

English edition

Legislation

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I

(Acts whose publication is obligatory)

**DECISION No 1151/2003/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL
of 16 June 2003
amending Decision No 276/1999/EC adopting a multiannual Community action plan on promoting
safer use of the Internet by combating illegal and harmful content on global networks**

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 153(2) thereof,

Having regard to the proposal from the Commission ⁽¹⁾,

Having regard to the opinion of the European Economic and Social Committee ⁽²⁾,

Having regard to the opinion of the Committee of the Regions ⁽³⁾,

Acting in accordance with the procedure laid down in Article 251 of the Treaty ⁽⁴⁾,

Whereas:

(1) Decision No 276/1999/EC ⁽⁵⁾ was adopted for a period of four years.

(2) In accordance with Article 6(4) of Decision No 276/1999/EC, the Commission has submitted to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions an evaluation report on the results obtained at the end of two years in implementing the action lines set out in Annex I to that Decision.

(3) The findings of the evaluation formed part of the basic documentation for a workshop on safer use of new online technologies at which leading experts in the field examined the likely future evolution of the issues addressed by the action plan laid down in Decision No 276/1999/EC (hereafter referred to as the action plan) and made recommendations to the Commission.

(4) New online technologies, new users and new usage patterns create new dangers and exacerbate existing dangers at the same time as opening a wealth of new opportunities.

(5) There is a clear need for coordination within the safer Internet field, both on the national and the European level. There should be a large degree of decentralisation using networks of national focal points. The involvement of all the relevant actors, especially a greater number of content providers in the different sectors, should be encouraged. The Commission should act as a facilitator for and contributor to European and global cooperation. Cooperation between the Community and candidate and accession countries should be enhanced.

(6) More time is needed for actions to be implemented to enhance networking, to achieve the objectives of the action plan and to take account of new online technologies.

(7) The financial framework constituting the prime reference for the budgetary authority during the annual budgetary procedure should be amended accordingly.

(8) The Commission should be required to present a second report on the results obtained in implementing the action lines after four years and a final report at the end of the action plan.

(9) The list of candidate and accession countries able to participate should be amended by including Malta and Turkey.

(10) The Action Plan should be extended for a further period of two years which should be regarded as a second phase; in order to make specific provision for the second phase, the action lines should be amended, taking account of the experience and the findings of the evaluation report.

(11) Decision 276/1999/EC should therefore be amended accordingly,

⁽¹⁾ OJ C 203 E, 27.8.2002, p. 6.

⁽²⁾ OJ C 61, 14.3.2003, p. 32.

⁽³⁾ OJ C 73, 26.3.2003, p. 34.

⁽⁴⁾ Opinion of the European Parliament of 11 March 2003 (not yet published in the Official Journal) and Council Decision of 26 May 2003.

⁽⁵⁾ OJ L 33, 6.2.1999, p. 1.

HAVE ADOPTED THIS DECISION:

Article 1

Decision No 276/1999/EC is hereby amended as follows:

1. The title shall be replaced by the following:
'Decision No 276/1999/EC of the European Parliament and of the Council of 25 January 1999 adopting a Multiannual Community Action Plan on promoting safer use of the Internet and new online technologies by combating illegal and harmful content primarily in the area of the protection of children and minors.'
2. Article 1(2) shall be replaced by the following:
'2. The action plan shall cover a period of six years from 1 January 1999 to 31 December 2004.'
3. Article 1(3) shall be replaced by the following:
'3. The financial framework for the implementation of the action plan for the period from 1 January 1999 to 31 December 2004 is hereby set at EUR 38,3 million.
The annual appropriations shall be authorised by the budgetary authority within the limits of the financial perspective.
An indicative breakdown of expenditure is given in Annex II.'
4. In Article 3, the first indent shall be replaced by the following:
'— promotion of industry self-regulation and content monitoring schemes (for example, dealing with content such as child pornography or content which is likely to result in physical or mental harm or content which incites hatred on grounds of race, sex, religion, nationality or ethnic origin).'
5. Article 6(4) shall be replaced by the following:
'4. At the end of two years, at the end of four years and at the end of the action plan, the Commission shall submit to the European Parliament, the Council, the European

Economic and Social Committee and the Committee of the Regions, once the committee referred to in Article 5 has examined it, an evaluation report on the results obtained in implementing the action plan. The Commission may present, on the basis of those results, proposals for adjusting the orientation of the action plan.'

6. Article 7(1) shall be replaced by the following:
'1. Participation in this action plan may be opened to EFTA States which are members of the European Economic Area (EEA) in accordance with the provisions of the Agreement on the EEA.'
7. Article 7(2) shall be replaced by the following:
'2. The action plan shall be open to participation of the candidate and accession countries on the following basis:
(a) central and eastern European countries (CEECs), in accordance with the conditions established in the Europe Agreements, in their additional protocols, and in the decisions of the respective Association Councils;
(b) Cyprus, Malta and Turkey, in accordance with bilateral agreements to be concluded.'
8. Annex I shall be amended as set out in the Annex I to this Decision.
9. Annex II shall be replaced by the text in the Annex II to this Decision.

Article 2

This Decision is addressed to the Member States.

Done at Luxembourg, 16 June 2003.

For the European Parliament
The President
P. COX

For the Council
The President
G. PAPANDREOU

ANNEX I

Annex I to Decision No 276/1999/EC shall be amended as follows:

1. under the title Action Lines the fourth indent of the second paragraph is replaced by the following:

‘— to foster cooperation and exchange of experiences and best practices at European and international levels, especially with the candidate and accession countries;’

2. under the title Action Lines the following third and fourth subparagraphs are added:

‘Following the initial phase covering the period 1 January 1999 — 31 December 2002, a second phase will be organised during the period 1 January 2003 — 31 December 2004. This will build on the work to achieve the goals set out in the four action lines of the initial phase while making the necessary adjustments to take account of experience gained and of the impact of new technologies and their convergence, and ensuring coherence with other Community programmes.

in particular:

- (i) The coverage of safer use will be extended, primarily with the aim of improving the protection of children and minors, to new online technologies, including mobile and broadband content, online games, peer-to-peer file transfer, text and enhanced messages and all forms of real-time communications such as chat rooms and instant messages;
 - (ii) Intensified action will be taken to ensure that, primarily in the area of the protection of children and minors, areas of illegal and harmful content and conduct of concern are covered, with an emphasis on crimes against children, such as child pornography and trafficking in children and on racism and violence;
 - (iii) More active involvement of the content and media industry will be encouraged, and collaboration with government-backed bodies active in the area will be expanded;
 - (iv) Enhanced networking will be encouraged among project participants in the various action lines, particularly in the fields of hotlines, content rating, self-regulation and awareness-raising;
 - (v) Steps will be taken to associate candidate and accession countries in ongoing activities and to share experience and know-how, and to increase links and encourage collaboration with similar activities in third countries, particularly countries where illegal content is hosted or produced, and with international organisations.’
3. in paragraph 1.1 the following sixth subparagraph is added:

‘During the second phase, the aim will be to complete the network's coverage in the Member States and to improve yet further the operational effectiveness of the network, to work closely with safer Internet awareness actions, particularly so as to increase public awareness of the hotlines, to provide practical assistance to candidate and accession countries wishing to set up hotlines, to adapt best practice guidelines to new technology, and to expand links with hotlines outside Europe.’;

4. in paragraph 1.2 the following fourth subparagraph is added:

‘During the second phase, further advice and assistance will be provided so as to ensure cooperation at Community level through networking of the appropriate structures within Member States and through systematic review and reporting of relevant legal and regulatory issues, to help develop comparable assessment methodologies of the self-regulation framework, to help adapt self-regulatory practices to new technology by providing information on relevant developments in such technology and the way it is used, to provide practical assistance to candidate and accession countries wishing to set up self-regulatory bodies and to expand links with self-regulatory bodies outside Europe. Moreover, further support will be given to encourage quality-site labels.’;

5. in paragraph 2.1 the following seventh and eighth subparagraphs are added:

‘During the second phase, there will be a focus on benchmarking of filtering software and services (especially performance, usability, resistance to hacking, suitability for European markets and new forms of digital content). Assistance for developing filtering technology will be carried forward under the Community research programme. The Commission will ensure close liaison with activities relating to filtering under the Action Plan.

The second phase will promote the take-up of self-rating by content providers and the provision of information to users about European filtering software and services.’;

6. in paragraph 2.2 the following third subparagraph is added:

‘During the second phase, support will be given to bringing together the industries and parties concerned such as content providers, regulatory and self-regulatory bodies, software and Internet rating organisations and consumer associations, in order to foster conditions propitious for developing and implementing rating systems which are easy for content-providers and for consumers to understand and use, which provide European parents and educators with the necessary information to make decisions in accordance with their cultural and linguistic values, and which take account of the convergence of telecommunications, audiovisual media and information technology.’;

7. Paragraph 3.2 is amended as follows:

(a) the fourth subparagraph is replaced by the following:

'The purpose of the Community support is to pump-prime broadly-based awareness actions and to provide overall coordination and exchange of experience so that lessons can be drawn from the results of the action on an ongoing basis (for instance by adapting the material distributed). The Commission will continue to take steps to encourage cost-effective means of distribution to large numbers of users, notably by using multiplier organisations, and electronic dissemination channels so as to reach the intended target groups.'

(b) the following fifth subparagraph is added:

'During the second phase, support will be given to exchange of best practice on new-media education by means of a European network for raising awareness of safer use of the Internet and new online technologies, supported by

- a comprehensive trans-national repository (web portal) of relevant information and awareness and research resources,
- applied research on media education involving all interested parties (e.g. education, official and voluntary children's welfare bodies, parents associations, industry, law-enforcement) into children's use of new technologies to identify educational and technological means for protecting them from harm.

The network will also provide technical assistance to candidate and accession countries wishing to set up awareness actions and expand links with awareness activities outside Europe.;

8. In paragraph 4.2 the second, third and fourth subparagraphs are replaced by the following:

'The Commission will therefore organise at frequent intervals seminars and workshops addressing the various themes covered by the action plan, or a combination of such themes. Participation should include industry, user, consumer and citizens rights groups and government bodies involved in industry regulation and law enforcement, as well as leading experts and researchers. The Commission will seek to ensure broad participation from the EEA countries, from third countries and international organisations.'

ANNEX II

INDICATIVE BREAKDOWN OF EXPENDITURE

1. Creating a safer environment	20-26 %
2. Developing filtering and rating systems	20-26 %
3. Encouraging awareness actions	42-46 %
4. Support actions	3-5 %
Total:	100 %

DECISION No 1152/2003/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL
of 16 June 2003
on computerising the movement and surveillance of excisable products

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 95 thereof,

Having regard to the proposal from the Commission ⁽¹⁾,

Having regard to the opinion of the European Economic and Social Committee ⁽²⁾,

Acting in accordance with the procedure provided for in Article 251 of the Treaty ⁽³⁾,

Whereas:

- (1) Council Directive 92/12/EEC of 25 February 1992 on the general arrangements for products subject to excise duty and on the holding, movement and monitoring of such products ⁽⁴⁾ provides that products moving between the territories of the Member States under excise-duty suspension arrangements must be accompanied by a document completed by the consignor.
- (2) Commission Regulation (EEC) No 2719/92 of 11 September 1992 on the accompanying document for the movement under duty-suspension arrangements of products subject to excise duty ⁽⁵⁾ lays down the form and content of the accompanying document provided for in Directive 92/12/EEC.
- (3) It is necessary to have a computerised system for monitoring the movement of excisable goods, such as will allow Member States to obtain real-time information on those movements and to carry out the requisite checks, including checks during movement of products, within the meaning of Article 15 of Directive 92/12/EEC.
- (4) The setting up of a computer system should also allow the intra-Community movement of goods under suspension of excise duties to be simplified.
- (5) A computerised system for the intra-Community movement and monitoring of excisable goods (EMCS) should be compatible and, if technically possible, merged with the new computerised transit system (NCTS), so as to facilitate administrative and commercial procedures.
- (6) For the purposes of implementing this Decision, the Commission should coordinate Member States' activities, so as to ensure the smooth operation of the internal market.
- (7) Because of the size and complexity of such a computerised system, both the Community and the Member States will need considerable additional human and financial resources for the purpose. Accordingly, provision should be made whereby the Commission and the Member States make the necessary resources available for the development and deployment of the system.
- (8) In developing the national components, Member States should apply the principles laid down for electronic government systems and should treat the economic operators in the same way as in the other fields where computer systems are set up. In particular, they should allow the economic operators, especially the small and medium-sized enterprises active in this sector, to use these national components at the lowest possible cost, and they should promote all measures aimed at preserving their competitiveness.
- (9) The division between the Community and non-Community components of the computerised system should also be defined, as should the respective duties of the Commission and the Member States with regard to the system's development and deployment. In that context, the Commission, assisted by the relevant Committee, should fulfil a major role in coordinating, organising and managing the system.
- (10) Arrangements should be made for evaluating the implementation of the computerised system for monitoring excisable goods.
- (11) The funding of the system should be shared between the Community and the Member States, the Community's share being specifically entered as such in the general budget of the European Union.
- (12) Establishing the computerised system serves to enhance the internal-market aspects of the movement of excisable goods. Any fiscal aspects relating to the movement of excisable goods should be addressed by amending Directive 92/12/EEC. This Decision does not prejudice the legal basis of any future amendments to Directive 92/12/EEC.

⁽¹⁾ OJ C 51 E, 26.2.2002, p. 372.

⁽²⁾ OJ C 221, 17.9.2002, p. 1.

⁽³⁾ European Parliament Opinion of 24 September 2003 (not yet published in the Official Journal), Council Common Position of 21 January 2003 (OJ C 64 E, 18.3.2003, p. 1) and European Parliament Decision of 8 April 2003 (not yet published in the Official Journal), Council Decision of 3 June 2003.

⁽⁴⁾ OJ L 76, 23.3.1992, p. 1. Directive as last amended by Directive 2000/47/EC (OJ L 193, 29.7.2000, p. 73).

⁽⁵⁾ OJ L 276, 19.9.1992, p. 1. Regulation as amended by Regulation (EEC) No 2225/93 (OJ L 198, 7.8.1993, p. 5).

- (13) Before the EMCS is operational, and given the problems which have been experienced, the Commission, in collaboration with Member States, and taking account of the views of the trade sectors concerned, should look at ways to improve the current paper-based system.
- (14) This Decision lays down, for the entire period needed for the development and the deployment of the system, a financial framework constituting the prime reference within the meaning of Point 33 of 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⁾, for the budgetary authority during the annual budgetary procedure.
- (15) The measures necessary for the implementation of this Decision should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission⁽²⁾,

and ensuring that the computerised system is compatible with, and, if technically possible, integrated into, the NCTS with the objective of creating an integrated computer system for the surveillance both of intra-Community movements of excisable goods and of movements of excisable goods and goods subject to other duties and charges coming from or going to third countries.

3. The Community components of the system shall be the common specifications, the technical products, the services of the Common Communications Network/Common Systems Interface network, and the coordination services used by all the Member States, to the exclusion of any variant or special feature of any such services designed to meet national requirements.

4. The non-Community components of the system shall be the national specifications, the national databases forming part of the system, network connections between Community and non-Community components and any software or equipment which a Member State considers necessary to ensure full use of the system throughout its administration.

HAVE ADOPTED THIS DECISION:

Article 1

1. A computerised system for the movement and surveillance of excisable products of the kind referred to in Article 3(1) of Directive 92/12/EEC, hereinafter referred to as 'the computerised system', is hereby established.
2. The computerised system is intended to:
 - (a) permit the electronic transmission of the accompanying document provided for in Regulation (EEC) No 2719/92, and the improvement of checks;
 - (b) improve the functioning of the internal market, by simplifying the intra-Community movement of products under excise duty suspension arrangements, and by affording Member States the possibility of monitoring the flows in real time and of carrying out the requisite checks where necessary.

Article 2

Member States and the Commission shall establish the computerised system within six years of the entry into force of this Decision.

Activities relating to the initiation of application of the computerised system shall begin not later than 12 months after the entry into force of this Decision.

Article 3

1. The computerised system shall be made up of Community and non-Community components.
2. The Commission shall ensure that in work on the Community components of the computerised system every attention is paid to re-using as much of the NCTS as possible

⁽¹⁾ OJ C 172, 18.6.1999, p. 1.

⁽²⁾ OJ L 184, 17.7.1999, p. 23.

Article 4

1. The Commission, acting in accordance with the procedure provided for in Article 7(2), shall coordinate the setting up and running of the Community and non-Community components of the computerised system, and in particular:

- (a) the infrastructure and tools needed to guarantee the system's internal links and overall interoperability;
- (b) the development of a security policy of the highest standard possible in order to prevent unauthorised access to data and to guarantee the integrity of the system;
- (c) the instruments for the exploitation of data to combat fraud.

2. To achieve the aims of paragraph 1, the Commission shall conclude the necessary contracts for setting up the Community components of the computerised system and shall, in cooperation with the Member States meeting within the Committee referred to in Article 7(1), draw up a master plan and management plans required for the establishment and running of the system.

The master plan and the management plans shall specify the initial and routine tasks which the Commission and each Member State are to perform. The management plans shall specify the completion dates for the tasks required for carrying out each project identified in the master plan.

Article 5

1. Member States shall ensure that they complete, by the date specified in the management plans mentioned in Article 4(2), the initial and routine tasks allocated to them.

They shall report to the Commission the results of each task and the date of its completion. The Commission shall in turn inform the Committee referred to in Article 7(1) thereof.

2. No Member State shall take any action relating to the setting up or running of the computerised system that might affect the system's internal links and overall interoperability or its functioning as a whole.

Any measure that a Member State might wish to take and that could affect either the computerised system's internal links and overall interoperability or its functioning as a whole shall be taken only with the prior agreement of the Commission, acting in accordance with the procedure provided for in Article 7(2).

3. Member States shall inform the Commission regularly of any measure they may have taken to enable their respective administrations to make full use of the computerised system. The Commission shall in turn inform the Committee referred to in Article 7(1) thereof.

Article 6

The measures necessary for the implementation of this Decision relating to the setting up and running of the computerised system and to the matters referred to in Article 4(1) and in Article 5(2) second subparagraph shall be adopted in accordance with the procedure provided for in Article 7(2). These implementing measures shall not affect the Community provisions in relation to the raising and checking of indirect taxes or administrative cooperation and mutual assistance in matters of indirect taxation.

Article 7

1. The Commission shall be assisted by the Committee on Excise Duties set up under Article 24 of Directive 92/12/EEC.

2. Where reference is made to this paragraph, Articles 4 and 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 4(3) of Decision 1999/468/EC shall be set at three months.

3. The Committee shall adopt its rules of procedure.

Article 8

1. The Commission shall take whatever other steps are necessary to verify that the measures financed from the general budget of the European Union are being carried out correctly and in compliance with the provisions of this Decision.

It shall regularly, in collaboration with the Member States, meeting in the Committee referred to in Article 7(1), monitor the various development and deployment stages of the computerised system with a view to determining whether the objectives pursued have been achieved, and to issuing guidelines on how to raise the effectiveness of the activities involved in implementing the computerised system.

2. 30 months after the entry into force of this Decision, the Commission shall submit to the Committee referred to in Article 7(1) an interim report on the monitoring operations. If appropriate, this report shall set out methods and criteria to be used in the later evaluation of how the computerised system is functioning.

3. At the end of the six-year period referred to in the first subparagraph of Article 2, the Commission shall present to the European Parliament and the Council a report on the implementation of the computerised system. The report shall set out, *inter alia*, the methods and criteria to be used in the later evaluation of how the system is functioning.

Article 9

The countries that have applied for membership of the European Union shall be kept informed by the Commission of the development and deployment of the computerised system and may, if they so desire, take part in the tests to be carried out.

Article 10

1. The costs of setting up the computerised system shall be split between the Community and the Member States in accordance with paragraphs 2 and 3.

2. The Community shall bear the costs of the design, acquisition, installation and maintenance of the Community components of the computerised system and the ongoing operating costs of those Community components installed in Commission premises, or in those of a subcontractor designated by the Commission.

3. Member States shall bear the costs of setting up and running the non-Community components of the system and the ongoing operating costs of those Community components installed in their premises, or in those of a subcontractor designated by the Member State concerned.

Article 11

1. The financial framework for financing the computerised system for the period defined in the first subparagraph of Article 2 is hereby set at EUR 35 000 000 insofar as the general budget of the European Union is concerned.

The annual appropriations, including appropriations assigned to the use and operation of the system after the above implementation period, shall be authorised by the budgetary authority within the limits of the financial perspective.

2. Member States shall estimate and make available the budgets and human resources needed to meet their obligations described in Article 5. The Commission and the Member States shall provide the human, budgetary and technical resources needed to establish and run the computerised system.

Article 12

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

Article 13

This Decision is addressed to the Member States.

Done at Luxembourg, 16 June 2003.

For the European Parliament

The President

P. COX

For the Council

The President

G. PAPANDREOU

COMMISSION REGULATION (EC) No 1153/2003
of 30 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 1 July 2003.

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

Done at Brussels, 30 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 30 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	064	80,7
	999	80,7
0707 00 05	052	81,1
	628	119,5
	999	100,3
0709 90 70	052	75,0
	999	75,0
0805 50 10	382	60,3
	388	59,5
	528	67,6
	999	62,5
0808 10 20, 0808 10 50, 0808 10 90	388	80,0
	400	112,6
	508	90,1
	512	81,4
	524	46,9
	528	63,2
	720	129,4
	804	101,9
	999	88,2
	0809 10 00	052
999		204,4
0809 20 95	052	322,0
	060	156,6
	068	107,3
	400	355,0
	999	235,2
0809 40 05	052	203,9
	999	203,9

⁽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 1154/2003
of 30 June 2003**

**fixing the minimum selling prices for beef put up for sale under the first invitation to tender
referred to in Regulation (EC) No 1032/2003**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

- (1) Tenders have been invited for certain quantities of beef fixed by Commission Regulation (EC) No 1032/2003 ⁽³⁾.
- (2) Pursuant to Article 9 of Commission Regulation (EEC) No 2173/79 of 4 October 1979 on detailed rules of application for the disposal of beef bought in by intervention agencies and repealing Regulation (EEC) No 216/69 ⁽⁴⁾, as last amended by Regulation (EC) No 2417/95 ⁽⁵⁾, the minimum selling prices for meat put up for sale by tender should be fixed, taking into account tenders submitted.

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

HAS ADOPTED THIS REGULATION:

Article 1

The minimum selling prices for beef for the first invitation to tender held in accordance with Regulation (EC) No 1032/2003 for which the time limit for the submission of tenders was 24 June 2003 are as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 July 2003.

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

Done at Brussels, 30 June 2003.

For the Commission
Franz FISCHLER
Member of the Commission

⁽¹⁾ OJ L 160, 26.6.1999, p. 21.

⁽²⁾ OJ L 315, 1.12.2001, p. 29.

⁽³⁾ OJ L 150, 18.6.2003, p. 9.

⁽⁴⁾ OJ L 251, 5.10.1979, p. 12.

⁽⁵⁾ OJ L 248, 14.10.1995, p. 39.

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

Estado miembro	Productos	Precio mínimo Expresado en euros por tonelada
Medlemsstat	Produkter	Mindstepriser i EUR/t
Mitgliedstaat	Erzeugnisse	Mindestpreise Ausgedrückt in EUR/Tonne
Κράτος μέλος	Προϊόντα	Ελάχιστες πωλήσεις εκφραζόμενες σε ευρώ ανά τόνο
Member State	Products	Minimum prices Expressed in EUR per tonne
État membre	Produits	Prix minimaux Exprimés en euros par tonne
Stato membro	Prodotti	Prezzi minimi Espressi in euro per tonnellata
Lidstaat	Producten	Minimumprijzen Uitgedrukt in euro per ton
Estado-Membro	Produtos	Preço mínimo Expresso em euros por tonelada
Jäsenvaltio	Tuotteet	Vähimmäishinnat euroina tonnia kohden ilmaistuna
Medlemsstat	Produkter	Minimipriser i euro per ton
Carne con hueso — Kød, ikke udbenet — Fleisch mit Knochen — Κρέατα με κόκαλα — Bone-in beef — Viande avec os — Carni non disossate — Vlees met been — Carne com osso — Luullinen naudanliha — Kött med ben		
DEUTSCHLAND	— Vorderviertel	—
ESPAÑA	— Cuartos delanteros	—

**COMMISSION REGULATION (EC) No 1155/2003
of 30 June 2003**

**fixing the minimum selling prices for beef put up for sale under the first invitation to tender
referred to in Regulation (EC) No 1034/2003**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

- (1) Tenders have been invited for certain quantities of beef fixed by Commission Regulation (EC) No 1034/2003 ⁽³⁾.
- (2) Pursuant to Article 9 of Commission Regulation (EEC) No 2173/79 of 4 October 1979 on detailed rules of application for to disposal of beef bought in by intervention agencies and repealing Regulation (EEC) No 216/69 ⁽⁴⁾, as last amended by Regulation (EC) No 2417/95 ⁽⁵⁾, the minimum selling prices for meat put up for sale by tender should be fixed, taking into account tenders submitted.

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

HAS ADOPTED THIS REGULATION:

Article 1

The minimum selling prices for beef for the first invitation to tender held in accordance with Regulation (EC) No 1034/2003 for which the time limit for the submission of tenders was 23 June 2003 are as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 July 2003.

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

Done at Brussels, 30 June 2003.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 160, 26.6.1999, p. 21.

⁽²⁾ OJ L 315, 1.12.2001, p. 29.

⁽³⁾ OJ L 150, 18.6.2003, p. 21.

⁽⁴⁾ OJ L 251, 5.10.1979, p. 12.

⁽⁵⁾ OJ L 248, 14.10.1995, p. 39.

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

Estado miembro	Productos	Precio mínimo Expresado en euros por tonelada
Medlemsstat	Produkter	Mindstepriser i EUR/t
Mitgliedstaat	Erzeugnisse	Mindestpreise Ausgedrückt in EUR/Tonne
Κράτος μέλος	Προϊόντα	Ελάχιστες πωλήσεις εκφραζόμενες σε ευρώ ανά τόνο
Member State	Products	Minimum prices Expressed in EUR per tonne
État membre	Produits	Prix minimaux Exprimés en euros par tonne
Stato membro	Prodotti	Prezzi minimi Espressi in euro per tonnellata
Lidstaat	Producten	Minimumprijzen Uitgedrukt in euro per ton
Estado-Membro	Produtos	Preço mínimo Expresso em euros por tonelada
Jäsenvaltio	Tuotteet	Vähimmäishinnat euroina tonnia kohden ilmaistuna
Medlemsstat	Produkter	Minimipriser i euro per ton
Carne con hueso — Kød, ikke udbenet — Fleisch mit Knochen — Κρέατα με κόκαλα — Bone-in beef — Viande avec os — Carni non disossate — Vlees met been — Carne com osso — Luullinen naudanliha — Kött med ben		
ESPAÑA	— Cuartos delanteros	551

COMMISSION REGULATION (EC) No 1156/2003
of 30 June 2003
on the supply of cereals as food aid

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

- (1) The abovementioned Regulation lays down the list of countries and organisations eligible for Community aid and specifies the general criteria on the transport of food aid beyond the fob stage.
- (2) Following the taking of a number of decisions on the allocation of food aid, the Commission has allocated cereals to certain beneficiaries.
- (3) It is necessary to make these supplies in accordance with the rules laid down by Commission Regulation (EC) No 2519/97 of 16 December 1997 laying down general rules for the mobilisation of products to be supplied

under Council Regulation (EC) No 1292/96 as Community food aid ⁽³⁾. It is necessary to specify the time limits and conditions of supply to determine the resultant costs,

HAS ADOPTED THIS REGULATION:

Article 1

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

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

Article 2

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

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

Done at Brussels, 30 June 2003.

For the Commission
Franz FISCHLER
Member of the Commission

⁽¹⁾ OJ L 166, 5.7.1996, p. 1.
⁽²⁾ OJ L 234, 1.9.2001, p. 10.

⁽³⁾ OJ L 346, 17.12.1997, p. 23.

ANNEX

LOT A; B

1. **Action No:** 230/00 (A); 231/00 (B)
2. **Beneficiary** ^(?): Ethiopia
3. **Beneficiary's representative:** Disaster Prevention and Preparedness Commission, Addis Ababa, Contact: Ato Simon Mechale, tel.: (251-1) 52 42 72, fax: 51 47 88
4. **Country of destination:** Ethiopia
5. **Product to be mobilised:** common wheat
6. **Total quantity (tonnes net):** 45 000
7. **Number of lots:** 2 in 4 parts (A: 22 500 tonnes (A1: 12 500 tonnes; A2: 10 000 tonnes); B: 22 500 tonnes (B1: 12 500 tonnes; B2: 10 000 tonnes))
8. **Characteristics and quality of the product** ⁽⁵⁾ ⁽⁵⁾: see OJ C 312, 31.10.2000, p. 1 (A.1)
9. **Packaging** ⁽⁷⁾: see OJ C 267, 13.9.1996, p. 1 (1.0 A 1.c, 2.c and B.3)
10. **Labelling or marking** ⁽⁶⁾: see OJ C 114, 29.4.1991, p. 1 (II.A(3))
 - Language to be used for the markings: English
 - Supplementary markings: —
11. **Method of mobilisation of the product:** the Community market
12. **Specified delivery stage** ⁽⁸⁾: free at destination
13. **Alternative delivery stage:** free at port of shipment — fob stowed
14. a) **Port of shipment:** —
b) **Loading address:** —
15. **Port of landing:** —
16. **Place of destination:** DPPC warehouse in Nazareth (A1 + B1), Kombolcha (A2 + B2)
 - port or warehouse of transit: Djibouti
 - overland transport route: —
17. **Period or deadline of supply at the specified stage** ⁽⁹⁾:
 - first deadline: A: 28.9.2003; B: 29.9-19.10.2003
 - second deadline: A: 12.10.2003; B: 13.10-2.11.2003
18. **Period or deadline of supply at the alternative stage:**
 - first deadline: A: 28.7-10.8.2003; B: 25-31.8.2003
 - second deadline: A: 11-24.8.2003; B: 8-14.9.2003
19. **Deadline for the submission of tenders (at 12 noon, Brussels time):**
 - first deadline: 15.7.2003
 - second deadline: 29.7.2003
20. **Amount of tendering guarantee:** EUR 5 per tonne
21. **Address for submission of tenders and tendering guarantees** ⁽¹⁾: M. Vestergaard, Commission européenne, Bureau: L130 7/46, B-1049 Brussels; tlx: 25670 AGREC B ; fax: (32-2) 296 70 03/296 70 04
22. **Export refund** ⁽⁴⁾: Refund applicable on 25.6.2003, fixed by Commission Regulation (EC) No 916/2003 (OJ L 130, 27.5.2003, p. 8)

LOT C

1. **Action No:** 107/02
2. **Beneficiary** ^(?): World Food Programme (WFP), Via Cesare Giulio Viola 68, I-00148 Roma; tel.: (39-06) 6513 2988; fax 65 13 28 44/3; telex 626675 WFP I
3. **Beneficiary's representative:** to be designated by the beneficiary
4. **Country of destination:** Haiti
5. **Product to be mobilised:** milled rice (product code 1006 30 96 9900, 1006 30 98 9900)
6. **Total quantity (tonnes net):** 1 526
7. **Number of lots:** 1
8. **Characteristics and quality of the product** ^(?) ⁽⁵⁾: see OJ C 312, 31.10.2000, p. 1 (A.7)
9. **Packaging** ⁽⁷⁾: see OJ C 267, 13.9.1996, p. 1 (1.0 A 1.c, 2.c and B.6)
10. **Labelling or marking** ⁽⁸⁾: see OJ C 114, 29.4.1991, p. 1 (II.A(3))
 - Language to be used for the markings: French
 - Supplementary markings: —
11. **Method of mobilisation of the product:** the Community market
12. **Specified delivery stage:** free at port of shipment
13. **Alternative delivery stage:** —
14. a) **Port of shipment:** —
b) **Loading address:** —
15. **Port of landing:** —
16. **Place of destination:**
 - port or warehouse of transit: —
 - overland transport route: —
17. **Period or deadline of supply at the specified stage:**
 - first deadline: 4-24.8.2003
 - second deadline: 18.8-7.9.2003
18. **Period or deadline of supply at the alternative stage:**
 - first deadline: —
 - second deadline: —
19. **Deadline for the submission of tenders (at 12 noon, Brussels time):**
 - first deadline: 15.7.2003
 - second deadline: 29.7.2003
20. **Amount of tendering guarantee:** EUR 5 per tonne
21. **Address for submission of tenders and tendering guarantees** ⁽¹⁾: M. Vestergaard, Commission européenne, Bureau: L130 7/46, B-1049 Bruxelles/Brussel; telex 25670 AGREC B; fax (32-2) 296 70 03/296 70 04
22. **Export refund** ⁽⁴⁾: refund applicable on 25.6.2003, fixed by Commission Regulation (EC) No 916/2003 (OJ L 130, 27.5.2003, p. 8).

Notes:

- (¹) Supplementary information: Torben Vestergaard (tel. (32-2) 299 30 50; fax (32-2) 296 20 05).
- (²) The supplier shall contact the beneficiary or its representative as soon as possible to establish which consignment documents are required.
- (³) The supplier shall deliver to the beneficiary a certificate from an official entity certifying that for the product to be delivered the standards applicable, relative to nuclear radiation, in the Member State concerned, have not been exceeded. The radioactivity certificate must indicate the caesium-134 and -137 and iodine-131 levels.
- (⁴) Commission Regulation (EC) No 2298/2001 (OJ L 308, 27.11.2001, p. 16), is applicable as regards the export refund. The date referred to in Article 2 of the said Regulation is that indicated in point 22 of this Annex.
- (⁵) The supplier shall supply to the beneficiary or its representative, on delivery, the following document:
— phytosanitary certificate.
- (⁶) Notwithstanding OJ C 114 of 29 April 1991, point II.A(3)(c) or II.B(3)(c) is replaced by the following: 'the words "European Community"'.

- (⁷) Since the goods may be rebagged, the supplier must provide 2 % of empty bags of the same quality as those containing the goods, with the marking followed by a capital 'R'.
- (⁸) In addition to the provisions of Article 14(3) of the Regulation (EC) No 2519/97, vessels chartered shall not appear on any of the four most recent quaternary lists of detained vessels as published by the Paris Memorandum of Understanding on Port State Control (Council Directive 95/21/EC (OJ L 157, 7.7.1995, p. 1)).
- (⁹) The final subparagraph of Article 14(14) of Regulation (EC) No 2519/97.

Before the Commission can award the supply contract, it needs various items of information about the tenderer concerned (in particular the bank account to be credited). These details are contained in a form available on the Internet at the following website:

http://europa.eu.int/comm/budget/execution/ftiers_fr.htm.

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

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

COMMISSION REGULATION (EC) No 1157/2003

of 30 June 2003

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1255/1999 of 17 May 1999 on the common organisation of the market in milk and milk products ⁽¹⁾, as last amended by Regulation (EC) No 806/2003 ⁽²⁾, and in particular Article 29(1) thereof,

Whereas:

- (1) Commission Regulation (EC) No 2535/2001 ⁽³⁾, as last amended by Regulation (EC) No 787/2003 ⁽⁴⁾, lays down, *inter alia*, detailed rules for the application to milk and milk products of the import arrangements provided for in the Europe Agreements between the Community and its Member States, of the one part, and certain Central and East European countries, of the other part. In order to implement the concessions provided for by Council Decision 2003/286/EC of 8 April 2003 on the conclusion of a Protocol adjusting the trade aspects of the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republic of Bulgaria, of the other part ⁽⁵⁾, the new import tariff quotas should be opened and certain existing quotas should be increased.
- (2) Council Decision 2003/285/EC ⁽⁶⁾, which approved the Protocol adjusting the trade aspects of the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republic of Hungary, of the other part, to take account of the outcome of negotiations between the Parties on new mutual agricultural concessions, repealed Council Regulation (EC) No 1408/2002 ⁽⁷⁾. The references made to that Regulation in Regulation (EC) No 2535/2001 should, therefore, be replaced.
- (3) Council Decision 2003/465/EC of 16 June 2003 concerning the conclusion of the Agreement in the form of an Exchange of Letters between the European Community and the Kingdom of Norway concerning certain agricultural products ⁽⁸⁾, provides *inter alia* for changes in the quotas for cheese imports into the Community. The agreement also relates to replacing the method of managing these quotas, currently based on the issuing of IMA 1 certificates as described in Chapter III, Title 2 of Regulation (EC) No 2535/2001, by managing them on the basis of an import licence alone, as provided for in Chapter I, Title 2 of the said Regulation.
- (4) The details relating to the issuing body for Canada, set out in Annex XII to Regulation (EC) No 2535/2001, should be updated.
- (5) Regulation (EC) No 2535/2001 should be amended accordingly.
- (6) Article 14(1) of Regulation (EC) No 2535/2001 lays down that the licence applications may be lodged only during the first 10 days of each six-month period. In order to enable this Regulation to be implemented correctly and ensure that all the importers concerned have 10 days to lodge applications for the second half of 2003, provision should be made to derogate from the said Article.
- (7) Article 7 of Regulation (EC) No 2535/2001 lays down that applicants for import licences must be approved in advance by the competent authority of the Member States in which they are established. Provision should be made to derogate from the said Article and from Article 11 in the case of importers wishing, for the period 1 July 2003 to 31 December 2003, to have access to the quotas provided for in the Agreement with Norway.

⁽¹⁾ OJ L 160, 26.6.1999, p. 48.

⁽²⁾ OJ L 122, 16.5.2003, p. 1.

⁽³⁾ OJ L 341, 22.12.2001, p. 29.

⁽⁴⁾ OJ L 115, 9.5.2003, p. 18.

⁽⁵⁾ OJ L 102, 24.4.2003, p. 60.

⁽⁶⁾ OJ L 102, 24.4.2003, p. 32.

⁽⁷⁾ OJ L 205, 2.8.2002, p. 9.

⁽⁸⁾ OJ L 156, 25.6.2003, p. 48.

HAS ADOPTED THIS REGULATION:

Article 1

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

1. Article 5 is amended as follows:

(a) point (b) is replaced by the following:

'(b) the quotas provided for in Council Regulations (EC) No 2475/2000 (*), (EC) No 1151/2002 (**), (EC) No 1361/2002 (***), (EC) No 1362/2002 (****) and in Council Decisions 2003/18/EC (*****), 2003/263/EC (*****), 2003/285/EC (*****), 2003/286/EC (*****), 2003/298/EC (*****), 2003/299/EC (*****);

(*) OJ L 286, 11.11.2000, p. 15.

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

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

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

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

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

(*****) OJ L 102, 24.4.2003, p. 32.

(*****) OJ L 102, 24.4.2003, p. 60.

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

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

(b) the following point (h) is added:

'(h) the quotas provided for in Council Decision 2003/465/EC (*).

(*) OJ L 156, 25.6.2003, p. 48.;

2. the second subparagraph of Article 13(2) is replaced by the following:

'However, in the case of the quotas referred to in Article 5(c), (d), (e), (g) and (h), licence applications shall relate to at least 10 tonnes and to no more than the quantity fixed for each period in accordance with Article 6.;

3. Article 19(1) is amended as follows:

(a) the first part of the sentence is replaced by the following:

'The reduced rate of duty shall be applied only on presentation of the declaration of release for free circulation accompanied by the import licence and, in the case of the imports referred to below, the proof of origin issued, respectively, under the following instruments:'

(b) the following point (h) is added:

'(h) rules referred to in point 10 of the Agreement with Norway.;

4. Article 24 is amended as follows:

(a) in paragraph 1, (b) is deleted;

(b) paragraph 2 is replaced by the following:

'2. Annex III to this Regulation sets out the duties to be applied and, in the case of imports as referred to in paragraph 1(a), the maximum quantities to be imported each year and the import year.;

5. Annex I is amended as follows:

(a) in Part I.B, point 6 is replaced by the text in Annex I to this Regulation;

(b) the text in Annex II to this Regulation is added as Part H;

6. in Annex III, Part B is deleted;

7. in Annex XI, G and H are deleted;

8. Annex XII is amended as follows:

(a) the details relating to location in respect of Canada are replaced by the following:

'Building 55, NCC Driveway
Central Experimental Farm
960 Carling Avenue
Ottawa, Ontario K1A 0Z2
Telephone: 1 (613) 792-2000
Fax: 1 (613) 792-2009'

(b) the details relating to Norway are deleted.

Article 2

1. By way of derogation from Article 14(1) of Regulation (EC) No 2535/2001, in the case of the quotas opened on 1 July 2003 referred to in Annex I, Part B, point 6 and in Annex I, Part H, applications for import licences shall be submitted within 10 days of the date of entry into force of this Regulation.

2. By way of derogation from Article 7 of Regulation (EC) No 2535/2001, the approval provided for is not required for the period 1 July to 31 December 2003 in the case of the quotas opened on 1 July 2003 referred to in Annex I, Part H to this Regulation.

3. For the period referred to in paragraph 2, by way of derogation from Article 11 of Regulation (EC) No 2535/2001, licence applications for the quotas referred to in the said paragraph 2 shall be submitted in the Member State in which the applicants are established.

Article 3

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

It shall apply from 1 July 2003.

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

Done at Brussels, 30 June 2003.

For the Commission
Franz FISCHLER
Member of the Commission

ANNEX I

6. Products originating in Bulgaria

Quota No	CN code	Description (1)	Applicable duty (% of MFN)	Annual quantities (tonnes) from 1.7.2002 to 30.6.2003	Annual quantities (tonnes) from 1.7.2003 to 30.6.2004	Quantities opened on 1.7.2003	Quantities opened on 1.1.2004	Annual increase from 1.7.2004
09.4675	0403 10 11 0403 10 13 0403 10 19 0403 10 31 0403 10 33 0403 10 39		Exemption	250	500	500	250	0
09.4660	0406		Exemption	6 100	6 400	3 200	3 200	300'

ANNEX II

I.H

TARIFF QUOTAS UNDER ANNEX I TO THE AGREEMENT WITH THE KINGDOM OF NORWAY

Quota number	CN code	Description ⁽¹⁾	Customs duty	Quota from 1 July to 30 June quantities in tonnes from 1.7.2003	
				annual	six-monthly
09.4781	ex 0406 90 23	Norwegian Edam	} Exemption	3 467	1 733,5
	0406 90 39	Jarlsberg			
	ex 0406 90 78	Norwegian Gouda			
	0406 90 86	Other cheeses			
	0406 90 87				
0406 90 88					
09.4782	0406 10	Fresh cheeses	Exemption	533	266,5

⁽¹⁾ Notwithstanding the rules for the interpretation of the Combined Nomenclature, the wording of the description of the products is to be considered as having no more than an indicative value, the preferential arrangements being determined, within the context of this Annex, by the coverage of the CN codes.'

**COMMISSION REGULATION (EC) No 1158/2003
of 30 June 2003**

fixing the derived intervention prices for white sugar for the 2003/04 marketing year

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1260/2001 of 19 June 2001 on the common organisation of the markets in the sugar sector ⁽¹⁾, as amended by Commission Regulation (EC) No 680/2002 ⁽²⁾, and in particular Article 2(4) thereof,

Whereas:

- (1) Council Regulation (EC) No 1260/2001 fixes the intervention price for white sugar for non-deficit areas at EUR 63,19/100 kilograms for the 2001/02 to 2005/06 marketing years.
- (2) Article 2(1)(b) of Regulation (EC) No 1260/2001 provides that derived intervention prices for white sugar are to be fixed for each deficit area each year. When those prices are fixed, account is to be taken of the regional variations in the price of sugar, which, given a normal harvest and free movement of sugar, may be expected to occur under natural conditions of price formation on the market and in view of experience gained and the costs of transporting sugar from surplus areas to deficit areas.
- (3) To establish whether an area is a deficit area, projections should be made based on the data returned by the Member States relating both to the current marketing year as regards consumption trends, and to the prospects for the coming marketing year as regards developments

in available production. As a result, areas should be recognised as deficit areas only where the projections clearly indicate that a deficit is likely to occur.

- (4) On this basis, the areas of production in Spain, Ireland and the United Kingdom, Italy, Portugal and Finland are likely to be deficit areas.
- (5) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Sugar,

HAS ADOPTED THIS REGULATION:

Article 1

The derived intervention prices for white sugar in the deficit areas of the Community for the 2003/04 marketing year shall be:

- (a) EUR 64,88 per 100 kilograms for all areas in Spain;
- (b) EUR 64,65 per 100 kilograms for all areas in Ireland and the United Kingdom;
- (c) EUR 65,53 per 100 kilograms for all areas in Italy;
- (d) EUR 64,65 per 100 kilograms for all areas in Portugal;
- (e) EUR 64,65 per 100 kilograms for all areas in Finland.

Article 2

This Regulation shall enter into force on 1 July 2003.

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

Done at Brussels, 30 June 2003.

For the Commission
Franz FISCHLER
Member of the Commission

⁽¹⁾ OJ L 178, 30.6.2001, p. 1.
⁽²⁾ OJ L 104, 20.4.2002, p. 26.

**COMMISSION REGULATION (EC) No 1159/2003
of 30 June 2003**

**laying down detailed rules of application for the 2003/04, 2004/05 and 2005/06 marketing years
for the import of cane sugar under certain tariff quotas and preferential agreements and amending
Regulations (EC) No 1464/95 and (EC) No 779/96**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1260/2001 of 19 June 2001 on the common organisation of the markets in the sugar sector ⁽¹⁾, as amended by Commission Regulation (EC) No 680/2002 ⁽²⁾, and in particular Article 22(2), Article 26(1), Article 38(6), Article 39(6), and the second paragraph of Article 41 thereof,

Having regard to Council Regulation (EC) No 1095/96 of 18 June 1996 on the implementation of the concessions set out in Schedule CXL drawn up in the wake of the conclusion of the GATT XXIV.6 negotiations ⁽³⁾, and in particular Article 1 thereof,

Whereas:

- (1) Under Article 1(1) of Protocol 3 on ACP sugar (hereinafter referred to as the ACP Protocol) attached to Annex V to the ACP-EC Partnership Agreement signed in Cotonou on 23 June 2000 ⁽⁴⁾ (hereinafter referred to as the ACP-EC Partnership Agreement), and Article 1(1) of the Agreement between the European Economic Community and the Republic of India on cane sugar ⁽⁵⁾ (hereinafter referred to as the Agreement with India), the Community undertakes to purchase and import, at guaranteed prices, specific quantities of cane sugar which originate in the ACP States and India respectively and which those States undertake to deliver to it.
- (2) Article 39(1) of Regulation (EC) No 1260/2001 provides that during the 2001/02 to 2005/06 marketing years, in order to ensure adequate supplies to Community refineries, a special reduced rate of duty will be levied on imports of raw cane sugar originating in States with which the Community has concluded supply agreements on preferential terms. For the moment such agreements have been concluded, by Council Decision 2001/870/EC ⁽⁶⁾, with the African, Caribbean and Pacific States (ACP countries) which are parties to the ACP Protocol on the one hand and with India on the other.

- (3) In the wake of the accession of Austria, Finland and Sweden, and in the context of the conclusion of the negotiations under Article XXIV of the General Agreement on Tariffs and Trade (GATT), the Community undertook to import from third countries, from 1 January 1996, a quantity of raw cane sugar for refining, at a rate of duty of EUR 98 per tonne.

- (4) Experience gained in applying Commission Regulation (EEC) No 2782/76 of 17 November 1976 laying down detailed implementing rules for the importation of preferential sugar ⁽⁷⁾, as last amended by Regulation (EC) No 2665/98 ⁽⁸⁾, Commission Regulation (EC) No 2513/2001 of 20 December 2001 laying down detailed rules of application for the import of raw cane sugar for refining under preferential agreements on tariff quotas ⁽⁹⁾ and Commission Regulation (EC) No 1507/96 of 29 July 1996 opening and providing for the administration of certain tariff import quotas for the supply of raw cane sugar to Community refineries ⁽¹⁰⁾, as last amended by Regulation (EC) No 1250/97 ⁽¹¹⁾, show that it is appropriate to adopt common detailed rules for the opening and administration of imports under the quotas or agreements in question. Those Regulations should therefore be repealed and replaced by a single act.

- (5) The general rules relating to import licences, laid down by Commission Regulation (EC) No 1291/2000 of 9 June 2000 laying down common detailed rules for the application of the system of import and export licences and advance fixing certificates for agricultural products ⁽¹²⁾, as last amended by Regulation (EC) No 325/2003 ⁽¹³⁾, and the special rules applicable to the sugar sector laid down by Commission Regulation (EC) No 1464/95 ⁽¹⁴⁾, as last amended by Regulation (EC) No 995/2002 ⁽¹⁵⁾, must apply. In order to facilitate the management of imports under this Regulation and ensure that the annual limits are observed, detailed rules should be laid down relating to import licences for raw sugar, expressed as white sugar equivalent.

⁽¹⁾ OJ L 178, 30.6.2001, p. 1.

⁽²⁾ OJ L 104, 20.4.2002, p. 26.

⁽³⁾ OJ L 146, 20.6.1996, p. 1.

⁽⁴⁾ OJ L 317, 15.12.2000, p. 3.

⁽⁵⁾ OJ L 190, 23.7.1975, p. 36.

⁽⁶⁾ OJ L 325, 8.12.2001, p. 21.

⁽⁷⁾ OJ L 318, 18.11.1976, p. 13.

⁽⁸⁾ OJ L 336, 11.12.1998, p. 20.

⁽⁹⁾ OJ L 339, 21.12.2001, p. 19.

⁽¹⁰⁾ OJ L 189, 30.7.1996, p. 82.

⁽¹¹⁾ OJ L 173, 1.7.1997, p. 92.

⁽¹²⁾ OJ L 152, 24.6.2000, p. 1.

⁽¹³⁾ OJ L 47, 21.2.2003, p. 21.

⁽¹⁴⁾ OJ L 144, 28.6.1995, p. 14.

⁽¹⁵⁾ OJ L 152, 12.6.2002, p. 11.

- (6) Since the Council, when fixing the overall tariff quotas referred to in Article 39 of Regulation (EC) No 1260/2001 and Article 1 of Regulation (EC) No 1095/96, made no provision for an overrun of those quantities, the full rate of duty under the common customs tariff must apply to all the quantities, converted into white sugar equivalent, imported over and above those shown on the import licence. In order to prevent excessive imports into the Community of raw sugar from the least developed countries, provisions should be adopted to ensure that the quantities of sugar imported are in fact imported and refined before the end of the marketing year concerned or before a date set by the Member State.
- (7) In view of the maximum refining needs set for each Member State and the need to ensure the best possible monitoring of the allocation of quantities of raw sugar to be imported, provision should be made for import licences to be issued and transferred only to refiners in respect of imports under the tariff quotas referred to in Article 39 of Regulation (EC) No 1260/2001 and Article 1 of Regulation (EC) No 1095/96.
- (8) Given that unforeseeable delays may occur between the loading of a consignment of sugar and its delivery, a certain tolerance should be permitted to take account of such delays. In addition, in the case of the preferential sugar referred to in Article 35 of Regulation (EC) No 1260/2001, covered according to the agreements concerned by delivery obligations and not by tariff quotas, provision should be made, in accordance with current trade practices, for a certain tolerance which will apply to the total quantities delivered during a delivery period and on the date of commencement of that period.
- (9) Article 7 of the ACP Protocol, and Article 7 of the Agreement with India lay down provisions which apply where a State fails to deliver its agreed quantity during a delivery period. In order to apply those provisions, methods need to be determined for establishing the delivery date of a consignment of preferential sugar.
- (10) The provisions relating to proof of origin contained in Article 14 of Protocol 1 attached to Annex V to the ACP-EC Partnership Agreement and Article 47 of Commission Regulation (EEC) No 2454/93 of 2 July 1993 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code ⁽¹⁾, as last amended by Regulation (EC) No 444/2002 ⁽²⁾, will apply, as appropriate, to show compliance with the provisions laid down in those regulations regarding the origin of products imported under this Regulation.
- (11) In order to respect traditional patterns of imports of quantities covered by the tariff quota provided for in Article 1 of Regulation (EC) 1095/96 steps should be taken, in the light of experience gained during the period of application of Regulation (EC) No 1057/96, to allocate the quota of 85 463 tonnes among countries of origin from 1 July 2003 using the same distribution key.
- (12) To ensure efficient management of preferential imports under this Regulation, measures need to be adopted making it possible for the Member States to keep records of the relevant data, and to report them to the Commission.
- (13) The provisions of this Regulation as regards the granting and management of import licences for ACP-India preferential sugar replace those laid down in Article 8(1) of Commission Regulation (EC) No 779/96 ⁽³⁾, as amended by Regulation (EC) No 995/2002, and Article 7(1) of Regulation (EC) No 1464/95. Those paragraphs must therefore be deleted, and the Regulations in question must be amended accordingly.
- (14) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Sugar,

HAS ADOPTED THIS REGULATION:

TITLE I

GENERAL PROVISIONS

Article 1

This Regulation lays down detailed rules of application for the 2003/04, 2004/05 and 2005/06 marketing years for imports of cane sugar covered by tariff quotas or preferential agreements referred to in:

- (a) Article 35 of Regulation (EC) No 1260/2001;
- (b) Article 39 of Regulation (EC) No 1260/2001;
- (c) Article 1 of Regulation (EC) No 1095/96.

Article 2

For the purposes of this Regulation:

- (a) 'refiner' means any person bringing in imports for the purpose of supplying a refinery within the meaning of the fourth subparagraph of Article 7(4) of Regulation (EC) No 1260/2001;
- (b) 'ACP-India preferential sugar' means the cane sugar referred to in Article 35(1) of Regulation (EC) No 1260/2001;
- (c) 'special preferential sugar' means the raw cane sugar referred to in Article 39(1) of Regulation (EC) No 1260/2001;

⁽¹⁾ OJ L 253, 11.10.1993, p. 1.

⁽²⁾ OJ L 134, 29.5.2003, p. 1.

⁽³⁾ OJ L 106, 30.4.1996, p. 9.

- (d) 'CXL concessions sugar' means the raw cane sugar shown in Schedule CXL (European Communities) referred to in Article 1(1) of Regulation (EC) No 1095/96;
- (e) 'ACP Protocol' means Protocol 3 on ACP sugar in Annex V to the ACP-EC Partnership Agreement;
- (f) 'Agreement with India' means the Agreement between the Community and India on cane sugar;
- (g) 'delivery period' means the period defined in the context of commitments regarding ACP-India preferential sugar;
- (h) 'consignment' means a quantity of sugar on a specified vessel which is actually unloaded at a European port determined by the Community;
- (i) 'tel quel' weight means the weight of the sugar in the natural state;
- (j) 'the degree of polarisation shown' means the actual polarimetric reading of the raw sugar imported, verified where necessary by the competent national authorities using the polarimetric method, and expressed in degrees to six decimal places.

Article 3

Imports under the agreements or quota arrangements referred to in Article 1 shall be subject to the presentation of an import licence issued in accordance with Regulations (EC) No 1291/2000 and (EC) No 1464/95, subject to this Regulation.

Article 4

1. Import licence applications shall be presented to the competent body in the importing Member State concerned.

Licences may be issued only within the limits of the delivery obligations referred to in Article 9 and the quotas referred to in Articles 16 and 22.

2. The security for the licences shall be EUR 0,30 per 100 kg of the quantity of sugar shown in box 17 of the licence.

3. The period during which import licence applications may be presented shall start three weeks before the first day of the marketing year concerned.

Notwithstanding the first subparagraph, where the limit on the quantity of ACP-India preferential sugar that must be delivered in a given delivery period is reached in relation to one of the exporting countries, the period during which import licence applications for the subsequent delivery period may be presented in relation to that country shall start six weeks before the first day of the marketing year concerned. Such import licences shall be valid from their date of issue within the meaning of Article 23(1) of Regulation (EC) No 1291/2000.

4. Import licences issued following applications presented during the period referred to in the first subparagraph of paragraph 3 shall be valid from their date of issue within the

meaning of Article 23(1) of Regulation (EC) No 1291/2000, or from the date of commencement of the marketing year concerned where it is later. Import licences issued following applications presented during the period referred to in the second subparagraph of paragraph 3 shall be valid from their date of issue within the meaning of Article 23(1) of Regulation (EC) No 1291/2000. Licences shall be valid to the end of the third following month in the case of ACP-India preferential sugar, or to the end of the marketing year for which they are issued in the case of special preferential sugar and CXL concessions sugar.

Article 5

1. Import licence applications may be presented each week from Monday to Friday. On the first working day of the following week Member States shall communicate to the Commission of the quantities of white sugar or raw sugar, where necessary expressed as white sugar equivalent, for which import licence applications have been presented during the preceding week, giving the marketing year concerned together with the quantities for each country of origin.

2. Unless there are objections on the part of the Commission licences shall be issued on the fourth working day following the date of communication referred to in paragraph 1.

3. The Commission shall draw up a weekly total of the quantities for which import licence applications have been presented.

Where licence applications exceed the quantity of the delivery obligation by country concerned referred to in Article 9 in the case of ACP-India preferential sugar, or the quota concerned in the case of special preferential sugar or CXL concessions sugar, the Commission shall limit the issue of licences for which applications are presented in proportion to the quantity available and shall inform the Member States that the limit concerned has been reached.

Article 6

1. Each Member State shall keep a record of the quantities of white sugar and raw sugar actually imported under the import licences referred to in Article 4(4), where necessary converting the quantities of raw sugar into white sugar equivalent on the basis of the degree of polarisation indicated, applying the method defined in point II.3 of Annex I to Regulation (EC) No 1260/2001.

2. In accordance with Article 50(1) of Regulation (EC) No 1291/2000, the full rate of common customs tariff duty applicable on the date of release for free circulation shall apply, without prejudice to Article 12(3) of this Regulation, to all imports of white tel quel sugar by weight, raw tel quel sugar by weight, or raw sugar converted into white sugar equivalent in excess of the quantities shown in the import licence concerned.

Article 7

All Member States in the case of ACP-India preferential sugar, and the Member States specified in Article 39(2) of Regulation (EC) No 1260/2001 in the case of special preferential sugar and CXL concessions sugar, shall communicate to the Commission separately for each quota or delivery obligation and for each country of origin:

1. before the end of each month:
 - (a) the quantities of sugar for which import licences have been issued during the preceding month;
 - (b) the quantities of raw sugar, or *tel quel* white sugar by weight and in white sugar equivalent actually imported three months before;
 - (c) the quantities of raw *tel quel* sugar by weight and in white sugar equivalent refined three months before;
2. before 1 November for the previous marketing year:
 - (a) the total quantity actually imported for that marketing year:
 - in the form of white sugar,
 - in the form of raw sugar by weight to be refined, expressed in white sugar equivalent,
 - in the form of raw *tel quel* sugar by weight for direct consumption, expressed in white sugar equivalent;
 - (b) the quantity of raw *tel quel* sugar by weight and in white sugar equivalent that has actually been refined.

Article 8

The communications referred to in Articles 5(1), and 7 shall be transmitted electronically on forms furnished to the Member States by the Commission for that purpose.

TITLE II

ACP-INDIA PREFERENTIAL SUGAR

Article 9

1. The Commission shall determine the quantities of the delivery obligations for each delivery period and each exporting country concerned, in accordance with Articles 3 and 7 of the ACP Protocol and Articles 3 and 7 of the Agreement with India and Articles 11 and 12 of this Regulation.
2. At the request of a Member State or an exporting country and to resolve duly justified specific cases, the Commission, in accordance with the procedure referred to in Article 42(2) of Regulation (EC) No 1260/2001, may amend the quantities referred to in paragraph 1. These amendments may comprise transfers of these quantities between two consecutive delivery periods provided that this does not disrupt the supply arrangements referred to in Article 39 of Regulation (EC) No 1260/2001.
3. The total for each delivery period of the quantities of the delivery obligations for the different exporting countries concerned shall be imported as preferential ACP-India sugar under the delivery obligations at zero duty.

The delivery obligation for the 2003/04, 2004/05 and 2005/06 marketing years shall bear the following serial number: 'ACP-India preferential sugar': No 09.4321.

Article 10

1. The formal date of delivery of a consignment of ACP-India preferential sugar shall be:
 - the date of presentation to customs of the consignment referred to in Article 40 of Council Regulation (EEC) No 2913/92 ⁽¹⁾, or
 - the date on which the summary declaration referred to in Article 43 of that Regulation is lodged with the customs authorities.

Proof of the formal date of delivery shall be furnished by presenting the copy of the supplementary document referred to in Article 14(1) or Article 15(2), as appropriate.

2. Notwithstanding the provisions of paragraph 1, where the importer provides a declaration from the master of the vessel certified by the competent port authority showing that the consignment is ready for unloading at the port concerned, the formal date of delivery shall be the date on which the consignment is ready for unloading as shown on the declaration.

Article 11

1. Where a quantity of ACP-India preferential sugar covering all or part of the delivery obligations is delivered after the expiry of the relevant delivery period, the delivery shall nevertheless be counted against that period if the quantity concerned was loaded at the exporting port in good time, taking into account the normal duration of transport.

The normal duration of transport shall be the number of days obtained by dividing by 480 the distance in nautical miles of the normal route separating the two ports in question.

2. Paragraph 1 shall not apply to a quantity which has been the subject of a Commission decision pursuant to Article 7(1) or (2) of the ACP Protocol or to Article 7(1) or (2) of the Agreement with India.

Article 12

1. Where, for a given exporting country, the total quantity of ACP-India preferential sugar counted against a given delivery period is less than the delivery obligations, the provisions of Article 7 of the ACP Protocol or Article 7 of the Agreement with India shall apply.

2. Paragraph 1 shall not apply where the difference between the quantity of delivery obligations and the total quantity of ACP-India preferential sugar counted is 5 % or less than the delivery obligations and 5 000 tonnes or less of sugar expressed as white sugar.

⁽¹⁾ OJ L 302, 19.10.1992, p. 1.

3. Notwithstanding Article 50 of Regulation (EC) No 1291/2000, and provided they are covered by a certificate of origin as referred to in Article 14 or Article 15 of this Regulation, as appropriate, the quantities imported within the positive tolerance provided for in Article 8(4) of Regulation (EC) No 1291/2000 shall be eligible under the arrangements for ACP-India preferential sugar.

4. Where the provisions of paragraphs 2 and 3 apply, the balance of the differences shall, as appropriate, be added to the delivery obligations or deducted from them, by the Commission.

Article 13

Import licence applications and licences shall contain the following entries:

- (a) in box 8: the country of origin (a country covered by the ACP Protocol, or India);
- (b) in boxes 17 and 18: the quantity of sugar expressed as white sugar equivalent;
- (c) in box 20, at least one of the following entries:
 - Aplicación del Reglamento (CE) n° 1159/2003, n° ... (azúcar preferente ACP-India: n° 09.4321)
 - Anvendelse af forordning (EF) nr. 1159/2003, nr. ... (præferencesukker AVS Indien: nr. 09.4321)
 - Anwendung der Verordnung (EG) Nr. 1159/2003, Nr. ... (Präferenzzucker AKP Indien: Nr. 09.4321)
 - Εφαρμογή του κανονισμού (ΕΚ) αριθ. 1159/2003, αριθ. ... (προτιμησιακή ζάχαρη ΑΚΕ-Ινδία: αριθ. 09.4321)
 - Application of Regulation (EC) No 1159/2003, No ... (ACP-India preferential sugar: No 09.4321)
 - Application du règlement (CE) n° 1159/2003, n° ... (sucre préférentiel ACP Inde: n° 09.4321)
 - Applicazione del regolamento (CE) n. 1159/2003, n. ... (zucchero preferenziale ACP-India: n. 09.4321)
 - Toepassing van Verordening (EG) nr. 1159/2003, nr. ... (preferentiële suiker ACS-India: nr. 09.4321)
 - Aplicação do Regulamento (CE) n.º 1159/2003, n.º ... (açúcar preferencial ACP Índia: n.º 09.4321)
 - Asetuksen (EY) N:o 1159/2003 soveltaminen, nro ... (etuuskohteluun oikeutettu AKT-Intia-sokeri: nro 09.4321)
 - Tillämpning av förordning (EG) nr 1159/2003, nr ... (förmånssocker AVS-Indien: nr 09.4321)

Notwithstanding Article 18(1) of Regulation (EC) No 1291/2000, import licences containing in boxes 15 and 16 the description and CN code 1701 99 10 may be used, where appropriate, for imports of sugar covered by CN code 1701 11 90.

Article 14

1. As well as the proof of origin referred to in Article 14 of Protocol 1 attached to Annex V to the ACP-EC Partnership Agreement, a supplementary document shall be presented, bearing:

- (a) at least one of the following entries:
 - Aplicación del Reglamento (CE) n° 1159/2003, n° ... (azúcar preferente ACP-India: n° 09.4321)

- Anvendelse af forordning (EF) nr. 1159/2003, nr. ... (præferencesukker AVS-Indien: nr. 09.4321)
- Anwendung der Verordnung (EG) Nr. 1159/2003, Nr. ... (Präferenzzucker AKP-Indien: Nr. 09.4321)
- Εφαρμογή του κανονισμού (ΕΚ) αριθ. 1159/2003, αριθ. ... (προτιμησιακή ζάχαρη ΑΚΕ-Ινδία: αριθ. 09.4321)
- Application of Regulation (EC) No 1159/2003, No ... (ACP-India preferential sugar: No 09.4321)
- Application du règlement (CE) n° 1159/2003, n° ... (sucre préférentiel ACP-Inde: n° 09.4321)
- Applicazione del regolamento (CE) n. 1159/2003, n. ... (zucchero preferenziale ACP-India: n. 09.4321)
- Toepassing van Verordening (EG) nr. 1159/2003, nr. ... (preferentiële suiker ACS-India: nr. 09.4321)
- Aplicação do Regulamento (CE) n.º 1159/2003, n.º ... (açúcar preferencial ACP-Índia: n.º 09.4321)
- Asetuksen (EY) N:o 1159/2003 soveltaminen, nro ... (etuuskohteluun oikeutettu AKT-Intia-sokeri: nro 09.4321)
- Tillämpning av förordning (EG) nr 1159/2003, nr ... (förmånssocker AVS-Indien: nr 09.4321)

(b) the date of embarkation of the goods and the delivery period concerned, the period shown having no impact on the validity, upon import, of the certificate of origin;

(c) the CN subheading for the product concerned.

2. The proof of origin and the supplementary document containing the description of sugar covered by CN code 1701 99 10 may be used, where appropriate, for imports of sugar covered by CN code 1701 11.

3. The party concerned shall provide the competent authority in the Member State of release for free circulation, for control purposes as required, with a copy of the supplementary document referred to in paragraph 1 containing:

- (a) the date, established on the basis of a shipping document, on which loading of the sugar at the port of exportation was completed;
- (b) the date referred to in Article 10(1);
- (c) information relating to the import operation, in particular the degree of polarisation indicated, and the *tel quel* quantities, by weight, actually imported.

Article 15

1. For the purposes of this Title, all ACP-India preferential sugar whose origin is determined in accordance with the provisions in force in the Community and for which proof of origin is furnished in the form of a certificate of origin issued in accordance with Article 47 of Regulation (EEC) No 2454/93, shall be considered as originating in India.

2. A supplementary document shall be presented, bearing:
- (a) at least one of the following entries:
- Aplicación del Reglamento (CE) n° 1159/2003, n° ... (azúcar preferente ACP-India: n° 09.4321)
 - Anvendelse af forordning (EF) nr. 1159/2003, nr. ... (præferencesukker AVS-Indien: nr. 09.4321)
 - Anwendung der Verordnung (EG) Nr. 1159/2003, Nr. ... (Präferenzzucker AKP-Indien: Nr. 09.4321)
 - Εφαρμογή του κανονισμού (ΕΚ) αριθ. 1159/2003, αριθ. ... (προτιμησιακή ζάχαρη ΑΚΕ-Ινδία: αριθ. 09.4321)
 - Application of Regulation (EC) No 1159/2003, No ... (ACP-India preferential sugar: No 09.4321)
 - Application du règlement (CE) n° 1159/2003, n° ... (sucre préférentiel ACP-Inde: n° 09.4321)
 - Applicazione del regolamento (CE) n. 1159/2003, n. ... (zucchero preferenziale ACP-India: n. 09.4321)
 - Toepassing van Verordening (EG) nr. 1159/2003, nr. ... (preferentiële suiker ACS-India: nr. 09.4321)
 - Aplicação do Regulamento (CE) n.º 1159/2003, n.º ... (açúcar preferencial ACP-Índia: n.º 09.4321)
 - Asetuksen (EY) N:o 1159/2003 soveltaminen, nro ... (etuuskohteluun oikeutettu AKT Intia-sokeri: nro 09.4321)
 - Tillämpning av förordning (EG) nr 1159/2003, nr ... (förmånssocker AVS-Indien: nr 09.4321)
- (b) the date of embarkation of the goods and the delivery period concerned, the period shown having no impact on the validity, upon import, of the certificate of origin;
- (c) the CN subheading for the product concerned.
3. The certificate of origin and the supplementary document containing the description of sugar covered by CN code 1701 99 may be used, where appropriate, for imports of sugar covered by CN code 1701 11.
4. The party concerned shall provide the competent authority in the Member State of release for free circulation, for control purposes as required, with a copy of the supplementary document referred to in paragraph 2 containing:
- (a) the date, established on the basis of the appropriate shipping document, on which loading of the sugar at the port of exportation in India was completed;
- (b) the date referred to in Article 10(1);
- (c) information relating to the import operation, in particular the degree of polarisation indicated, and the quantities of raw sugar actually imported.

TITLE III

SPECIAL PREFERENTIAL SUGAR

Article 16

The Commission shall determine, in accordance with the procedure referred to in Article 42(2) of Regulation (EC) No 1260/2001, the shortfall quantities referred to in the second subparagraph of Article 39(3) of Regulation (EC) No 1260/2001 for

each marketing year or part of a marketing year on the basis of an exhaustive Community forecast supply balance for raw sugar. Those quantities shall be imported as special preferential sugar under tariff quotas at zero duty. They may be allocated among the Member State specified in Article 39(2) of Regulation (EC) No 1260/2001 on the basis of their maximum presumed needs.

The delivery obligation for the 2003/04, 2004/05 and 2005/06 marketing years shall bear the following serial number: 'ACP-India preferential sugar': No 09.4322.

Article 17

1. A minimum purchase price for standard quality raw sugar (cif free at Community European ports), to be paid by refiners, shall apply to imports under the quotas referred to in Article 16.

2. The minimum purchase price for each marketing year shall correspond to the intervention price for raw sugar referred to in Article 2(2) of Regulation (EC) No 1260/2001, reduced by the amount, multiplied by a yield of 0,92 for raw sugar, of the adjustment aid to the refining industry applicable for the marketing year in question.

Article 18

1. Import licences may be issued only by the Member States specified in Article 39(2) of Regulation (EC) No 1260/2001 and only to refiners who undertake in a declaration accompanying their licence application to refine the quantity of raw sugar concerned before the end of the marketing year during which it is imported.

2. Refiners may transfer their import licences to other refiners. In that event, the parties concerned shall immediately notify the competent authority thereof in the Member State which issued the licences. However, import and refining obligations shall not be transferable and Article 9 of Regulation (EC) No 1291/2000 shall continue to apply.

3. Where release for free circulation does not take place in the Member State which issued the import licence, the importing Member State shall collect the certificate of origin and the supplementary document, completed as provided for in Articles 20 and 21, and forward a copy thereof to the Member State which issued the import licence.

4. The refiner who applied for the import licence shall, within three months following the expiry of the refining period referred to in paragraph 1, provide the Member State which issued the licence with proof acceptable to it that refining has taken place.

5. Where the sugar is not refined within the period set, the refiner who applied for the licence shall pay an amount equal to the full rate of duty applicable during the marketing year concerned to raw sugar falling within CN code 1701 11 90, plus, where appropriate, the highest additional rate of duty recorded during that marketing year.

6. Where it has not been possible for a quantity of sugar to be delivered in sufficient time to enable it to be refined before the end of the marketing year concerned, the importing Member State may, at the request of the refiner, extend the period of validity of the licence for 30 days from the beginning of the following marketing year. In that event, the quantity of raw sugar in question shall count against and be within the limits of the quota for the preceding marketing year.

7. Where it has not been possible to refine a quantity of sugar before the end of the marketing year concerned, the Member State in question may, at the request of the refiner, extend the refining period by a maximum of 90 days from the beginning of the following marketing year. In that case, the raw sugar in question shall be refined within that extended period and shall count against and be within the limits of the quota for the preceding marketing year.

Article 19

Import licence applications and licences shall contain the following entries

- (a) in box 8: the country or countries of origin (country/countries covered by the ACP Protocol, or India);
- (b) in boxes 17 and 18: the quantity of raw sugar expressed as white sugar equivalent;
- (c) in box 20, at least one of the following entries:
 - ‘Azúcar preferente especial, azúcar en bruto destinado al refinado, importado en virtud del apartado 1 del artículo 39 del Reglamento (CE) n.º 1260/2001. Contingente n.º ... (azúcar preferente especial: n.º 09.4322)’
 - ‘Særligt præferencesukker», rå sukker bestemt til raffinering, der indføres i henhold til artikel 39, stk. 1, i forordning (EF) nr. 1260/2001, Kontingent nr. ... (Særligt præferencesukker: nr. 09.4322)’
 - ‘Sonderpräferenzsucker’: gemäß Artikel 39 Absatz 1 der Verordnung (EG) Nr. 1260/2001 eingeführter Rohrzucker zur Raffination, Kontingent Nr. ... (Sonderpräferenzsucker: Nr. 09.4322)’
 - ‘Ειδική προτιμησιακή ζάχαρη, ακατέργαστη ζάχαρη για ραφινάρισμα, εισαγόμενη σύμφωνα με το άρθρο 39 παράγραφος 1 του κανονισμού (ΕΚ) αριθ. 1260/2001, ποσόστωση αριθ. ... (ειδική προτιμησιακή ζάχαρη: αριθ. 09.4322)’
 - ‘Special preferential sugar, raw sugar for refining, imported in accordance with Article 39(1) of Regulation (EC) No 1260/2001, Quota No ... (ACP-India preferential sugar: No 09.4322)’
 - ‘“Sucre préférentiel spécial”, sucre brut destiné à être raffiné, importé conformément à l'article 39, paragraphe 1, du règlement (CE) n.º 1260/2001, contingent n.º ... (sucre préférentiel spécial: n.º 09.4322)’
 - ‘Zuccherο preferenziale speciale, zucchero greggio destinato alla raffinazione importato ai sensi dell'articolo 39, paragrafo 1, del regolamento (CE) n. 1260/2001. Contingente n. ... (zuccherο preferenziale ACP-India: n. 09.4322)’

- ‘Bijzondere preferentiële suiker’, ruwe suiker bestemd om te worden geraffineerd, ingevoerd overeenkomstig artikel 39, lid 1, van Verordening (EG) nr. 1260/2001, contingent nr. ... (bijzondere preferentiële suiker: nr. 09.4322)’
- ‘“Açúcar preferencial especial”, açúcar bruto para refinação, importado em conformidade com o n.º 1 do artigo 39.º do Regulamento (CE) n.º 1260/2001, Contingente n.º ... (açúcar preferencial especial: n.º 09.4322)’
- ‘Erityiseen etuuskohteluun oikeutettu sokeri’, puhdistettavaksi tarkoitettu raakasokeri, joka on tuotu asetuksen (EY) N:o 1260/2001 39 artiklan 1 kohdan mukaisesti, Kiintiö nro ... (erityiseen etuuskohteluun oikeutettu sokeri: nro 09.4322)’
- ‘Särskilt förmånssocker’, råsocker för raffinering som importeras i enlighet med artikel 39.1 i förordning (EG) nr 1260/2001, tullkvot nr ... (särskilt förmånssocker: nr 09.4322)’

Article 20

1. As well as the proof of origin referred to in Article 14 of Protocol 1 attached to Annex V to the ACP-EC Partnership Agreement, a supplementary document shall be presented, bearing:

- (a) at least one of the following entries:
 - Contingente n.º ... (azúcar preferente especial: n.º 09.4322) — Reglamento (CE) n.º 1159/2003
 - Kontingent nr. ... (Særligt præferencesukker: nr. 09.4322), — forordning (EF) nr. 1159/2003
 - Kontingent Nr. ... (Sonderpräferenzsucker: Nr. 09.4322) — Verordnung (EG) Nr. 1159/2003
 - Ποσόστωση αριθ. ... (ειδική προτιμησιακή ζάχαρη: αριθ. 09.4322) — κανονισμός (ΕΚ) αριθ. 1159/2003
 - Quota No ... (ACP-India preferential sugar: No 09.4322) — Regulation (EC) No 1159/2003
 - Contingent n.º ... (sucre préférentiel spécial: n.º 09.4322) — Règlement (CE) n.º 1159/2003
 - Contingente n. ... (zuccherο preferenziale ACP-India: n. 09.4322) — regolamento (CE) n. 1159/2003
 - Contingent nr. ... (bijzondere preferentiële suiker: nr. 09.4322) — Verordening (EG) nr. 1159/2003
 - Contingente n.º ... (açúcar preferencial especial: n.º 09.4322) — regulamento (CE) n.º 1159/2003
 - Kiintiö nro ... (erityiseen etuuskohteluun oikeutettu sokeri: nro 09.4322) — asetus (EY) N:o 1159/2003
 - Tullkvot nr ... (särskilt förmånssocker: nr 09.4322), — förordning (EG) nr 1159/2003.

(b) CN code 1701 11 10.

2. The party concerned shall provide the competent authority in the importing Member State, for control purposes as required, with a copy of the supplementary document referred to in paragraph 1 containing the information relating to the import operation, in particular the degree of polarisation indicated, and the total quantities, by weight, actually released for free circulation.

Article 21

1. For the purposes of this Title, special preferential sugar whose origin is determined in accordance with the provisions in force in the Community and for which proof of origin is furnished in the form of a certificate of origin issued in accordance with Article 47 of Regulation (EEC) No 2454/93, shall be considered as originating in India.

2. A supplementary document shall be presented, bearing at least one of the following entries:

- Contingente n° ... (azúcar preferente especial: n° 09.4322) — Reglamento (CE) n° 1159/2003
- Kontingent nr. ... (Særligt præferencesukker: nr. 09.4322), — forordning (EF) nr. 1159/2003
- Kontingent Nr. ... (Sonderpræferenzsukker: Nr. 09.4322) — Verordnung (EG) Nr. 1159/2003
- Ποσόστωση αριθ. ... (ειδική προτιμησιακή ζάχαρη: αριθ. 09.4322) — κανονισμός (ΕΚ) αριθ. 1159/2003
- Quota No ... (ACP-India preferential sugar: No 09.4322) — Regulation (EC) No 1159/2003
- Contingent n° ... (sucre préférentiel spécial: n° 09.4322) — règlement (CE) n° 1159/2003
- Contingente n. ... (zucchero preferenziale ACP-India: n. 09.4322) — regolamento (CE) n. 1159/2003
- Contingent nr. ... (bijzondere preferentiële suiker: nr. 09.4322) — Verordening (EG) nr. 1159/2003
- Contingente n.º ... (açúcar preferencial especial: n.º 09.4322) — regulamento (CE) n.º 1159/2003
- Kiintiö nro ... (erityiseen etuuskohteluun oikeutettu sokeri: nro 09.4322) — asetus (EY) N:o 1159/2003
- Tullkvot nr ... (särskilt förmånssocker: nr 09.4322), - förordning (EG) nr 1159/2003

3. The party concerned shall provide the competent authority in the importing Member State, for control purposes as required, with a copy of the supplementary document referred to in paragraph 2 containing the information relating to the import operation, in particular the degree of polarisation indicated, and the quantities of raw sugar actually imported.

TITLE IV

CXL CONCESSIONS SUGAR

Article 22

1. A quantity of 85 463 tonnes of raw cane sugar for refining, falling within CN code 1701 11 10, shall be imported in each marketing year as CXL concessions sugar under the tariff quotas at a duty of EUR 98 per tonne.

The delivery obligation for the 2003/04, 2004/05 and 2005/06 marketing years shall bear the following serial number: 'CXL concessions sugar': No 09.4323.

2. The quantities referred to in paragraph 1 shall be allocated by country of origin as follows:

- Cuba: 58 969 tonnes
- Brazil: 23 930 tonnes,
- other third countries: 2 564 tonnes.

They shall be counted against the quantities referred to in Article 39(2) of Regulation (EC) No 1260/2001 and taken into account for the purpose of applying paragraphs 3 and 4 of that Article.

3. The duty of EUR 98 per tonne shall apply to standard quality raw sugar as defined in Annex I, point II, to Regulation (EC) No 1260/2001.

Where the polarisation reading of the imported raw sugar departs from 96 degrees, the duty of EUR 98 per tonne shall be increased or reduced, as appropriate, by 0,14 % per tenth of a degree difference established.

Article 23

1. Import licences may be issued only by the Member States specified in Article 39(2) of Regulation (EC) No 1260/2001 and only to refiners who undertake in a declaration accompanying their licence application to refine the quantity of raw sugar concerned before the end of the marketing year during which it is imported.

2. Refiners may transfer their import licences to other refiners. In that event, the parties concerned shall immediately notify the competent authority thereof in the Member State which issued the licences. However, import and refining obligations shall not be transferable and Article 9 of Regulation (EC) No 1291/2000 shall continue to apply.

3. Where import does not take place in the Member State which issued the import licence, the importing Member State shall collect the supplementary document, completed as provided for in Article 25, and forward a copy thereof to the Member State which issued the import licence.

4. The refiner who applied for the import licence shall, within three months following the expiry of the refining period referred to in paragraph 1, provide the Member State which issued the licence with proof acceptable to it that refining has taken place.

5. Where the sugar is not refined within the period set, the refiner who applied for the licence shall pay an amount equal to the full rate of duty applicable during the marketing year concerned to raw sugar falling within CN code 1701 11 90, plus, where appropriate, the highest additional rate of duty recorded during that marketing year.

6. Where it has not been possible for a quantity of sugar to be delivered in sufficient time to enable it to be refined before the end of the marketing year concerned, the importing Member State may, at the request of the refiner, extend the period of validity of the licence for 30 days from the beginning of the following marketing year. In that event, the quantity of raw sugar in question shall count against and be within the limits of the quota for the preceding marketing year.

7. Where it has not been possible to refine a quantity of sugar before the end of the marketing year concerned, the Member State in question may, at the request of the refiner, extend the refining period by a maximum of 90 days from the beginning of the following marketing year. In that case, the raw sugar in question shall be refined within that extended period and shall count against and be within the limits of the quota for the preceding marketing year.

Article 24

Import licence applications and licences shall contain the following entries

- (a) in box 8: the country (country covered by the special arrangements for the countries referred to in Article 21(2));
- (b) in boxes 17 and 18: the quantity of raw sugar by tel quel weight;
- (c) in box 20, at least one of the following entries:
 - ‘Azúcar concesiones CXL, azúcar en bruto destinado al refino, importado en virtud del apartado 1 del artículo 22 del Reglamento (CE) n.º 1159/2003. Contingente n.º ... (azúcar concesiones CXL: n.º 09.4323)’
 - ‘»CXL-indrømmelsessukker«, rå sukker bestemt til raffinering, indført i henhold til artikel 22, stk. 1, i forordning (EF) nr. 1159/2003. Kontingent nr. ... (CXL-indrømmelsessukker: nr. 09.4323)’
 - ‘Zucker Zugeständnisse CXL’: gemäß Artikel 22 Absatz 1 der Verordnung (EG) Nr. 1159/2003 eingeführter Rohrzucker zur Raffination. Kontingent Nr. ... (Zucker Zugeständnisse CXL: Nr. 09.4323)’
 - ‘Ζάχαρη παραχωρήσεων CXL, ακατέργαστη ζάχαρη για ραφινάρισμα, που εισάγεται σύμφωνα με το άρθρο 22 παράγραφος 1 του κανονισμού (ΕΚ) αριθ. 1159/2003. Ποσόστωση αριθ. ... (ζάχαρη παραχωρήσεων CXL: αριθ. 09.4323)’
 - ‘CXL concessions sugar, raw sugar for refining, imported in accordance with Article 22(1) of Regulation (EC) No 1159/2003. Quota No ... (CXL concessions sugar: No 09.4323)’
 - ‘“Sucre concessions CXL”, sucre brut destiné à être raffiné, importé conformément à l'article 22, paragraphe 1, du règlement (CE) n.º 1159/2003. Contingente n.º ... (sucre concessions CXL: n.º 09.4323)’
 - ‘Zuccher concessioni CXL, zucchero greggio destinato alla raffinazione importato ai sensi dell'articolo 22, paragrafo 1, del regolamento (CE) n. 1159/2003. Contingente n. ... (zucchero concessioni CXL: n. 09.4323)’
 - ‘„Suiker CXL-concessies”, voor raffinage bestemde ruwe suiker, ingevoerd overeenkomstig artikel 22, lid 1, van Verordening (EG) nr. 1159/2003. Contingent nr. ... (suiker CXL-concessies: nr. 09.4323)’

- ‘“Açúcar concessões CXL”, açúcar bruto para refinação, importado em conformidade com o n.º 1 do artigo 22.º do Regulamento (CE) n.º 1159/2003. Contingente n.º ... (açúcar concessões CXL: n.º 09.4323)’
- ‘“CXL-myönnytyksiin oikeutettu sokeri”, puhdistettavaksi tarkoitettu raakasokeri, joka on tuotu asetuksen (EY) N:o 1159/2003 22 artiklan 1 kohdan mukaisesti. Kiintiö nro ... (CXL-myönnytyksiin oikeutettu sokeri: nro 09.4323)’
- ‘Socker enligt CXL-medgivande, råsocker för raffinering som har importerats i enlighet med artikel 22.1 i förordning (EG) nr 1159/2003. Tullkvot nr ... (socker enligt CXL-medgivande: nr 09.4323)’

(d) in box 24, at least one of the following entries:

- ‘Importación sujeta a un derecho de 9,8 euros por 100 kilogramos de azúcar en bruto de la calidad tipo en aplicación del artículo 22 del Reglamento (CE) n.º 1159/2003’
- ‘Indførsel med en afgift på 9,8 EUR pr. 100 kg rå sukker af standardkvalitet i henhold til artikel 22 i forordning (EF) nr. 1159/2003’
- ‘Einfuhr zum Zollsatz von 9,8 EUR je 100 kg Rohrzucker der Standardqualität gemäß Artikel 22 der Verordnung (EG) Nr. 1159/2003’
- ‘Εισαγωγή με δασμό 9,8 ευρώ ανά 100 χιλιόγραμμα ακατέργαστης ζάχαρης του ποιοτικού τύπου σε εφαρμογή του άρθρου 22, του κανονισμού (ΕΚ) αριθ. 1159/2003’
- ‘Import at a duty of EUR 9,8 per 100 kilograms of standard quality raw sugar in accordance with Article 22 of Regulation (EC) No 1159/2003’
- ‘Importation à droit de 9,8 euros par 100 kilogrammes de sucre brut de la qualité type en application de l'article 22 du règlement (CE) n.º 1159/2003’
- ‘Importazione con un dazio di 9,8 EUR/100 kg di zucchero greggio della qualità tipo in applicazione dell'articolo 22 del regolamento (CE) n. 1159/2003’
- ‘Invoerrecht van 9,8 euro per 100 kilogram ruwe suiker van standaardkwaliteit, overeenkomstig artikel 22 van Verordening (EG) nr. 1159/2003’
- ‘Importação com direito de 9,8 euros por 100 quilogramas de açúcar bruto da qualidade-tipo, nos termos do artigo 22.º do Regulamento (CE) n.º 1159/2003’
- ‘Asetuksen (EY) N:o 1159/2003 22 artiklan mukaisesti 9,8 euron tullilla 100:aa kilogrammaa kohden tuotava vakiolaatua oleva raakasokeri’
- ‘Import till en tullsats av 9,8 euro per 100 kg råsocker av standardkvalitet med tillämpning av artikel 22 i förordning (EG) nr 1159/2003’

Article 25

1. For the purposes of this Title, all CXL concessions sugar whose origin is determined in accordance with the provisions in force in the Community and for which proof of origin is furnished in the form of a certificate of origin issued in accordance with Article 47 of Regulation (EEC) No 2454/93 shall be considered as originating in Cuba and Brazil.

2. A supplementary document shall be presented, bearing at least one of the following entries:

- ‘Contingente n° ... (azúcar concesiones CXL: n° 09.4323) — Reglamento (CE) n° 1159/2003’
- ‘Kontingent nr. ... (CXL-indrømmelsessukker: nr. 09.4323) — forordning (EF) nr. 1159/2003’
- ‘Kontingent Nr. ... (Zucker Zugeständnisse CXL: Nr. 09.4323) — Verordnung (EG) Nr. 1159/2003’
- ‘Ποσόστωση αριθ. ... (ζάχαρη παραχωρήσεων CXL: αριθ. 09.4323) — κανονισμός (ΕΚ) αριθ. 1159/2003’
- ‘Quota No ... (CXL concessions sugar: No 09.4323) — Regulation (EC) No 1159/2003’
- ‘Contingent n° ... (sucre concessions CXL: n° 09.4323) — règlement (CE) n° 1159/2003’
- ‘Contingente n. ... (zucchero concessioni CXL: n. 09.4323) — regolamento (CE) n. 1159/2003’
- ‘Contingent nr. ... (suiker CXL-concessies: nr. 09.4323) — Verordening (EG) nr. 1159/2003’
- ‘Contingente n.º ... (açúcar concessões CXL: n.º 09.4323) — Regulamento (CE) n.º 1159/2003’
- ‘Kiintiö nro ... (CXL-myönnytyksiin oikeutettu sokeri: nro 09.4323) — asetus (EY) N:o 1159/2003’
- ‘Tullkvot nr ... (socker enligt CXL-medgivande: nr 09.4323), — förordning (EG) nr 1159/2003’

3. The party concerned shall provide the competent authority in the importing Member State, for control purposes as required, with a copy of the supplementary document referred to in paragraph 2 containing the information relating to the import operation, in particular the degree of polarisation indicated, and the quantities of raw sugar actually imported.

Article 26

In the case of the quantities for Cuba and Brazil indicated in Article 22(2) for which import licences have not been issued before 1 April of the current marketing year, the Commission shall decide, taking into account the delivery programmes, that the licences may be allocated to the other third countries referred to in that Article.

TITLE V

AMENDING, REPEALING AND FINAL PROVISIONS

Article 27

Article 8(1) of Regulation (EC) No 779/96 is hereby deleted.

Article 7(1) of Regulation (EC) No 1464/95 is hereby deleted.

Article 28

Regulations (EEC) No 2782/76 and (EC) No 1507/96 and (EC) No 2513/2001 are hereby repealed.

However, they shall continue to apply to imports for which loading took place and/or import declarations were accepted before the implementation of this Regulation.

Article 29

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

It shall apply from 1 July 2003.

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

Done at Brussels, 30 June 2003.

For the Commission

Franz FISCHLER

Member of the Commission

COMMISSION REGULATION (EC) No 1160/2003

of 30 June 2003

amending Regulation (EC) No 1898/97 laying down rules for the application in the pigmeat sector of the arrangements provided for in the Europe Agreements with Bulgaria, the Czech Republic, Slovakia, Romania, Poland and Hungary

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Decision 2003/286/EC of 8 April 2003 on the conclusion of a Protocol adjusting the trade aspects of the Europe Agreement establishing an Association between the European Communities and their Member States, of the one part, and the Republic of Bulgaria, of the other part, to take account of the outcome of negotiations between the Parties on new mutual agricultural concessions ⁽¹⁾, and in particular Article 3(2) thereof,

Having regard to Council Decision 2003/298/EC of 14 April 2003 on the conclusion of a Protocol adjusting the trade aspects of the Europe Agreement establishing an Association between the European Communities and their Member States, of the one part, and the Czech Republic, of the other part, to take account of the outcome of negotiations between the parties on new mutual agricultural concessions ⁽²⁾, and in particular Article 3(2) thereof,

Having regard to Council Decision 2003/299/EC of 14 April 2003 on the conclusion of a Protocol adjusting the trade aspects of the Europe Agreement establishing an Association between the European Communities and their Member States, of the one part, and the Slovak Republic, of the other part, to take account of the outcome of negotiations between the parties on new mutual agricultural concession ⁽³⁾, and in particular Article 3(2) thereof,

Having regard to Council Decision 2003/18/EC of 19 December 2002 concerning the conclusion of a Protocol adjusting the trade aspects of the Europe Agreement establishing an Association between the European Communities and their Member States, of the one part, and Romania, of the other part, to take account of the outcome of negotiations between the Parties on new mutual agricultural concessions ⁽⁴⁾, and in particular Article 3(2) thereof,

Having regard to Council Decision 2003/263/EC of 27 March 2003 on the signature and conclusion of a Protocol adjusting the trade aspects of the Europe Agreement establishing an

Association between the European Communities and their Member States, of the one part, and the Republic of Poland, of the other part, to take account of the outcome of negotiations between the parties on new mutual agricultural concessions ⁽⁵⁾, and in particular Article 3 thereof,

Having regard to Council Decision 2003/285/EC of 18 March 2003 concerning the conclusion of a Protocol adjusting the trade aspects of the Europe Agreement establishing an Association between the European Communities and their Member States, of the one part, and the Republic of Hungary, of the other part, to take account of the outcome of negotiations between the parties on new mutual agricultural concessions ⁽⁶⁾, and in particular the second paragraph of Article 3 thereof,

Whereas:

- (1) Decisions 2003/286/EC, 2003/298/EC, 2003/299/EC, 2003/18/EC, 2003/263/EC and 2003/285/EC repeal, respectively, Regulations (EC) No 2290/2000 ⁽⁷⁾, (EC) No 2433/2000 ⁽⁸⁾, (EC) No 2434/2000 ⁽⁹⁾, (EC) No 2435/2000 ⁽¹⁰⁾, (EC) No 2851/2000 ⁽¹¹⁾ and (EC) No 1408/2002 ⁽¹²⁾, the latter having previously repealed Regulation (EC) No 1727/2000 ⁽¹³⁾.
- (2) Following the repeal of Regulations (EC) Nos 2292/2000, 2433/2000, 2434/2000, 2435/2000, 2851/2000 and 1727/2000, the references made to those acts in Commission Regulation (EC) No 1898/97 ⁽¹⁴⁾, as last amended by Regulation (EC) No 1877/2002 ⁽¹⁵⁾, should be deleted.
- (3) For annual periods commencing on 1 July, Regulation (EC) No 1898/97 should also be adjusted in accordance with the provisions on pigmeat products laid down in Decisions 2003/286/EC, 2003/298/EC, 2003/299/EC, 2003/18/EC, 2003/263/EC and 2003/285/EC.
- (4) Regulation (EC) No 1898/97 should consequently be amended.
- (5) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Pigmeat,

⁽⁵⁾ OJ L 97, 15.4.2003, p. 53.

⁽⁶⁾ OJ L 102, 24.4.2003, p. 32.

⁽⁷⁾ OJ L 262, 17.10.2000, p. 1.

⁽⁸⁾ OJ L 280, 4.11.2000, p. 1.

⁽⁹⁾ OJ L 280, 4.11.2000, p. 9.

⁽¹⁰⁾ OJ L 280, 4.11.2000, p. 17.

⁽¹¹⁾ OJ L 332, 28.12.2000, p. 7.

⁽¹²⁾ OJ L 205, 2.8.2002, p. 9.

⁽¹³⁾ OJ L 198, 4.8.2000, p. 6.

⁽¹⁴⁾ OJ L 267, 30.9.1997, p. 58.

⁽¹⁵⁾ OJ L 284, 22.10.2002, p. 9.

⁽¹⁾ OJ L 102, 24.4.2003, p. 60.

⁽²⁾ OJ L 107, 30.4.2003, p. 12.

⁽³⁾ OJ L 107, 30.4.2003, p. 36.

⁽⁴⁾ OJ L 8, 14.1.2003, p. 18.

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 1898/97 is hereby amended as follows:

1. The first paragraph of Article 1 is replaced by the following:

'All imports into the Community under the arrangements laid down in Decisions 2003/286/EC, 2003/298/EC, 2003/299/EC, 2003/18/EC, 2003/263/EC and 2003/285/EC of products covered by group Nos 1, 2, 3, 4, H1, 7, 8, 9, T1,

T2, T3, S1, S2, B1, 15, 16 and 17 provided for in Annex I hereto shall be subject to the presentation of an import licence.'

2. Annex I to Regulation (EC) No 1898/97 is replaced by the Annex hereto.

Article 2

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

It shall apply from 1 July 2003.

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

Done at Brussels, 30 June 2003.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX

'ANNEX I

Imports into the Community of the following products shall be subject to the concessions set out below:

A. PRODUCTS ORIGINATING IN HUNGARY

Order No	Group No	CN code	Description ⁽¹⁾	Applicable duty (% of MFN)	Annual quantity from 1.7.2003 to 30.6.2004 (tonnes)	Annual increase (tonnes)	Special provisions
09.4705	1	1601 00 91 1601 00 99	Sausages, dry or other	Free	11 375	875	(²)
09.4706	2	1602 41 10 1602 42 10 1602 49 11 1602 49 13 1602 49 15 1602 49 19 1602 49 30 1602 49 50	Other preparations, preserved meat of domestic swine	Free	1 170	90	(²)
09.4704	3	0210 11 11 0210 12 11 0210 19 40 0210 19 51	Meat of domestic swine, salted or in brine	Free	1 300	100	(²)
09.4708	4	ex 0203	Meat of domestic swine, fresh, chilled or frozen	Free	52 000	4 000	(²) (³)
09.4727	H1	1501 00 19	Pig fat (including lard), other	Free	3 170	290	

(¹) Notwithstanding the rules for the interpretation of the combined nomenclature, the wording of the description of the products is to be considered as having no more than indicative value, applicability of the preferential scheme being determined, within the context of this Annex, by the coverage of the CN code. Where ex CN codes are indicated, the applicability of the preferential scheme is to be determined on the basis of the CN code and corresponding description taken together.

(²) This concession is only applicable to products not benefiting from export refunds.

(³) Excluding tenderloin presented alone.

B. PRODUCTS ORIGINATING IN POLAND

Order No	Group No	CN code	Description ⁽¹⁾	Applicable duty (% of MFN)	Annual quantity from 1.7.2003 to 30.6.2004 (tonnes)	Annual increase (tonnes)	Special provisions
09.4806	7	1601 00 ex 1602 1602 41 1602 42 1602 49	Sausages and similar products, of meat, meat offal or blood; food preparations based on these products but excluding CN code 1601 00 10 Other prepared or preserved meat, meat offal or blood, of swine: — hams and cuts thereof — shoulders and cuts thereof — other, including mixtures excluding CN code 1602 49 90	Free	20 800	1 600	(²)

Order No	Group No	CN code	Description ⁽¹⁾	Applicable duty (% of MFN)	Annual quantity from 1.7.2003 to 30.6.2004 (tonnes)	Annual increase (tonnes)	Special provisions
09.4820	8	0103 92 19	Live swine, domestic species	Free	1 750		⁽²⁾
09.4809	9	ex 0203 ex 0210 0210 11 0210 12 0210 19	Meat of domestic swine, fresh, chilled or frozen Meat of swine: — Ham, shoulders and cuts thereof, with bone in — bellies and cuts thereof — other	Free	39 000	3 000	⁽²⁾ ⁽³⁾ ⁽²⁾

⁽¹⁾ Notwithstanding the rules for the interpretation of the combined nomenclature, the wording of the description of the products is to be considered as having no more than indicative value, applicability of the preferential scheme being determined, within the context of this Annex, by the coverage of the CN code. Where ex CN codes are indicated, the applicability of the preferential scheme is to be determined on the basis of the CN code and corresponding description taken together.

⁽²⁾ This concession is only applicable to products not benefiting from export refunds.

⁽³⁾ Excluding tenderloin presented alone.

C. PRODUCTS ORIGINATING IN THE CZECH REPUBLIC

Order No	Group No	CN code	Description ⁽¹⁾	Applicable duty (% of MFN)	Annual quantity from 1.7.2003 to 30.6.2004 (tonnes)	Annual increase (tonnes)	Special provisions
09.4625	T1	0103 91 10 0103 92 19	Live swine, domestic species	20	1 500	0	
09.4626	T2	ex 0203 0210 11 to 0210 19	Meat of domestic swine, fresh, chilled or frozen Meat of swine, salted, in brine, dried or smoked	Free	14 500	1 500	⁽²⁾ ⁽³⁾ ⁽²⁾
09.4629	T3	1601 00 1602 41 to 1602 49	Sausages and similar products Prepared or preserved meat of swine	Free	4 370	690	⁽²⁾

⁽¹⁾ Notwithstanding the rules for the interpretation of the combined nomenclature, the wording of the description of the products is to be considered as having no more than indicative value, applicability of the preferential scheme being determined, within the context of this Annex, by the coverage of the CN code. Where ex CN codes are indicated, the applicability of the preferential scheme is to be determined on the basis of the CN code and corresponding description taken together.

⁽²⁾ This concession is only applicable to products not benefiting from export refunds.

⁽³⁾ Excluding tenderloin presented alone.

D. PRODUCTS ORIGINATING IN SLOVAKIA

Order No	Group No	CN code	Description ⁽¹⁾	Applicable duty (% of MFN)	Annual quantity from 1.7.2003 to 30.6.2004 (tonnes)	Annual increase (tonnes)	Special provisions
09.4632	S1	ex 0203 0210 11 to 0210 19	Meat of domestic swine, fresh, chilled or frozen Meat of swine, salted, in brine, dried or smoked	Free	3 000	300	⁽²⁾ ⁽³⁾ ⁽²⁾
09.4634	S2	1601 00 1602 41 to 1602 49	Sausages and similar products Prepared or preserved meat of swine	Free	350	50	⁽²⁾

⁽¹⁾ Notwithstanding the rules for the interpretation of the combined nomenclature, the wording of the description of the products is to be considered as having no more than indicative value, applicability of the preferential scheme being determined, within the context of this Annex, by the coverage of the CN code. Where ex CN codes are indicated, the applicability of the preferential scheme is to be determined on the basis of the CN code and corresponding description taken together.

⁽²⁾ This concession is only applicable to products not benefiting from export refunds.

⁽³⁾ Excluding tenderloin presented alone.

E. PRODUCTS ORIGINATING IN BULGARIA

Order No	Group No	CN code	Description ⁽¹⁾	Applicable duty (% of MFN)	Annual quantity from 1.7.2003 to 30.6.2004 (tonnes)	Annual increase (tonnes)	Special provisions
09.4671	B1	ex 0203 0210 11 0210 12 0210 19 1601 00 1602 41 1602 42 1602 49	Meat of domestic swine, fresh, chilled or frozen Meat of swine, salted, in brine, dried or smoked Sausages and similar products Prepared or preserved meat, meat offal or blood of swine	Free	3 000	500	(²) (³)

(¹) Notwithstanding the rules for the interpretation of the combined nomenclature, the wording of the description of the products is to be considered as having no more than indicative value, applicability of the preferential scheme being determined, within the context of this Annex, by the coverage of the CN code. Where ex CN codes are indicated, the applicability of the preferential scheme is to be determined on the basis of the CN code and corresponding description taken together.

(²) This concession is only applicable to products not benefiting from export refunds.

(³) Excluding tenderloin presented alone.

F. PRODUCTS ORIGINATING IN ROMANIA

Order No	Group No	CN code	Description ⁽¹⁾	Applicable duty (% of MFN)	Annual quantity from 1.7.2003 to 30.6.2004 (tonnes)	Annual increase (tonnes)	Special provisions
09.4751	15	1601 00 91 1601 00 99	Sausages, other than of liver	20	1 125	0	
09.4752	16	1602 41 10 1602 42 10 1602 49 11 1602 49 13 1602 49 15 1602 49 19 1602 49 30 1602 49 50	Preserved meat of domestic swine	20	2 125	0	
09.4756	17	ex 0203	Meat of domestic swine, fresh, chilled or frozen	20	15 625	0	(²)

(¹) Notwithstanding the rules for the interpretation of the combined nomenclature, the wording of the description of the products is to be considered as having no more than indicative value, applicability of the preferential scheme being determined, within the context of this Annex, by the coverage of the CN code. Where ex CN codes are indicated, the applicability of the preferential scheme is to be determined on the basis of the CN code and corresponding description taken together.

(²) This concession is only applicable to products not benefiting from export refunds.

**COMMISSION REGULATION (EC) No 1161/2003
of 30 June 2003**

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

Whereas:

- (1) Article 13(1) of Regulation (EEC) No 1766/92 and Article 13(1) of Regulation (EC) No 3072/95 provide that the difference between quotations of prices on the world market for the products listed in Article 1 of each of those Regulations and the prices within the Community may be covered by an export refund.
- (2) Commission Regulation (EC) No 1520/2000 of 13 July 2000 laying down common implementing rules for granting export refunds on certain agricultural products exported in the form of goods not covered by Annex I to the Treaty, and the criteria for fixing the amount of such refunds⁽⁵⁾, as last amended by Regulation (EC) No 740/2003⁽⁶⁾, specifies the products for which a rate of refund should be fixed, to be applied where these products are exported in the form of goods listed in Annex B to Regulation (EEC) No 1766/92 or in Annex B to Regulation (EC) No 3072/95 as appropriate.
- (3) In accordance with the first subparagraph of Article 4(1) of Regulation (EC) No 1520/2000, the rate of the refund per 100 kilograms for each of the basic products in question must be fixed for each month.
- (4) The commitments entered into with regard to refunds which may be granted for the export of agricultural products contained in goods not covered by Annex I to the Treaty may be jeopardised by the fixing in advance of high refund rates. It is therefore necessary to take precautionary measures in such situations without, however, preventing the conclusion of long-term contracts. The fixing of a specific refund rate for the advance fixing of refunds is a measure which enables these various objectives to be met.
- (5) Now that a settlement has been reached between the European Community and the United States of America on Community exports of pasta products to the United States and has been approved by Council Decision 87/482/EEC⁽⁷⁾, it is necessary to differentiate the refund on goods falling within CN codes 1902 11 00 and 1902 19 according to their destination.
- (6) Pursuant to Article 4(3) and (5) of Regulation (EC) No 1520/2000 provides that a reduced rate of export refund has to be fixed, taking account of the amount of the production refund applicable, pursuant to Council Regulation (EEC) No 1722/93⁽⁸⁾, as last amended by Commission Regulation (EC) No 1786/2001⁽⁹⁾, for the basic product in question, used during the assumed period of manufacture of the goods.
- (7) Spirituous beverages are considered less sensitive to the price of the cereals used in their manufacture. However, Protocol 19 of the Act of Accession of the United Kingdom, Ireland and Denmark stipulates that the necessary measures must be decided to facilitate the use of Community cereals in the manufacture of spirituous beverages obtained from cereals. Accordingly, it is necessary to adapt the refund rate applying to cereals exported in the form of spirituous beverages.
- (8) In accordance with Council Regulation (EC) No 1039/2003 of 2 June 2003 adopting autonomous and transitional measures concerning the importation of certain processed agricultural products originating in Estonia and the exportation of certain agricultural products to Estonia⁽¹⁰⁾, Council Regulation (EC) No 1086/2003 of 18 June 2003 adopting autonomous and transitional measures concerning the importation of certain processed agricultural products originating in Slovenia and the exportation of certain processed agricultural products to Slovenia⁽¹¹⁾, Council Regulation (EC) No 1087/2003 of 18 June 2003 adopting autonomous and transitional measures concerning the importation of certain processed agricultural products originating in Latvia and the exportation of certain processed agricultural products to Latvia⁽¹²⁾, Council Regulation (EC) No 1088/2003 of 18 June 2003 adopting autonomous and transitional measures concerning the importation of certain processed agricultural products originating in Lithuania and the exportation of certain processed agricultural products to Lithuania⁽¹³⁾, Council Regulation (EC) No 1089/2003 of 18 June 2003 adopting autonomous and transitional measures concerning the importation of certain processed agricultural products originating in the Slovak Republic and the exportation of certain processed agricultural products to the Slovak Republic.

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 193, 29.7.2000, p. 1.

⁽³⁾ OJ L 329, 30.12.1995, p. 18.

⁽⁴⁾ OJ L 62, 5.3.2002, p. 27.

⁽⁵⁾ OJ L 117, 15.7.2000, p. 1.

⁽⁶⁾ OJ L 106, 29.4.2003, p. 12.

⁽⁷⁾ OJ L 275, 29.9.1987, p. 36.

⁽⁸⁾ OJ L 159, 1.7.1993, p. 112.

⁽⁹⁾ OJ L 242, 12.9.2001, p. 3.

⁽¹⁰⁾ OJ L 151, 19.6.2003, p. 1.

⁽¹¹⁾ OJ L 163, 1.7.2003, p. 1.

⁽¹²⁾ OJ L 163, 1.7.2003, p. 19.

⁽¹³⁾ OJ L 163, 1.7.2003, p. 38.

Republic ⁽¹⁾ and Council Regulation (EC) No 1090/2003 of 18 June 2003 adopting autonomous and transitional measures concerning the importation of certain processed agricultural products originating in the Czech Republic and the exportation of certain processed agricultural products to the Czech Republic ⁽²⁾ with effect from 1 July 2003, processed agricultural products not listed in Annex I to the Treaty which are exported to Estonia, Slovenia, Latvia, Lithuania, Slovakia or Czech Republic are not eligible for export refunds.

- (9) In accordance with Council Regulation (EC) No 999/2003 of 2 June 2003 adopting autonomous and transitional measures concerning the import of certain processed agricultural products originating in Hungary and the export of certain processed agricultural products to Hungary ⁽³⁾, with effect from 1 July 2003, the goods referred to in its Article 1(2) which are exported to Hungary shall not be eligible for export refunds.
- (10) It is necessary to ensure continuity of strict management taking account of expenditure forecasts and funds available in the budget.

- (11) The Management Committee for Cereals has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 1 July 2003.

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

Done at Brussels, 30 June 2003.

For the Commission

Erkki LIIKANEN

Member of the Commission

⁽¹⁾ OJ L 163, 1.7.2003, p. 56.

⁽²⁾ OJ L 163, 1.7.2003, p. 73.

⁽³⁾ OJ L 146, 13.6.2003, p. 10.

ANNEX

to the Commission Regulation of 30 June 2003 fixing the rates of the refunds applicable to certain cereals and rice products exported in the form of goods not covered by Annex I to the Treaty

CN code	Description of products ⁽¹⁾	Rate of refund per 100 kg of basic product ⁽²⁾	
		In case of advance fixing of refunds	Other
1001 10 00	Durum wheat:		
	– on exports of goods falling within CN codes 1902 11 and 1902 19 to the United States of America	—	—
	– in other cases	—	—
1001 90 99	Common wheat and meslin:		
	– on exports of goods falling within CN codes 1902 11 and 1902 19 to the United States of America	—	—
	– in other cases:		
	– – where Article 4(5) of Regulation (EC) No 1520/2000 applies ⁽³⁾	—	—
	– – where goods falling within subheading 2208 ⁽⁴⁾ are exported	—	—
	– – in other cases	—	—
1002 00 00	Rye	2,531	2,531
1003 00 90	Barley		
	– where goods falling within subheading 2208 ⁽⁴⁾ are exported	—	—
	– in other cases	—	—
1004 00 00	Oats	—	—
1005 90 00	Maize (corn) used in the form of:		
	– starch:		
	– – where Article 4(5) of Regulation (EC) No 1520/2000 applies ⁽³⁾	2,135	2,135
	– – where goods falling within subheading 2208 ⁽⁴⁾ are exported	1,083	1,083
	– – in other cases	2,717	2,717
	– glucose, glucose syrup, maltodextrine, maltodextrine syrup of CN codes 1702 30 51, 1702 30 59, 1702 30 91, 1702 30 99, 1702 40 90, 1702 90 50, 1702 90 75, 1702 90 79, 2106 90 55 ⁽⁵⁾ :		
	– – where Article 4(5) of Regulation (EC) No 1520/2000 applies ⁽³⁾	1,456	1,456
	– – where goods falling within subheading 2208 ⁽³⁾ are exported	0,812	0,812
	– – in other cases	2,038	2,038
	– where goods falling within subheading 2208 ⁽³⁾ are exported	1,083	1,083
	– other (including unprocessed)	2,717	2,717
	Potato starch of CN code 1108 13 00 similar to a product obtained from processed maize:		
	– where Article 4(5) of Regulation (EC) No 1520/2000 applies ⁽⁴⁾	2,135	2,135
	– – where goods falling within subheading 2208 ⁽⁴⁾ are exported	1,083	1,083
	– in other cases	2,717	2,717

		(EUR/100 kg)	
CN code	Description of products ⁽¹⁾	Rate of refund per 100 kg of basic product ⁽²⁾	
		In case of advance fixing of refunds	Other
ex 1006 30	Wholly-milled rice:		
	– round grain	11,100	11,100
	– medium grain	11,100	11,100
	– long grain	11,100	11,100
1006 40 00	Broken rice	2,900	2,900
1007 00 90	Grain sorghum, other than hybrid for sowing	—	—

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

⁽²⁾ With effect from 1 July 2003 these rates are not applicable to goods not covered by Annex I to the Treaty when exported to the Czech Republic, Estonia, Latvia, Lithuania, Slovakia or Slovenia, and to the goods referred to in Article 1(1) of Regulation (EC) No 999/2003 when exported to Hungary.

⁽³⁾ The goods concerned fall under CN code 3505 10 50.

⁽⁴⁾ Goods listed in Annex B of Council Regulation (EEC) No 1766/92 or referred to in Article 2 of Regulation (EEC) No 2825/93.

⁽⁵⁾ For syrups of CN codes NC 1702 30 99, 1702 40 90 and 1702 60 90, obtained from mixing glucose and fructose syrup, the export refund may be granted only for the glucose syrup.

**COMMISSION REGULATION (EC) No 1162/2003
of 30 June 2003**

fixing the rates of refunds applicable to certain products from the sugar sector exported in the form of goods not covered by Annex I to the Treaty

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1260/2001 of 19 June 2001 on the common organisation of the market in sugar ⁽¹⁾, as amended by Commission Regulation (EC) No 680/2002 ⁽²⁾, and in particular Article 27(5)(a) and (15),

Whereas:

- (1) Article 27(1) and (2) of Regulation (EEC) No 1260/2001 provides that the differences between the prices in international trade for the products listed in Article 1(1)(a), (c), (d), (f), (g) and (h) of that Regulation and prices within the Community may be covered by an export refund where these products are exported in the form of goods listed in the Annex to that Regulation. Commission Regulation (EC) No 1520/2000 of 13 July 2000 laying down common implementing rules for granting export refunds on certain agricultural products exported in the form of goods not covered by Annex I to the Treaty and the criteria for fixing the amount of such refunds ⁽³⁾, as last amended by Regulation (EC) No 740/2003 ⁽⁴⁾, specifies the products for which a rate of refund should be fixed, to be applied where these products are exported in the form of goods listed in Annex I to Regulation (EC) No 1260/2001.
- (2) In accordance with Article 4(1) of Regulation (EC) No 1520/2000, the rate of the refund per 100 kilograms for each of the basic products in question must be fixed for each month.
- (3) Article 27(3) of Regulation (EC) No 1260/2001 and Article 11 of the Agreement on Agriculture concluded under the Uruguay Round lay down that the export refund for a product contained in a good may not exceed the refund applicable to that product when exported without further processing.

(4) The refunds fixed under this Regulation may be fixed in advance as the market situation over the next few months cannot be established at the moment.

(5) The commitments entered into with regard to refunds which may be granted for the export of agricultural products contained in goods not covered by Annex I to the Treaty may be jeopardised by the fixing in advance of high refund rates. It is therefore necessary to take precautionary measures in such situations without, however, preventing the conclusion of long-term contracts. The fixing of a specific refund rate for the advance fixing of refunds is a measure which enables these various objectives to be met.

(6) In accordance with Council Regulation (EC) No 1039/2003 of 2 June 2003 adopting autonomous and transitional measures concerning the importation of certain processed agricultural products originating in Estonia and the exportation of certain agricultural products to Estonia ⁽⁵⁾, Council Regulation (EC) No 1086/2003 of 18 June 2003 adopting autonomous and transitional measures concerning the importation of certain processed agricultural products originating in Slovenia and the exportation of certain processed agricultural products to Slovenia ⁽⁶⁾, Council Regulation (EC) No 1087/2003 of 18 June 2003 adopting autonomous and transitional measures concerning the importation of certain processed agricultural products originating in Latvia and the exportation of certain processed agricultural products to Latvia ⁽⁷⁾, Council Regulation (EC) No 1088/2003 of 18 June 2003 adopting autonomous and transitional measures concerning the importation of certain processed agricultural products originating in Lithuania and the exportation of certain processed agricultural products to Lithuania ⁽⁸⁾, Council Regulation (EC) No 1089/2003 of 18 June 2003 adopting autonomous and transitional measures concerning the importation of certain processed agricultural products originating in the Slovak Republic and the exportation of certain processed agricultural products to the Slovak Republic ⁽⁹⁾ and Council Regulation (EC) No 1090/2003 of 18 June 2003 adopting autonomous and transitional measures concerning the importation of certain processed agricultural products originating in the Czech Republic and the exportation of certain processed agricultural products to the Czech Republic ⁽¹⁰⁾ with effect from 1 July 2003, processed agricultural products not listed in Annex I to the Treaty which are exported to Estonia, Slovenia, Latvia, Lithuania, Slovakia or Czech Republic are not eligible for export refunds.

⁽¹⁾ OJ L 178, 30.6.2001, p. 1.

⁽²⁾ OJ L 104, 20.4.2002, p. 26.

⁽³⁾ OJ L 177, 15.7.2000, p. 1.

⁽⁴⁾ OJ L 106, 29.4.2003, p. 12.

⁽⁵⁾ OJ L 151, 19.6.2003, p. 1.

⁽⁶⁾ OJ L 163, 1.7.2003, p. 1.

⁽⁷⁾ OJ L 163, 1.7.2003, p. 19.

⁽⁸⁾ OJ L 163, 1.7.2003, p. 38.

⁽⁹⁾ OJ L 163, 1.7.2003, p. 56.

⁽¹⁰⁾ OJ L 163, 1.7.2003, p. 73.

- (7) In accordance with Council Regulation (EC) No 999/2003 of 2 June 2003 adopting autonomous and transitional measures concerning the import of certain processed agricultural products originating in Hungary and the export of certain processed agricultural products to Hungary ⁽¹⁾, with effect from 1 July 2003, the goods referred to in its Article 1(2) which are exported to Hungary shall not be eligible for export refunds
- (8) It is necessary to ensure continuity of strict management taking account of expenditure forecasts and funds available in the budget.
- (9) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Sugar,

HAS ADOPTED THIS REGULATION:

Article 1

The rates of the refunds applicable to the basic products appearing in Annex A to Regulation (EC) No 1520/2000 and listed in Article 1(1) and (2) of Regulation (EC) No 1260/2001, exported in the form of goods listed in Annex V to Regulation (EC) No 1260/2001, are fixed as shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 July 2003.

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

Done at Brussels, 30 June 2003.

For the Commission

Erkki LIIKANEN

Member of the Commission

ANNEX

to the Commission Regulation of 30 June 2003 fixing the rates of refunds applicable to certain products from the sugar sector exported in the form of goods not covered by Annex I to the Treaty

Product	Rate of refund in EUR/100 kg ⁽¹⁾	
	In case of advance fixing of refunds	Other
White sugar	47,73	47,73

⁽¹⁾ With effect from 1 July 2003 these rates are not applicable to goods not covered by Annex I to the Treaty when exported to the Czech Republic, Estonia, Latvia, Lithuania, Slovakia or Slovenia, and to the goods referred to in Article 1(1) of Regulation (EC) No 999/2003 when exported to Hungary.

**COMMISSION REGULATION (EC) No 1163/2003
of 30 June 2003**

fixing the rates of the refunds applicable to eggs and egg yolks exported in the form of goods not covered by Annex I to the Treaty

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2771/75 of 29 October 1975 on the common organisation of the market in eggs ⁽¹⁾, as last amended by Commission Regulation (EC) No 493/2002 ⁽²⁾, and in particular Article 8(3) thereof,

Whereas:

- (1) Article 8(1) of Regulation (EEC) No 2771/75 provides that the difference between prices in international trade for the products listed in Article 1(1) of that Regulation and prices within the Community may be covered by an export refund where these goods are exported in the form of goods listed in the Annex to that Regulation. Whereas Commission Regulation (EC) No 1520/2000 of 13 July 2000 laying down common detailed rules for the application of the system of granting export refunds on certain agricultural products exported in the form of goods not covered by Annex I to the Treaty, and the criteria for fixing the amount of such refunds ⁽³⁾, as last amended by Regulation (EC) No 1052/2002 ⁽⁴⁾, specifies the products for which a rate of refund should be fixed, to be applied where these products are exported in the form of goods listed in the Annex to Regulation (EEC) No 2771/75.
- (2) In accordance Article 4(1) of Regulation (EC) No 1520/2000, the rate of the refund per 100 kilograms for each of the basic products in question must be fixed for a period of the same duration as that for which refunds are fixed for the same products exported unprocessed.
- (3) Article 11 of the Agreement on Agriculture concluded under the Uruguay Round lays down that the export refund for a product contained in a good may not exceed the refund applicable to that product when exported without further processing.
- (4) In accordance with Council Regulation (EC) No 1039/2003 of 2 June 2003 adopting autonomous and transitional measures concerning the importation of certain

processed agricultural products originating in Estonia and the exportation of certain agricultural products to Estonia ⁽⁵⁾, Council Regulation (EC) No 1086/2003 of 18 June 2003 adopting autonomous and transitional measures concerning the importation of certain processed agricultural products originating in Slovenia and the exportation of certain processed agricultural products to Slovenia ⁽⁶⁾, Council Regulation (EC) No 1087/2003 of 18 June 2003 adopting autonomous and transitional measures concerning the importation of certain processed agricultural products originating in Latvia and the exportation of certain processed agricultural products to Latvia ⁽⁷⁾, Council Regulation (EC) No 1088/2003 of 18 June 2003 adopting autonomous and transitional measures concerning the importation of certain processed agricultural products originating in Lithuania and the exportation of certain processed agricultural products to Lithuania ⁽⁸⁾, Council Regulation (EC) No 1089/2003 of 18 June 2003 adopting autonomous and transitional measures concerning the importation of certain processed agricultural products originating in the Slovak Republic and the exportation of certain processed agricultural products to the Slovak Republic ⁽⁹⁾ and Council Regulation (EC) No 1090/2003 of 18 June 2003 adopting autonomous and transitional measures concerning the importation of certain processed agricultural products originating in the Czech Republic and the exportation of certain processed agricultural products to the Czech Republic ⁽¹⁰⁾ with effect from 1 July 2003, processed agricultural products not listed in Annex I to the Treaty which are exported to Estonia, Slovenia, Latvia, Lithuania, Slovakia or Czech Republic are not eligible for export refunds.

- (5) In accordance with Council Regulation (EC) No 999/2003 of 2 June 2003 adopting autonomous and transitional measures concerning the import of certain processed agricultural products originating in Hungary and the export of certain processed agricultural products to Hungary ⁽¹¹⁾, with effect from 1 July 2003, the goods referred to in its Article 1(2) which are exported to Hungary shall not be eligible for export refunds.
- (6) It is necessary to ensure continuity of strict management taking account of expenditure forecasts and funds available in the budget.
- (7) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Poultrymeat and Eggs,

⁽¹⁾ OJ L 282, 1.11.1975, p. 49.

⁽²⁾ OJ L 77, 20.3.2002, p. 7.

⁽³⁾ OJ L 177, 15.7.2000, p. 1.

⁽⁴⁾ OJ L 160, 18.6.2002, p. 16.

⁽⁵⁾ OJ L 151, 19.6.2003, p. 1.

⁽⁶⁾ OJ L 163, 1.7.2003, p. 1.

⁽⁷⁾ OJ L 163, 1.7.2003, p. 19.

⁽⁸⁾ OJ L 163, 1.7.2003, p. 38.

⁽⁹⁾ OJ L 163, 1.7.2003, p. 56.

⁽¹⁰⁾ OJ L 163, 1.7.2003, p. 73.

⁽¹¹⁾ OJ L 146, 13.6.2003, p. 10.

HAS ADOPTED THIS REGULATION:

Article 2

Article 1

The rates of the refunds applicable to the basic products appearing in Annex A to Regulation (EC) No 1520/2000 and listed in Article 1(1) of Regulation (EEC) No 2771/75, exported in the form of goods listed in the Annex I to Regulation (EEC) No 2771/75, are hereby fixed as shown in the Annex hereto.

This Regulation shall enter into force on 1 July 2003.

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

Done at Brussels, 30 June 2003.

For the Commission

Erkki LIIKANEN

Member of the Commission

ANNEX

to the Commission Regulation of 30 June 2003 fixing the rates of the refunds applicable to eggs and egg yolks exported in the form of goods not covered by Annex I to the Treaty

<i>(EUR/100 kg)</i>			
CN code	Description	Destination ⁽¹⁾	Rate of refund ⁽²⁾
0407 00	Birds' eggs, in shell, fresh, preserved or cooked:		
	– Of poultry:		
0407 00 30	– – Other:		
	a) On exportation of ovalbumin of CN codes 3502 11 90 and 3502 19 90	02	6,00
		03	25,00
		04	3,00
	b) On exportation of other goods	01	3,00
0408	Birds' eggs, not in shell and egg yolks, fresh, dried, cooked by steaming or by boiling in water, moulded, frozen or otherwise preserved, whether or not containing added sugar or other sweetening matter:		
	– Egg yolks:		
0408 11	– – Dried:		
ex 0408 11 80	– – – Suitable for human consumption: not sweetened	01	40,00
0408 19	– – Other:		
	– – – Suitable for human consumption:		
ex 0408 19 81	– – – – Liquid: not sweetened	01	20,00
ex 0408 19 89	– – – – Frozen: not sweetened	01	20,00
	– Other:		
0408 91	– – Dried:		
ex 0408 91 80	– – – Suitable for human consumption: not sweetened	01	75,00
0408 99	– – Other:		
ex 0408 99 80	– – – Suitable for human consumption: not sweetened	01	19,00

⁽¹⁾ The destinations are as follows:

- 01 Third countries,
- 02 Kuwait, Bahrain, Oman, Qatar, United Arab Emirates, Yemen, Turkey, Hong Kong SAR and Russia,
- 03 South Korea, Japan, Malaysia, Thailand, Taiwan and the Philippines,
- 04 All destinations except Switzerland and those of 02 and 03.

⁽²⁾ With effect from 1 July 2003 these rates are not applicable to goods not covered by Annex I to the Treaty when exported to the Czech Republic, Estonia, Latvia, Lithuania, Slovakia or Slovenia, and to the goods referred to in Article 1(1) of Regulation (EC) No 999/2003 when exported to Hungary.

COMMISSION REGULATION (EC) No 1164/2003

of 30 June 2003

fixing the rates of the refunds applicable to certain milk products exported in the form of goods not covered by Annex I to the Treaty

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1255/1999 of 15 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 31(3) thereof,

Whereas:

- (1) Article 31(1) of Regulation (EC) No 1255/1999 provides that the difference between prices in international trade for the products listed in Article 1(a), (b), (c), (d), (e), and (g) of that Regulation and prices within the Community may be covered by an export refund. Whereas Commission Regulation (EC) No 1520/2000 of 13 July 2000 laying down common implementing rules for granting export refunds on certain agricultural products exported in the form of goods not covered by Annex I to the Treaty, and criteria for fixing the amount of such refunds ⁽³⁾, as last amended by Regulation (EC) No 740/2003 ⁽⁴⁾, specifies the products for which a rate of refund should be fixed, to be applied where these products are exported in the form of goods listed in the Annex to Regulation (EC) No 1255/1999.
- (2) In accordance with the first subparagraph of Article 4(1) of Regulation (EC) No 1520/2000, the rate of the refund per 100 kilograms for each of the basic products in question must be fixed for each month.
- (3) Article 4(3) of Regulation (EC) No 1520/2000 provides that, when the rate of the refund is being fixed, account should be taken, where necessary, of production refunds, aids or other measures having equivalent effect applicable in all Member States in accordance with the Regulation on the common organisation of the market in the product in question to the basic products listed in Annex A to that Regulation or to assimilated products.
- (4) Article 12(1) of Regulation (EC) No 1255/1999 provides for the payment of aid for Community-produced skimmed milk processed into casein if such milk and the casein manufactured from it fulfil certain conditions.
- (5) 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 ⁽⁵⁾, as last amended by Regulation (EC) No 635/2000 ⁽⁶⁾, lays down that butter and cream at reduced prices should be made available to industries which manufacture certain goods.
- (6) In accordance with Council Regulation (EC) No 1039/2003 of 2 June 2003 adopting autonomous and transitional measures concerning the importation of certain processed agricultural products originating in Estonia and the exportation of certain agricultural products to Estonia ⁽⁷⁾, Council Regulation (EC) No 1086/2003 of 18 June 2003 adopting autonomous and transitional measures concerning the importation of certain processed agricultural products originating in Slovenia and the exportation of certain processed agricultural products to Slovenia ⁽⁸⁾, Council Regulation (EC) No 1087/2003 of 18 June 2003 adopting autonomous and transitional measures concerning the importation of certain processed agricultural products originating in Latvia and the exportation of certain processed agricultural products to Latvia ⁽⁹⁾, Council Regulation (EC) No 1088/2003 of 18 June 2003 adopting autonomous and transitional measures concerning the importation of certain processed agricultural products originating in Lithuania and the exportation of certain processed agricultural products to Lithuania ⁽¹⁰⁾, Council Regulation (EC) No 1089/2003 of 18 June 2003 adopting autonomous and transitional measures concerning the importation of certain processed agricultural products originating in the Slovak Republic and the exportation of certain processed agricultural products to the Slovak Republic ⁽¹¹⁾ and Council Regulation (EC) No 1090/2003 of 18 June 2003 adopting autonomous and transitional measures concerning the importation of certain processed agricultural products originating in the Czech Republic and the exportation of certain processed agricultural products to the Czech Republic ⁽¹²⁾ with effect from 1 July 2003, processed agricultural products not listed in Annex I to the Treaty which are exported to Estonia, Slovenia, Latvia, Lithuania, Slovakia or Czech Republic are not eligible for export refunds.

⁽¹⁾ OJ L 160, 26.6.1999, p. 48.

⁽²⁾ OJ L 79, 22.3.2002, p. 15.

⁽³⁾ OJ L 177, 15.7.2000, p. 1.

⁽⁴⁾ OJ L 106, 29.4.2003, p. 12.

⁽⁵⁾ OJ L 350, 20.12.1997, p. 3.

⁽⁶⁾ OJ L 76, 25.3.2000, p. 9.

⁽⁷⁾ OJ L 151, 19.6.2003, p. 1.

⁽⁸⁾ OJ L 163, 1.7.2003, p. 1.

⁽⁹⁾ OJ L 163, 1.7.2003, p. 19.

⁽¹⁰⁾ OJ L 163, 1.7.2003, p. 38.

⁽¹¹⁾ OJ L 163, 1.7.2003, p. 56.

⁽¹²⁾ OJ L 163, 1.7.2003, p. 73.

- (7) In accordance with Council Regulation (EC) No 999/2003 of 2 June 2003 adopting autonomous and transitional measures concerning the import of certain processed agricultural products originating in Hungary and the export of certain processed agricultural products to Hungary ⁽¹⁾, with effect from 1 July 2003, the goods referred to in its Article 1(2) which are exported to Hungary shall not be eligible for export refunds.
- (8) It is necessary to ensure continuity of strict management taking account of expenditure forecasts and funds available in the budget.
- (9) 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

1. The rates of the refunds applicable to the basic products appearing in Annex A to Regulation (EC) No 1520/2000 and listed in Article 1 of Regulation (EC) No 1255/1999, exported in the form of goods listed in the Annex to Regulation (EC) No 1255/1999, are hereby fixed as shown in the Annex to this Regulation.

2. No rates of refund are fixed for any of the products referred to in the preceding paragraph which are not listed in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 1 July 2003.

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

Done at Brussels, 30 June 2003.

For the Commission
Erkki LIIKANEN
Member of the Commission

⁽¹⁾ OJ L 146, 13.6.2003, p. 10.

ANNEX

to the Commission Regulation of 30 June 2003 fixing the rates of the refunds applicable to certain milk products exported in the form of goods not covered by Annex I to the Treaty

		<i>(EUR/100 kg)</i>
CN code	Description	Rate of refund ⁽¹⁾
ex 0402 10 19	Powdered milk, in granules or other solid forms, not containing added sugar or other sweetening matter, with a fat content not exceeding 1,5 % by weight (PG 2):	
	(a) On exportation of goods of CN code 3501	—
	(b) On exportation of other goods	60,00
ex 0402 21 19	Powdered milk, in granules or other solid forms, not containing added sugar or other sweetening matter, with a fat content of 26 % by weight (PG 3):	
	(a) Where goods incorporating, in the form of products assimilated to PG 3, reduced-price butter or cream obtained pursuant to Regulation (EC) No 2571/97 are exported	76,11
	(b) On exportation of other goods	102,40
ex 0405 10	Butter, with a fat content by weight of 82 % (PG 6):	
	(a) Where goods containing reduced-price butter or cream which have been manufactured in accordance with the conditions provided for in Regulation (EC) No 2571/97 are exported	100,00
	(b) On exportation of goods of CN code 2106 90 98 containing 40 % or more by weight of milk fat	192,25
	(c) On exportation of other goods	185,00

⁽¹⁾ With effect from 1 July 2003 these rates are not applicable to goods not covered by Annex I to the Treaty when exported to the Czech Republic, Estonia, Latvia, Lithuania, Slovakia or Slovenia, and to the goods referred to in Article 1(1) of Regulation (EC) No 999/2003 when exported to Hungary.

COMMISSION REGULATION (EC) No 1165/2003
of 30 June 2003
fixing the export refunds on beef and veal

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1254/1999 of 17 May 1999 on the common organisation of the market in beef and veal ⁽¹⁾, as last amended by Commission Regulation (EC) No 2345/2001 ⁽²⁾, and in particular Article 33(12) thereof,

Whereas:

- (1) Article 33 of Regulation (EC) No 1254/1999 provides that the difference between prices on the world market for the products listed in Article 1 of that Regulation and prices for those products within the Community may be covered by an export refund.
- (2) Commission Regulation (EEC) No 32/82 ⁽³⁾, as last amended by Regulation (EC) No 744/2000 ⁽⁴⁾, Regulation (EEC) No 1964/82 ⁽⁵⁾, as last amended by Regulation (EC) No 2772/2000 ⁽⁶⁾, Regulation (EEC) No 2388/84 ⁽⁷⁾, as last amended by Regulation (EEC) No 3661/92 ⁽⁸⁾, Regulation (EEC) No 2973/79 ⁽⁹⁾, as last amended by Regulation (EEC) No 3434/87 ⁽¹⁰⁾, and Regulation (EC) No 2051/96 ⁽¹¹⁾, as last amended by Regulation (EC) No 2333/96 ⁽¹²⁾, lay down the conditions for granting special export refunds on certain cuts of beef and veal and certain preserved beef and veal products.
- (3) It follows from applying those rules and criteria to the foreseeable situation on the market in beef and veal that the refund should be as set out below.
- (4) With regard to live animals, for reasons of simplification export refunds should no longer be granted for categories with insignificant trade with third countries. Moreover, in light of the general concern of animal welfare, export refunds for live animals for slaughter should be limited as much as possible. Consequently, export refunds for such animals should only be granted for third countries which for cultural and/or religious reasons traditionally import substantial numbers of animals for domestic slaughter. As to live animals for reproduction, in order to prevent any abuse export refunds for pure-bred breeding animals should be limited to heifers and cows of no more than 30 months of age.
- (5) Export refunds should be granted for certain destinations on some fresh or chilled meat listed in the Annex under CN code 0201, on some frozen meat listed in the Annex under CN code 0202, on some meat or offal listed in the Annex under CN code 0206 and on some other prepared or preserved meat or offal listed in the Annex under CN code 1602 50 10.
- (6) In the case of meat of bovine animals, boned or boneless, salted and dried, there are traditional trade flows to Switzerland. To allow this trade to continue, the refund should be set to cover the difference between prices on the Swiss market and export prices in the Member States.
- (7) In the case of certain other cuts and preserves of meat or offal shown in the Annex under CN codes 1602 50 31 to 1602 50 80, the Community presence of international trade may be maintained by granting a refund corresponding to that at present available.
- (8) In the case of other beef and veal products, a refund need not be fixed since the Community's share of world trade is not significant.
- (9) Commission Regulation (EEC) No 3846/87 ⁽¹³⁾, as last amended by Regulation (EC) No 118/2003 ⁽¹⁴⁾, establishes the agricultural product nomenclature for the purposes of export refunds.
- (10) In order to simplify customs export formalities for operators, the refunds on all frozen cuts should be brought into line with those on fresh or chilled cuts other than those from adult male bovine animals.
- (11) Checks on products covered by CN code 1602 50 should be stepped up by making the granting of refunds on these products conditional on manufacture under the arrangements provided for in Article 4 of Council Regulation (EEC) No 565/80 of 4 March 1980 on the advance payment of export refunds in respect of agricultural products ⁽¹⁵⁾, as last amended by Commission Regulation (EC) No 444/2003 ⁽¹⁶⁾.

⁽¹⁾ OJ L 160, 26.6.1999, p. 21.

⁽²⁾ OJ L 315, 1.12.2001, p. 29.

⁽³⁾ OJ L 4, 8.1.1982, p. 11.

⁽⁴⁾ OJ L 89, 11.4.2000, p. 3.

⁽⁵⁾ OJ L 212, 21.7.1982, p. 48.

⁽⁶⁾ OJ L 321, 19.12.2000, p. 35.

⁽⁷⁾ OJ L 221, 18.8.1984, p. 28.

⁽⁸⁾ OJ L 370, 19.12.1992, p. 16.

⁽⁹⁾ OJ L 336, 29.12.1979, p. 44.

⁽¹⁰⁾ OJ L 327, 18.11.1987, p. 7.

⁽¹¹⁾ OJ L 274, 26.10.1996, p. 18.

⁽¹²⁾ OJ L 317, 6.12.1996, p. 13.

⁽¹³⁾ OJ L 366, 24.12.1987, p. 1.

⁽¹⁴⁾ OJ L 20, 24.1.2003, p. 3.

⁽¹⁵⁾ OJ L 62, 7.3.1980, p. 5.

⁽¹⁶⁾ OJ L 67, 12.3.2003, p. 3.

- (12) Refunds should be granted only on products that are allowed to move freely in the Community. Therefore, to be eligible for a refund, products should be required to bear the health mark laid down in Council Directive 64/433/EEC ⁽¹⁾, as last amended by Directive 95/23/EC ⁽²⁾, Council Directive 94/65/EC ⁽³⁾ and Council Directive 77/99/EEC ⁽⁴⁾, as last amended by Directive 97/76/EC ⁽⁵⁾, respectively.
- (13) Under Article 6(2) of Regulation (EEC) No 1964/82, the special refund is to be reduced if the quantity of boned meat to be exported amounts to less than 95 %, but not less than 85 %, of the total weight of cuts produced by boning.
- (14) The negotiations on the adoption of additional concessions, held within the framework of the Europe Agreements between the European Community and the associated central and eastern European Countries, aim in particular to liberalise trade in products covered by the common organisation of the market in beef and veal. To this end, it was decided to abolish export refunds on products intended for export to Estonia, Latvia, Lithuania, Hungary, Rumania and Slovakia. These countries should therefore be excluded from the list of destinations giving rise to the grant of a refund, while ensuring that the abolition of refunds for these countries may not lead to the creation of a differentiated refund for exports to other countries.
- (15) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Beef and Veal,

HAS ADOPTED THIS REGULATION:

Article 1

1. The list of products on which export refunds as referred to in Article 33 of Regulation (EC) No 1254/1999 are granted and the amount thereof and the destinations shall be as set out in the Annex to this Regulation.

2. The products must meet the relevant health marking requirements of:

- Chapter XI of Annex I to Directive 64/433/EEC,
- Chapter VI of Annex I to Directive 94/65/EC,
- Chapter VI of Annex B to Directive 77/99/EEC.

Article 2

In the case referred to in the third subparagraph of Article 6(2) of Regulation (EEC) No 1964/82 the rate of the refund on products falling within product code 0201 30 00 9100 shall be reduced by EUR 14,00/100 kg.

Article 3

The fact that no refund has been fixed for exports to Estonia, Lithuania, Latvia, Hungary, Romania and Slovakia shall not be considered to mean that there is a differentiated refund.

Article 4

This Regulation shall enter into force on 7 July 2003.

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

Done at Brussels, 30 June 2003.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 121, 29.7.1964, p. 2012/64.

⁽²⁾ OJ L 243, 11.10.1995, p. 7.

⁽³⁾ OJ L 368, 31.12.1994, p. 10.

⁽⁴⁾ OJ L 26, 31.1.1977, p. 85.

⁽⁵⁾ OJ L 10, 16.11.1998, p. 25.

ANNEX

to the Commission Regulation of 30 June 2003 fixing export refunds on beef

Product code	Destination	Unit of measurement	Refunds (7)
0102 10 10 9140	B00	EUR/100 kg live weight	53,00
0102 10 30 9140	B00	EUR/100 kg live weight	53,00
0102 90 71 9000	B11	EUR/100 kg live weight	41,00
0201 10 00 9110 (1)	B02	EUR/100 kg net weight	71,50
	B03	EUR/100 kg net weight	43,00
	039	EUR/100 kg net weight	23,50
0201 10 00 9120	B02	EUR/100 kg net weight	33,50
	B03	EUR/100 kg net weight	10,00
	039	EUR/100 kg net weight	11,50
0201 10 00 9130 (1)	B02	EUR/100 kg net weight	97,00
	B03	EUR/100 kg net weight	56,50
	039	EUR/100 kg net weight	33,50
0201 10 00 9140	B02	EUR/100 kg net weight	46,00
	B03	EUR/100 kg net weight	14,00
	039	EUR/100 kg net weight	16,00
0201 20 20 9110 (1)	B02	EUR/100 kg net weight	97,00
	B03	EUR/100 kg net weight	56,50
	039	EUR/100 kg net weight	33,50
0201 20 20 9120	B02	EUR/100 kg net weight	46,00
	B03	EUR/100 kg net weight	14,00
	039	EUR/100 kg net weight	16,00
0201 20 30 9110 (1)	B02	EUR/100 kg net weight	71,50
	B03	EUR/100 kg net weight	43,00
	039	EUR/100 kg net weight	23,50
0201 20 30 9120	B02	EUR/100 kg net weight	33,50
	B03	EUR/100 kg net weight	10,00
	039	EUR/100 kg net weight	11,50
0201 20 50 9110 (1)	B02	EUR/100 kg net weight	123,00
	B03	EUR/100 kg net weight	71,50
	039	EUR/100 kg net weight	41,00
0201 20 50 9120	B02	EUR/100 kg net weight	58,50
	B03	EUR/100 kg net weight	17,50
	039	EUR/100 kg net weight	19,50
0201 20 50 9130 (1)	B02	EUR/100 kg net weight	71,50
	B03	EUR/100 kg net weight	43,00
	039	EUR/100 kg net weight	23,50
0201 20 50 9140	B02	EUR/100 kg net weight	33,50
	B03	EUR/100 kg net weight	10,00
	039	EUR/100 kg net weight	11,50
0201 20 90 9700	B02	EUR/100 kg net weight	33,50
	B03	EUR/100 kg net weight	10,00
	039	EUR/100 kg net weight	11,50
0201 30 00 9050	400 (3)	EUR/100 kg net weight	23,50
	404 (4)	EUR/100 kg net weight	23,50

Product code	Destination	Unit of measurement	Refunds (7)
0201 30 00 9060 (6)	B02	EUR/100 kg net weight	46,00
	B03	EUR/100 kg net weight	13,00
	039	EUR/100 kg net weight	15,00
	809, 822	EUR/100 kg net weight	37,00
0201 30 00 9100 (2) (6)	B02	EUR/100 kg net weight	172,00
	B03	EUR/100 kg net weight	102,00
	039	EUR/100 kg net weight	60,00
	809, 822	EUR/100 kg net weight	152,50
0201 30 00 9120 (2) (6)	B08	EUR/100 kg net weight	94,50
	B09	EUR/100 kg net weight	88,00
	B03	EUR/100 kg net weight	56,50
	039	EUR/100 kg net weight	33,00
	809, 822	EUR/100 kg net weight	83,50
0202 10 00 9100	B02	EUR/100 kg net weight	33,50
	B03	EUR/100 kg net weight	10,00
	039	EUR/100 kg net weight	11,50
0202 10 00 9900	B02	EUR/100 kg net weight	46,00
	B03	EUR/100 kg net weight	14,00
	039	EUR/100 kg net weight	16,00
0202 20 10 9000	B02	EUR/100 kg net weight	46,00
	B03	EUR/100 kg net weight	14,00
	039	EUR/100 kg net weight	16,00
0202 20 30 9000	B02	EUR/100 kg net weight	33,50
	B03	EUR/100 kg net weight	10,00
	039	EUR/100 kg net weight	11,50
0202 20 50 9100	B02	EUR/100 kg net weight	58,50
	B03	EUR/100 kg net weight	17,50
	039	EUR/100 kg net weight	19,50
0202 20 50 9900	B02	EUR/100 kg net weight	33,50
	B03	EUR/100 kg net weight	10,00
	039	EUR/100 kg net weight	11,50
0202 20 90 9100	B02	EUR/100 kg net weight	33,50
	B03	EUR/100 kg net weight	10,00
	039	EUR/100 kg net weight	11,50
0202 30 90 9100	400 (3)	EUR/100 kg net weight	23,50
	404 (4)	EUR/100 kg net weight	23,50
0202 30 90 9200 (6)	B02	EUR/100 kg net weight	46,00
	B03	EUR/100 kg net weight	13,00
	039	EUR/100 kg net weight	15,00
	809, 822	EUR/100 kg net weight	37,00
0206 10 95 9000	B02	EUR/100 kg net weight	46,00
	B03	EUR/100 kg net weight	13,00
	039	EUR/100 kg net weight	15,00
	809, 822	EUR/100 kg net weight	37,00
0206 29 91 9000	B02	EUR/100 kg net weight	46,00
	B03	EUR/100 kg net weight	13,00
	039	EUR/100 kg net weight	15,00
	809, 822	EUR/100 kg net weight	37,00

Product code	Destination	Unit of measurement	Refunds (7)
0210 20 90 9100	039	EUR/100 kg net weight	23,00
1602 50 10 9170 (8)	B02	EUR/100 kg net weight	22,50
	B03	EUR/100 kg net weight	15,00
	039	EUR/100 kg net weight	17,50
1602 50 31 9125 (5)	B00	EUR/100 kg net weight	88,50
1602 50 31 9325 (5)	B00	EUR/100 kg net weight	79,00
1602 50 39 9125 (5)	B00	EUR/100 kg net weight	88,50
1602 50 39 9325 (5)	B00	EUR/100 kg net weight	79,00
1602 50 39 9425 (5)	B00	EUR/100 kg net weight	30,00
1602 50 39 9525 (5)	B00	EUR/100 kg net weight	30,00
1602 50 80 9535 (8)	B00	EUR/100 kg net weight	17,50

(1) Entry under this subheading is subject to the submission of the certificate appearing in the Annex to amended Commission Regulation (EEC) No 32/82.

(2) The refund is granted subject to compliance with the conditions laid down in amended Regulation (EEC) No 1964/82.

(3) Carried out in accordance with amended Regulation (EEC) No 2973/79.

(4) Carried out in accordance with amended Regulation (EC) No 2051/96.

(5) The refund is granted subject to compliance with the conditions laid down in amended Regulation (EEC) No 2388/84.

(6) The lean bovine meat content excluding fat is determined in accordance with the procedure described in the Annex to Commission Regulation (EEC) No 2429/86 (OJ L 210, 1.8.1986, p. 39).

The term 'average content' refers to the sample quantity as defined in Article 2(1) of Regulation (EC) No 765/2002 (OJ L 117, 4.5.2002, p. 6). The sample is to be taken from that part of the consignment presenting the highest risk.

(7) Article 33(10) of amended Regulation (EC) No 1254/1999 provides that no export refunds shall be granted on products imported from third countries and re-exported to third countries.

(8) The refund is granted only on products manufactured under the arrangement provided for in Article 4 of amended Council Regulation (EEC) No 565/80.

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

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

The other destinations are defined as follows:

B00 all destinations (third countries, other territories, victualling and destinations treated as exports from the Community) with the exception of Estonia, Lithuania, Latvia, Hungary, Romania and Slovakia.

B02 B08, B09.

B03 Ceuta, Melilla, Iceland, Norway, Faroe Islands, Andorra, Gibraltar, Vatican City, Poland, Czech Republic, Bulgaria, Albania, Slovenia, Croatia, Bosnia and Herzegovina, Serbia and Montenegro, former Yugoslav Republic of Macedonia, the communes of Livigno and Campione d'Italia, Helgoland, Greenland, Cyprus, stores and provisions (destinations referred to in Articles 36 and 45, and if appropriate in Article 44, of Commission Regulation (EC) No 800/1999, as amended (OJ L 102, 17.4.1999, p. 11)).

B08 Malta, Turkey, Ukraine, Belarus, Moldova, Russia, Georgia, Armenia, Azerbaijan, Kazakhstan, Turkmenistan, Uzbekistan, Tajikistan, Kyrgyzstan, Morocco, Algeria, Tunisia, Libya, Egypt, Lebanon, Syria, Iraq, Iran, Israel, West Bank/Gaza Strip, Jordan, Saudi Arabia, Kuwait, Bahrain, Qatar, United Arab Emirates, Oman, Yemen, Pakistan, Sri Lanka, Myanmar (Burma), Thailand, Vietnam, Indonesia, Philippines, China, North Korea, Hong Kong.

B09 Sudan, Mauritania, Mali, Burkina Faso, Niger, Chad, Cape Verde, Senegal, Gambia, Guinea-Bissau, Guinea, Sierra Leone, Liberia, Côte d'Ivoire, Ghana, Togo, Benin, Nigeria, Cameroon, Central African Republic, Equatorial Guinea, São Tomé and Príncipe, Gabon, Congo, Congo (Democratic Republic), Rwanda, Burundi, Saint Helena and dependencies, Angola, Ethiopia, Eritrea, Djibouti, Somalia, Uganda, Tanzania, Seychelles and dependencies, British Indian Ocean Territory, Mozambique, Mauritius, Comoros, Mayotte, Zambia, Malawi, South Africa, Lesotho.

B11 Lebanon and Egypt.

COMMISSION REGULATION (EC) No 1166/2003

of 30 June 2003

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

Whereas:

(1) Regulation (EC) No 1423/95 stipulates that the cif import price for raw sugar and white sugar, hereinafter known as the 'representative price', should be set in accordance with Commission Regulation (EEC) No 784/68 ⁽⁵⁾, as amended by Regulation (EC) No 260/96 ⁽⁶⁾. That price should be fixed for the standard qualities defined in Annex I, point I and II, to Regulation (EC) No 1260/2001.

(2) When the representative prices are being fixed, the Commission must take account of all available information on offers on the world market, on quotations on the exchanges which are important for world trade in sugar, on prices recorded on important third-country markets, and on sales concluded in international trade of which it has knowledge either directly or through the agency of the Member States. However, pursuant to Regulation (EEC) No 784/68, the Commission must disregard information if the goods concerned are not of sound and fair marketable quality or if the price quoted in an offer relates to a small quantity which is not representative of the market. Offer prices which can be assumed not to be representative of actual market trends must also be disregarded.

(3) If information on sugar of the standard quality is to be comparable, the price increases or reductions fixed pursuant to Article 5(1)(a) of Regulation (EEC) No 784/68 must be added to or deducted from the offers taken into consideration in the case of white sugar. In the case of raw sugar, the corrective factors provided for in Article 5(1)(b) must be applied.

(4) The representative price is modified only if the variation in the elements used to calculate it would entail an increase or a reduction of not less than 1,20 EUR/100 kilograms in relation to the representative price previously fixed.

(5) Where there is a difference between the trigger price for the product in question and the representative price, additional import duties should be fixed under the conditions set out in Article 3 of Regulation (EC) No 1423/95.

(6) It follows from applying these provisions that the representative prices and additional import duties for the products in question should be as set out in the Annex hereto.

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 1 July 2003.

⁽¹⁾ OJ L 178, 30.6.2001, p. 1.

⁽²⁾ OJ L 104, 20.4.2002, p. 26.

⁽³⁾ OJ L 141, 24.6.1995, p. 16.

⁽⁴⁾ OJ L 85, 20.3.1998, p. 5.

⁽⁵⁾ OJ L 145, 27.6.1968, p. 10.

⁽⁶⁾ OJ L 34, 13.2.1996, p. 16.

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

Done at Brussels, 30 June 2003.

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

ANNEX

to the Commission Regulation of 30 June 2003 fixing representative prices and the amounts of additional duties applicable to imports of white sugar, raw sugar and products covered by CN code 1702 90 99

(EUR)

CN code	Amount of representative prices per 100 kg net of product concerned	Amount of additional duty per 100 kg net of product concerned
1701 11 10 ⁽¹⁾	15,31	8,93
1701 11 90 ⁽¹⁾	15,31	15,23
1701 12 10 ⁽¹⁾	15,31	8,70
1701 12 90 ⁽¹⁾	15,31	14,71
1701 91 00 ⁽²⁾	18,39	17,53
1701 99 10 ⁽²⁾	18,39	12,09
1701 99 90 ⁽²⁾	18,39	12,09
1702 90 99 ⁽³⁾	0,18	0,46

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

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

⁽³⁾ By 1 % sucrose content.

**COMMISSION REGULATION (EC) No 1167/2003
of 30 June 2003**

altering the export refunds on white sugar and raw sugar exported in the natural state

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Community,

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

Whereas:

- (1) The refunds on white sugar and raw sugar exported in the natural state were fixed by Commission Regulation (EC) No 1051/2003 ⁽³⁾.
- (2) It follows from applying the detailed rules contained in Regulation (EC) No 1051/2003 to the information known to the Commission that the export refunds at present in force should be altered to the amounts set out in the Annex hereto,

Article 1

The export refunds on the products listed in Article 1(1)(a) of Regulation (EC) No 1260/2001, undenatured and exported in the natural state, as fixed in the Annex to Regulation (EC) No 1051/2003 are hereby altered to the amounts shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 July 2003.

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

Done at Brussels, 30 June 2003.

For the Commission
Franz FISCHLER
Member of the Commission

⁽¹⁾ OJ L 178, 30.6.2001, p. 1.

⁽²⁾ OJ L 104, 20.4.2002, p. 26.

⁽³⁾ OJ L 139, 6.6.2003, p. 20.

ANNEX

REFUNDS ON WHITE SUGAR AND RAW SUGAR EXPORTED WITHOUT FURTHER PROCESSING

Product code	Destination	Unit of measurement	Amount of refund
1701 11 90 9100	S00	EUR/100 kg	43,91 ⁽¹⁾
1701 11 90 9910	S00	EUR/100 kg	43,91 ⁽¹⁾
1701 12 90 9100	S00	EUR/100 kg	43,91 ⁽¹⁾
1701 12 90 9910	S00	EUR/100 kg	43,91 ⁽¹⁾
1701 91 00 9000	S00	EUR/1 % of sucrose × 100 kg product net	0,4773
1701 99 10 9100	S00	EUR/100 kg	47,73
1701 99 10 9910	S00	EUR/100 kg	47,73
1701 99 10 9950	S00	EUR/100 kg	47,73
1701 99 90 9100	S00	EUR/1 % of sucrose × 100 kg of net product	0,4773

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

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

The other destinations are:

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

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

**COMMISSION REGULATION (EC) No 1168/2003
of 30 June 2003**

fixing the export refunds on syrups and certain other sugar products exported in the natural state

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

- (1) Article 27 of Regulation (EC) No 1260/2001 provides that the difference between quotations or prices on the world market for the products listed in Article 1(1)(d) of that Regulation and prices for those products within the Community may be covered by an export refund.
- (2) Article 3 of Commission Regulation (EC) No 2135/95 of 7 September 1995 laying down detailed rules of application for the grant of export refunds in the sugar sector ⁽³⁾, provides that the export refund on 100 kilograms of the products listed in Article 1(1)(d) of Regulation (EC) No 1260/2001 is equal to the basic amount multiplied by the sucrose content, including, where appropriate, other sugars expressed as sucrose; the sucrose content of the product in question is determined in accordance with Article 3 of Commission Regulation (EC) No 2135/95.
- (3) Article 30(3) of Regulation (EC) No 1260/2001 provides that the basic amount of the refund on sorbose exported in the natural state must be equal to the basic amount of the refund less one hundredth of the production refund applicable, pursuant to Commission Regulation (EC) No 1265/2001 of 27 June 2001 laying down detailed rules for the application of Council Regulation (EC) No 1260/2001 as regards granting the production refund on certain sugar products used in the chemical industry ⁽⁴⁾ to the products listed in the Annex to the last mentioned Regulation;
- (4) According to the terms of Article 30(1) of Regulation (EC) No 1260/2001, the basic amount of the refund on the other products listed in Article 1(1)(d) of the said Regulation exported in the natural state must be equal to one-hundredth of an amount which takes account, on

the one hand, of the difference between the intervention price for white sugar for the Community areas without deficit for the month for which the basic amount is fixed and quotations or prices for white sugar on the world market and, on the other, of the need to establish a balance between the use of Community basic products in the manufacture of processed goods for export to third countries and the use of third country products brought in under inward-processing arrangements.

- (5) According to the terms of Article 30(4) of Regulation (EC) No 1260/2001, the application of the basic amount may be limited to some of the products listed in Article 1(1)(d) of the said Regulation.
- (6) Article 27 of Regulation (EC) No 1260/2001 makes provision for setting refunds for export in the natural state of products referred to in Article 1(1)(f) and (g) and (h) of that Regulation; the refund must be fixed per 100 kilograms of dry matter, taking account of the export refund for products falling within CN code 1702 30 91 and for products referred to in Article 1(1)(d) of Regulation (EC) No 1260/2001 and of the economic aspects of the intended exports; in the case of the products referred to in the said Article 1(1)(f) and (g), the refund is to be granted only for products complying with the conditions in Article 5 of Regulation (EC) No 2135/95; for the products referred to in Article 1(1)(h), the refund shall be granted only for products complying with the conditions in Article 6 of Regulation (EC) No 2135/95.
- (7) The abovementioned refunds must be fixed every month; they may be altered in the intervening period.
- (8) The first subparagraph of Article 27(5) of Regulation (EC) No 1260/2001 provides that refunds on the products referred to in Article 1 of that Regulation may vary according to destination, where the world market situation or the specific requirements of certain markets make this necessary.
- (9) The significant and rapid increase in preferential imports of sugar from the western Balkan countries since the start of 2001 and in exports of sugar to those countries from the Community seems to be highly artificial in nature.

⁽¹⁾ OJ L 178, 30.6.2001, p. 1.

⁽²⁾ OJ L 104, 20.4.2002, p. 26.

⁽³⁾ OJ L 214, 8.9.1995, p. 16.

⁽⁴⁾ OJ L 178, 30.6.2001, p. 63.

- (10) In order to prevent any abuses associated with the reimportation into the Community of sugar sector products that have qualified for export refunds, refunds for the products covered by this Regulation should not be fixed for all the countries of the western Balkans.
- (11) In view of the above, refunds for the products in question should be fixed at the appropriate amounts.
- (12) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Sugar,

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1(1)(d)(f)(g) and (h) of Regulation (EC) No 1260/2001, exported in the natural state, shall be set out in the Annex hereto to this Regulation.

Article 2

This Regulation shall enter into force on 1 July 2003.

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

Done at Brussels, 30 June 2003.

For the Commission
Franz FISCHLER
Member of the Commission

ANNEX

EXPORT REFUNDS ON SYRUPS AND CERTAIN OTHER SUGAR PRODUCTS EXPORTED WITHOUT FURTHER PROCESSING

Product code	Destination	Unit of measurement	Amount of refund
1702 40 10 9100	S00	EUR/100 kg dry matter	47,73 ⁽¹⁾
1702 60 10 9000	S00	EUR/100 kg dry matter	47,73 ⁽¹⁾
1702 60 80 9100	S00	EUR/100 kg dry matter	90,69 ⁽²⁾
1702 60 95 9000	S00	EUR/1 % sucrose × net 100 kg of product	0,4773 ⁽³⁾
1702 90 30 9000	S00	EUR/100 kg dry matter	47,73 ⁽¹⁾
1702 90 60 9000	S00	EUR/1 % sucrose × net 100 kg of product	0,4773 ⁽³⁾
1702 90 71 9000	S00	EUR/1 % sucrose × net 100 kg of product	0,4773 ⁽³⁾
1702 90 99 9900	S00	EUR/1 % sucrose × net 100 kg of product	0,4773 ⁽³⁾ ⁽⁴⁾
2106 90 30 9000	S00	EUR/100 kg dry matter	47,73 ⁽¹⁾
2106 90 59 9000	S00	EUR/1 % sucrose × net 100 kg of product	0,4773 ⁽³⁾

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

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

The other destinations are defined as follows:

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

⁽¹⁾ Applicable only to products referred to in Article 5 of Regulation (EC) No 2135/95.

⁽²⁾ Applicable only to products referred to in Article 6 of Regulation (EC) No 2135/95.

⁽³⁾ The basic amount is not applicable to syrups which are less than 85 % pure (Regulation (EC) No 2135/95). Sucrose content is determined in accordance with Article 3 of Regulation (EC) No 2135/95.

⁽⁴⁾ The basic amount is not applicable to the product defined under point 2 of the Annex to Commission Regulation (EEC) No 3513/92 (OJ L 355, 5.12.1992, p. 12).

COMMISSION REGULATION (EC) No 1169/2003
of 30 June 2003
fixing the production refund on white sugar used in the chemical industry

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1260/2001 of 19 June 2001 on the common organisation of the markets in the sugar sector ⁽¹⁾, as amended by Commission Regulation (EC) No 680/2002 ⁽²⁾, and in particular Article 7(5) thereof,

Whereas:

- (1) Pursuant to Article 7(3) of Regulation (EC) No 1260/2001, production refunds may be granted on the products listed in Article 1(1)(a) and (f) of that Regulation, on syrups listed in Article 1(1)(d) thereof and on chemically pure fructose covered by CN code 1702 50 00 as an intermediate product, that are in one of the situations referred to in Article 23(2) of the Treaty and are used in the manufacture of certain products of the chemical industry.
- (2) Commission Regulation (EC) No 1265/2001 of 27 June 2001 laying down detailed rules for the application of Council Regulation (EC) No 1260/2001 as regards granting the production refund on certain sugar products used in the chemical industry ⁽³⁾ lays down the rules for determining the production refunds and specifies the chemical products the basic products used in the manufacture of which attract a production refund. Articles 5, 6 and 7 of Regulation (EC) No 1265/2001 provide that the production refund applying to raw sugar, sucrose syrups and unprocessed isoglucose is to be derived from the refund fixed for white sugar in accordance with a method of calculation specific to each basic product.
- (3) Article 9 of Regulation (EC) No 1265/2001 provides that the production refund on white sugar is to be fixed at monthly intervals commencing on the first day of

each month. It may be adjusted in the intervening period where there is a significant change in the prices for sugar on the Community and/or world markets. The application of those provisions results in the production refund fixed in Article 1 of this Regulation for the period shown.

- (4) As a result of the amendment to the definition of white sugar and raw sugar in Article 1(2)(a) and (b) of Regulation (EC) No 1260/2001, flavoured or coloured sugars or sugars containing any other added substances are no longer deemed to meet those definitions and should thus be regarded as 'other sugar'. However, in accordance with Article 1 of Regulation (EC) No 1265/2001, they attract the production refund as basic products. A method should accordingly be laid down for calculating the production refund on these products by reference to their sucrose content.
- (5) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Sugar,

HAS ADOPTED THIS REGULATION:

Article 1

The production refund on white sugar referred to in Article 4 of Regulation (EC) No 1265/2001 shall be equal to 44,398 EUR/100 kg net.

Article 2

This Regulation shall enter into force on 1 July 2003.

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

Done at Brussels, 30 June 2003.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 178, 30.6.2001, p. 1.

⁽²⁾ OJ L 104, 20.4.2002, p. 26.

⁽³⁾ OJ L 178, 30.6.2001, p. 63.

COMMISSION REGULATION (EC) No 1170/2003
of 30 July 2003
determining the world market price for unginning cotton

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Protocol 4 on cotton, annexed to the Act of Accession of Greece, as last amended by Council Regulation (EC) No 1050/2001 ⁽¹⁾,

Having regard to Council Regulation (EC) No 1051/2001 of 22 May 2001 on production aid for cotton ⁽²⁾, and in particular Article 4 thereof,

Whereas:

- (1) In accordance with Article 4 of Regulation (EC) No 1051/2001, a world market price for unginning cotton is to be determined periodically from the price for ginned cotton recorded on the world market and by reference to the historical relationship between the price recorded for ginned cotton and that calculated for unginning cotton. That historical relationship has been established in Article 2(2) of Commission Regulation (EC) No 1591/2001 of 2 August 2001 ⁽³⁾, as amended by Regulation (EC) No 1486/2002 ⁽⁴⁾. Where the world market price cannot be determined in this way, it is to be based on the most recent price determined.
- (2) In accordance with Article 5 of Regulation (EC) No 1051/2001, the world market price for unginning cotton is to be determined in respect of a product of specific characteristics and by reference to the most favourable

offers and quotations on the world market among those considered representative of the real market trend. To that end, an average is to be calculated of offers and quotations recorded on one or more European exchanges for a product delivered cif to a port in the Community and coming from the various supplier countries considered the most representative in terms of international trade. However, there is provision for adjusting the criteria for determining the world market price for ginned cotton to reflect differences justified by the quality of the product delivered and the offers and quotations concerned. Those adjustments are specified in Article 3(2) of Regulation (EC) No 1591/2001.

- (3) The application of the above criteria gives the world market price for unginning cotton determined hereinafter,

HAS ADOPTED THIS REGULATION:

Article 1

The world price for unginning cotton as referred to in Article 4 of Regulation (EC) No 1051/2001 is hereby determined as equalling EUR 27,946/100 kg.

Article 2

This Regulation shall enter into force on 1 July 2003.

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

Done at Brussels, 30 July 2003.

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

⁽¹⁾ OJ L 148, 1.6.2001, p. 1.

⁽²⁾ OJ L 148, 1.6.2001, p. 3.

⁽³⁾ OJ L 210, 3.8.2001, p. 10.

⁽⁴⁾ OJ L 223, 20.8.2002, p. 3.

COMMISSION REGULATION (EC) No 1171/2003
of 30 June 2003
fixing the import duties in the rice sector

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⁾,

Having regard to Commission Regulation (EC) No 1503/96 of 29 July 1996 laying down detailed rules for the application of Council Regulation (EC) No 3072/95 as regards import duties in the rice sector ⁽³⁾, as last amended by Regulation (EC) No 1298/2002 ⁽⁴⁾, and in particular Article 4(1) thereof,

Whereas:

- (1) Article 11 of Regulation (EC) No 3072/95 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 a certain percentage according to whether it is husked or milled rice, minus the cif import price provided that duty does not exceed the rate of the Common Customs Tariff duties.
- (2) Pursuant to Article 12(3) of Regulation (EC) No 3072/95, the cif import prices are calculated on the basis of the representative prices for the product in question on the world market or on the Community import market for the product.
- (3) Regulation (EC) No 1503/96 lays down detailed rules for the application of Regulation (EC) No 3072/95 as regards import duties in the rice 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 from the source referred to in Article 5 of Regulation (EC) No 1503/96 during the two weeks preceding the next periodical fixing.
- (5) In order to allow the import duty system to function normally, the market rates recorded during a reference period should be used for calculating the duties.
- (6) Application of the second subparagraph of Article 4(1) of Regulation (EC) No 1503/96 results in an adjustment of the import duties that have been fixed as from 15 May 2003 by Commission Regulation (EC) No 832/2003 ⁽⁵⁾ as set out in the Annexes to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The import duties in the rice sector referred to in Article 11(1) and (2) of Regulation (EC) No 3072/95 shall be adjusted in compliance with Article 4 of Regulation (EC) No 1503/96 and 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 1 July 2003.

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

Done at Brussels, 30 June 2003.

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

⁽¹⁾ OJ L 329, 30.12.1995, p. 18.

⁽²⁾ OJ L 62, 5.3.2002, p. 27.

⁽³⁾ OJ L 189, 30.7.1996, p. 71.

⁽⁴⁾ OJ L 189, 18.7.2002, p. 8.

⁽⁵⁾ OJ L 120, 15.5.2003, p. 15.

ANNEX I

Import duties on rice and broken rice

(EUR/t)

CN code	Duties ^(?)				
	Third countries (except ACP and Bangla- desh) ^(?)	ACP ⁽¹⁾ ^(?) ^(?)	Bangladesh ⁽⁴⁾	Basmati India and Pakistan ⁽⁶⁾	Egypt ⁽⁸⁾
1006 10 21	(?)	69,51	101,16		158,25
1006 10 23	(?)	69,51	101,16		158,25
1006 10 25	(?)	69,51	101,16		158,25
1006 10 27	(?)	69,51	101,16		158,25
1006 10 92	(?)	69,51	101,16		158,25
1006 10 94	(?)	69,51	101,16		158,25
1006 10 96	(?)	69,51	101,16		158,25
1006 10 98	(?)	69,51	101,16		158,25
1006 20 11	264,00	88,06	127,66		198,00
1006 20 13	264,00	88,06	127,66		198,00
1006 20 15	264,00	88,06	127,66		198,00
1006 20 17	264,00	88,06	127,66	14,00	198,00
1006 20 92	264,00	88,06	127,66		198,00
1006 20 94	264,00	88,06	127,66		198,00
1006 20 96	264,00	88,06	127,66		198,00
1006 20 98	264,00	88,06	127,66	14,00	198,00
1006 30 21	(?)	133,21	193,09		312,00
1006 30 23	(?)	133,21	193,09		312,00
1006 30 25	(?)	133,21	193,09		312,00
1006 30 27	(?)	133,21	193,09		312,00
1006 30 42	(?)	133,21	193,09		312,00
1006 30 44	(?)	133,21	193,09		312,00
1006 30 46	(?)	133,21	193,09		312,00
1006 30 48	(?)	133,21	193,09		312,00
1006 30 61	(?)	133,21	193,09		312,00
1006 30 63	(?)	133,21	193,09		312,00
1006 30 65	(?)	133,21	193,09		312,00
1006 30 67	(?)	133,21	193,09		312,00
1006 30 92	(?)	133,21	193,09		312,00
1006 30 94	(?)	133,21	193,09		312,00
1006 30 96	(?)	133,21	193,09		312,00
1006 30 98	(?)	133,21	193,09		312,00
1006 40 00	(?)	41,18	(?)		96,00

⁽¹⁾ The duty on imports of rice originating in the ACP States is applicable, under the arrangements laid down in Council Regulation (EC) No 2286/2002 (OJ L 345, 10.12.2002, p. 5) and amended Commission Regulation (EC) No 638/2003 (OJ L 93, 9.4.2003, p. 3).

⁽²⁾ In accordance with Regulation (EC) No 1706/98, the duties are not applied to products originating in the African, Caribbean and Pacific States and imported directly into the overseas department of Réunion.

⁽³⁾ The import levy on rice entering the overseas department of Réunion is specified in Article 11(3) of Regulation (EC) No 3072/95.

⁽⁴⁾ The duty on imports of rice not including broken rice (CN code 1006 40 00), originating in Bangladesh is applicable under the arrangements laid down in Council Regulation (EEC) No 3491/90 (OJ L 337, 4.12.1990, p. 1) and amended Commission Regulation (EEC) No 862/91 (OJ L 88, 9.4.1991, p. 7).

⁽⁵⁾ No import duty applies to products originating in the OCT pursuant to Article 101(1) of amended Council Decision 91/482/EEC (OJ L 263, 19.9.1991, p. 1).

⁽⁶⁾ For husked rice of the Basmati variety originating in India and Pakistan, a reduction of EUR/t 250 applies (Article 4a of amended Regulation (EC) No 1503/96).

⁽⁷⁾ Duties fixed in the Common Customs Tariff.

⁽⁸⁾ The duty on imports of rice originating in and coming from Egypt is applicable under the arrangements laid down in Council Regulation (EC) No 2184/96 (OJ L 292, 15.11.1996, p. 1) and Commission Regulation (EC) No 196/97 (OJ L 31, 1.2.1997, p. 53).

ANNEX II

Calculation of import duties for rice

	Paddy	Indica rice		Japonica rice		Broken rice
		Husked	Milled	Husked	Milled	
1. Import duty (EUR/tonne)	(¹)	264,00	416,00	264,00	416,00	(¹)
2. Elements of calculation:						
(a) Arag cif price (EUR/tonne)	—	236,17	213,37	289,89	327,13	—
(b) fob price (EUR/tonne)	—	—	—	263,64	300,88	—
(c) Sea freight (EUR/tonne)	—	—	—	26,25	26,25	—
(d) Source	—	USDA and operators	USDA and operators	Operators	Operators	—

(¹) Duties fixed in the Common Customs Tariff.

COMMISSION REGULATION (EC) No 1172/2003
of 30 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 1 July 2003.

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

Done at Brussels, 30 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	0,00
1001 90 91	Common wheat seed	0,00
ex 1001 90 99	Common high quality wheat other than for sowing	0,00
1002 00 00	Rye	28,96
1005 10 90	Maize seed other than hybrid	55,55
1005 90 00	Maize other than seed ⁽²⁾	55,55
1007 00 90	Grain sorghum other than hybrids for sowing	39,05

⁽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⁾ 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 16 June 2003 to 27 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)	125,22 (****)	81,28	162,89 (***)	152,89 (***)	132,89 (***)	101,46 (***)
Gulf premium (EUR/t)	—	13,93	—	—	—	—
Great Lakes premium (EUR/t)	21,80	—	—	—	—	—

(*) 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 Duluth.

(****) Premium of 14 EUR/t incorporated (Article 4(3) of Regulation (EC) No 1249/96).

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

Freight/cost: Gulf of Mexico–Rotterdam: 16,37 EUR/t; Great Lakes–Rotterdam: 26,61 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).

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 30 June 2003

establishing transitional measures for the control on the movement of animals of susceptible species with regard to foot-and-mouth disease

(Text with EEA relevance)

(2003/483/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

(1) Commission Decision 2001/327/EC of 24 April 2001 concerning restrictions to the movement of animals of susceptible species with regard to foot-and-mouth and repealing Decision 2001/263/EC ⁽³⁾, as last amended by Decision 2002/1004/EC ⁽⁴⁾, is applicable until 30 June 2003.

(2) The Commission has submitted a proposal for the amendment of Council Directive 91/68/EEC of 28 January 1991 on animal health conditions governing intra-community trade in ovine and caprine animals ⁽⁵⁾, as last amended by Regulation (EC) No 806/2003 ⁽⁶⁾. This proposal has been adopted by the Council in June 2003 and the amended provisions are to be applicable not earlier than 1 July 2004.

(3) The welfare conditions for transport of animals within the Community are laid down in Council Directive 91/628/EEC of 19 November 1991 on the protection of animals during transport and amending Directives 90/425/EEC and 91/496/EEC ⁽⁷⁾, as last amended by Regulation (EC) No 806/2003.

(4) Certain provisions of Council Regulation (EC) No 1255/97 of 25 June 1997 concerning Community criteria for staging points and amending the route plan referred to in the Annex to Directive 91/628/EEC ⁽⁸⁾, as amended by Regulation (EC) No 1040/2003 ⁽⁹⁾, are to be applicable not earlier than 1 July 2004.

(5) Commission Decision 93/444/EEC of 2 July 1993 on detailed rules governing intra-Community trade in certain live animals and products intended for exportation to third countries ⁽¹⁰⁾ requires that Member States ensure that such animals are accompanied by a veterinary certificate for animals for slaughter of the species concerned.

(6) In the interests of consistency of Community legislation, it is appropriate that certain definitions set out in Council Directive 64/432/EEC of 26 June 1964 on animal health problems affecting intra-Community trade in bovine animals and swine ⁽¹¹⁾, as last amended by Commission Regulation (EC) No 1226/2002 ⁽¹²⁾, and Council Directive 91/628/EEC are applied in this Decision.

⁽¹⁾ OJ L 224, 18.8.1990, p. 29.⁽²⁾ OJ L 315, 19.11.2002, p. 14.⁽³⁾ OJ L 115, 25.4.2001, p. 12.⁽⁴⁾ OJ L 349, 24.12.2002, p. 108.⁽⁵⁾ OJ L 46, 19.2.1991, p. 19.⁽⁶⁾ OJ L 122, 16.5.2003, p. 7.⁽⁷⁾ OJ L 340, 11.12.1991, p. 17.⁽⁸⁾ OJ L 174, 2.7.1997, p. 1.⁽⁹⁾ OJ L 151, 19.6.2003, p. 21.⁽¹⁰⁾ OJ L 208, 19.8.1993, p. 21.⁽¹¹⁾ OJ L 121, 29.7.1964, p. 1977/64.⁽¹²⁾ OJ L 179, 9.7.2002, p. 13.

- (7) It is necessary to provide transitional measures for the control on the movement of ovine and caprine animals and the use of staging points until the amendments to be made to Council Directive 91/68/EC and Council Regulation (EC) No 1255/97 are applied by Member States.
- (8) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS DECISION:

SECTION 1

SUBJECT MATTER, SCOPE AND DEFINITIONS

Article 1

Subject matter and scope

- The purpose of this act is to lay down transitional measures to reinforce the control on the movement of animals of species susceptible to foot-and-mouth disease.
- This Decision shall apply without prejudice to Directives 64/432/EEC, 91/68/EEC and 91/628/EEC, Decision 93/444/EEC and Regulation (EC) No 1255/97.

Article 2

Definitions

- For the purpose of this Decision, the following definitions shall apply:
 - the definition of approved 'assembly centre' in Article 2(2)(o) of Directive 64/432/EEC;
 - the definition of approved 'dealer' in Article 2(2)(q) of Directive 64/432/EEC;
 - the definition of 'staging point' in Article 2(2)(c) of Directive 91/628/EEC.
- The following definitions shall also apply:
 - 'assembly centre' means premises on which animals originating from different holdings are grouped together to form consignments for national movement;
 - 'holding of origin' means any premises on which the animals have undergone the residence period in accordance with this Decision;
 - 'residence period' means the uninterrupted physical presence on the holding of origin for a period laid down in this Decision, or since birth in the case of animals younger than the residence period, including any necessary and auditable record of such presence as required by Community legislation;

- (d) 'standstill' means a period of the residency period during which no biungulate animal has been introduced onto the holding under conditions less strict than those laid down in this Decision.

SECTION 2

REINFORCEMENT OF CONTROLS ON THE MOVEMENT OF SHEEP AND GOATS

Article 3

Conditions for dispatch of ovine and caprine animals for breeding, fattening and slaughter

- Ovine and caprine animals for breeding, fattening and slaughter shall not be dispatched to another Member State, unless
 - they have been continuously resident on the holding of origin for at least 30 days, or since birth, if the animals are younger than 30 days of age;
 - they come from a holding into which no ovine or caprine animals have been introduced during a period of 21 days prior to the date of dispatch;
 - they come from a holding into which no biungulate animals imported from a third country have been introduced during a period of 30 days prior to the date of dispatch.
- By way of derogation from paragraph 1(b) and (c), Member States may authorise the dispatch to another Member State, if the introduced animals referred to in those points have been completely isolated from all animals on the holding.

Article 4

Conditions for the dispatch of ovine and caprine animals for breeding, fattening and slaughter

- Ovine and caprine animals for breeding, fattening and slaughter shall not be outside their holding of origin for more than six days before being last certified for trade to the final destination in another Member State as indicated in the health certificate.

In the case of transport by sea, the time limit of six days shall be prolonged by the time of the sea journey.

- After leaving the holding of origin the animals referred to in paragraph 1 shall be consigned directly to the final destination in another Member State.

- By way of derogation from paragraph 2, the animals referred to in paragraph 1 may, after leaving the holding of origin and before arrival at the final destination in another Member State, transit through only one approved assembly centre, or in the case of animals for slaughter approved dealers' premises, which must be situated in the Member State of origin.

In order to be approved for trade in ovine and caprine animals the approved assembly centre must meet the requirements in Article 11, except paragraph 1(e) first sentence, of Directive 64/432/EEC.

4. The animals referred to in paragraph 1 shall at no time, between leaving the holding of origin and their arrival at the final destination

- (a) come into contact with cloven-hoofed animals other than those that have at least the same health status;
- (b) compromise the health status of cloven-hoofed animals not intended for trade.

5. Ovine and caprine animals for slaughter shall be taken directly to a slaughterhouse in the Member State of destination, where they must be slaughtered as soon as possible but at least within 72 hours of arrival.

Article 5

Derogations

1. By way of derogation from Article 3(1)(a) ovine and caprine animals for slaughter may be subject to trade after a residence period of only 21 days.

2. By way of derogation from Article 3(1)(b) and (c), and without prejudice to paragraph 1, ovine and caprine animals for slaughter may be consigned without completing the standstill from the holding of origin directly to a slaughterhouse in another Member State for immediate slaughter without undergoing any assembly operation or passing through a staging point.

3. By way of derogation from Article 4(2) and (3), and without prejudice to Article 4(1), ovine and caprine animals for slaughter may, after leaving the holding of origin, pass through one additional assembly centre under the following alternative conditions:

- (a) either the animals, before passing through the approved assembly centre referred to in Article 4(3), undergo one additional assembly operation in the Member State of origin under the following conditions:
 - (i) after leaving the holding of origin the animals pass through one single assembly centre under official veterinary supervision, which permits at the same time only animals of at least the same health status, and
 - (ii) without prejudice to Community legislation on identification of sheep and goats, at the latest on that assembly centre the animals are individually identified so as to enable in each case the tracing of the holding of origin, and

- (iii) from the assembly centre the animals are, accompanied by an official document, transported to the approved assembly centre situated in the Member State of origin referred to in Article 4(3) to be certified and consigned directly to a slaughterhouse in the Member State of destination;

or

- (b) the animals may, after dispatch from the Member State of origin, transit through one additional assembly centre before being consigned to the slaughterhouse in the Member State of destination under the following conditions:
 - (i) either the additional approved assembly centre is situated in the Member State of destination from where the animals must be removed under the responsibility of the official veterinarian directly to a slaughterhouse to be slaughtered within five days of arrival at the assembly centre, or
 - (ii) the additional approved assembly centre is situated in one Member State of transit from where the animals are consigned directly to the slaughterhouse in the Member State of destination indicated in the animal health certificate.

4. The central competent authorities of two neighbouring Member States may grant each other general or limited licences to introduce ovine and caprine animals for slaughter not complying with the conditions in paragraphs 1 to 3 or in Article 3(1)(a) and (b), provided such animals are transported under conditions at least as strict as the following:

- (a) the animals originate in and come from holdings situated on the territory of a Member State which is recognised as officially free of ovine and caprine brucellosis in accordance with Section II of Chapter 1 in Annex A to Directive 91/68/EEC, and has not reported cases of rabies or anthrax for the past 30 days prior to loading, and
- (b) the animals are individually identified so as to enable in each case the tracing of the holding of origin when inspected for certification by the official veterinarian at the approved assembly centre situated in the Member State of origin, and
- (c) the animals are transported on road in accordance with paragraph 2 in point 48 of Chapter VII in the Annex to Directive 91/628/EEC directly to the slaughterhouse of destination for immediate slaughter without coming into contact with other cloven-hoofed animals and without transiting a third Member State, and

(d) the number of the licence referred to in the introductory sentence of this paragraph is stated in the animal health certificate accompanying the animals to destination.

Article 6

Certification conditions for ovine and caprine animals for intra-Community trade

1. Ovine and caprine animals for intra-Community trade shall be inspected by an official veterinarian within 24 hours of loading.

2. The health inspection for the issuing of the health certificate, including additional guarantees, for a consignment of animals referred to in paragraph 1 shall be carried out in the holding of origin or in an assembly centre or in an approved dealer's premises.

3. The animals shall be accompanied by an animal health certificate in accordance with the appropriate model provided for in Annex E to Directive 91/68/EC which in addition shall bear the following words:

'Animals in accordance with Commission Decision 2003/483/EC'

4. For ovine and caprine animals for slaughter passing through an approved assembly centre in accordance with Article 5(3)(b)(ii), the official veterinarian responsible for the approved assembly centre in the Member State of transit shall provide certification to the Member State of destination by issuing a second health certificate conforming to Model I set out in Annex E to Directive 91/68/EEC, completing it with the requested data from the original health certificate(s) and attaching to it an officially endorsed copy thereof. In this case the combined validity of the certificates shall not exceed 10 days.

5. The transport of animals referred to in paragraph 1 shall be notified in advance by the competent veterinary authorities of the place of departure to the central competent veterinary authorities in the Member State of destination and any Member State of transit. The notification shall be sent not later than the day of departure of the transport.

SECTION 3

REINFORCEMENT OF CONTROLS ON THE MOVEMENT OF ANIMALS SUSCEPTIBLE TO FOOT-AND-MOUTH DISEASE THROUGH STAGING POINTS

Article 7

Movement of animals through staging points

1. Animals of species susceptible to foot-and-mouth disease certified for intra-Community trade shall not be moved through staging points approved in accordance with Regulation (EC) No 1255/97.

2. By way of derogation from paragraph 1, the movement through staging points may be authorised for intra-Community trade in animals of the bovine and porcine species complying with the conditions set out in Directive 64/432/EEC, including any additional guarantees, provided that in the case of animals for slaughter the completion of a residence period of at least 21 days on a single holding before being dispatched from that holding either directly or transiting through one single approved assembly centre, is supported by the following additional certification:

'Animals in accordance with Commission Decision 2003/483/EC'

3. By way of derogation from paragraph 1, the movement through staging points may be authorised for intra-Community trade in ovine and caprine animals complying with the additional conditions set out in Article 3, or in the case of animals for slaughter with the additional conditions set out in Article 4(3) and Article 5(1).

4. By way of derogation from paragraphs 1 and 2, bovine and porcine animals accompanied by animal health certificates for animals for slaughter in accordance with Article 2(1) of Decision 93/444/EEC and Directive 64/432/EEC, may on their way to a third country transit a staging point.

5. By way of derogation from paragraph 1, animals imported in accordance with the relevant Community legislation may on their way to destination transit a staging point.

Article 8

Conditions to be met when animals are moved through staging points

1. Where animals of species susceptible to foot-and-mouth disease are moved through a staging point the conditions set out in paragraphs 2, 3 and 4 shall be met prior to departure of the transport.

2. The consignor must provide evidence and declare in writing to the certifying veterinary authorities that suitable arrangements have been made to ensure that the staging point situated within the Community receives at the same time only animals of the same species and category and of the same certified health status, including any additional guarantees provided for by Community legislation in respect of the species concerned.

3. The route plan must be supplemented by the declaration of the consignor referred to in paragraph 2.

4. The notification of the staging point indicated in the route plan accompanying the consignment must be sent within 24 hours of departure of the transport by the certifying veterinary authorities to the central veterinary authorities in the Member State of destination and any Member State of transit.

*Article 9***Conditions to be met by staging points**

1. By way of derogation to Article 4(1) of Regulation (EC) No 1255/97, Member States may approve as staging points the entire premises of approved assembly centres provided that such premises comply with Regulation (EC) No 1255/97 and this Decision during the entire period of operation as staging points.
2. Animals may be present at the same time at a staging point only, if they are of the same health status, including all additional guaranties provided for in the respective Community legislation, and belong to the category and species of animals for which the staging point is approved.
3. The operator of the staging point shall notify to the competent authority within one working day after departure of a consignment the information set out in point C. 7 of Annex I to Regulation (EC) No 1255/97.
4. The staging point shall, before accepting animals:
 - (a) have started the cleansing and disinfection operations not later than 24 hours after the departure of all animals previously held, and
 - (b) have remained cleared of animals until the cleansing and disinfection operation is completed to the satisfaction of the official veterinarian.

SECTION 4

FINAL PROVISIONS*Article 10***Transposition**

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

*Article 11***Entry into force and applicability**

This Decision shall apply as from 1 July 2003 until 30 June 2004.

*Article 12***Addressees**

This Decision is addressed to the Member States.

Done at Brussels, 30 June 2003.

For the Commission

David BYRNE

Member of the Commission

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

COUNCIL DECISION 2003/484/CFSP
of 27 June 2003
implementing Common Position 2003/280/CFSP in support of the effective implementation of the
mandate of the International Criminal Tribunal of the former Yugoslavia (ICTY)

THE COUNCIL OF THE EUROPEAN UNION,

HAS DECIDED AS FOLLOWS:

Having regard to Council Common Position 2003/280/CFSP of 16 April 2003 in support of the effective implementation of the mandate of the ICTY ⁽¹⁾, and in particular Article 2 thereof, in conjunction with Article 23(2) of the Treaty on European Union,

Whereas:

- (1) By Common Position 2003/280/CFSP the Council adopted measures to prevent the entry into, or transit through, the territories of Member States of individuals who are engaged in activities which help persons at large continue to evade justice for crimes for which the ICTY has indicted them.
- (2) Following recommendations from the office of the High Representative for Bosnia and Herzegovina, further individuals should be targeted by those measures,

Article 1

The list of persons set out in the Annex to Common Position 2003/280/CFSP is hereby replaced by the list set out in the Annex to this Decision.

Article 2

This Decision shall take effect on the date of its adoption.

Article 3

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

Done at Brussels, 27 June 2003.

For the Council
The President
G. PAPANDREOU

⁽¹⁾ OJ L 101, 23.4.2003, p. 22.

ANNEX

List of persons referred to in Article 1

1. BJELICA, Milovan
Date of birth/Place of birth: 19.10.1958, Rogatica, Bosnia and Herzegovina, SFRY
Passport No: 0000148 issued 26.7.1998 in Srpsko Sarajevo
National ID No: 1910958130007
Aliases: Cicko
Address:
2. ECIM, Ljuban
Date of birth/Place of birth: 6/1/1964, Sviljanac, Bosnia and Herzegovina, SFRY.
Passport No: 0144290 issued 21/11/1998 in Banja Luka. Date of expiry 21/11/2003.
ID: 601964100083
Aliases:
Address: Ulica Stevana Mokranjca 26, Banja Luka, BiH
3. KARADZIC, Aleksandar
Date of birth/Place of birth: 14.5.1973, Sarajevo Centar, Bosnia and Herzegovina, SFRY
Passport No: 0036395. Expired 12.10.1998
Aliases: Sasa
Address:
4. KARADZIC, Ljilana (maiden name: ZELEN)
Date of birth/Place of birth: 27.11.1945, Sarajevo Centar, Bosnia and Herzegovina, SFRY
Daughter of Vojo and Anka
Passport No/ID No:
Aliases:
Address:
5. KOJIC, Radomir
Date of birth/Place of birth: 23.11.1950, Bijela Voda, Sokolac Canton, Bosnia and Herzegovina, SFRY
Son of Milanko and Zlatana
Passport No: 3943074 issued on 27.9.2002 in Sarajevo
Aliases: Mineur
Address:
6. KOVAC, Tomislav
Date of birth/Place of birth: 4.12.1959, Sarajevo, Bosnia and Herzegovina, SFRY
Son of Vaso
ID No: 412959171315
Aliases: Tomo
Address: Bijela, Montenegro; and Pale, Bosnia and Herzegovina
7. KRASIC, Petar
Date of birth/Place of birth:
Passport No/ID No:
Aliases:
Address:

8. KUJUNDZIC, Pedrag
Date of birth/Place of birth: 30.1.1961, Suho Pole, Dobo, Bosnia and Herzegovina, SFRY
Son of Vasilija
ID No: 30011961120044
Aliases:
Address: Dobo, Bosnia and Herzegovina
 9. LUKOVIC, Milorad Ulemek
Date of birth/Place of birth: 15.5.1968, Belgrade, Serbia, SFRY
Passport No/ID No:
Aliases: Legija (Forged ID as IVANIC, Zeljko)
Address: on the run
 10. MANDIC, Momcilo
Date of birth/Place of birth: 1.5.1954, Kalinovik, Bosnia and Herzegovina, SFRY
Passport No 0121391 issued 12.5.1999 in Srpsko Sarajevo, Bosnia and Herzegovina
National ID No: JMB 0105954171511
Aliases: Momo
Address:
 11. RATIC, Branko
Date of birth/Place of birth: 26.11.1957, MIHALJEVCI SL POZEGA, Bosnia and Herzegovina, SFRY
Passport No: 0442022 issued 17.9.1999 in Banja Luka. Date of expiry 17.9.2003
ID No: 2611957173132
Aliases:
Address: Ulica Krfska 42, Banja Luka, Bosnia and Herzegovina
 12. ROGULJIC, Slavko
Date of birth/Place of birth: 15.5.1952, SRPSKA CRNJA HETIN, Serbia, SFRY
Passport No/ID No: Valid passport 3747158 issued 12.4.2002 in Banja Luka. Date of expiry: 12.4.2007. Non-valid passport 0020222 issued 25.8.1988 in Banja Luka. Date of expiry: 25.8.2003
ID No: 1505952103022. Two children on ID
Aliases:
Address: 21 Vojvode Misica, Laktasi, Bosnia and Herzegovina
 13. VEINOVIC, Vasilje
Date of birth/Place of birth:
Passport No/ID No:
Aliases: Filaret
Address:
 14. VRACAR, Milenko
Date of birth/Place of birth: 15.5.1956, Nisavici, Prijedor, Bosnia and Herzegovina, SFRY
Passport No/ID No: Valid passport 3965548 issued 29.8.2002 in Banja Luka. Date of expiry: 29.8.2007. Non-valid passports 0280280 issued 4.12.1999 in Banja Luka (date of expiry 4.12.2004) and 0062130 issued 16.9.1998 in Banja Luka (date of expiry 16.9.2003)
Aliases:
Address: 14 Save Ljuboje, Banja Luka, Bosnia and Herzegovina.
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