member State or an institution of the Communities, being a party to the proceedings, has

requested that the case be decided by the Grand Chamber. For the purposes of this provision, "party to the proceedings" means any Member State or any institution which is a party to or an intervener in the proceedings or which has submitted written observations in any reference of a kind mentioned in Article 103. A request such as that referred to in this subparagraph may not be made in proceedings between the Communities and their servants.

The Court shall sit as a full Court where cases are brought before it pursuant to the provisions referred to in the fourth paragraph of Article 16 of the Statute. It may assign a case to the full Court where, in accordance with the fifth paragraph of Article 16 of the Statute, it considers that the case is of exceptional importance.

4. The formation to which a case has been assigned may, at any stage of the proceedings, refer the case back to the Court in order that it may be reassigned to a formation composed of a greater number of Judges.

5. Where a preparatory inquiry has been opened, the formation determining the case may, if it does not undertake it itself, assign the inquiry to the Chamber referred to in Article 9(2) of these Rules.

Where the oral procedure is opened without an inquiry, the President of the formation determining the case shall fix the opening date.'

31. In Article 45(2) the words '21 and 22 of the EC Statute, Articles 24 and 25 of the ECSC Statute and 22 and 23 of the EAEC Statute' shall be replaced by the words '24 and 25 of the Statute'.
32. In Article 48(4) the words 'Articles 44 and 92 of the ECSC Treaty' shall be deleted.
33. In Article 74(1) there shall be added, after the words 'the Chamber', the words 'referred to in Article 9(2) of these Rules'.
34. In Article 76(3), after the words 'the Chamber', there shall be added the words 'of three Judges'.
35. In the second paragraph of Article 77, the words 'Articles 33 and 35 of the ECSC Treaty' shall be deleted.
36. In Article 80(1), the words 'the EC, ECSC and EAEC Treaties, the Statutes of the Court' shall be replaced by the words 'the Union Treaty, the EC Treaty and the EAEC Treaty, the Statute of the Court'.
37. In the second paragraph of Article 80(2), the words 'of the European Communities' shall be replaced by the words 'of the European Union'.
38. In Article 81(1) the words 'of the European Communities' shall be replaced by the words 'of the European Union'.
39. In Article 82(a)(1) the words 'the third paragraph of Article 47 of the EC Statute, the third paragraph of Article 47 of the ECSC Statute and the third paragraph of Article 48 of the EAEC Statute' shall be replaced by the words 'the third paragraph of Article 54 of the Statute' and the words 'or of the Chamber to which the case has been assigned' shall be deleted.

40. Article 83(1) shall be amended as follows:
- (a) in the first paragraph the words 'the second paragraph of Article 39 of the ECSC Treaty' shall be deleted;
 - (b) in the second paragraph the words 'the third paragraph of Article 39 of the ECSC Treaty' shall be deleted.
41. In the first paragraph of Article 89 the words 'Articles 44 and 92 of the ECSC Treaty' shall be deleted.
42. Article 93(1) shall be amended as follows:
- (a) in point (f) of the second subparagraph, the words 'the second or third paragraph of Article 37 of the EC Statute, Article 34 of the ECSC Statute or the second paragraph of Article 38 of the EAEC Statute' shall be replaced by the words 'the second or third paragraph of Article 40 of the Statute';
 - (b) in the third subparagraph, the words 'Article 17 of the EC Statute, Article 20 of the ECSC Statute and Article 17 of the EAEC Statute' shall be replaced by the words 'Article 19 of the Statute'.
43. After Article 94, the fifth chapter containing Article 95 shall be repealed.
44. In Article 97(1) the words 'of the European Communities' shall be replaced by the words 'of the European Union'.
45. Article 103 shall be amended as follows:
- (a) in paragraph (1), the words 'Article 20 of the EC Statute and Article 21 of the EAEC Statute' shall be replaced by the words 'Article 23 of the Statute';
 - (b) paragraph (3) shall be repealed.
46. Article 104 shall be amended as follows:
- (a) in the second subparagraph of paragraph (1), the words 'Article 20 of the EC Statute' shall be replaced by the words 'the third paragraph of Article 23 of the Statute';
 - (b) in the third subparagraph of paragraph (1), the words 'Article 20 of the EC Statute' shall be replaced by the words 'the fourth paragraph of Article 23 of the Statute';
 - (c) in paragraphs (3) and (4), the words 'Article 20 of the EC Statute, Article 21 of the Euratom Statute and Article 103(3) of these Rules' shall be replaced by the words 'Article 23 of the Statute'.
47. In the second paragraph of Article 104(a), the words 'Article 20 of the EC Statute, Article 21 of the Euratom Statute and Article 103(3) of these Rules' shall be replaced by the words 'Article 23 of the Statute'.
48. In Article 107(1) the first subparagraph shall be replaced by the following:
- 'A request by the European Parliament for an opinion pursuant to Article 300 of the EC Treaty shall be served on the Council, on the Commission and on the Member States. Such a request by the Council shall be served on the Commission and on the European Parliament. Such a request by the Commission shall be served on the Council, on the European Parliament and on the Member States. Such a request by a Member State shall be served on the Council, on the Commission, on the European Parliament and on the other Member States.'
49. Article 109 shall be repealed.
50. In Article 110, the words 'Articles 49 and 50 of the EC Statute, Articles 49 and 50 of the ECSC Statute and Articles 50 and 51 of the EAEC Statute' shall be replaced by the words 'in Articles 56 and 57 of the Statute'.
51. In Article 125 the words 'Article 245 of the EC Treaty and Article 160 of the EAEC Treaty' shall be replaced by the words 'Article 223 of the EC Treaty and Article 139 of the EAEC Treaty' and in point (c) the words 'Article 27 of the EC Statute and Article 28 of the ECSC and EAEC Statutes' shall be replaced by the words 'Article 30 of the Statute'.
52. In Article 127 the words 'of the European Communities' shall be replaced by the words 'of the European Union'.

Article 2

These amendments to the Rules of Procedure, which are authentic in the languages mentioned in Article 29(1) of these Rules, shall be published in the *Official Journal of the European Union* and shall enter into force on the first day of the second month following their publication.

COURT OF FIRST INSTANCE

AMENDMENTS TO THE RULES OF PROCEDURE OF THE COURT OF FIRST INSTANCE FOLLOWING THE ENTRY INTO FORCE OF THE TREATY OF NICE

THE COURT OF FIRST INSTANCE OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community, in particular the fifth paragraph of Article 224,

Having regard to the Treaty establishing the European Atomic Energy Community, in particular the fifth paragraph of Article 140,

Having regard to Article 63 of the Protocol on the Statute of the Court of Justice,

Having regard to the agreement of the Court of Justice,

Having regard to the approval of the Council given on 8 April 2003,

Whereas:

- (1) Following the entry into force of the Treaty of Nice amending the Treaty on European Union, the Treaties establishing the European Communities and certain related acts and of the new Protocol on the Statute of the Court of Justice, and the expiry of the Treaty establishing the European Coal and Steel Community, it is necessary to make certain formal adjustments to the provisions of the Rules of Procedure, to amend the provisions on the election of the Presidents of Chambers in accordance with the first paragraph of Article 50 of the Statute of the Court of Justice and to provide for the possibility of the Court of First Instance sitting as Grand Chamber, as laid down in the third paragraph of Article 50 of the Statute of the Court of Justice.
- (2) Account must be taken of the need to ensure consistency in the case law, given the increased number of Chambers following enlargement, and to confer on the judge hearing an application for interim measures the jurisdiction of the President of the Court of First Instance in interim proceedings when the President is absent or prevented from attending.
- (3) The election of Presidents of Chambers composed of five Judges for a period of three years should take place at the same time as the election of the President of the Court of First Instance and the partial renewal of the Members of the Court of First Instance pursuant to the second paragraph of Article 224 of the EC Treaty, and

for that purpose a transitional provision is required postponing the first election for a period of three years until the expiry of the first period of partial renewal,

HAS ADOPTED THE FOLLOWING AMENDMENTS TO ITS RULES OF PROCEDURE:

Article 1

The Rules of Procedure of the Court of First Instance of the European Communities of 2 May 1991 (OJ L 136 of 30 May 1991, p. 1), amended on 15 September 1994 (OJ L 249 of 24 September 1994, p. 17), 17 February 1995 (OJ L 44 of 28 February 1995, p. 64), 6 July 1995 (OJ L 172 of 22 July 1995, p. 3), 12 March 1997 (OJ L 103 of 19 April 1997, p. 6, with corrigendum OJ L 351 of 23 December 1997, p. 72), 17 May 1999 (OJ L 135 of 29 May 1999, p. 92) and 6 December 2000 (OJ L 322 of 19 December 2000, p. 4) are amended as follows:

1. The first paragraph of Article 1 shall be replaced by the following text:
'In these Rules:
 - "EC Treaty" means the Treaty establishing the European Community,
 - "EAEC Treaty" means the Treaty establishing the European Atomic Energy Community (Euratom),
 - "Statute of the Court of Justice" means the Protocol on the Statute of the Court of Justice,
 - "EEA Agreement" means the Agreement on the European Economic Area.'
2. The references to the Protocols on the Statute of the Court of Justice shall be adjusted as follows:
 - (a) in Article 7(19), the words 'Article 32(d) of the ECSC Treaty' shall be deleted;
 - (b) in Article 14(2)(1)(b), the words 'to the second paragraph of Article 33, Article 35 and the first and second paragraphs of Article 40 of the ECSC Treaty' and in Article 14(2)(1)(c) the words 'Article 42 of the ECSC Treaty' shall be deleted;
 - (c) in Article 24(7), the words 'the third paragraph of Article 36 of the ECSC Treaty' shall be deleted;

- (d) in Article 42, the words 'Article 17 of the EC Statute, Article 20 of the ECSC Statute and Article 17 of the EAEC Statute' shall be replaced by the words 'Article 19 of the Statute of the Court of Justice' and in Article 115(3), the words 'Article 17 of the EC Statute, the first and second paragraphs of Article 20 of the ECSC Statute and Article 17 of the EAEC Statute' shall be replaced by the words 'Article 19 of the Statute of the Court of Justice';
- (e) in Article 44(1), the words 'Article 19 of the EC Statute, Article 22 of the ECSC Statute and Article 19 of the EAEC Statute' shall be replaced by the words 'Article 21 of the Statute of the Court of Justice' and in Article 44(4) the words 'the second paragraph of Article 19 of the EC Statute, the second paragraph of Article 22 of the ECSC Statute and the second paragraph of Article 19 of the EAEC Statute' shall be replaced by the words 'the second paragraph of Article 21 of the Statute of the Court of Justice';
- (f) in Article 44(5)(a), the words 'Article 42 of the ECSC Treaty' shall be deleted;
- (g) in Article 65, the words 'Articles 21 and 22 of the EC Statute, Articles 24 and 25 of the ECSC Statute and Articles 22 and 23 of the EAEC Statute' shall be replaced by the words 'Articles 24 and 25 of the Statute of the Court of Justice';
- (h) in Article 69(4), the words 'Articles 44 and 92 of the ECSC Treaty' shall be deleted;
- (i) in Articles 77 and 80, the words 'the third paragraph of Article 47 of the EC Statute, the third paragraph of Article 47 of the ECSC Statute and the third paragraph of Article 48 of the EAEC Statute' shall be replaced by the words 'the third paragraph of Article 54 of the Statute of the Court of Justice';
- (j) in Article 83, the words 'the second paragraph of Article 53 of the EC Statute, the second paragraph of the ECSC Statute and the second paragraph of Article 54 of the EAEC Statute' shall be replaced by the words 'Article 60 of the Statute of the Court of Justice';
- (k) in the second paragraph of Article 98, the words 'Articles 33 and 35 of the ECSC Treaty' shall be deleted;
- (l) in Article 101(1), the word 'ECSC' shall be deleted and the word 'Statutes' shall be replaced by the word 'Statute';
- (m) in Article 104(1), the words 'the second paragraph of Article 39 of the ECSC Treaty' and the words 'the third paragraph of Article 39 of the ECSC Treaty' shall be deleted;
- (n) in Article 110, the words 'Articles 44 and 92 of the ECSC Treaty' shall be deleted;
- (o) in Article 112, the words 'the second paragraph of Article 47 of the EC Statute, the second paragraph of Article 47 of the ECSC Statute and the second paragraph of Article 48 of the EAEC Statute' shall be replaced by the words 'the second paragraph of Article 54 of the Statute of the Court of Justice';
- (p) in Article 115(2)(f), the words 'the second or third paragraph of Article 37 of the EC Statute, Article 34 of the ECSC Statute or the second paragraph of Article 38 of the EAEC Statute' shall be replaced by the words 'second or third paragraph of Article 40 of the Statute of the Court of Justice' and, in Article 115(3), the words 'Article 17 of the EC Statute, the first and second paragraphs of Article 20 of the ECSC Statute and Article 17 of the EAEC Statute' shall be replaced by the words 'Article 19 of the Statute of the Court of Justice';
- (q) in Article 125, the words 'the third paragraph of Article 41 of the EC Statute, the third paragraph of Article 38 of the ECSC Statute and the third paragraph of Article 42 of the EAEC Statute' shall be replaced by the words 'in the third paragraph of Article 44 of the Statute of the Court of Justice'.
3. The words '*Official Journal of the European Communities*' shall be replaced by the words '*Official Journal of the European Union*' in Articles 10(2), 12, second paragraph, 24(6), 32(1), second subparagraph, 101(2), second subparagraph, 102(1), 123(1), third subparagraph, and 137.
4. To Article 8 there shall be added the following new second and third paragraphs:
- 'The President of the Court of First Instance shall preside over the Grand Chamber.
- If the President of the Court of First Instance is assigned to a Chamber of three or of five Judges, he shall preside over that Chamber.'
5. The text of Article 10(1) shall be replaced by the following text:
- 'The Court of First Instance shall set up Chambers of three and of five Judges and a Grand Chamber of 11 Judges and shall decide which Judges shall be assigned to them.'
- In Article 10(2) the words 'The composition of the Chambers' shall be replaced by the words 'The decision taken in accordance with this article'.
6. In the first subparagraph of Article 11(1), after the words 'by Chambers composed' there shall be inserted the words 'of three or of five Judges'. In the second subparagraph of Article 11(1), after the words 'plenary session' there shall be inserted the words 'or by the Grand Chamber'.
7. In Article 14(1), after the words 'to the Court of First Instance sitting in plenary session' there shall be inserted 'to the Grand Chamber'.
8. The text of Article 15 shall be replaced by the following text:
- '1. The Judges shall elect from amongst themselves, pursuant to the provisions of Article 7(3), the Presidents of the Chambers composed of three and of five Judges.
2. The Presidents of Chambers of five Judges shall be elected for a term of three years. Their term of office shall be renewable once.
- The election of the Presidents of Chambers of five Judges shall take place immediately after the election of the President of the Court of First Instance as provided for in Article 7(1).

3. The Presidents of Chambers of three Judges shall be elected for a defined term.
4. If the office of the President of a Chamber falls vacant before the normal date of expiry thereof, a successor shall be elected as President of the Chamber for the remainder of the term.
5. The result of those elections shall be published in the *Official Journal of the European Union*.
9. In Article 32(2), after the words 'the quorum' the words 'of nine Judges' shall be deleted.
- In Article 32(3), after the words 'in any Chamber' there shall be added the words 'composed of three or of five Judges'. The new following second subparagraph shall be added to Article 32(3):
- 'The quorum of the Grand Chamber shall be nine Judges. If that quorum has not been attained, the President of the Court of First Instance shall designate another Judge to complete the Chamber.'
10. In the first subparagraph of Article 51(1), after the words 'the Chamber hearing the case' there shall be inserted the words 'or the President of the Court of First Instance' and after the words 'referred to the Court of First Instance sitting in plenary session' there shall be inserted 'to the Grand Chamber'.
- In the second subparagraph of Article 51(1), the words 'maintained before or referred to a Chamber composed of' shall be replaced by the words 'decided by a Chamber composed of at least'.
11. In the first subparagraph of Article 52(2), after the words 'the Court of First Instance sitting in plenary session' there shall be inserted 'to the Grand Chamber'.
12. The three paragraphs of Article 106 shall be replaced by the following single paragraph:
'A Judge, designated for the purpose in the decision adopted by the Court of First Instance in accordance with Article 10, shall replace the President of the Court of First Instance in deciding an application in the event that the President is absent or prevented from dealing with it.'
13. In Article 118(2), after the words 'sitting in plenary session' there shall be inserted the words 'or by the Grand Chamber' and the words 'that Court as so constituted' at the end of the sentence shall be replaced by the words 'to that Court or that Chamber as the case may be'.
14. In Articles 124, 127(1) and 129(2), after the words 'Court of First Instance sitting in plenary session' there shall be inserted the words 'or the Grand Chamber of the Court of First Instance'.

Article 2

The first election of Presidents of the Chambers composed of five Judges for three years pursuant to Article 15(2) of the Rules of Procedure shall take place on the expiry of the present period of partial renewal of the Members of the Court of First Instance as provided for in the second paragraph of Article 224 of the EC Treaty, after 31 August 2004.

Article 3

These amendments to the Rules of Procedure, which are authentic in the languages referred to in Article 35(1) of those Rules, shall be published in the *Official Journal of the European Union*. They shall enter into force on the first day of the second month following their publication.

Done at Luxembourg, 21 May 2003.

The Registrar
H. JUNG

The President
B. VESTERDORF

II

(Acts whose publication is not obligatory)

EUROPEAN PARLIAMENT AND COUNCIL

DECISION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 19 May 2003 on the adjustment of the financial perspective for enlargement

(2003/429/EC)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to the Interinstitutional Agreement of 6 May 1999 between the European Parliament, the Council and the Commission on budgetary discipline and improvement of the budgetary procedure ⁽¹⁾, and in particular point 25 thereof,

Having regard to the proposal from the Commission ⁽²⁾,

Acting in accordance with the procedure laid down in the fifth subparagraph of Article 272(9) of the Treaty ⁽³⁾,

Whereas:

- (1) The financial perspective for the European Union (with 15 members) agreed upon in the Interinstitutional Agreement of 6 May 1999 between the European Parliament, the Council and the Commission should be adjusted to take account of the situation of an enlarged European Union of 25 Members for the period 2004 to 2006, at 1999 prices.
- (2) The Copenhagen European Council of 12 and 13 December 2002 has endorsed the results of the negotiations which have determined expenditure requirements resulting from the accession of 10 new Member States in 2004.
- (3) It has clearly stated that pre-accession financial assistance for Turkey would be financed under the 'pre-accession heading' from 2004.
- (4) The consequences for the financial perspective of a political settlement in Cyprus during the current financial framework should be taken into account.
- (5) In compliance with the second subparagraph of point 25 of the Interinstitutional Agreement of 6 May 1999, changes in the headings concerned by this adjustment should not exceed the amounts shown in the indicative financial framework contained in Annex II of that Agreement,

⁽¹⁾ OJ C 172, 18.6.1999, p. 1.

⁽²⁾ Not yet published in the Official Journal.

⁽³⁾ Decision of the European Parliament of 9 April 2003 and Decision of the Council of 14 April 2003.

HAVE DECIDED AS FOLLOWS:

Article 1

Over the period 2004 to 2006, the annual ceilings for appropriations for commitments of headings 1, 2, 3 and 5 of the financial perspective contained in Annex I of the Interinstitutional Agreement of 6 May 1999 shall be raised by the corresponding expenditure requirements resulting from the accession of 10 new Member States.

The ceiling of heading 7 shall include appropriations for pre-accession assistance concerning Turkey. The title of heading 7 is amended to read 'Pre-accession strategy'.

A new heading 8 shall be created in order to enter budgetary compensations agreed upon at the Copenhagen European Council.

Article 2

1. As a consequence, Annex I of the Interinstitutional Agreement of 6 May 1999 is replaced by the adjusted financial perspective at 1999 prices for a European Union with 25 Members (excluding the budgetary implications resulting from a political settlement in Cyprus), as presented in Table 1a.

In the event of a political settlement being reached in Cyprus, the financial perspective for a European Union with 25 Members at 1999 prices, as presented in Table 1b, shall apply.

Accordingly, Annex II of the Interinstitutional Agreement of 6 May 1999 becomes void.

2. The corresponding financial perspective resulting from the technical adjustment for 2004, in line with movements in gross national income (GNI) and prices, are presented in Tables 2a and 2b.

Done at Brussels, 19 May 2003.

For the European Parliament
The President
P. COX

For the Council
The President
G. PAPANDREOU

ANNEX

Table 1a: Financial perspective (EU-25) adjusted for enlargement at 1999 prices

	(EUR million)						
Commitment appropriations	2000	2001	2002	2003	2004	2005	2006
1. AGRICULTURE	40 920	42 800	43 900	43 770	44 657	45 677	45 807
1(a) Common agricultural policy	36 620	38 480	39 570	39 430	38 737	39 602	39 612
1(b) Rural development	4 300	4 320	4 330	4 340	5 920	6 075	6 195
2. STRUCTURAL ACTIONS	32 045	31 455	30 865	30 285	35 665	36 502	37 940
Structural funds	29 430	28 840	28 250	27 670	30 533	31 835	32 608
Cohesion fund	2 615	2 615	2 615	2 615	5 132	4 667	5 332
3. INTERNAL POLICIES	5 930	6 040	6 150	6 260	7 877	8 098	8 212
4. EXTERNAL ACTIONS	4 550	4 560	4 570	4 580	4 590	4 600	4 610
5. ADMINISTRATION ⁽¹⁾	4 560	4 600	4 700	4 800	5 403	5 558	5 712
6. RESERVES	900	900	650	400	400	400	400
Monetary reserve	500	500	250	0	0	0	0
Emergency aid reserve	200	200	200	200	200	200	200
Guarantee reserve	200	200	200	200	200	200	200
7. PRE-ACCESSION AID	3 120	3 120	3 120	3 120	3 120	3 120	3 120
Agriculture	520	520	520	520			
Pre-accession structural instrument	1 040	1 040	1 040	1 040			
Phare (applicant countries)	1 560	1 560	1 560	1 560			
8. COMPENSATION					1 273	1 173	940
TOTAL APPROPRIATIONS FOR COMMITMENTS	92 025	93 475	93 955	93 215	102 985	105 128	106 741
TOTAL APPROPRIATIONS FOR PAYMENTS	89 600	91 110	94 220	94 880	100 800	101 600	103 840
Ceiling, appropriations for payments as % of GNI (ESA 95)	1,07 %	1,08 %	1,11 %	1,10 %	1,08 %	1,06 %	1,06 %
Margin for unforeseen expenditure	0,17 %	0,16 %	0,13 %	0,14 %	0,16 %	0,18 %	0,18 %
Own resources ceiling	1,24 %	1,24 %	1,24 %	1,24 %	1,24 %	1,24 %	1,24 %

⁽¹⁾ The expenditure on pensions included under the ceiling for this heading is calculated net of staff contributions to the pension scheme, up to a maximum of EUR 1 100 million at 1999 prices for the period 2000 to 2006.

Table 1b: Financial perspective (EU-25) adjusted for enlargement at 1999 prices

(including budgetary implications of a political settlement in Cyprus)

	(EUR million)						
Commitment appropriations	2000	2001	2002	2003	2004	2005	2006
1. AGRICULTURE	40 920	42 800	43 900	43 770	44 650	45 675	45 805
1(a) Common agricultural policy	36 620	38 480	39 570	39 430	38 740	39 611	39 622
1(b) Rural development	4 300	4 320	4 330	4 340	5 910	6 064	6 183
2. STRUCTURAL ACTIONS	32 045	31 455	30 865	30 285	35 718	36 579	38 052
Structural funds	29 430	28 840	28 250	27 670	30 571	31 899	32 703
Cohesion fund	2 615	2 615	2 615	2 615	5 147	4 680	5 349
3. INTERNAL POLICIES	5 930	6 040	6 150	6 260	7 891	8 112	8 226
4. EXTERNAL ACTIONS	4 550	4 560	4 570	4 580	4 590	4 600	4 610
5. ADMINISTRATION ⁽¹⁾	4 560	4 600	4 700	4 800	5 403	5 558	5 712
6. RESERVES	900	900	650	400	400	400	400
Monetary reserve	500	500	250	0	0	0	0
Emergency aid reserve	200	200	200	200	200	200	200
Guarantee reserve	200	200	200	200	200	200	200
7. PRE-ACCESSION AID	3 120	3 120	3 120	3 120	3 120	3 120	3 120
Agriculture	520	520	520	520			
Pre-accession structural instrument	1 040	1 040	1 040	1 040			
Phare (applicant countries)	1 560	1 560	1 560	1 560			
8. COMPENSATION					1 273	1 173	940
TOTAL APPROPRIATIONS FOR COMMITMENTS	92 025	93 475	93 955	93 215	103 045	105 218	106 865
TOTAL APPROPRIATIONS FOR PAYMENTS	89 600	91 110	94 220	94 880	100 800	101 600	103 840
Ceiling, appropriations for payments as % of GNI (ESA 95)	1,07 %	1,08 %	1,11 %	1,10 %	1,08 %	1,06 %	1,06 %
Margin for unforeseen expenditure	0,17 %	0,16 %	0,13 %	0,14 %	0,16 %	0,18 %	0,18 %
Own resources ceiling	1,24 %	1,24 %	1,24 %	1,24 %	1,24 %	1,24 %	1,24 %

⁽¹⁾ The expenditure on pensions included under the ceiling for this heading is calculated net of staff contributions to the pension scheme, up to a maximum of EUR 1 100 million at 1999 prices for the period 2000 to 2006.

Table 2a: Financial perspective (EU-25) adjusted for enlargement at 2004 prices

Commitment appropriations	(EUR million)						
	Current					2004 prices	
	2000	2001	2002	2003	2004	2005	2006
1. AGRICULTURE	41 738	44 530	46 587	47 378	49 305	50 431	50 575
1(a) Common agricultural policy	37 352	40 035	41 992	42 680	42 769	43 724	43 735
1(b) Rural development	4 386	4 495	4 595	4 698	6 536	6 707	6 840
2. STRUCTURAL ACTIONS	32 678	32 720	33 638	33 968	41 035	41 685	42 932
Structural funds	30 019	30 005	30 849	31 129	35 353	36 517	37 028
Cohesion fund	2 659	2 715	2 789	2 839	5 682	5 168	5 904
3. INTERNAL POLICIES	6 031	6 272	6 558	6 796	8 722	8 967	9 093
4. EXTERNAL ACTIONS	4 627	4 735	4 873	4 972	5 082	5 093	5 104
5. ADMINISTRATION ⁽¹⁾	4 638	4 776	5 012	5 211	5 983	6 154	6 325
6. RESERVES	906	916	676	434	442	442	442
Monetary reserve	500	500	250	0	0	0	0
Emergency aid reserve	203	208	213	217	221	221	221
Guarantee reserve	203	208	213	217	221	221	221
7. PRE-ACCESSION AID	3 174	3 240	3 328	3 386	3 455	3 455	3 455
Agriculture	529	540	555	564			
Pre-accession structural instrument	1 058	1 080	1 109	1 129			
Phare (applicant countries)	1 587	1 620	1 664	1 693			
8. COMPENSATION					1 410	1 299	1 041
TOTAL APPROPRIATIONS FOR COMMITMENTS	93 792	97 189	100 672	102 145	115 434	117 526	118 967
TOTAL APPROPRIATIONS FOR PAYMENTS	91 322	94 730	100 078	102 767	111 380	112 260	114 740
Ceiling, appropriations for payments as % of GNI (ESA 95)	1,07 %	1,08 %	1,11 %	1,09 %	1,08 %	1,06 %	1,06 %
Margin for unforeseen expenditure	0,17 %	0,16 %	0,13 %	0,15 %	0,16 %	0,18 %	0,18 %
Own resources ceiling	1,24 %	1,24 %	1,24 %	1,24 %	1,24 %	1,24 %	1,24 %

⁽¹⁾ The expenditure on pensions included under the ceiling for this heading is calculated net of staff contributions to the pension scheme, up to a maximum of EUR 1 100 million at 1999 prices for the period 2000 to 2006.

Table 2b: Financial perspective (EU-25) adjusted for enlargement at 2004 prices

(including budgetary implications of a political settlement in Cyprus)

(EUR million)

Commitment appropriations	Current					2004 prices	
	2000	2001	2002	2003	2004	2005	2006
1. AGRICULTURE	41 738	44 530	46 587	47 378	49 297	50 429	50 573
1(a) Common agricultural policy	37 352	40 035	41 992	42 680	42 772	43 734	43 746
1(b) Rural development	4 386	4 495	4 595	4 698	6 525	6 695	6 827
2. STRUCTURAL ACTIONS	32 678	32 720	33 638	33 968	41 094	41 770	43 056
Structural funds	30 019	30 005	30 849	31 129	35 395	36 588	37 133
Cohesion fund	2 659	2 715	2 789	2 839	5 699	5 182	5 923
3. INTERNAL POLICIES	6 031	6 272	6 558	6 796	8 737	8 982	9 108
4. EXTERNAL ACTIONS	4 627	4 735	4 873	4 972	5 082	5 093	5 104
5. ADMINISTRATION ⁽¹⁾	4 638	4 776	5 012	5 211	5 983	6 154	6 325
6. RESERVES	906	916	676	434	442	442	442
Monetary reserve	500	500	250	0	0	0	0
Emergency aid reserve	203	208	213	217	221	221	221
Guarantee reserve	203	208	213	217	221	221	221
7. PRE-ACCESSION AID	3 174	3 240	3 328	3 386	3 455	3 455	3 455
Agriculture	529	540	555	564			
Pre-accession structural instrument	1 058	1 080	1 109	1 129			
Phare (applicant countries)	1 587	1 620	1 664	1 693			
8. COMPENSATION					1 410	1 299	1 041
TOTAL APPROPRIATIONS FOR COMMITMENTS	93 792	97 189	100 672	102 145	115 500	117 624	119 104
TOTAL APPROPRIATIONS FOR PAYMENTS	91 322	94 730	100 078	102 767	111 380	112 260	114 740
Ceiling, appropriations for payments as % of GNI (ESA 95)	1,07 %	1,08 %	1,11 %	1,09 %	1,08 %	1,06 %	1,06 %
Margin for unforeseen expenditure	0,17 %	0,16 %	0,13 %	0,15 %	0,16 %	0,18 %	0,18 %
Own resources ceiling	1,24 %	1,24 %	1,24 %	1,24 %	1,24 %	1,24 %	1,24 %

⁽¹⁾ The expenditure on pensions included under the ceiling for this heading is calculated net of staff contributions to the pension scheme, up to a maximum of EUR 1 100 million at 1999 prices for the period 2000 to 2006.

DECISION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL
of 19 May 2003
on the revision of the financial perspective

(2003/430/EC)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to the Interinstitutional Agreement (IIA) of 6 May 1999 between the European Parliament, the Council and the Commission on budgetary discipline and improvement of the budgetary procedure ⁽¹⁾, and in particular points 19 to 21 thereof,

Having regard to the proposal from the Commission ⁽²⁾,

Acting in accordance with the procedure laid down in the fifth subparagraph of Article 272(9) of the Treaty ⁽³⁾,

Whereas:

- (1) The European Parliament and the Council have jointly adopted the adjustment of the financial perspective for enlargement ⁽⁴⁾, as provided for in point 25 of the Interinstitutional Agreement of 6 May 1999.
- (2) They have subsequently agreed on a Declaration on Article 32 and Annex XV of the Accession Treaty. The Declaration provides for the ceiling of heading 3 (internal policies) to be raised,

HAVE DECIDED AS FOLLOWS:

Article 1

The annual ceilings for appropriations for commitments in heading 3 (internal policies) of the financial perspective, as adjusted under point 25 of the Interinstitutional Agreement of 6 May 1999, shall be raised by the following amounts, expressed in millions of euro in 1999 prices.

2004	2005	2006
50	190	240

Article 2

1. The resulting financial perspective for an enlarged European Union with 25 Members (excluding the budgetary implications resulting from a political settlement in Cyprus), in 1999 prices, is presented in Table 1a attached to this Decision.

In the event of a political settlement being reached in Cyprus, the financial perspective for a European Union with 25 Members at 1999 prices, as presented in Table 1b, shall apply.

⁽¹⁾ OJ C 172, 18.6.1999, p. 1.

⁽²⁾ Not yet published in the Official Journal.

⁽³⁾ Decision of the European Parliament of 9 April 2003 and Decision of the Council of 14 April 2003.

⁽⁴⁾ OJ L 147, 14.6.2003, p. 25.

2. The corresponding financial perspective resulting from the technical adjustment for 2004, in line with movements in gross national income (GNI) and prices, are presented in Tables 2a and 2b attached to this Decision.

Done at Brussels, 19 May 2003.

For the European Parliament

The President

P. COX

For the Council

The President

G. PAPANDREOU

Table 1a: Financial perspective (EU-25) adjusted for enlargement at 1999 prices

	(EUR million)						
Commitment appropriations	2000	2001	2002	2003	2004	2005	2006
1. AGRICULTURE	40 920	42 800	43 900	43 770	44 657	45 677	45 807
1(a) Common agricultural policy	36 620	38 480	39 570	39 430	38 737	39 602	39 612
1(b) Rural development	4 300	4 320	4 330	4 340	5 920	6 075	6 195
2. STRUCTURAL ACTIONS	32 045	31 455	30 865	30 285	35 665	36 502	37 940
Structural funds	29 430	28 840	28 250	27 670	30 533	31 835	32 608
Cohesion fund	2 615	2 615	2 615	2 615	5 132	4 667	5 332
3. INTERNAL POLICIES	5 930	6 040	6 150	6 260	7 877	8 098	8 212
4. EXTERNAL ACTIONS	4 550	4 560	4 570	4 580	4 590	4 600	4 610
5. ADMINISTRATION ⁽¹⁾	4 560	4 600	4 700	4 800	5 403	5 558	5 712
6. RESERVES	900	900	650	400	400	400	400
Monetary reserve	500	500	250	0	0	0	0
Emergency aid reserve	200	200	200	200	200	200	200
Guarantee reserve	200	200	200	200	200	200	200
7. PRE-ACCESSION STRATEGY	3 120	3 120	3 120	3 120	3 120	3 120	3 120
Agriculture	520	520	520	520			
Pre-accession structural instrument	1 040	1 040	1 040	1 040			
Phare (applicant countries)	1 560	1 560	1 560	1 560			
8. COMPENSATION					1 273	1 173	940
TOTAL APPROPRIATIONS FOR COMMITMENTS	92 025	93 475	93 955	93 215	102 985	105 128	106 741
TOTAL APPROPRIATIONS FOR PAYMENTS	89 600	91 110	94 220	94 880	100 800	101 600	103 840
Ceiling, appropriations for payments as % of GNI (ESA 95)	1,07 %	1,08 %	1,11 %	1,10 %	1,08 %	1,06 %	1,06 %
Margin for unforeseen expenditure	0,17 %	0,16 %	0,13 %	0,14 %	0,16 %	0,18 %	0,18 %
Own resources ceiling	1,24 %	1,24 %	1,24 %	1,24 %	1,24 %	1,24 %	1,24 %

⁽¹⁾ The expenditure on pensions included under the ceiling for this heading is calculated net of staff contributions to the pension scheme, up to a maximum of EUR 1 100 million at 1999 prices for the period 2000 to 2006.

Table 1b: Financial perspective (EU-25) adjusted for enlargement at 1999 prices

(including budgetary implications of a political settlement in Cyprus)

	(EUR million)						
Commitment appropriations	2000	2001	2002	2003	2004	2005	2006
1. AGRICULTURE	40 920	42 800	43 900	43 770	44 650	45 675	45 805
1(a) Common agricultural policy	36 620	38 480	39 570	39 430	38 740	39 611	39 622
1(b) Rural development	4 300	4 320	4 330	4 340	5 910	6 064	6 183
2. STRUCTURAL ACTIONS	32 045	31 455	30 865	30 285	35 718	36 579	38 052
Structural funds	29 430	28 840	28 250	27 670	30 571	31 899	32 703
Cohesion fund	2 615	2 615	2 615	2 615	5 147	4 680	5 349
3. INTERNAL POLICIES	5 930	6 040	6 150	6 260	7 891	8 112	8 226
4. EXTERNAL ACTIONS	4 550	4 560	4 570	4 580	4 590	4 600	4 610
5. ADMINISTRATION ⁽¹⁾	4 560	4 600	4 700	4 800	5 403	5 558	5 712
6. RESERVES	900	900	650	400	400	400	400
Monetary reserve	500	500	250	0	0	0	0
Emergency aid reserve	200	200	200	200	200	200	200
Guarantee reserve	200	200	200	200	200	200	200
7. PRE-ACCESSION STRATEGY	3 120	3 120	3 120	3 120	3 120	3 120	3 120
Agriculture	520	520	520	520			
Pre-accession structural instrument	1 040	1 040	1 040	1 040			
Phare (applicant countries)	1 560	1 560	1 560	1 560			
8. COMPENSATION					1 273	1 173	940
TOTAL APPROPRIATIONS FOR COMMITMENTS	92 025	93 475	93 955	93 215	103 045	105 218	106 865
TOTAL APPROPRIATIONS FOR PAYMENTS	89 600	91 110	94 220	94 880	100 800	101 600	103 840
Ceiling, appropriations for payments as % of GNI (ESA 95)	1,07 %	1,08 %	1,11 %	1,10 %	1,08 %	1,06 %	1,06 %
Margin for unforeseen expenditure	0,17 %	0,16 %	0,13 %	0,14 %	0,16 %	0,18 %	0,18 %
Own resources ceiling	1,24 %	1,24 %	1,24 %	1,24 %	1,24 %	1,24 %	1,24 %

⁽¹⁾ The expenditure on pensions included under the ceiling for this heading is calculated net of staff contributions to the pension scheme, up to a maximum of EUR 1 100 million at 1999 prices for the period 2000 to 2006.

Table 2a: Financial perspective (EU-25) adjusted for enlargement at 2004 prices

(EUR million)

Commitment appropriations	Current					2004 prices	
	2000	2001	2002	2003	2004	2005	2006
1. AGRICULTURE	41 738	44 530	46 587	47 378	49 305	50 431	50 575
1(a) Common agricultural policy	37 352	40 035	41 992	42 680	42 769	43 724	43 735
1(b) Rural development	4 386	4 495	4 595	4 698	6 536	6 707	6 840
2. STRUCTURAL ACTIONS	32 678	32 720	33 638	33 968	41 035	41 685	42 932
Structural funds	30 019	30 005	30 849	31 129	35 353	36 517	37 028
Cohesion fund	2 659	2 715	2 789	2 839	5 682	5 168	5 904
3. INTERNAL POLICIES	6 031	6 272	6 558	6 796	8 722	8 967	9 093
4. EXTERNAL ACTIONS	4 627	4 735	4 873	4 972	5 082	5 093	5 104
5. ADMINISTRATION ⁽¹⁾	4 638	4 776	5 012	5 211	5 983	6 154	6 325
6. RESERVES	906	916	676	434	442	442	442
Monetary reserve	500	500	250	0	0	0	0
Emergency aid reserve	203	208	213	217	221	221	221
Guarantee reserve	203	208	213	217	221	221	221
7. PRE-ACCESSION STRATEGY	3 174	3 240	3 328	3 386	3 455	3 455	3 455
Agriculture	529	540	555	564			
Pre-accession structural instrument	1 058	1 080	1 109	1 129			
Phare (applicant countries)	1 587	1 620	1 664	1 693			
8. COMPENSATION					1 410	1 299	1 041
TOTAL APPROPRIATIONS FOR COMMITMENTS	93 792	97 189	100 672	102 145	115 434	117 526	118 967
TOTAL APPROPRIATIONS FOR PAYMENTS	91 322	94 730	100 078	102 767	111 380	112 260	114 740
Ceiling, appropriations for payments as % of GNI (ESA 95)	1,07 %	1,08 %	1,11 %	1,09 %	1,08 %	1,06 %	1,06 %
Margin for unforeseen expenditure	0,17 %	0,16 %	0,13 %	0,15 %	0,16 %	0,18 %	0,18 %
Own resources ceiling	1,24 %	1,24 %	1,24 %	1,24 %	1,24 %	1,24 %	1,24 %

⁽¹⁾ The expenditure on pensions included under the ceiling for this heading is calculated net of staff contributions to the pension scheme, up to a maximum of EUR 1 100 million at 1999 prices for the period 2000 to 2006.

Table 2b: Financial perspective (EU-25) adjusted for enlargement at 2004 prices

(including budgetary implications of a political settlement in Cyprus)

(EUR million)

Commitment appropriations	Current					2004 prices	
	2000	2001	2002	2003	2004	2005	2006
1. AGRICULTURE	41 738	44 530	46 587	47 378	49 297	50 429	50 573
1(a) Common agricultural policy	37 352	40 035	41 992	42 680	42 772	43 734	43 746
1(b) Rural development	4 386	4 495	4 595	4 698	6 525	6 695	6 827
2. STRUCTURAL ACTIONS	32 678	32 720	33 638	33 968	41 094	41 770	43 056
Structural funds	30 019	30 005	30 849	31 129	35 395	36 588	37 133
Cohesion fund	2 659	2 715	2 789	2 839	5 699	5 182	5 923
3. INTERNAL POLICIES	6 031	6 272	6 558	6 796	8 737	8 982	9 108
4. EXTERNAL ACTIONS	4 627	4 735	4 873	4 972	5 082	5 093	5 104
5. ADMINISTRATION ⁽¹⁾	4 638	4 776	5 012	5 211	5 983	6 154	6 325
6. RESERVES	906	916	676	434	442	442	442
Monetary reserve	500	500	250	0	0	0	0
Emergency aid reserve	203	208	213	217	221	221	221
Guarantee reserve	203	208	213	217	221	221	221
7. PRE-ACCESSION STRATEGY	3 174	3 240	3 328	3 386	3 455	3 455	3 455
Agriculture	529	540	555	564			
Pre-accession structural instrument	1 058	1 080	1 109	1 129			
Phare (applicant countries)	1 587	1 620	1 664	1 693			
8. COMPENSATION					1 410	1 299	1 041
TOTAL APPROPRIATIONS FOR COMMITMENTS	93 792	97 189	100 672	102 145	115 500	117 624	119 104
TOTAL APPROPRIATIONS FOR PAYMENTS	91 322	94 730	100 078	102 767	111 380	112 260	114 740
Ceiling, appropriations for payments as % of GNI (ESA 95)	1,07 %	1,08 %	1,11 %	1,09 %	1,08 %	1,06 %	1,06 %
Margin for unforeseen expenditure	0,17 %	0,16 %	0,13 %	0,15 %	0,16 %	0,18 %	0,18 %
Own resources ceiling	1,24 %	1,24 %	1,24 %	1,24 %	1,24 %	1,24 %	1,24 %

⁽¹⁾ The expenditure on pensions included under the ceiling for this heading is calculated net of staff contributions to the pension scheme, up to a maximum of EUR 1 100 million at 1999 prices for the period 2000 to 2006.

ANNEX II

Declaration on Article 32 and Annex XV of the Accession Treaty

1. The representatives of the Governments of the Member States meeting within the Council declare that the additional amounts shall be mentioned in Annex XV of the Accession Treaty without prejudice to the European Parliament's rights and the powers and prerogatives of the budgetary authority conferred by Article 272 of the EC Treaty and the relevant provisions of the Interinstitutional Agreement of 6 May 1999 on budgetary discipline and improvement of the budgetary procedure (IIA) in particular points 15, 19 to 21 and 24 thereof and in the negotiations on the future financial perspective.
2. The European Parliament and the Council agree to adjust the Financial Perspective for 2004, 2005 and 2006 due to enlargement, in accordance with point 25 of the Interinstitutional Agreement of 6 May 1999 as proposed by the Commission ⁽¹⁾.
3. In addition, the European Parliament and the Council agree on a revision of the Financial Perspective increasing the ceiling of heading 3, after adjustment under point 25 of the IIA, by EUR 480 million 2004 to 2006, i.e. EUR 50 million for 2004, EUR 190 million for 2005, EUR 240 million for 2006, in accordance with points 19 to 21 of the IIA. The Commission will present the appropriate proposals with a view to adoption before 9 April 2003.
4. They also agree, as proposed by the Commission, to transfer the financing of the aid to Turkey from heading 4 to heading 7 and to modify the title as follows: 'Pre-accession strategy'. Heading 7 would therefore cover expenditure for Bulgaria and Romania and Turkey as a candidate country ⁽²⁾.
5. Once adopted, the adjusted ceilings of the Financial Perspective shall apply to all Member States, without any discrimination through subceilings concerning the new Member States.
6. They also agree to revise (by the end of the budgetary procedure for 2004), in accordance with the codecision procedure, the reference amounts of the coded programmes within the limits of the ceilings resulting from the above-mentioned adjustment and revision of the Financial Perspective.
7. The preliminary draft budget 2004 to be presented by the Commission will cover all current and acceding States, so that the budgetary procedure can lead to an agreement on all relevant appropriations for the enlarged Union.
8. In compliance with Article 28 of the draft Accession Treaty, the 2004 budget 'shall be adapted to take into account the accession of the new Member States through an amending budget that shall enter into effect on 1 May 2004.'
9. The European Parliament, the Council and the Commission recall the importance of the Interinstitutional Agreement of 6 May 1999 in the functioning of budgetary procedures, and this can only function if all institutions comply fully.

⁽¹⁾ COM(2003) 70.

⁽²⁾ The European Parliament and the Council may decide, on a proposal from the Commission, the inclusion of other candidate countries under heading 7.

COUNCIL

COUNCIL DECISION

of 11 June 2003

on the signing, on behalf of the Community, and provisional application of the Agreement in the form of an Exchange of Letters concerning the extension of the Protocol setting out the fishing opportunities and financial contribution provided for in the Agreement between the European Community and the Government of Mauritius on fishing in Mauritian waters for the period 3 December 2002 to 2 December 2003

(2003/431/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 37 in conjunction with Article 300(2) thereof,

Having regard to the proposal from the Commission,

Whereas:

- (1) In accordance with Article 12(3) of the Agreement between the European Economic Community and the Government of Mauritius on fishing in Mauritian waters ⁽¹⁾, the Contracting Parties must enter into negotiations, before the end of the period of validity of the Protocol to the Agreement, in order to determine by common agreement the terms of the Protocol for the following period and, where appropriate, any necessary amendments or additions to the Annex.
- (2) Since, in the absence of information which it was awaiting, Mauritius was not ready to begin the negotiations, the two Parties decided to extend the existing Protocol ⁽²⁾ approved by Regulation (EC) No 444/2001 ⁽³⁾ for a period of one year by means of an Agreement in the form of an Exchange of Letters initialled on 29 November 2002, pending the conclusion of the negotiations on the amendments to be made to the Protocol.
- (3) Under this Agreement in the form of an Exchange of Letters, Community fishermen have fishing opportunities in the waters under the sovereignty or jurisdiction of Mauritius for the period 3 December 2002 to 2 December 2003.
- (4) The extension must be applied at the earliest opportunity if fishing activities by Community vessels are not to be interrupted. The Agreement in the form of an Exchange of Letters should therefore be signed, subject to its definitive conclusion by the Council, and applied provisionally.

- (5) The allocation of the fishing opportunities among the Member States under the expired Protocol should be confirmed,

HAS DECIDED AS FOLLOWS:

Article 1

The signature of the Agreement in the form of an Exchange of Letters concerning the extension of the Protocol setting out the fishing opportunities and financial contribution provided for in the Agreement between the European Community and the Government of Mauritius on fishing in Mauritian waters for the period 3 December 2002 to 2 December 2003 is hereby approved on behalf of the Community, subject to the Council decision on the conclusion of the said Agreement.

The text of the Agreement in the form of an Exchange of Letters is attached to this Decision.

Article 2

The President of the Council is hereby authorised to designate the person(s) empowered to sign the Agreement in the form of an Exchange of Letters on behalf of the Community, subject to its conclusion.

Article 3

The Agreement in the form of an Exchange of Letters shall be applied provisionally in the European Community with effect from 3 December 2002.

Article 4

The fishing opportunities fixed in Article 1 of the Protocol shall be allocated among the Member States as follows:

- | | |
|-------------------|----|
| (a) Tuna seiners: | |
| France | 20 |
| Spain | 20 |
| Italy | 2 |
| United Kingdom | 1; |

⁽¹⁾ OJ L 159, 10.6.1989, p. 2.

⁽²⁾ OJ L 180, 19.7.2000, p. 30.

⁽³⁾ OJ L 64, 6.3.2001, p. 1.

(b) Surface longliners:

Article 5

Spain	19
France	13
Portugal	8;

The Member States whose vessels fish under the Agreement in the form of an Exchange of Letters shall notify the Commission of the quantities of each stock caught within the Mauritian fishing zone in accordance with Commission Regulation (EC) No 500/2001 ⁽¹⁾.

(c) Vessels fishing by line:

France 25 grt per month, based on an annual average.

Done at Luxembourg, 11 June 2003.

If licence applications from these Member States do not cover all the fishing opportunities fixed by the Protocol, the Commission may take into consideration licence applications from any other Member State.

For the Council

The President

G. DRYS

⁽¹⁾ OJ L 73, 15.3.2001, p. 8.

AGREEMENT IN THE FORM OF AN EXCHANGE OF LETTERS

concerning the extension of the Protocol setting out the fishing opportunities and financial contribution provided for in the Agreement between the European Community and the Government of Mauritius on fishing in Mauritian waters for the period 3 December 2002 to 2 December 2003

A. Letter from the Community

Sirs,

I have the honour to confirm that we agree to the following interim arrangements for the extension of the Protocol currently in force (3 December 1999 to 2 December 2002) setting out the fishing opportunities and financial contribution provided for in the Fisheries Agreement between the European Economic Community and the Government of Mauritius, pending the negotiations on the amendments to be made to the Protocol to the Fisheries Agreement:

1. The arrangements applicable over the last three years will be extended for the period from 3 December 2002 to 2 December 2003.

The Community's financial contribution under the interim arrangements will correspond to the yearly amount provided for in Article 2 and, *pro rata temporis*, to the annual amount provided for in Article 3 to the Protocol currently in force. This financial contribution will be paid by 1 June 2003 at the latest. The conditions governing the payment of the amount provided for in Article 6 will also apply.

2. During the interim period, fishing licences will be granted within the limits set in Article 1 of the Protocol currently in force, by means of fees or advances corresponding to those set in point 1 of the Annex to the Protocol.

I should be obliged if you would acknowledge receipt of this letter and confirm that you are in agreement with its contents.

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

On behalf of the Council of the European Union

B. Letter from the Government of Mauritius

Sirs,

I have the honour to acknowledge receipt of your letter of today's date, which reads as follows:

'I have the honour to confirm that we agree to the following interim arrangements for the extension of the Protocol currently in force (3 December 1999 to 2 December 2002) setting out the fishing opportunities and financial contribution provided for in the Fisheries Agreement between the European Economic Community and the Government of Mauritius, pending the negotiations on the amendments to be made to the Protocol to the Fisheries Agreement:

1. The arrangements applicable over the last three years will be extended for the period from 3 December 2002 to 2 December 2003.

The Community's financial contribution under the interim arrangements will correspond to the yearly amount provided for in Article 2 and, *pro rata temporis*, to the annual amount provided for in Article 3 to the Protocol currently in force. This financial contribution will be paid by 1 June 2003 at the latest. The conditions governing the payment of the amount provided for in Article 6 will also apply.

2. During the interim period, fishing licences will be granted within the limits set in Article 1 of the Protocol currently in force, by means of fees or advances corresponding to those set in point 1 of the Annex to the Protocol.

I should be obliged if you would acknowledge receipt of this letter and confirm that you are in agreement with its contents.'

I have the honour to confirm that the above is acceptable to the Government of Mauritius and that your letter and this letter constitute an agreement in accordance with your proposal.

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

For the Government of Mauritius

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

COUNCIL DECISION 2003/432/CFSP
of 12 June 2003
on the launching of the European Union military operation in the Democratic Republic of Congo

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 17(2) and Article 25 thereof,

Having regard to the Council Joint Action of 2003/423/CFSP of 5 June 2003 on the European Union Military Operation in the Democratic Republic of Congo ⁽¹⁾, and in particular Article 6 thereof,

Whereas:

- (1) On 30 May 2003, the United Nations Security Council unanimously adopted Resolution 1484 (2003) authorising, under Chapter VII of the UN Charter, the temporary deployment of an interim emergency multinational force in Bunia, in the Democratic Republic of Congo.
- (2) Following the request by the Secretary-General of the United Nations, the European Union has decided to provide a temporary stabilisation force in the Ituri Region in implementation of the mandate provided in the UNSC Resolution 1484 (2003) of 30 May 2003.
- (3) The Council has authorised the Political and Security Committee to take relevant decisions concerning the political control and strategic direction of the operation.
- (4) In conformity with Article 6 of the Protocol on the position of Denmark annexed to the Treaty on European Union and to the Treaty establishing the European Community, Denmark does not participate in the elaboration and implementation of decisions and actions of the European Union which have defence implications. Denmark does not participate in the financing of the operation,

HAS DECIDED AS FOLLOWS:

Article 1

The Operation Plan is approved.

Article 2

The Rules of Engagement Authorisation message is approved.

Article 3

The EU military operation in the Democratic Republic of Congo shall be launched on 12 June 2003.

Article 4

The Operation Commander is hereby authorised with immediate effect to release the activation order (Actord) in order to execute the deployment of the forces, prior to transfer of authority following their arrival in theatre, and start execution of the mission.

Article 5

Without prejudice to Article 15 of the Joint Action 2003/423/CFSP, this Decision will remain in effect until such time as the forces committed to the operation in Bunia have been re-deployed.

Article 6

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

Done at Luxembourg, 12 June 2003.

For the Council
The President
G. DRYS

⁽¹⁾ OJ L 143, 11.6.2003, p. 50.