

English edition

Legislation

Contents

I Acts whose publication is obligatory

Commission Regulation (EC) No 1261/2003 of 16 July 2003 establishing the standard import values for determining the entry price of certain fruit and vegetables	1
Commission Regulation (EC) No 1262/2003 of 16 July 2003 fixing for the 2002/2003 marketing year the specific exchange rate applicable to the minimum sugarbeet prices and the production levy and additional levy in the sugar sector for the currencies of those Member States which have not adopted the single currency	3
* Commission Regulation (EC) No 1263/2003 of 15 July 2003 establishing unit values for the determination of the customs value of certain perishable goods	5
* Commission Regulation (EC) No 1264/2003 of 16 July 2003 initiating an investigation concerning the alleged circumvention of anti-dumping measures imposed by Council Regulation (EC) No 2320/97 on imports of certain seamless pipes and tubes of iron or non-alloy steel originating in Russia and of anti-dumping measures imposed by Council Regulation (EC) No 348/2000 on imports of certain seamless pipes and tubes of iron or non-alloy steel originating in Ukraine by wrong declaration of imports of the same product and by imports of certain seamless pipes and tubes of alloy steel, other than stainless steel, originating in Russia and Ukraine, and making such imports subject to registration	9
* Commission Regulation (EC) No 1265/2003 of 16 July 2003 prohibiting fishing for cod by vessels flying the flag of Spain	13
Commission Regulation (EC) No 1266/2003 of 16 July 2003 fixing the export refunds on olive oil	14
* Directive 2003/51/EC of the European Parliament and of the Council of 18 June 2003 amending Directives 78/660/EEC, 83/349/EEC, 86/635/EEC and 91/674/EEC on the annual and consolidated accounts of certain types of companies, banks and other financial institutions and insurance undertakings ⁽¹⁾	16

(¹) Text with EEA relevance

- * **Directive 2003/52/EC of the European Parliament and of the Council of 18 June 2003 amending Directive 95/2/EC as regards the conditions of use for a food additive E 425 konjac ⁽¹⁾** 23
 - * **Directive 2003/53/EC of the European Parliament and of the Council of 18 June 2003 amending for the 26th time Council Directive 76/769/EEC relating to restrictions on the marketing and use of certain dangerous substances and preparations (nonylphenol, nonylphenol ethoxylate and cement) ⁽¹⁾** 24
-

II *Acts whose publication is not obligatory*

Commission

2003/514/EC:

- * **Commission Decision of 10 July 2003 concerning health protection measures against African swine fever in Sardinia, Italy ⁽¹⁾ (notified under document number C(2003) 2293)** 28
-

Corrigenda

- * **Corrigendum to 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) (OJ L 162 of 1.7.2003)** 32

I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EC) No 1261/2003
of 16 July 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 17 July 2003.

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

Done at Brussels, 16 July 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 16 July 2003 establishing the standard import values for determining the entry price of certain fruit and vegetables

<i>(EUR/100 kg)</i>		
CN code	Third country code ⁽¹⁾	Standard import value
0702 00 00	052	48,9
	999	48,9
0707 00 05	052	55,8
	999	55,8
0709 90 70	052	88,0
	999	88,0
0805 50 10	388	60,9
	524	53,9
	528	58,8
	999	57,9
0808 10 20, 0808 10 50, 0808 10 90	064	113,5
	388	76,7
	400	101,2
	508	92,7
	512	72,5
	524	28,7
	528	69,5
	720	136,3
	800	189,7
	804	96,1
	999	97,7
	0808 20 50	388
512		93,4
528		77,2
999		90,3
0809 10 00	052	188,7
	064	125,5
	066	118,0
	094	127,0
	999	139,8
0809 20 95	052	258,9
	061	279,8
	400	272,7
	999	270,5
0809 40 05	064	135,3
	624	138,3
	999	136,8

⁽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 1262/2003

of 16 July 2003

fixing for the 2002/2003 marketing year the specific exchange rate applicable to the minimum sugarbeet prices and the production levy and additional levy in the sugar sector for the currencies of those Member States which have not adopted the single currency

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 the sugar sector ⁽¹⁾, as amended by Commission Regulation (EC) No 680/2002 ⁽²⁾,

Having regard to Commission Regulation (EEC) No 1713/93 of 30 June 1993 establishing special detailed rules for applying the agricultural conversion rate in the sugar sector ⁽³⁾, as last amended by Regulation (EC) No 1509/2001 ⁽⁴⁾, and in particular Article 1(3) thereof,

Whereas:

- (1) Article 1(1) of Regulation (EEC) No 1713/93 specifies that the minimum sugarbeet prices referred to in Article 4 of Regulation (EC) No 1260/2001 and the production levy and additional levy referred to in Articles 15 and 16 respectively of that Regulation are to be converted into national currency using a specific exchange rate equal to the average, calculated *pro rata temporis*, of the exchange rates applicable during the marketing year in question.
- (2) The system of specific agricultural conversion rates was amended from 1 January 1999 by Council Regulation (EC) No 2799/98 of 15 December 1998 establishing agrimonetary arrangements for the euro ⁽⁵⁾. As a result, the fixing of conversion rates should be restricted to the

specific exchange rates between the euro and the national currencies of those Member States which have not adopted the single currency.

- (3) The application of these provisions results in the fixing, for the 2002/2003 marketing year, of the specific exchange rate for the minimum sugarbeet prices and the production levy and, where appropriate, the additional levy in the various national currencies, as set out in the Annex to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The specific exchange rate to be used for the conversion of the minimum sugarbeet prices as referred to in Article 4 of Regulation (EC) No 1260/2001 and the production levy and, where appropriate, the additional levy referred to in Articles 15 and 16 respectively of that Regulation, into each of the national currencies of the Member States which have not adopted the single currency, shall be fixed, for the 2002/2003 marketing year, as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 17 July 2003.

It shall apply from 1 July 2002.

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

Done at Brussels, 16 July 2003.

For the Commission

J. M. SILVA RODRÍGUEZ

Agriculture Director-General

⁽¹⁾ OJ L 178, 30.6.2001, p. 1.

⁽²⁾ OJ L 104, 20.4.2002, p. 26.

⁽³⁾ OJ L 159, 1.7.1993, p. 94.

⁽⁴⁾ OJ L 200, 25.7.2001, p. 19.

⁽⁵⁾ OJ L 349, 24.12.1998, p. 1.

ANNEX

to the Commission Regulation of 16 July 2003 fixing for the 2002/2003 marketing year the specific exchange rate applicable to the minimum sugarbeet prices and the production levy and additional levy in the sugar sector for the currencies of those Member States which have not adopted the single currency

Specific exchange rate		
EUR 1 =	7,42790	Danish kroner
	9,16257	Swedish kronor
	0,660269	Pounds sterling

COMMISSION REGULATION (EC) No 1263/2003
of 15 July 2003
establishing unit values for the determination of the customs value of certain perishable goods

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code ⁽¹⁾, as last amended by Regulation (EC) No 2700/2000 of the European Parliament and of the Council ⁽²⁾,

Having regard to 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 ⁽³⁾, as last amended by Regulation (EC) No 444/2002 ⁽⁴⁾, and in particular Article 173(1) thereof,

Whereas:

- (1) Articles 173 to 177 of Regulation (EEC) No 2454/93 provide that the Commission shall periodically establish unit values for the products referred to in the classification in Annex 26 to that Regulation.

- (2) The result of applying the rules and criteria laid down in the abovementioned Articles to the elements communicated to the Commission in accordance with Article 173(2) of Regulation (EEC) No 2454/93 is that unit values set out in the Annex to this Regulation should be established in regard to the products in question,

HAS ADOPTED THIS REGULATION:

Article 1

The unit values provided for in Article 173(1) of Regulation (EEC) No 2454/93 are hereby established as set out in the table in the Annex hereto.

Article 2

This Regulation shall enter into force on 18 July 2003.

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

Done at Brussels, 15 July 2003.

For the Commission

Erkki LIIKANEN

Member of the Commission

⁽¹⁾ OJ L 302, 19.10.1992, p. 1.

⁽²⁾ OJ L 311, 12.12.2000, p. 17.

⁽³⁾ OJ L 253, 11.10.1993, p. 1.

⁽⁴⁾ OJ L 68, 12.3.2002, p. 11.

ANNEX

Code	Description	Amount of unit values per 100 kg			
	Species, varieties, CN code	EUR	DKK	SEK	GBP
1.10	New potatoes 0701 90 50	—	—	—	—
1.30	Onions (other than seed) 0703 10 19	35,34	262,76	322,84	24,45
1.40	Garlic 0703 20 00	150,46	1 118,63	1 374,41	104,09
1.50	Leeks ex 0703 90 00	40,98	304,69	374,35	28,35
1.80	White cabbages and red cabbages 0704 90 10	52,34	389,15	478,13	36,21
1.90	Sprouting broccoli or calabrese (<i>Brassica oleracea</i> L. convar. <i>botrytis</i> (L.) <i>Alef</i> var. <i>italica</i> Plenck) ex 0704 90 90	61,43	456,73	561,16	42,50
1.100	Chinese cabbage ex 0704 90 90	54,27	403,50	495,76	37,55
1.130	Carrots ex 0706 10 00	18,15	134,95	165,80	12,56
1.140	Radishes ex 0706 90 90	92,37	686,77	843,80	63,91
1.160	Peas (<i>Pisum sativum</i>) 0708 10 00	400,83	2 980,20	3 661,62	277,32
1.170	Beans:				
1.170.1	— Beans (<i>Vigna</i> spp., <i>Phaseolus</i> spp.) ex 0708 20 00	106,54	792,12	973,24	73,71
1.170.2	— Beans (<i>Phaseolus</i> ssp. <i>vulgaris</i> var. <i>Compressus</i> Savi) ex 0708 20 00	93,80	697,40	856,86	64,90
1.200	Asparagus:				
1.200.1	— green ex 0709 20 00	316,72	2 354,82	2 893,25	219,12
1.200.2	— other 0709 20 00	218,23	1 622,54	1 993,53	150,98
1.210	Aubergines (eggplants) 0709 30 00	57,60	428,28	526,20	39,85
1.220	Ribbed celery (<i>Apium graveolens</i> L., var. <i>dulce</i> (Mill.) Pers.) ex 0709 40 00	79,14	588,41	722,94	54,75
1.230	Chantarelles 0709 59 10	1 241,67	9 231,82	11 342,66	859,05
1.240	Sweet peppers 0709 60 10	120,32	894,60	1 099,15	83,25
1.270	Sweet potatoes, whole, fresh (intended for human consumption) 0714 20 10	82,54	613,70	754,02	57,11
2.30	Pineapples, fresh ex 0804 30 00	89,90	668,43	821,26	62,20

Code	Description	Amount of unit values per 100 kg			
	Species, varieties, CN code	EUR	DKK	SEK	GBP
2.40	Avocados, fresh ex 0804 40 00	205,00	1 524,17	1 872,66	141,83
2.50	Guavas and mangoes, fresh ex 0804 50 00	174,80	1 299,63	1 596,79	120,93
2.60	Sweet oranges, fresh:				
2.60.1	— Sanguines and semi-sanguines 0805 10 10	44,33	329,59	404,95	30,67
2.60.2	— Navels, navelines, navelates, salustianas, vernas, Valencia lates, Maltese, shamoutis, ovalis, trovita and hamlins 0805 10 30	52,34	389,14	478,12	36,21
2.60.3	— Others 0805 10 50	38,16	283,72	348,59	26,40
2.70	Mandarins (including tangerines and satsumas), fresh; clementines, wilkings and similar citrus hybrids, fresh:				
2.70.1	— Clementines ex 0805 20 10	78,37	582,71	715,94	54,22
2.70.2	— Monreales and satsumas ex 0805 20 30	101,37	753,68	926,01	70,13
2.70.3	— Mandarines and wilkings ex 0805 20 50	81,25	604,06	742,18	56,21
2.70.4	— Tangerines and others ex 0805 20 70 ex 0805 20 90	75,87	564,09	693,07	52,49
2.85	Limes (<i>Citrus aurantifolia</i> , <i>Citrus latifolia</i>), fresh 0805 50 90	79,36	590,03	724,94	54,90
2.90	Grapefruit, fresh:				
2.90.1	— white ex 0805 40 00	88,21	655,82	805,77	61,03
2.90.2	— pink ex 0805 40 00	90,17	670,39	823,68	62,38
2.100	Table grapes 0806 10 10	189,51	1 409,00	1 731,17	131,11
2.110	Water melons 0807 11 00	29,41	218,69	268,69	20,35
2.120	Melons (other than water melons):				
2.120.1	— Amarillo, cuper, honey dew (including cantalene), onteniente, piel de sapo (including verde liso), rochet, tendral, futuro ex 0807 19 00	81,36	604,91	743,22	56,29
2.120.2	— Other ex 0807 19 00	64,48	479,41	589,02	44,61
2.140	Pears				
2.140.1	— Pears — nashi (<i>Pyrus pyrifolia</i>), Pears — Ya (<i>Pyrus bretschneideri</i>) ex 0808 20 50	—	—	—	—
2.140.2	— Other ex 0808 20 50	—	—	—	—
2.200	Strawberries 0810 10 00	110,16	819,04	1 006,31	76,21
2.205	Raspberries 0810 20 10	338,34	2 515,56	3 090,74	234,08

Code	Description	Amount of unit values per 100 kg			
	Species, varieties, CN code	EUR	DKK	SEK	GBP
2.210	Fruit of the species <i>Vaccinium myrtillus</i> 0810 40 30	2 297,10	17 078,94	20 984,01	1 589,25
2.220	Kiwi fruit (<i>Actinidia chinensis</i> Planch.) 0810 50 00	149,64	1 112,59	1 366,99	103,53
2.230	Pomegranates ex 0810 90 95	381,46	2 836,16	3 484,64	263,91
2.240	Khakis (including sharon fruit) ex 0810 90 95	216,10	1 606,71	1 974,08	149,51
2.250	Lychees ex 0810 90 30	320,65	2 384,00	2 929,09	221,84

**COMMISSION REGULATION (EC) No 1264/2003
of 16 July 2003**

initiating an investigation concerning the alleged circumvention of anti-dumping measures imposed by Council Regulation (EC) No 2320/97 on imports of certain seamless pipes and tubes of iron or non-alloy steel originating in Russia and of anti-dumping measures imposed by Council Regulation (EC) No 348/2000 on imports of certain seamless pipes and tubes of iron or non-alloy steel originating in Ukraine by wrong declaration of imports of the same product and by imports of certain seamless pipes and tubes of alloy steel, other than stainless steel, originating in Russia and Ukraine, and making such imports subject to registration

THE COMMISSION OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 384/96 of 22 December 1995 on protection against dumped imports from countries not members of the European Community ⁽¹⁾, as last amended by Regulation (EC) No 1972/2002 ⁽²⁾, and in particular Article 13(3), Article 14(3) and Article 14(5) thereof,

After having consulted the Advisory Committee,

Whereas:

— other tubes of circular cross-section, of iron or non-alloy steel, other than threaded or threadable, of an external diameter not exceeding 406,4 mm,

currently classifiable within CN codes ex 7304 10 10, ex 7304 10 30, 7304 31 99, 7304 39 91 and 7304 39 93.

(4) The products under investigation are the product concerned and certain seamless pipes and tubes of alloy steel other than stainless steel, originating in Russia and Ukraine and declared under CN codes 7304 59 91 and 7304 59 93.

(5) The CN codes are given for information only.

A. REQUEST

(1) The Commission has received a request pursuant to Article 13(3) of Regulation (EC) No 384/96 (the basic Regulation) to investigate the alleged circumvention of the anti-dumping measures imposed on imports of certain seamless pipes and tubes of iron or non-alloy steel originating in Russia and Ukraine.

(2) The request has been lodged on 2 June 2003 by the Defence Committee of the Seamless Steel Tube Industry of the European Union on behalf of producers representing a major proportion, i.e. over 50 % of the Community production of certain seamless pipes and tubes of iron or non-alloy steel.

B. PRODUCT

(3) The products concerned by the allegation of circumvention are:

— seamless pipes, of iron or non-alloy steel, of a kind used for oil and gas pipelines, of an external diameter not exceeding 406,4 mm,

— seamless tubes of circular cross-section, of iron or non-alloy steel, cold-drawn or cold-rolled, other than precision tubes,

C. EXISTING MEASURES

(6) The measures currently in force and allegedly being circumvented are anti-dumping measures imposed by Council Regulation (EC) No 2320/97 ⁽³⁾, as last amended by Council Regulation (EC) No 190/2000 ⁽⁴⁾, and by Council Regulation (EC) No 348/2000 ⁽⁵⁾, as last amended by Council Regulation (EC) No 1515/2002 ⁽⁶⁾.

D. GROUNDS

(7) The request contains sufficient evidence, that the anti-dumping measures on imports of certain seamless pipes and tubes of iron or non-alloy steel originating in Russia and Ukraine are being circumvented by means of adding minimal quantities of other substances to the product concerned, thus allowing these products to be classifiable under other CN codes not subject to anti-dumping measures, in particular CN codes 7304 59 91 and 7304 59 93, or by importing under these CN codes the product concerned. Hereinafter, the products which are being imported via these practices are referred to as 'products under investigation'.

⁽¹⁾ OJ L 56, 6.3.1996, p. 1.

⁽²⁾ OJ L 305, 7.11.2002, p. 1.

⁽³⁾ OJ L 322, 25.11.1997, p. 1.

⁽⁴⁾ OJ L 23, 28.1.2000, p. 1.

⁽⁵⁾ OJ L 45, 17.2.2000, p. 1.

⁽⁶⁾ OJ L 228, 24.8.2002, p. 8.

- (8) The evidence submitted is as follows:

The request shows a significant change in the pattern of trade, as imports of the products under investigation originating in Russia and Ukraine have increased substantially following the imposition of measures on the products concerned. This change in the pattern of trade appears to stem from the practice that minimal quantities of other substances are being added to the product concerned, so that they fall outside the relevant CN codes affected by the measures, notwithstanding the fact that the basic characteristics and uses of the products remain unchanged, or from the practice of wrong declaration under other CN codes. There is insufficient due cause or economic justification for these practices other than the imposition of the measures.

- (9) Furthermore, the request contains sufficient evidence that the remedial effects of the existing anti-dumping measures on the product concerned are being undermined both in terms of quantity and price. Significant volumes of imports of products under investigation appear to have replaced imports of the product concerned originating in Russia and Ukraine. In addition, there is sufficient evidence that this increase in imports is made at prices below the non-injurious or remedial prices established in the investigations that led to the existing measures.
- (10) Finally, the request contains sufficient evidence that the prices of products under investigation are dumped in relation to the normal values previously established for certain seamless pipes and tubes of iron or non-alloy steel originating in Russia and Ukraine.

E. PROCEDURE

- (11) In the light of the above, the Commission has concluded that sufficient evidence exists to justify the initiation of an investigation pursuant to Article 13 of the basic Regulation and to make imports of all goods declared under CN codes 7304 59 91 and 7304 59 93 and originating in Russia and Ukraine, subject to registration, in accordance with Article 14(5) of the basic Regulation.

(a) Questionnaires

- (12) In order to obtain the information it deems necessary for its investigation, the Commission will send questionnaires to the exporters/producers named in the request and to the known associations of exporters/producers in

Russia and Ukraine and to the importers named in the request and to the known associations of importers in the Community and to the authorities of Russia and Ukraine. Information, as appropriate, may also be sought from the Community industry.

- (13) In any event all interested parties should contact the Commission forthwith, but not later than the time limit set in Article 3 in order to find out whether they are listed in the request and, if necessary, request a questionnaire within the time limit set in Article 3(1) of this Regulation, given that the time limit set in Article 3(2) of this Regulation applies to all interested parties.
- (14) The authorities of Russia and Ukraine will be notified of the initiation of the investigation and provided with a copy of the request.

(b) Collection of information and holding of hearings

- (15) All interested parties are hereby invited to make their views known in writing and to provide supporting evidence. Furthermore, the Commission may hear interested parties, provided that they make a request in writing and show that there are particular reasons why they should be heard.

(c) Exemption of registration of imports or measures

- (16) In accordance with Article 13(4) of the basic Regulation, imports of the product concerned may be exempted from registration or measures if the importation does not constitute circumvention.
- (17) Given that the alleged circumvention takes place outside the Community and pursuant to Article 14(3) of the basic Regulation, exemption of imports from registration or measures would depend entirely on the findings in respect of the exporters in Russia and Ukraine. Therefore exporters wishing to obtain an exemption of registration of imports or measures should apply for the exemption and submit the questionnaire reply (in order to establish that they are not circumventing the anti-dumping duties within the meaning of Article 13(1) of the basic Regulation) within the time limits set in Article 3(2) of this Regulation. Although no exemption could be granted purely on the basis of information from importers, these could still benefit from exemption from registration or measures to the extent that their imports are from exporters which are granted such an exemption.

F. REGISTRATION*Article 2*

- (18) Pursuant to Article 14(5) of the basic Regulation, imports of the products under investigation should be made subject to registration in order to ensure that, should the investigation result in findings of circumvention, anti-dumping duties can be levied retroactively from the date of the initiation of this investigation on certain seamless pipes and tubes of alloy steel, other than stainless steel from Russia and Ukraine.

The Customs authorities are hereby directed, pursuant to Article 13(3) and Article 14(5) of Council Regulation (EC) No 384/96, to take the appropriate steps to register the imports into the Community identified in Article 1 of this Regulation.

Registration shall expire nine months following the date of entry into force of this Regulation.

G. TIME LIMITS

- (19) In the interest of sound administration, time limits should be stated within which:

- interested parties may make themselves known to the Commission, present their views in writing and submit questionnaire replies or any other information to be taken into account during the investigation;
- interested parties may make a written request to be heard by the Commission.

- (20) Attention is drawn to the fact that the exercise of most procedural rights set out in the basic Regulation depends on the party's making itself known within the time limits mentioned in Article 3 of this Regulation.

The Commission, by Regulation, may direct Customs authorities to cease registration in respect of imports into the Community of products exported by exporters having applied for an exemption of registration and having been found not to be circumventing the anti-dumping duties.

Article 3

1. Questionnaires should be requested from the Commission within 15 days from publication of this Regulation in the *Official Journal of the European Union*.

2. Interested parties, if their representations are to be taken into account during the investigation, must make themselves known by contacting the Commission, present their views in writing and submit questionnaire replies or any other information within 40 days from the date of the publication of this Regulation in the *Official Journal of the European Union*, unless otherwise specified.

3. Interested parties may also apply to be heard by the Commission within the same 40-day time limit.

4. Any information relating to the matter, any request for a hearing or for a questionnaire as well as any request for authorisation of certificates of non-circumvention must be made in writing (not in electronic format, unless otherwise specified), must indicate the name, address, e-mail address, telephone, fax and/or telephone numbers and should be sent to the following address:

European Commission
Directorate General for Trade
Directorate B
Office: J-79, 5/16
B-1049 Brussels
Fax (32 2) 295 65 05
Telex COMEU B 21877.

H. NON-COOPERATION

- (21) In cases in which any interested party refuses access to or otherwise does not provide necessary information within the time limits, or significantly impedes the investigation, provisional or final findings, affirmative or negative, may be made in accordance with Article 18 of the basic Regulation, on the basis of the facts available. Where it is found that any interested party has supplied false or misleading information, the information shall be disregarded and use may be made of facts available,

HAS ADOPTED THIS REGULATION:

Article 1

An investigation is hereby initiated pursuant to Article 13(3) of Regulation (EC) No 384/96, in order to determine if imports into the Community of certain seamless pipes and tubes of iron or non-alloy steel, and of certain seamless pipes and tubes of alloy steel, other than stainless steel declared under CN codes 7304 59 91 and 7304 59 93 and originating in Russia and Ukraine, are circumventing the measures imposed by Regulation (EC) No 2320/97 and by Regulation (EC) No 348/2000. The above CN codes are only given for information.

Article 4

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

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

Done at Brussels, 16 July 2003.

For the Commission
Pascal LAMY
Member of the Commission

COMMISSION REGULATION (EC) No 1265/2003
of 16 July 2003
prohibiting fishing for cod by vessels flying the flag of Spain

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2847/93 of 12 October 1993 establishing a control system applicable to the common fisheries policy ⁽¹⁾, as last amended by Regulation (EC) No 2846/98 ⁽²⁾, and in particular Article 21(3) thereof,

Whereas:

- (1) Council Regulation (EC) No 2341/2002 of 20 December 2002 fixing for 2003 the fishing opportunities and associated conditions for certain fish stocks and groups of fish stocks, applicable in Community waters and, for Community vessels, in waters where catch limitations are required ⁽³⁾, lays down quotas for cod for 2003.
- (2) In order to ensure compliance with the provisions relating to the quantity limits on catches of stocks subject to quotas, the Commission must fix the date by which catches made by vessels flying the flag of a Member State are deemed to have exhausted the quota allocated.
- (3) According to the information received by the Commission, catches of cod in the waters of ICES divisions I, II (Norwegian waters) by vessels flying the flag of Spain or

registered in Spain have exhausted the quota allocated for 2003. Spain has prohibited fishing for this stock from 4 July 2003. This date should be adopted in this Regulation also,

HAS ADOPTED THIS REGULATION:

Article 1

Catches of cod in the waters of ICES divisions I, II (Norwegian waters) by vessels flying the flag of Spain or registered in Spain are hereby deemed to have exhausted the quota allocated to Spain for 2003.

Fishing for cod in the waters of ICES divisions I, II (Norwegian waters) by vessels flying the flag of Spain or registered in Spain is hereby prohibited, as are the retention on board, transshipment and landing of this stock caught by the above vessels after the date of application of this Regulation.

Article 2

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

It shall apply from 4 July 2003.

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

Done at Brussels, 16 July 2003.

For the Commission
Jörgen HOLMQUIST
Director-General for Fisheries

⁽¹⁾ OJ L 261, 20.10.1993, p. 1.

⁽²⁾ OJ L 358, 31.12.1998, p. 5.

⁽³⁾ OJ L 356, 31.12.2002, p. 12.

COMMISSION REGULATION (EC) No 1266/2003
of 16 July 2003
fixing the export refunds on olive oil

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

- (1) Article 3 of Regulation No 136/66/EEC provides that, where prices within the Community are higher than world market prices, the difference between these prices may be covered by a refund when olive oil is exported to third countries.
- (2) The detailed rules for fixing and granting export refunds on olive oil are contained in Commission Regulation (EEC) No 616/72 ⁽³⁾, as last amended by Regulation (EEC) No 2962/77 ⁽⁴⁾.
- (3) Article 3(3) of Regulation No 136/66/EEC provides that the refund must be the same for the whole Community.
- (4) In accordance with Article 3(4) of Regulation No 136/66/EEC, the refund for olive oil must be fixed in the light of the existing situation and outlook in relation to olive oil prices and availability on the Community market and olive oil prices on the world market. However, where the world market situation is such that the most favourable olive oil prices cannot be determined, account may be taken of the price of the main competing vegetable oils on the world market and the difference recorded between that price and the price of olive oil during a representative period. The amount of the refund may not exceed the difference between the price of olive oil in the Community and that on the world market, adjusted, where appropriate, to take account of export costs for the products on the world market.
- (5) In accordance with Article 3(3) third indent, point (b) of Regulation No 136/66/EEC, it may be decided that the refund shall be fixed by tender. The tendering procedure should cover the amount of the refund and may be limited to certain countries of destination, quantities, qualities and presentations.
- (6) The second indent of Article 3(3) of Regulation No 136/66/EEC provides that the refund on olive oil may be varied according to destination where the world market situation or the specific requirements of certain markets make this necessary.
- (7) The refund must be fixed at least once every month. It may, if necessary, be altered in the intervening period.
- (8) It follows from applying these detailed rules to the present situation on the market in olive oil and in particular to olive oil prices within the Community and on the markets of third countries that the refund should be as set out in the Annex hereto.
- (9) The Management Committee for Oils and Fats has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1(2)(c) of Regulation No 136/66/EEC shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 17 July 2003.

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

Done at Brussels, 16 July 2003.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 172, 30.9.1966, p. 3025/66.

⁽²⁾ OJ L 201, 26.7.2001, p. 4.

⁽³⁾ OJ L 78, 31.3.1972, p. 1.

⁽⁴⁾ OJ L 348, 30.12.1977, p. 53.

ANNEX

to the Commission Regulation of 16 July 2003 fixing the export refunds on olive oil

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

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

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

**DIRECTIVE 2003/51/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL
of 18 June 2003**

amending Directives 78/660/EEC, 83/349/EEC, 86/635/EEC and 91/674/EEC on the annual and consolidated accounts of certain types of companies, banks and other financial institutions and insurance undertakings

(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 44(1) 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 laid down in Article 251 of the Treaty ⁽³⁾,

Whereas:

- (1) The Lisbon European Council of 23-24 March 2000 emphasised the need to accelerate completion of the internal market for financial services, set the deadline of 2005 for implementation of the Commission's Financial Services Action Plan and urged that steps be taken to enhance the comparability of financial statements prepared by Community companies whose securities are admitted to trading on a regulated market (hereinafter: listed companies).
- (2) On 13 June 2000, the Commission published its Communication entitled 'EU Financial Reporting Strategy: The Way Forward' in which it was proposed that all listed companies prepare their consolidated accounts in accordance with one single set of accounting standards, namely International Accounting Standards (IAS), at the latest by 2005.
- (3) Regulation (EC) No 1606/2002 of the European Parliament and of the Council of 19 July 2002 on the application of international accounting standards ⁽⁴⁾ (hereinafter: the IAS Regulation) introduced the requirement that, from 2005 onwards, all listed companies prepare their consolidated accounts in accordance with IAS adopted for application within the Community. It also provided an option for Member States to permit or require the application of adopted IAS in the preparation of annual accounts and to permit or require the application of adopted IAS by unlisted companies.

- (4) The IAS Regulation provides that, to adopt an international accounting standard for its application in the Community, it is necessary that it meets the basic requirement of the Fourth Council Directive 78/660/EEC of 25 July 1978 on the annual accounts of certain types of companies ⁽⁵⁾ and of the Seventh Council Directive 83/349/EEC of 13 June 1983 on consolidated accounts ⁽⁶⁾, that is to say that its application results in a true and fair view of the financial position and performance of an enterprise — this principle being considered in the light of the said Directives without implying a strict conformity with each and every provision of those Directives.
- (5) As the annual and consolidated accounts of undertakings covered by Directives 78/660/EEC and 83/349/EEC which are not prepared in accordance with the IAS Regulation will continue to have those Directives as the primary source of their Community accounting requirements, it is important that a level playing field exists between Community companies which apply IAS and those which do not.
- (6) For the purposes both of the adoption of IAS and the application of Directives 78/660/EEC and 83/349/EEC, it is desirable that those Directives reflect developments in international accounting. In this respect, the Communication of the Commission entitled 'Accounting Harmonisation: A New Strategy vis-à-vis International Harmonisation' called for the European Union to work to maintain consistency between Community Accounting Directives and developments in international accounting standard setting, in particular within the International Accounting Standards Committee (IASC).
- (7) Member States should be able to modify the presentation of the profit and loss account and balance sheet in accordance with international developments, as expressed through standards issued by the International Accounting Standards Board (IASB).
- (8) Member States should be able to permit or require the application of revaluations and of fair value in accordance with international developments, as expressed through standards issued by the IASB.

⁽¹⁾ OJ C 227 E, 24.9.2002, p. 336.

⁽²⁾ OJ C 85, 8.4.2003, p. 140.

⁽³⁾ Opinion of the European Parliament of 14 January 2003 (not yet published in the Official Journal), and Council Decision of 6 May 2003.

⁽⁴⁾ OJ L 243, 11.9.2002, p. 1.

⁽⁵⁾ OJ L 222, 14.8.1978, p. 11. Directive as last amended by Directive 2001/65/EC of the European Parliament and of the Council (OJ L 283, 27.10.2001, p. 28).

⁽⁶⁾ OJ L 193, 18.7.1983, p. 1. Directive as last amended by Directive 2001/65/EC.

(9) The annual report and the consolidated annual report are important elements of financial reporting. Enhancement, in line with current best practice, of the existing requirement for these to present a fair review of the development of the business and of its position, in a manner consistent with the size and complexity of the business, is necessary to promote greater consistency and give additional guidance concerning the information a 'fair review' is expected to contain. The information should not be restricted to the financial aspects of the company's business. It is expected that, where appropriate, this should lead to an analysis of environmental and social aspects necessary for an understanding of the company's development, performance or position. This is consistent also with Commission Recommendation 2001/453/EC of 30 May 2001 on the recognition, measurement and disclosure of environmental issues in the annual accounts and annual reports of companies ⁽¹⁾. However, taking into account the evolving nature of this area of financial reporting and having regard to the potential burden placed on undertakings below certain sizes, Member States may choose to waive the obligation to provide non-financial information in the case of the annual report of such undertakings.

(10) Differences in the preparation and presentation of the audit report reduce comparability and detract from the user's understanding of this vital aspect of financial reporting. Increased consistency should be achieved by amendments, consistent with current international best practice, to the specific requirements concerning the format and content of an audit report. The fundamental requirement that an audit opinion states whether the annual or consolidated accounts give a true and fair view in accordance with the relevant financial reporting framework does not represent a restriction of the scope of that opinion but clarifies the context in which it is expressed.

(11) Directives 78/660/EEC and 83/349/EEC should accordingly be amended. Furthermore, it is also necessary to amend Council Directive 86/635/EEC of 8 December 1986 on the annual accounts and consolidated accounts of banks and other financial institutions ⁽²⁾.

(12) The IASB is developing and refining the accounting standards applicable to insurance activities.

(13) Insurance undertakings should also be allowed to use fair-value accounting as expressed through appropriate standards issued by the IASB.

(14) Consequently Council Directive 91/674/EEC of 19 December 1991 on the annual accounts and consolidated accounts of insurance undertakings ⁽³⁾ should be amended.

(15) These amendments will remove all inconsistencies between Directives 78/660/EEC, 83/349/EEC, 86/635/EEC and 91/674/EEC on the one hand and IAS in existence at 1 May 2002, on the other,

HAVE ADOPTED THIS DIRECTIVE:

Article 1

Directive 78/660/EEC is hereby amended as follows:

1. in Article 2(1) the following subparagraph shall be added:

'Member States may permit or require the inclusion of other statements in the annual accounts in addition to the documents referred to in the first subparagraph.'

2. in Article 4, the following paragraph shall be added:

'6. Member States may permit or require the presentation of amounts within items in the profit and loss account and balance sheet to have regard to the substance of the reported transaction or arrangement. Such permission or requirement may be restricted to certain classes of company and/or to consolidated accounts as defined in the Seventh Council Directive 83/349/EEC of 13 June 1983 on consolidated accounts (*).

(*) OJ L 193, 18.7.1983, p. 1. Directive as last amended by Directive 2001/65/EC of the European Parliament and of the Council (OJ L 283, 27.10.2001, p. 28).';

3. in Article 8 the following paragraph shall be added:

'Member States may permit or require companies to adopt the presentation of the balance sheet set out in Article 10a as an alternative to the layouts otherwise prescribed or permitted.'

4. in Article 9, under 'Liabilities', in point B, the title 'Provisions for liabilities and charges' shall be replaced by 'Provisions';

5. in Article 10, point J, the title 'Provisions for liabilities and charges' shall be replaced by 'Provisions';

6. the following Article shall be inserted:

'Article 10a

Instead of the presentation of balance sheet items in accordance with Articles 9 and 10, Member States may permit or require companies, or certain classes of company, to present those items on the basis of a distinction between current and non-current items provided that the information given is at least equivalent to that otherwise required by Articles 9 and 10.'

⁽¹⁾ OJ L 156, 13.6.2001, p. 33.

⁽²⁾ OJ L 372, 31.12.1986, p. 1. Directive as last amended by Directive 2001/65/EC.

⁽³⁾ OJ L 374, 31.12.1991, p. 7.

7. Article 20 shall be amended as follows:

(a) Paragraph 1 shall be replaced by the following:

'1. Provisions are intended to cover liabilities the nature of which is clearly defined and which at the date of the balance sheet are either likely to be incurred, or certain to be incurred but uncertain as to amount or as to the date on which they will arise.;

(b) Paragraph 3 shall be replaced by the following:

'3. Provisions may not be used to adjust the values of assets.;

8. in Article 22, the following paragraph shall be added:

'By way of derogation from Article 2(1), Member States may permit or require all companies, or any classes of company, to present a statement of their performance instead of the presentation of profit and loss items in accordance with Articles 23 to 26, provided that the information given is at least equivalent to that otherwise required by those Articles.;

9. Article 31 shall be amended as follows:

(a) in paragraph 1(c), point (bb) shall be replaced by the following:

'(bb) account must be taken of all liabilities arising in the course of the financial year concerned or of a previous one, even if such liabilities become apparent only between the date of the balance sheet and the date on which it is drawn up.;

(b) the following paragraph shall be inserted:

'(1a) In addition to those amounts recorded pursuant to paragraph (1)(c)(bb), Member States may permit or require account to be taken of all foreseeable liabilities and potential losses arising in the course of the financial year concerned or of a previous one, even if such liabilities or losses become apparent only between the date of the balance sheet and the date on which it is drawn up.;

10. in Article 33(1), point (c) shall be replaced by the following:

'(c) revaluation of fixed assets';

11. in Article 42, the first paragraph shall be replaced by the following:

'Provisions may not exceed in amount the sums which are necessary.;

12. the following Articles shall be inserted:

'Article 42e

By way of derogation from Article 32, Member States may permit or require in respect of all companies or any classes of company the valuation of specified categories of assets other than financial instruments at amounts determined by reference to fair value.

Such permission or requirement may be restricted to consolidated accounts as defined in Directive 83/349/EEC.

Article 42f

Notwithstanding Article 31(1)(c), Member States may permit or require in respect of all companies or any classes of company that, where an asset is valued in accordance with Article 42e, a change in the value is included in the profit and loss account.;

13. in Article 43(1)(6) the reference to 'Articles 9 and 10' shall be replaced by a reference to 'Articles 9, 10 and 10a';

14. Article 46 shall be amended as follows:

(a) paragraph 1 shall be replaced by the following:

'1. (a) The annual report shall include at least a fair review of the development and performance of the company's business and of its position, together with a description of the principal risks and uncertainties that it faces.

The review shall be a balanced and comprehensive analysis of the development and performance of the company's business and of its position, consistent with the size and complexity of the business;

(b) To the extent necessary for an understanding of the company's development, performance or position, the analysis shall include both financial and, where appropriate, non-financial key performance indicators relevant to the particular business, including information relating to environmental and employee matters;

(c) In providing its analysis, the annual report shall, where appropriate, include references to and additional explanations of amounts reported in the annual accounts.;

(b) the following paragraph shall be added:

'4. Member States may choose to exempt companies covered by Article 27 from the obligation in paragraph 1(b) above in so far as it relates to non-financial information.;

15. in Article 48, the third sentence shall be deleted;

16. in Article 49, the third sentence shall be replaced by the following:

'The report of the person or persons responsible for auditing the annual accounts (hereinafter: the statutory auditors) shall not accompany this publication, but it shall be disclosed whether an unqualified, qualified or adverse audit opinion was expressed, or whether the statutory auditors were unable to express an audit opinion. It shall also be disclosed whether the report of the statutory auditors included a reference to any matters to which the statutory auditors drew attention by way of emphasis without qualifying the audit opinion.;

17. Article 51(1) shall be replaced by the following:

'1. The annual accounts of companies shall be audited by one or more persons approved by Member States to carry out statutory audits on the basis of the Eighth Council Directive 84/253/EEC of 10 April 1984 on the approval of persons responsible for carrying out the statutory audits of accounting documents (*).

The statutory auditors shall also express an opinion concerning the consistency or otherwise of the annual report with the annual accounts for the same financial year.

(*) OJ L 126, 12.5.1984, p. 20.;

18. the following Article shall be inserted:

'Article 51a

1. The report of the statutory auditors shall include:

- (a) an introduction which shall at least identify the annual accounts that are the subject of the statutory audit, together with the financial reporting framework that has been applied in their preparation;
- (b) a description of the scope of the statutory audit which shall at least identify the auditing standards in accordance with which the statutory audit was conducted;
- (c) an audit opinion which shall state clearly the opinion of the statutory auditors as to whether the annual accounts give a true and fair view in accordance with the relevant financial reporting framework and, where appropriate, whether the annual accounts comply with statutory requirements; the audit opinion shall be either unqualified, qualified, an adverse opinion or, if the statutory auditors are unable to express an audit opinion, a disclaimer of opinion;
- (d) a reference to any matters to which the statutory auditors draw attention by way of emphasis without qualifying the audit opinion;
- (e) an opinion concerning the consistency or otherwise of the annual report with the annual accounts for the same financial year.

2. The report shall be signed and dated by the statutory auditors.;

19. Article 53(1) shall be deleted;

20. the following Article shall be inserted:

'Article 53a

Member States shall not make available the exemptions set out in Articles 11, 27, 46, 47 and 51 in the case of companies whose securities are admitted to trading on a regulated market of any Member State within the meaning of Article 1(13) of Council Directive 93/22/EEC of 10 May 1993 on investment services in the securities field (*).

(*) OJ L 141, 11.6.1993, p. 27. Directive as last amended by Directive 2002/87/EC of the European Parliament and of the Council (OJ L 35, 11.2.2003, p. 1).;

21. in Article 56(1) the reference to 'Articles 9, 10' shall be replaced by a reference to 'Articles 9, 10, 10a';

22. in Article 60, first paragraph, the words 'on the basis of their market value' shall be replaced by 'on the basis of their fair value';

23. in Article 61a, the reference to 'Articles 42a to 42d' shall be replaced by a reference to 'Articles 42a to 42f'.

Article 2

Directive 83/349/EEC is hereby amended as follows:

1. in Article 1, paragraph 2 shall be replaced by the following:

'2. Apart from the cases mentioned in paragraph 1 the Member States may require any undertaking governed by their national law to draw up consolidated accounts and a consolidated annual report if:

- (a) that undertaking (a parent undertaking) has the power to exercise, or actually exercises, dominant influence or control over another undertaking (the subsidiary undertaking); or
- (b) that undertaking (a parent undertaking) and another undertaking (the subsidiary undertaking) are managed on a unified basis by the parent undertaking.;

2. in Article 3(1), the reference to 'Articles 13, 14 and 15' shall be replaced by a reference to 'Articles 13 and 15';

3. Article 6 shall be amended as follows:

(a) paragraph 4 shall be replaced by the following:

'4. This Article shall not apply where one of the undertakings to be consolidated is a company whose securities are admitted to trading on a regulated market of any Member State within the meaning of Article 1(13) of Council Directive 93/22/EEC of 10 May 1993 on investment services in the securities field (*).

(*) OJ L 141, 11.6.1993, p. 27. Directive as last amended by Directive 2002/87/EC of the European Parliament and of the Council (OJ L 35, 11.2.2003, p. 1).;

(b) paragraph 5 shall be deleted;

4. Article 7 shall be amended as follows:

- (a) in paragraph 1(b), the second sentence shall be deleted;
- (b) in paragraph 2(a), the reference to 'Articles 13, 14 and 15' shall be replaced by a reference to 'Articles 13 and 15';
- (c) paragraph 3 shall be replaced by the following:

'3. This Article shall not apply to companies whose securities are admitted to trading on a regulated market of any Member State within the meaning of Article 1(13) of Directive 93/22/EEC.;

5. in Article 11(1)(a) the reference to 'Articles 13, 14 and 15' shall be replaced by a reference to 'Articles 13 and 15';

6. Article 14 shall be deleted;

7. in Article 16(1) the following subparagraph shall be added:

'Member States may permit or require the inclusion of other statements in the consolidated accounts in addition to the documents referred to in the first subparagraph.');

8. in Article 17(1) the reference to 'Articles 3 to 10' shall be replaced by a reference to 'Articles 3 to 10a';

9. Article 34 shall be amended as follows:

(a) in point (2)(b) the terms 'Articles 13 and 14 and, without prejudice to Article 14(3),' shall be replaced by a reference to 'Article 13 and';

(b) in point (5) the words 'and those excluded pursuant to Article 14' shall be deleted;

10. Article 36 shall be amended as follows:

(a) paragraph 1 shall be replaced by the following:

'1. The consolidated annual report shall include at least a fair review of the development and performance of the business and of the position of the undertakings included in the consolidation taken as a whole, together with a description of the principal risks and uncertainties that they face.

The review shall be a balanced and comprehensive analysis of the development and performance of the business and of the position of the undertakings included in the consolidation taken as a whole, consistent with the size and complexity of the business. To the extent necessary for an understanding of such development, performance or position, the analysis shall include both financial and, where appropriate, non-financial key performance indicators relevant to the particular business, including information relating to environmental and employee matters.

In providing its analysis, the consolidated annual report shall, where appropriate, provide references to and additional explanations of amounts reported in the consolidated accounts.');

(b) The following paragraph shall be added:

'3. Where a consolidated annual report is required in addition to an annual report, the two reports may be presented as a single report. In preparing such a single report, it may be appropriate to give greater emphasis to those matters which are significant to the undertakings included in the consolidation taken as a whole.');

11. Article 37 shall be replaced by the following:

'Article 37

1. The consolidated accounts of companies shall be audited by one or more persons approved by the Member State whose laws govern the parent undertaking to carry

out statutory audits on the basis of the Eighth Council Directive 84/253/EEC of 10 April 1984 on the approval of persons responsible for carrying out the statutory audits of accounting documents (*).

The person or persons responsible for auditing the consolidated accounts (hereinafter: the statutory auditors) shall also express an opinion concerning the consistency or otherwise of the consolidated annual report with the consolidated accounts for the same financial year.

2. The report of the statutory auditors shall include:

(a) an introduction which shall at least identify the consolidated accounts which are the subject of the statutory audit, together with the financial reporting framework that has been applied in their preparation;

(b) a description of the scope of the statutory audit which shall at least identify the auditing standards in accordance with which the statutory audit was conducted;

(c) an audit opinion which shall state clearly the opinion of the statutory auditors as to whether the consolidated accounts give a true and fair view in accordance with the relevant financial reporting framework and, where appropriate, whether the consolidated accounts comply with statutory requirements; the audit opinion shall be either unqualified, qualified, an adverse opinion or, if the statutory auditors are unable to express an audit opinion, a disclaimer of opinion;

(d) a reference to any matters to which the statutory auditors draw attention by way of emphasis without qualifying the audit opinion;

(e) an opinion concerning the consistency or otherwise of the consolidated annual report with the consolidated accounts for the same financial year.

3. The report shall be signed and dated by the statutory auditors.

4. Where the annual accounts of the parent undertaking are attached to the consolidated accounts, the report of the statutory auditors required by this Article may be combined with any report of the statutory auditors on the annual accounts of the parent undertaking required by Article 51 of Directive 78/660/EEC.

(*) OJ L 126, 12.5.1984, p. 20.;

12. in Article 38, the following paragraph shall be added:

'7. Paragraphs 2 and 3 shall not be applied in respect of companies whose securities are admitted to trading on a regulated market of any Member State within the meaning of Article 1(13) of Directive 93/22/EEC.'

Article 3

Directive 86/635/EEC is hereby amended as follows:

1. in Article 1, paragraphs 1 and 2 shall be replaced by the following:

'1. Articles 2, 3, 4(1), (3) to (6), Articles 6, 7, 13, 14, 15(3) and (4), Articles 16 to 21, 29 to 35, 37 to 41, 42 first sentence, 42a to 42f, 45(1), 46(1) and (2), Articles 48 to 50, 50a, 51(1) and 51a, 56 to 59, 61 and 61a of Directive 78/660/EEC shall apply to the institutions mentioned in Article 2 of this Directive, except where this Directive provides otherwise. However, Articles 35(3), 36, 37 and 39(1) to (4) of this Directive shall not apply with respect to assets and liabilities that are valued in accordance with Section 7a of Directive 78/660/EEC.

2. Where reference is made in Directives 78/660/EEC and 83/349/EEC to Articles 9, 10 and 10a (balance sheet) or to Articles 22 to 26 (profit and loss account) of Directive 78/660/EEC, such references shall be deemed to be references to Articles 4 and 4a (balance sheet) or to Articles 26, 27 and 28 (profit and loss account) of this Directive.'

2. Article 4 shall be amended as follows:

- (a) the first sentence shall be replaced by the following:

'The Member States shall prescribe the following layout for the balance sheet. As an alternative, Member States may permit or require credit institutions to adopt the presentation of the balance sheet set out in Article 4a.'

- (b) under 'Liabilities', in point 6, the title 'Provisions for liabilities and charges' shall be replaced by 'Provisions';

3. the following Article shall be inserted:

'Article 4a

Instead of the presentation of balance sheet items in accordance with Article 4, Member States may permit or require credit institutions, or certain classes of credit institution, to present those items classified by their nature and in order of their relative liquidity provided that the information given is at least equivalent to that otherwise required by Article 4.'

4. in Article 26, the following paragraph shall be added:

'By way of derogation from Article 2(1) of Directive 78/660/EEC, Member States may permit or require all credit institutions, or any classes of credit institution, to present a statement of their performance instead of the presentation of profit and loss items in accordance with Articles 27 or 28, provided that the information given is at least equivalent to that otherwise required by those Articles.'

5. Article 43(2)(f) shall be deleted.

Article 4

Directive 91/674/EEC is hereby amended as follows:

1. in Article 1, paragraphs 1 and 2 shall be replaced by the following:

'1. Articles 2, 3, 4(1), (3) to (6), 6, 7, 13, 14, 15(3) and (4), 16 to 21, 29 to 35, 37 to 41, 42, 42a to 42f, 43(1), points 1 to 7 and 9 to 14, 45(1), 46(1) and (2), 48 to 50, 50a, 51(1), 51a, 56 to 59, 61 and 61a of Directive 78/660/EEC shall apply to the undertakings mentioned in Article 2 of this Directive, except where this Directive provides otherwise. Articles 46, 47, 48, 51 and 53 of this Directive shall not apply in respect of assets and liabilities that are valued in accordance with Section 7a of Directive 78/660/EEC.

2. Where reference is made in Directives 78/660/EEC and 83/349/EEC to Articles 9, 10 and 10a (balance sheet) or to Articles 22 to 26 (profit and loss account) of Directive 78/660/EEC, such references shall be deemed to be references to Article 6 (balance sheet) or to Article 34 (profit and loss account) of this Directive as appropriate.'

2. Article 4 shall be replaced by the following:

'Article 4

1. This Directive shall apply to the association of underwriters known as Lloyd's. For the purpose of this Directive both Lloyd's and Lloyd's syndicates shall be deemed to be insurance undertakings.

2. By way of derogation from Article 65(1), Lloyd's shall prepare aggregate accounts instead of consolidated accounts required by Directive 83/349/EEC. Aggregate accounts shall be prepared by cumulation of all syndicate accounts.'

3. in Article 6, under 'Liabilities', in point E, the title 'Provisions for other risks and charges' shall be replaced by 'Other provisions';

4. Article 46 shall be amended as follows:

- (a) in paragraph 5, the following sentence shall be added:

'Member States may permit derogations from this requirement.'

- (b) paragraph 6 shall be replaced by the following:

'6. The method(s) applied to each investment item shall be stated in the notes on the accounts, together with the amounts so determined.'

5. the following Article shall be inserted:

'Article 46a

1. Where assets and liabilities are valued in accordance with Section 7a of Directive 78/660/EEC, paragraphs 2 to 6 of this Article shall apply.

2. The investments shown as assets under D shall be shown at their fair value.

3. Where investments are shown at their purchase price, their fair value shall be disclosed in the notes on the accounts.

4. Where investments are shown at their fair value, their purchase price shall be disclosed in the notes on the accounts.

5. The same valuation method shall be applied to all investments included in any item denoted by an arabic numeral or shown as assets under C(I). Member States may permit derogations from this requirement.

6. The method(s) applied to each investment item shall be stated in the notes on the accounts, together with the amounts so determined.;

6. the Annex shall be deleted.

Article 5

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 1 January 2005 at the latest. They shall forthwith inform the Commission thereof.

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

Article 6

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

Article 7

This Directive is addressed to the Member States.

Done at Luxembourg, 18 June 2003.

For the European Parliament

The President

P. COX

For the Council

The President

G. DRYS

DIRECTIVE 2003/52/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL
of 18 June 2003
amending Directive 95/2/EC as regards the conditions of use for a food additive E 425 konjac
(Text with EEA relevance)

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 laid down in Article 251 of the Treaty ⁽³⁾,

Whereas:

- (1) Directive 95/2/EC of the European Parliament and of the Council of 20 February 1995 on food additives other than colours and sweeteners ⁽⁴⁾ authorises the use of the food additive E 425 konjac in foodstuffs under certain conditions.
- (2) The Commission has taken measures to suspend temporarily the placing on the market of jelly mini-cups containing E 425 konjac because they have been found to be dangerous as they have caused the death of several children and elderly persons in third countries through choking.
- (3) Some manufacturers of jelly mini-cups recognise the risk to human health by affixing a warning on the food package, highlighting the risk for children and the elderly.
- (4) On the basis of the information provided by the Member States which adopted measures at national level, it can be concluded that jelly mini-cups containing E 425 konjac constitute a life-threatening risk. In addition to their shape and size, the chemical and physical properties of konjac are the cause for jelly mini-cups to constitute a serious risk to human health.
- (5) In the present case, warning through labelling is not sufficient to protect human health, especially with regard to children.
- (6) It is necessary to modify the conditions of use for E 425 konjac as regards its use in jelly confectionery, including jelly-mini cups.

- (7) Directive 95/2/EC should therefore be amended accordingly,

HAVE ADOPTED THIS DIRECTIVE:

Article 1

In Annex IV to Directive 95/2/EC in the row for E 425: Konjac: (i) Konjac gum (ii) Konjac glucomannane the text 'Foodstuffs in general (except those referred to in Article 2(3))' shall be replaced by the text 'Foodstuffs in general (except those referred to in Article 2(3) and jelly confectionery including jelly-mini-cups)'.

Article 2

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive before 17 January 2004. They shall forthwith inform the Commission thereof.

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

Article 3

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

Article 4

This Directive is addressed to the Member States.

Done at Luxembourg, 18 June 2003.

For the European Parliament

The President

P. COX

For the Council

The President

G. DRYG

⁽¹⁾ OJ C 331 E, 31.12.2002, p. 124.

⁽²⁾ OJ C 85, 8.4.2003, p. 39.

⁽³⁾ Opinion of the European Parliament of 11 February 2003 (not yet published in the Official Journal), and Council Decision of 19 May 2003.

⁽⁴⁾ OJ L 61, 18.3.1995, p. 1. Directive as last amended by Directive 2001/5/EC (OJ L 55, 24.2.2001, p. 59).

**DIRECTIVE 2003/53/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL
of 18 June 2003**

amending for the 26th time Council Directive 76/769/EEC relating to restrictions on the marketing and use of certain dangerous substances and preparations (nonylphenol, nonylphenol ethoxylate and cement)

(Text with EEA relevance)

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 laid down in Article 251 of the Treaty ⁽³⁾,

Whereas:

- (1) The risks posed to the environment by nonylphenol (NP) and nonylphenol ethoxylate (NPE) have been assessed in accordance with Council Regulation (EEC) No 793/93 of 23 March 1993 on the evaluation and control of the risks of existing substances ⁽⁴⁾. The assessment identified a need to reduce those risks and, in its opinion of 6 and 7 March 2001, the Scientific Committee on Toxicity, Ecotoxicity and the Environment (CSTEE) confirmed that conclusion.
- (2) NP is classified as a 'priority hazardous substance' in Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy ⁽⁵⁾. Pursuant to Article 16(6) of that Directive, the Commission is to submit proposals of control for the cessation or phasing-out of discharges, emissions and losses of such substances.
- (3) Commission Recommendation 2001/838/EC of 7 November 2001 on the results of the risk evaluation and the risk reduction strategies for the substances: acrylaldehyde; dimethyl sulphate; nonylphenol phenol, 4-nonyl-, branched; tert-butyl methyl ether ⁽⁶⁾, adopted within the framework of Regulation (EEC) No 793/93, proposed a risk limitation strategy for NP and NPE, recommending in particular that restrictions be placed on their marketing and use.

- (4) In order to protect the environment the Commission is invited to consider an amendment to Council Directive 86/278/EEC of 12 June 1986 on the protection of the environment, and in particular of the soil, when sewage sludge is used in agriculture ⁽⁷⁾, with a view to establishing a concentration limit value for NP and NPE in sewage sludge that is to be spread on land.
- (5) In order further to protect the environment, the placing on the market and the use of NP and NPE should be restricted for specific uses which result in discharges, emissions or losses to the environment. However, the restriction concerning co-formulants in pesticides and biocides should be without prejudice to the validity of existing national authorisations of pesticides or biocidal products containing NPE as a co-formulant, which have been granted before the entry into force of this Directive, until they expire.
- (6) Scientific studies have also shown that cement preparations containing chromium VI may cause allergic reactions in certain circumstances, if there is direct and prolonged contact with the human skin. All uses of cement bear the risk of direct and prolonged contact with the human skin, with the exception of controlled closed and totally automated processes.
- (7) The CSTEE has confirmed the adverse health effects of chromium VI in cement.
- (8) Individual protection measures are necessary, but not sufficient to prevent skin contact with cement. Moreover, according to the hierarchy of protection provisions contained in Council Directive 98/24/EC of 7 April 1998 on the protection of the health and safety of workers from the risks related to chemical agents at work (Fourteenth individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC ⁽⁸⁾, the employer is to ensure as a priority that the level of exposure is reduced to as low a level as possible when substitution is impossible, and apply individual protection measures only where exposure cannot be prevented by other means.

⁽¹⁾ Proposal of 16 August 2002 (not yet published in the Official Journal).

⁽²⁾ OJ C 133, 6.6.2003, p. 13.

⁽³⁾ Opinion of the European Parliament of 27 March 2003 (not yet published in the Official Journal) and Council Decision of 19 May 2003.

⁽⁴⁾ OJ L 84, 5.4.1993, p. 1.

⁽⁵⁾ OJ L 327, 22.12.2000, p. 1. Directive as amended by Decision No 2455/2001/EC (OJ L 331, 15.12.2001, p. 1).

⁽⁶⁾ OJ L 319, 4.12.2001, p. 30.

⁽⁷⁾ OJ L 181, 4.7.1986, p. 6. Directive as last amended by the 1994 Act of Accession.

⁽⁸⁾ OJ L 131, 5.5.1998, p. 11.

(9) In order to protect human health, it therefore appears necessary to restrict the placing on the market and the use of cement. In particular, the placing on the market and the use of cement or cement preparations containing more than 2 ppm chromium VI should be restricted in the case of activities where there is a possibility of contact with the skin. In controlled closed and totally automated processes this is not the case, and they should therefore be exempted. Reducing agents should be used at the earliest possible stage, i.e. at the point of cement production.

(10) In order further to protect human health, the Commission is invited to consider an amendment to Annex I to Directive 98/24/EC so as to establish a binding occupational exposure limit value for dust.

(11) The use of chromium VI has already been prohibited by Directive 2000/53/EC of the European Parliament and of the Council of 18 September 2000 on end-of-life vehicles ⁽¹⁾ and by Directive 2002/95/EC of the European Parliament and of the Council of 27 January 2003 on the restriction of the use of certain hazardous substances in electrical and electronic equipment ⁽²⁾. Other uses of chromium VI are being examined in the framework of a risk assessment, and the Commission is invited to propose as soon as possible the appropriate legislation to address any risks identified.

(12) Council Directive 76/769/EEC of 27 July 1976 on the approximation of the laws, regulations and administrative provisions of the Member States relating to restrictions on the marketing and use of certain dangerous substances and preparations ⁽³⁾ should be amended accordingly.

(13) The objective of this Directive is to introduce harmonised provisions with regard to NP, NPE and cement, thus preserving the internal market whilst ensuring a high level of protection for health and the environment, as required by Article 95 of the Treaty.

(14) The adoption of a harmonised testing method is desirable for the application of this Directive as regards the content of chromium VI in cement but should not delay the entry into force of this Directive. Therefore, the Commission, in accordance with Article 2a of Directive 76/769/EEC, should establish such a method. The testing method should preferably be developed at European level, if appropriate by the European Committee for Standardisation (CEN).

(15) This Directive does not affect the Community legislation laying down minimum requirements for the protection of workers, such as Council Directive 89/391/EEC of 12 June 1989 on the introduction of measures to encourage improvements in the safety and health of workers at work ⁽⁴⁾, and individual directives based thereon, in particular Council Directive 90/394/EEC of 28 June 1990 on the protection of workers from the risks related to exposure to carcinogens at work (Sixth individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC) ⁽⁵⁾ and Directive 98/24/EC,

HAVE ADOPTED THIS DIRECTIVE:

Article 1

1. Annex I to Directive 76/769/EEC is hereby amended as set out in the Annex to this Directive.

2. The validity of existing national authorisations of pesticides or biocidal products containing NPE as a co-formulant, which have been granted before the entry into force of this Directive, shall not be affected by this Directive until they expire.

Article 2

A harmonised testing method for the application of point 47, cement, of Annex I to Directive 76/769/EEC shall be adopted by the Commission in accordance with the procedure laid down in Article 2a of that Directive.

Article 3

Before 17 July 2004 Member States shall adopt and publish the provisions necessary to comply with this Directive. They shall forthwith inform the Commission thereof.

They shall apply these provisions from 17 January 2005.

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

Article 4

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

⁽¹⁾ OJ L 269, 21.10.2000, p. 34. Directive as amended by Commission Decision 2002/525/EC (OJ L 170, 29.6.2002, p. 81).

⁽²⁾ OJ L 37, 13.2.2003, p. 19.

⁽³⁾ OJ L 262, 27.9.1976, p. 201. Directive as last amended by Directive 2003/36/EC of the European Parliament and of the Council (OJ L 156, 25.6.2003, p. 26).

⁽⁴⁾ OJ L 183, 29.6.1989, p. 1.

⁽⁵⁾ OJ L 196, 26.7.1990, p. 1. Directive as last amended by Directive 1999/38/EC (OJ L 138, 1.6.1999, p. 66).

Article 5

This Directive is addressed to the Member States.

Done at Luxembourg, 18 June 2003.

For the European Parliament

The President

P. COX

For the Council

The President

G. DRYS

ANNEX

The following points 46 and 47 shall be added to Annex I of Directive 76/769/EEC:

<p>46.</p> <p>(1) Nonylphenol $C_6H_4(OH)C_9H_{19}$</p> <p>(2) Nonylphenol ethoxylate $(C_2H_4O)_n C_{15}H_{24}O$</p>	<p>May not be placed on the market or used as a substance or constituent of preparations in concentrations equal or higher than 0,1 % by mass for the following purposes:</p> <p>(1) industrial and institutional cleaning except:</p> <ul style="list-style-type: none"> — controlled closed dry cleaning systems where the washing liquid is recycled or incinerated, — cleaning systems with special treatment where the washing liquid is recycled or incinerated; <p>(2) domestic cleaning;</p> <p>(3) textiles and leather processing except:</p> <ul style="list-style-type: none"> — processing with no release into waste water, — systems with special treatment where the process water is pre-treated to remove the organic fraction completely prior to biological waste water treatment (degreasing of sheepskin); <p>(4) emulsifier in agricultural teat dips;</p> <p>(5) metal working except:</p> <ul style="list-style-type: none"> — uses in controlled closed systems where the washing liquid is recycled or incinerated; <p>(6) manufacturing of pulp and paper;</p> <p>(7) cosmetic products;</p> <p>(8) other personal care products except:</p> <ul style="list-style-type: none"> — spermicides; <p>(9) co-formulants in pesticides and biocides.</p>
<p>47. Cement</p>	<p>(1) Cement and cement-containing preparations may not be used or placed on the market, if they contain, when hydrated, more than 0,0002 % soluble chromium VI of the total dry weight of the cement.</p> <p>(2) If reducing agents are used, then without prejudice to the application of other Community provisions on the classification, packaging and labelling of dangerous substances and preparations, the packaging of cement or cement-containing preparations shall be legibly and indelibly marked with information on the packing date, as well as on the storage conditions and the storage period appropriate to maintaining the activity of the reducing agent and to keeping the content of soluble chromium VI below the limit indicated in paragraph 1.</p> <p>(3) By way of derogation, paragraphs 1 and 2 shall not apply to the placing on the market for, and use in, controlled closed and totally automated processes in which cement and cement-containing preparations are handled solely by machines and in which there is no possibility of contact with the skin.'</p>

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 10 July 2003

concerning health protection measures against African swine fever in Sardinia, Italy

(notified under document number C(2003) 2293)

(Text with EEA relevance)

(2003/514/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 89/662/EEC of 11 December 1989 concerning veterinary checks in intra-Community trade with a view to the completion of the internal market⁽¹⁾, as last amended by Regulation (EC) No 806/2003⁽²⁾, and in particular Article 9 thereof,

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⁽³⁾, as last amended by Directive 2002/33/EC of the European Parliament and of the Council⁽⁴⁾, and in particular Article 10 thereof,

Whereas:

(1) Commission Decision 95/108/EC of 28 March 1995 concerning health protection measures against African swine fever in Sardinia, Italy⁽⁵⁾ has been substantially amended⁽⁶⁾. In the interests of clarity and rationality the said Decision should be codified.

(2) African swine fever must be considered an endemic disease in the province of Nuoro, Sardinia, Italy.

(3) The disease situation is liable to endanger the herds in other regions of Italy and of other Member States, in view of trade in live pigs, fresh pigmeat and certain pigmeat-based products.

(4) Council Decision 90/424/EEC of 26 June 1990 on expenditure in the veterinary field⁽⁷⁾, as last amended by Regulation (EC) No 806/2003, provides for the possibility of financial participation by the Community in the eradication and surveillance of animal diseases.

(5) It is the objective within the context of the African swine fever eradication programmes presented annually by Italy for approval to eliminate that disease from the remaining infected areas of Sardinia.

(6) The Italian authorities have taken legal measures to prohibit the movement of live pigs, fresh pigmeat and certain pigmeat-based products from the territory of Sardinia. The adoption of those legal measures guarantees the efficacy of the implementation of this Decision.

(7) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS DECISION:

Article 1

Italy prohibits the movement of animals of the family *Suidae* from the territory of the region of Sardinia.

⁽¹⁾ OJ L 395, 30.12.1989, p. 13.

⁽²⁾ OJ L 122, 16.5.2003, p. 1.

⁽³⁾ OJ L 224, 18.8.1990, p. 29.

⁽⁴⁾ OJ L 315, 19.11.2002, p. 14.

⁽⁵⁾ OJ L 79, 7.4.1995, p. 29.

⁽⁶⁾ See Annex I.

⁽⁷⁾ OJ L 224, 18.8.1990, p. 19.

Article 2

1. Italy prohibits the movement of fresh pigmeat originating from any animal of the *Suidae* family from the territory of the region of Sardinia.

2. In derogation from the provisions of paragraph 1 fresh pigmeat can be sent to areas outside the territory of the region of Sardinia on condition that the meat in question:

(a) originates from pigs which have entered the territory of the region of Sardinia as pigs for slaughter in accordance with the provisions of Council Directive 64/432/EEC ⁽¹⁾ or Council Directive 72/462/EEC ⁽²⁾. The said pigs for slaughter have been transported directly from the port of entry to a designated slaughterhouse. On arrival at the slaughterhouse they have been slaughtered within 12 hours; or

(b) originates from pigs which:

- (i) have been kept on a holding approved by the competent veterinary authority; the holding shall be situated in the province of Sassari, Oristano or Cagliari;
- (ii) have been kept for at least four months at the holding of origin;
- (iii) have been kept on a holding which is located at least 10 km distant from any outbreak of African swine fever which has occurred in the last three months;
- (iv) have been kept on a holding into which no pigs have been introduced during the previous 30 days;
- (v) have been included in a pig population on a holding which is covered by the serological testing programme required under the African swine fever eradication programme adopted by the Commission within the context of the provisions of Decision 90/424/EEC and no antibodies to African swine fever virus have been detected within the last six months;
- (vi) have been included in a pre-movement serological testing programme carried out within 10 days prior to transport for slaughter where no antibodies to the African swine fever virus have been detected; the pre-movement testing programme for the consignment in question must be designed to give approximately 95 % confidence of detecting seropositive animals at a 5 % prevalence level;
- (vii) have undergone a clinical examination on the holding of origin within 24 hours prior to transport. All pigs on the holding of origin shall be examined and related facilities must be inspected. The animals shall be identified by ear tags at the holding of origin so that they can be traced back to the holding of origin;
- (viii) have been transported direct from the holding of origin to the designated slaughterhouse. The means of transport shall be cleaned and disinfected before loading and shall be officially sealed. The pigs shall be accompanied by a health document certifying that

they comply with the requirements provided for under points (i) to (vii) and signed by the competent authority;

(ix) on arrival at the slaughterhouse, have been slaughtered within 12 hours.

3. The meat referred to in paragraph 2 shall be kept separately from meat which does not comply with the conditions of provided for in that paragraph.

Article 3

Meat consigned from the territory of the region of Sardinia shall be accompanied by a certificate from an official veterinarian. The certificate shall bear the following words:

'Meat conforming to Commission Decision 2003/514/EC concerning health protection measures against African swine fever in Sardinia, Italy.'

Article 4

1. Italy prohibits the movement of pigmeat products from the territory of the region of Sardinia.

2. In derogation from paragraph 1, pigmeat products may be sent to areas outside the territory of the region of Sardinia on condition that the products in question:

- (a) have undergone treatment in accordance with the provisions of Article 4(1)(a) of Council Directive 80/215/EEC ⁽³⁾; or
- (b) have been manufactured at a designated establishment and only from meat which:
 - (i) complies with the provision of Article 2(2) and (3); or
 - (ii) have entered the territory of Sardinia as fresh pigmeat in accordance with the provisions of Council Directive 64/433/EEC ⁽⁴⁾.

Article 5

Meat products referred to in Article 4(2)(b) consigned from the territory of the region of Sardinia shall be accompanied by a certificate from an official veterinarian. The certificate shall bear the following words:

'Meat products conforming to Commission Decision 2003/514/EC concerning health protection measures against African swine fever in Sardinia, Italy.'

Article 6

Italy shall present to all Member States and the Commission:

- (a) a list containing name(s) and location(s) of designated slaughterhouse(s) referred to in Article 2 and name(s) and location(s) of designated establishment(s) referred to in Article 4(2)(b) and approved by the Central Veterinary Authority;

⁽¹⁾ OJ L 21, 29.7.1964, p. 1977/64.

⁽²⁾ OJ L 302, 31.12.1972, p. 28.

⁽³⁾ OJ L 47, 21.2.1980, p. 4.

⁽⁴⁾ OJ L 21, 29.7.1964, p. 2012/64.

- (b) a report every six months which contains information on number of pigs which have been subject to the measures provided for in Article 2(2)(b) and the results from serological testing carried out.

Article 7

1. Italy shall establish a National Coordination and Monitoring Committee. The chairman of the Committee shall be designated by the Central Veterinary Authority, which shall be in charge of the implementation of this Decision and the monitoring of measures to eradicate African swine fever. The Committee shall:

- (a) collect data on the surveillance activities carried out by authorities of the region of Sardinia;
- (b) have data-handling facilities;
- (c) have rapid communication links with the region of Sardinia.

2. The Central Veterinary Authority may introduce further protection measures other than those referred to in this Decision if they are deemed necessary.

Article 8

Decision 95/108/EC is repealed.

References to the repealed Decision shall be construed as references to this Decision and shall be read in accordance with the correlation table set out in Annex II.

Article 9

This Decision is addressed to the Member States.

Done at Brussels, 10 July 2003.

For the Commission
David BYRNE
Member of the Commission

ANNEX I

Repealed Decision with its amendment

Commission Decision 95/108/EC (OJ L 79, 7.4.1995, p. 29)

Commission Decision 1999/384/EC (OJ L 146, 11.6.1999, p. 52)

ANNEX II

Correlation table

Decision 95/108/EC	This Decision
Article 1	Article 1
Article 2(1)	Article 2(1)
Article 2(2)(a)	Article 2(2)(a)
Article 2(2)(b), first to ninth indents	Article 2(2)(b)(i) to (ix)
Article 2(3)	Article 2(3)
Articles 3 to 6	Articles 3 to 6
Article 7(1), first indent	Article 7(1)(a)
Article 7(1), second indent	Article 7(1)(b)
Article 7(1), third indent	Article 7(1)(c)
Article 7(2)	Article 7(2)
Article 8	—
Article 9	—
—	Article 8
Article 10	Article 9
—	Annex I
—	Annex II

CORRIGENDA**Corrigendum to 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)**

(Official Journal of the European Union L 162 of 1 July 2003)

On page 78, in the Annex, point 4:

for: '4. KARADZIC, Ljilana (maiden name: ZELEN)',
read: '4. KARADZIC, Ljiljana (maiden name: ZELEN)';

on page 79, in the Annex, point 8:

for: '8. KUJUNDZIC, Pedrag',
read: '8. KUJUNDZIC, Predrag';

on page 79, in the Annex, point 13:

for: '13. VEINOVIC, Vasilje
Date of birth/Place of birth:
Passport No/ID No:
Aliases: Filaret
Address:',
read: '13. MICEVIC, Jelenko
Date of birth/Place of birth: 8.8.1947, Borci near Konjic, Bosnia and Herzegovina, SFRY
Son of Luka and Desanka, maiden name: Simic
Passport No/ID No:
Aliases: Filaret
Address: Milesevo monastery, Serbia and Montenegro'.
