

English edition

Legislation

Contents

I Acts whose publication is obligatory

- ★ **Council Regulation (EC) No 1329/2003 of 21 July 2003 amending Regulation (EC) No 992/95 as regards tariff quotas for certain agricultural and fishery products originating in Norway** 1
- Commission Regulation (EC) No 1330/2003 of 25 July 2003 establishing the standard import values for determining the entry price of certain fruit and vegetables 5
- Commission Regulation (EC) No 1331/2003 of 25 July 2003 fixing the minimum selling prices for butter and the maximum aid for cream, butter and concentrated butter for the 124th individual invitation to tender under the standing invitation to tender provided for in Regulation (EC) No 2571/97 7
- Commission Regulation (EC) No 1332/2003 of 25 July 2003 fixing the maximum purchasing price for butter for the 77th invitation to tender carried out under the standing invitation to tender governed by Regulation (EC) No 2771/1999 9
- Commission Regulation (EC) No 1333/2003 of 25 July 2003 fixing the maximum aid for concentrated butter for the 296th special invitation to tender opened under the standing invitation to tender provided for in Regulation (EEC) No 429/90 10
- ★ **Commission Regulation (EC) No 1334/2003 of 25 July 2003 amending the conditions for authorisation of a number of additives in feedingstuffs belonging to the group of trace elements** 11
- ★ **Commission Regulation (EC) No 1335/2003 of 25 July 2003 amending Regulation (EEC) No 2454/93 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code ⁽¹⁾** 16
- ★ **Commission Regulation (EC) No 1336/2003 of 25 July 2003 amending Regulation (EC) No 2076/2002 as regards the continued use of the substances listed in Annex II ⁽¹⁾** 21

Commission Regulation (EC) No 1337/2003 of 25 July 2003 determining to what extent applications for the right to import for cows and heifers of certain mountain breeds lodged under Regulation (EC) No 1143/98 can be met	26
--	----

II Acts whose publication is not obligatory

Commission

2003/549/EC:

* Commission Decision of 17 July 2003 extending the period referred to in Article 95(6) of the EC Treaty in relation to the national provisions on the use of short-chain chlorinated paraffins notified by the Netherlands under Article 95(4) ⁽¹⁾ (notified under document number C(2003) 2539)	27
---	----

2003/550/EC:

* Commission Decision of 22 July 2003 amending Decision 2002/79/EC imposing special conditions on the import of peanuts and certain products derived from peanuts originating in or consigned from China ⁽¹⁾ (notified under document number C(2003) 2602)	39
--	----

2003/551/EC:

* Commission Decision of 22 July 2003 amending Decision 97/830/EC repealing Decision 97/613/EC and imposing special conditions on the import of pistachios and certain products derived from pistachios originating in or consigned from Iran ⁽¹⁾ (notified under document number C(2003) 2603)	43
---	----

2003/552/EC:

* Commission Decision of 22 July 2003 amending Decision 2002/80/EC imposing special conditions on the import of figs, hazelnuts and pistachios and certain products derived thereof originating in or consigned from Turkey ⁽¹⁾ (notified under document number C(2003) 2604)	47
---	----

2003/553/EC:

* Commission Decision of 23 July 2003 on the eligibility of expenditure to be incurred by certain Member States in 2003 for the collection and management of the data needed to conduct the common fisheries policy (notified under document number C(2003) 2629)	51
--	----

2003/554/EC:

* Decision No 2/2003 of the EU-Swiss Joint Committee of 15 July 2003 amending Annex II (Social Security) to the Agreement between the European Community and its Member States, of the one part, and the Swiss Confederation, of the other part, on the free movement of persons	55
---	----

Corrigenda

Corrigendum to Commission Regulation (EC) No 1319/2003 of 24 July 2003 fixing the export refunds on milk and milk products (OJ L 186 of 25.7.2003)	61
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⁽¹⁾ Text with EEA relevance

I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EC) No 1329/2003
of 21 July 2003
amending Regulation (EC) No 992/95 as regards tariff quotas for certain agricultural and fishery products originating in Norway

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal from the Commission,

Whereas:

(1) Pursuant to Council Regulation (EC) No 992/95 of 10 April 1995 opening and providing for the administration of Community tariff quotas for certain agricultural and fishery products originating in Norway⁽¹⁾, Community tariff quotas have been opened for certain agricultural and fishery products originating in Norway. Those quotas were granted under the Agreement between the European Economic Community and the Kingdom of Norway concluded on 14 May 1973⁽²⁾.

(2) By an Agreement in the form of an Exchange of Letters between the European Community and the Kingdom of Norway and approved by Council Decision 2003/465/EC⁽³⁾, the two parties have agreed to additional bilateral trade concessions concerning agricultural products. By virtue of that agreement the Community has undertaken to open, each year and subject to certain conditions, annual tariff quotas at a zero duty for a number of products originating in Norway.

(3) The tariff quotas in question should accordingly be opened from 1 January to 31 December each year. For the first calendar year of application of this Regulation, the full annual volume should be reduced in proportion to the part of the quota period elapsed before the opening of the quotas.

(4) The volume of the tariff quotas under order numbers 09.0785 and 09.0786 should be converted into euro. The amounts of euro should be fixed in accordance with Article 18(2) of Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code⁽⁴⁾, using the rate for the Norwegian krone published on 1 October 2002 in the *Official Journal of the European Communities*⁽⁵⁾.

(5) As of 1 January 2004, it is intended to manage the tariff quotas for products of CN code 0204 on the basis of Council Regulation (EC) No 2529/2001 of 19 December 2001 on the common organisation of the market in sheepmeat and goatmeat⁽⁶⁾. Therefore the tariff quota for those products originating in Norway should be managed under the arrangements established by Regulation (EC) No 992/95 only until the end of the year 2003. For the remaining months of the year 2003, provision should already be made, with regard to the importation of those products, that a document of origin be presented in accordance with the provisions established on the basis of Regulation (EC) No 2529/2001.

(6) It is therefore necessary to amend Regulation (EC) No 992/95 accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 992/95 is hereby amended as follows:

1. The following paragraph is added to Article 1:

'4. However, by way of derogation from paragraph 3, with regard to products of CN code 0204, importers shall present a document of origin in accordance with the provisions established on the basis of Article 16(1) and (4) of Council Regulation (EC) No 2529/2001 of 19 December 2001 on the common organisation of the market in sheepmeat and goatmeat (*).

(* OJ L 341, 22.12.2001, p. 3.'

⁽¹⁾ OJ L 101, 4.5.1995, p. 1. Regulation as amended by Regulation (EC) No 3061/95 (OJ L 327, 30.12.1995, p. 1).

⁽²⁾ OJ L 171, 27.6.1973, p. 1.

⁽³⁾ OJ L 156, 25.6.2003, p. 48.

⁽⁴⁾ OJ L 302, 19.10.1992, p. 1. Regulation as last amended by Regulation (EC) No 2700/2000 (OJ L 311, 12.12.2000, p. 17).

⁽⁵⁾ OJ C 235, 1.10.2002, p. 1.

⁽⁶⁾ OJ L 341, 22.12.2001, p. 3.

2. Annex I is amended in accordance with the Annex to this Regulation.

Article 2

1. For 2003 the annual volume of the tariff quotas provided for in Regulation (EC) No 992/95 as amended in accordance with the Annex to this Regulation shall be reduced in proportion to the part of the quota period in whole months which has elapsed before the date provided for in the second paragraph of Article 3. The figure resulting from this calculation shall be rounded up to the next complete unit.

2. For 2003, the volume opened for the tariff quota under order number 09.0761 shall be 770 tonnes.

Article 3

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

It shall apply from 1 July 2003.

However, with regard to products of CN code 0204, this Regulation shall apply only until 31 December 2003.

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

Done at Brussels, 21 July 2003.

For the Council
The President
E. FRATTINI

ANNEX

Annex I to Regulation (EC) No 992/95 is amended as follows:

1. After 'Products originating in Norway' the following note is inserted:

'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, 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 preferential scheme is to be determined by application to the CN code and corresponding description taken together.'

2. The table is amended as follows:

- (a) the title of the fourth column is replaced by 'Amount of quotas (tonnes unless otherwise specified)';
 (b) the rows with respect to order numbers 09.0757, 09.0761 and 09.0762 are replaced by the following:

'09.0757	ex 0809 20	Cherries, fresh, from 16 July to 31 August	900	Free ⁽³⁾
09.0761	ex 0810 10 00	Strawberries, fresh, from 9 June to 31 July	900	Free
09.0762	ex 0810 10 00	Strawberries, fresh, from 1 August to 15 September	900	Free

⁽³⁾ The additional specific duty is applicable.'

(c) the following items are inserted:

'09.0781	0204 10 00 0204 21 00 0204 22 0204 23 00 ⁽⁷⁾ 0204 30 00 0204 41 00 0204 42 0204 43 10 ⁽⁸⁾ 0204 43 90 ⁽⁹⁾ 0204 50 11 0204 50 13 0204 50 15 0204 50 19 0204 50 31 0204 50 39 ⁽¹⁰⁾ 0204 50 51 0204 50 53 0204 50 55 0204 50 59 0204 50 71 0204 50 79 ⁽¹⁰⁾	Meat of sheep or goats, fresh, chilled or frozen	300 ⁽¹¹⁾	Free
09.0782	0210	Meat and edible meat offal, salted, in brine, dried or smoked; edible flours and meals of meat or meat offal	200	Free
09.0783	0704 11 00	Cabbage lettuce	300	Free
09.0784	0705 19 00	Other lettuce	300	Free
09.0785	0602 90 51	Perennial plants	EUR 136 212	Free
09.0786	0602 90 70	Indoor plants: rooted cuttings and young plants, excluding cacti	EUR 544 848	Free

09.0787	1601	Sausages and similar products, of meat, meat offal or blood; food preparations based on these products	300	Free
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(7) The amount of a drawing request is determined by multiplying the net weight of the products by a coefficient of 1,67 (meat of lamb) or 1,81 (meat of sheep other than lamb).

(8) The amount of a drawing request is determined by multiplying the net weight of the products by a coefficient of 1,67.

(9) The amount of a drawing request is determined by multiplying the net weight of the products by a coefficient of 1,81.

(10) The amount of a drawing request is determined by multiplying the net weight of the products by a coefficient of 1,67 (meat of kid) or 1,81 (meat of goat other than kid).

(11) Carcase weight.

COMMISSION REGULATION (EC) No 1330/2003
of 25 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 26 July 2003.

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

Done at Brussels, 25 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 25 July 2003 establishing the standard import values for determining the entry price of certain fruit and vegetables

(EUR/100 kg)

CN code	Third country code ⁽¹⁾	Standard import value
0702 00 00	060	52,8
	999	52,8
0707 00 05	052	112,2
	999	112,2
0709 90 70	052	84,9
	999	84,9
0805 50 10	382	53,7
	388	62,4
	524	54,0
	528	52,6
	999	55,7
0806 10 10	052	128,7
	220	167,2
	400	192,1
	624	137,6
	999	156,4
0808 10 20, 0808 10 50, 0808 10 90	388	81,5
	400	70,4
	508	86,8
	512	78,0
	528	52,0
	720	63,7
	800	184,8
	804	99,9
	999	89,6
0808 20 50	052	110,0
	388	108,9
	512	91,2
	528	63,3
	999	93,4
0809 10 00	052	170,6
	064	142,1
	068	72,1
	999	128,3
0809 20 95	052	288,8
	400	257,8
	404	249,1
	999	265,2
0809 30 10, 0809 30 90	052	152,4
	094	123,1
	999	137,8
0809 40 05	064	91,6
	094	70,3
	999	80,9

⁽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 1331/2003
of 25 July 2003**

fixing the minimum selling prices for butter and the maximum aid for cream, butter and concentrated butter for the 124th individual invitation to tender under the standing invitation to tender provided for in Regulation (EC) No 2571/97

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1255/1999 of 17 May 1999 on the common organisation of the market in milk and milk products ⁽¹⁾, as last amended by Regulation (EC) No 806/2003 ⁽²⁾, and in particular Article 10 thereof,

Whereas:

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

The minimum selling prices and the maximum aid and processing securities applying for the 124th individual invitation to tender, under the standing invitation to tender provided for in Regulation (EC) No 2571/97, shall be fixed as indicated in the Annex hereto.

Article 2

This Regulation shall enter into force on 26 July 2003.

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

Done at Brussels, 25 July 2003.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 160, 26.6.1999, p. 48.

⁽²⁾ OJ L 122, 16.5.2003, p. 1.

⁽³⁾ OJ L 350, 20.12.1997, p. 3.

⁽⁴⁾ OJ L 76, 25.3.2000, p. 9.

ANNEX

to the Commission Regulation of 25 July 2003 fixing the minimum selling prices for butter and the maximum aid for cream, butter and concentrated butter for the 124th individual invitation to tender under the standing invitation to tender provided for in Regulation (EC) No 2571/97

(EUR/100 kg)

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

**COMMISSION REGULATION (EC) No 1332/2003
of 25 July 2003**

**fixing the maximum purchasing price for butter for the 77th invitation to tender carried out under
the standing invitation to tender governed by Regulation (EC) No 2771/1999**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1255/1999 of 17 May 1999 on the common organisation of the market in milk and milk products ⁽¹⁾, as last amended by Regulation (EC) No 806/2003 ⁽²⁾, and in particular Article 10 thereof,

Whereas:

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

For the 77th invitation to tender issued under Regulation (EC) No 2771/1999, for which tenders had to be submitted not later than 22 July 2003, the maximum buying-in price is fixed at 295,38 EUR/100 kg.

Article 2

This Regulation shall enter into force on 26 July 2003.

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

Done at Brussels, 25 July 2003.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 160, 26.6.1999, p. 48.

⁽²⁾ OJ L 122, 16.5.2003, p. 1.

⁽³⁾ OJ L 333, 24.12.1999, p. 11.

⁽⁴⁾ OJ L 53, 28.2.2003, p. 17.

COMMISSION REGULATION (EC) No 1333/2003
of 25 July 2003

fixing the maximum aid for concentrated butter for the 296th special invitation to tender opened under the standing invitation to tender provided for in Regulation (EEC) No 429/90

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1255/1999 of 17 May 1999 on the common organisation of the market in milk and milk products ⁽¹⁾, as last amended by Regulation (EC) No 806/2003 ⁽²⁾, and in particular Article 10 thereof,

Whereas:

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

For the 296th special invitation to tender under the standing invitation to tender opened by Regulation (EEC) No 429/90, the maximum aid and the amount of the end-use security shall be as follows:

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

Article 2

This Regulation shall enter into force on 26 July 2003.

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

Done at Brussels, 25 July 2003.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 160, 26.6.1999, p. 48.

⁽²⁾ OJ L 122, 16.5.2003, p. 1.

⁽³⁾ OJ L 45, 21.2.1990, p. 8.

⁽⁴⁾ OJ L 16, 21.1.1999, p. 19.

COMMISSION REGULATION (EC) No 1334/2003

of 25 July 2003

amending the conditions for authorisation of a number of additives in feedingstuffs belonging to the group of trace elements

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 70/524/EEC of 23 November 1970 concerning additives in feedingstuffs ⁽¹⁾, as last amended by Commission Regulation (EC) No 1756/2002 ⁽²⁾ and in particular Articles 3, 9d and 9e thereof,

Whereas:

- (1) Several additives belonging to the group of trace elements have been authorised under certain conditions in accordance with Directive 70/524/EEC, by means of Regulations (EC) No 2316/98 ⁽³⁾, (EC) No 639/1999 ⁽⁴⁾, (EC) No 2293/1999 ⁽⁵⁾, (EC) No 2200/2001 ⁽⁶⁾ and (EC) No 871/2003 ⁽⁷⁾.
- (2) In the light of the evolution of scientific and technical knowledge, the maximum content of trace elements authorised in feedingstuffs has been re-examined in order to ensure an optimal application of the conditions for authorisation laid down in Article 3a of Directive 70/524/EEC.
- (3) In the present state of scientific and technical knowledge it may be concluded that the maximum content of iron, cobalt, copper, manganese and zinc authorised in feedingstuffs in accordance with Directive 70/524/EEC should be reduced in order to better comply with the requirements laid down in Article 3a(a) and (b) of that Directive, in particular, the effects to satisfy nutritional needs, to improve animal production and to reduce harmful effects caused by animal excretions and also to minimise the adverse effects that the current levels of some trace elements have on human health and the environment
- (4) The maximum content of trace elements authorised in feedingstuffs must be calculated taking into consideration not only physiological requirements of animals but also other aspects such as average requirements and variability of the requirements in the diet, need to meet the needs of most members of animal populations and possible inefficiencies in the use of the nutrients.

- (5) The Scientific Committee on Animal Nutrition (SCAN) has delivered an opinion on the use of copper and zinc in feedingstuffs on 19 February 2003 and 14 March 2003 respectively. The SCAN concludes that the current maximum levels of these trace elements authorised in feedingstuffs are, in the majority of the cases, higher than necessary as regards the effects of these additives and recommends a reduction of such levels in order to adapt them to the physiological animal requirements.
- (6) In accordance with the current scientific and technical knowledge concerning specifically iron in feedingstuffs, suckling pigs must retain 7 to 16 mg/kg of iron daily, or 21 mg of iron kg/body weight gain to maintain adequate levels of haemoglobin. Sows' milk contains an average of only 1 mg of iron per litre. Thus, pigs receiving only milk rapidly develop anaemia. Iron should therefore be given to piglets in complementary feedingstuffs with a high content of this element as far as, during the suckling period, piglets are only fed with milk.
- (7) It is appropriate to provide for a transitional period of six months for the implementation of the new requirements and for a transitional period of nine months for the disposal of existing stocks of feedingstuffs labelled according to the previous conditions established in accordance with Directive 70/524/EEC.
- (8) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS REGULATION:

Article 1

The conditions for the authorisation of the additives E1 Iron-Fe, E3 Cobalt-Co, E4 Copper-Cu, E5 Manganese-Mn and E6 Zinc-Zn belonging to the group 'trace elements' ⁽⁸⁾, are hereby replaced by those set out in the Annex hereto in accordance with Directive 70/524/EEC.

Article 2

This Regulation shall enter into force on the 20th day after its publication in the *Official Journal of the European Union*.

It shall apply from 26 January 2004. However, existing stocks of feedingstuffs labelled according to the previous conditions established in accordance with Directive 70/524/EEC may be used during a transitional period expiring 26 April 2004.

⁽¹⁾ OJ L 270, 14.12.1970, p. 1.

⁽²⁾ OJ L 265, 3.10.2002, p. 1.

⁽³⁾ OJ L 289, 28.10.1998, p. 4.

⁽⁴⁾ OJ L 82, 26.3.1999, p. 6.

⁽⁵⁾ OJ L 284, 6.11.1999, p. 1.

⁽⁶⁾ OJ L 299, 15.11.2001, p. 1.

⁽⁷⁾ OJ L 125, 21.5.2003, p. 3.

⁽⁸⁾ The list of authorised additives, including trace elements, is published in OJ C 329/1, 31.12.2002, as amended by Regulation (EC) No 871/2003 (L 123, 21.5.2003, p. 3).

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

Done at Brussels, 25 July 2003.

For the Commission
David BYRNE
Member of the Commission

ANNEX

EEC No	Element	Additive	Chemical formula and description	Maximum content of the element in mg/kg of the complete feedingstuff or in mg/day	Other provisions	Period of authorisation
Trace elements						
E 1	Iron-Fe	Ferrous carbonate	FeCO_3	Ovine: 500 (total) mg/kg of the complete feedingstuff Pet animals: 1 250 (total) mg/kg of the complete feedingstuff Piglets up to one week before weaning: 250 mg/day Other species: 750 (total) mg/kg of the complete feedingstuff		Without a time limit
		Ferrous chloride, tetrahydrate	$\text{FeCl}_2 \cdot 4\text{H}_2\text{O}$			
		Ferric chloride, hexahydrate	$\text{FeCl}_3 \cdot 6\text{H}_2\text{O}$			
		Ferrous citrate, hexahydrate	$\text{Fe}_3(\text{C}_6\text{H}_5\text{O}_7)_2 \cdot 6\text{H}_2\text{O}$			
		Ferrous fumarate	$\text{FeC}_4\text{H}_2\text{O}_4$			
		Ferrous lactate, trihydrate	$\text{Fe}(\text{C}_3\text{H}_3\text{O}_3)_2 \cdot 3\text{H}_2\text{O}$			
		Ferric oxide	Fe_2O_3			
		Ferrous sulphate, monohydrate	$\text{FeSO}_4 \cdot \text{H}_2\text{O}$			
		Ferrous sulphate, heptahydrate	$\text{FeSO}_4 \cdot 7\text{H}_2\text{O}$			
		Ferrous chelate of amino acids, hydrate	$\text{Fe}(x)_{1,3} \cdot n\text{H}_2\text{O}$ (x = anion of any amino acid derived from hydrolysed soya protein) Molecular weight not exceeding 1 500.			
E 3	Cobalt-Co	Cobaltous acetate, tetrahydrate	$\text{Co}(\text{CH}_3\text{COO})_2 \cdot 4\text{H}_2\text{O}$	2 (total)	—	Without a time limit
		Basic cobaltous carbonate, monohydrate	$2\text{CoCO}_3 \cdot 3\text{Co}(\text{OH})_2 \cdot \text{H}_2\text{O}$			
		Cobaltous chloride, hexahydrate	$\text{CoCl}_2 \cdot 6\text{H}_2\text{O}$			
		Cobaltous sulphate, heptahydrate	$\text{CoSO}_4 \cdot 7\text{H}_2\text{O}$			
		Cobaltous sulphate, monohydrate	$\text{CoSO}_4 \cdot \text{H}_2\text{O}$			
		Cobaltous nitrate, hexahydrate	$\text{Co}(\text{NO}_3)_2 \cdot 6\text{H}_2\text{O}$			

EEC No	Element	Additive	Chemical formula and description	Maximum content of the element in mg/kg of the complete feedingstuff or in mg/day	Other provisions	Period of authorisation
E 4	Copper-Cu	Cupric acetate, monohydrate	$\text{Cu}(\text{CH}_3\text{COO})_2 \cdot \text{H}_2\text{O}$	Pigs — piglets up to 12 weeks: 170 (total) — other pigs: 25 (total) Bovine 1. — bovine before the start of rumination: — milk replacers: 15 (total) — other complete feedingstuffs: 15 (total). 2. — other bovine: 35 (total). Ovine: 15 (total) Fish: 25 (total) Crustaceans: 50 (total) Other species: 25 (total)	The following declarations shall be inserted in the labelling and accompanying documents: — For sheep: Where the level of copper in feedingstuffs exceeds 10 mg/kg: 'the level of copper in this feedingstuff may cause poisoning in certain breeds of sheep.' — For bovines after the start of rumination: Where the level of copper in feedingstuffs is less than 20 mg/kg: 'the level of copper in this feedingstuff may cause copper deficiencies in cattle grazing pastures with high contents of molybdenum or sulphur.'	Without a time limit
		Basic cupric carbonate, monohydrate	$\text{CuCO}_3 \cdot \text{Cu}(\text{OH})_2 \cdot \text{H}_2\text{O}$			
		Cupric chloride, dihydrate	$\text{CuCl}_2 \cdot 2\text{H}_2\text{O}$			
		Cupric methionate	$\text{Cu}(\text{C}_5\text{H}_{10}\text{NO}_2\text{S})_2$			
		Cupric oxide	CuO			
		Cupric sulphate, pentahydrate	$\text{CuSO}_4 \cdot 5\text{H}_2\text{O}$			
		Cupric chelate of amino acids hydrate	$\text{Cu}(\text{x})_{1,3} \cdot \text{nH}_2\text{O}$ (x = anion of any amino acid derived from hydrolysed soya protein) Molecular weight not exceeding 1 500.			
		Copperlysine sulphate	$\text{Cu}(\text{C}_6\text{H}_{13}\text{N}_2\text{O}_2)_2 \cdot \text{SO}_4$			31.3.2004 for copperlysine sulphate
E 5	Manganese-Mn	Manganous carbonate	MnCO_3	Fish: 100 (total) Other species: 150 (total)	—	Without a time limit
		Manganous chloride, tetrahydrate	$\text{MnCl}_2 \cdot 4\text{H}_2\text{O}$			
		Manganous hydrogen phosphate, trihydrate	$\text{MnHPO}_4 \cdot 3\text{H}_2\text{O}$			
		Manganous oxide	MnO			
		Manganic oxide	Mn_2O_3			
		Manganous sulphate, tetrahydrate	$\text{MnSO}_4 \cdot 4\text{H}_2\text{O}$			
		Manganous sulphate, monohydrate	$\text{MnSO}_4 \cdot \text{H}_2\text{O}$			
		Manganese chelate of amino acids hydrate	$\text{Mn}(\text{x})_{1,3} \cdot \text{nH}_2\text{O}$ (x = anion of any amino acid derived from hydrolysed soya protein) Molecular weight not exceeding 1 500.			
		Manganomanganic oxide	$\text{MnO Mn}_2\text{O}_3$			

EEC No	Element	Additive	Chemical formula and description	Maximum content of the element in mg/kg of the complete feedingstuff or in mg/day	Other provisions	Period of authorisation
E 6	Zinc-Zn	Zinc lactate, trihydrate	$Zn(C_3H_5O_3)_2 \cdot 3H_2O$	Pet animals: 250 (total) Fish: 200 (total) Milk replacers: 200 (total) Other species: 150 (total)	—	Without a time limit
		Zinc acetate, dihydrate	$Zn(CH_3COO)_2 \cdot 2H_2O$			
		Zinc carbonate	$ZnCO_3$			
		Zinc chloride, monohydrate	$ZnCl_2 \cdot H_2O$			
		Zinc oxide	ZnO Maximum content of lead: 600 mg/kg.			
		Zinc sulphate, heptahydrate	$ZnSO_4 \cdot 7H_2O$			
		Zinc sulphate, monohydrate	$ZnSO_4 \cdot H_2O$			
		Zinc chelate of amino acids hydrate	$Zn (x)_{1-3} \cdot nH_2O$ (x = anion of any amino acid derived from hydrolysed soya protein) Molecular weight not exceeding 1 500.			

**COMMISSION REGULATION (EC) No 1335/2003
of 25 July 2003**

**amending Regulation (EEC) No 2454/93 laying down provisions for the implementation of Council
Regulation (EEC) No 2913/92 establishing the Community Customs Code**

(Text with EEA relevance)

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⁾, and in particular Article 247 and Article 247a thereof,

Whereas:

- (1) Articles 220(2)(b) and 239 of Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code lay down that in certain cases import or export duties shall not be subsequently entered in the accounts or may be repaid or remitted for reasons of equity.
- (2) Given that under Article 8 of Council Decision 2000/597/EC, Euratom of 29 September 2000 on the system of the European Communities' own resources⁽³⁾ the Member States are primarily responsible for collecting traditional own resources, it should therefore primarily be up to the authorities of the Member States to decide whether or not import duties or export duties should be entered subsequently in the accounts under Article 220(2)(b) of Regulation (EEC) No 2913/92 or repaid or remitted under Article 239 of that Regulation.
- (3) However, in order to ensure uniform treatment of traders and protect the financial interests of the Communities, the obligation to transmit dossiers to the Commission for a decision should remain where Member States consider that the decision should be favourable and either (a) an active error or failing on the part of the Commission is cited, or (b) the circumstances of the case are connected to Community investigations carried out under Council Regulation (EC) No 515/97 of 13 March 1997 on mutual assistance between the administrative authorities of the Member States and cooperation between the latter and the Commission to ensure the correct application of the law on customs and agricultural matters⁽⁴⁾, or (c) the amount of duties involved is EUR 500 000 or more.

(4) However, there need be no such obligation to transmit the dossier if the Commission has already adopted a decision on a case comparable in fact and law, since Member States can then base their own final decision on the most recent Commission decision comparable in fact and law.

(5) Commission Regulation (EEC) No 2454/93⁽⁵⁾, as last amended by Regulation (EC) No 881/2003⁽⁶⁾, should therefore be amended accordingly.

(6) The Customs Code Committee did not hand down an opinion within the time limit set by its Chairman. The Commission therefore sent the Council a proposal on the measures concerned. As the Council did not adopt a decision before expiry of the time limit laid down in Article 6(5) of Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission⁽⁷⁾, it is therefore up to the Commission to adopt the said measures,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 2454/93 is amended as follows:

1. Article 869 is amended as follows:

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

'(b) in cases in which they consider that the conditions laid down in Article 220(2)(b) of the Code are fulfilled, except those in which the dossier must be transmitted to the Commission pursuant to Article 871. However, where Article 871(2), second indent, is applicable, the customs authorities may not adopt a decision waiving entry in the accounts of the duties in question until the end of a procedure initiated in accordance with Articles 871 to 876.;

(b) subparagraph (c) is deleted;

⁽¹⁾ OJ L 302, 19.10.1992, p. 1.

⁽²⁾ OJ L 311, 12.12.2000, p. 17.

⁽³⁾ OJ L 253, 7.10.2000, p. 42.

⁽⁴⁾ OJ L 82, 22.3.1997, p. 1.

⁽⁵⁾ OJ L 253, 11.10.1993, p. 1.

⁽⁶⁾ OJ L 134, 29.5.2003, p. 1.

⁽⁷⁾ OJ L 184, 17.7.1999, p. 23.

(c) the following two paragraphs are added:

'Where a request is submitted for repayment or remission under Article 236 of the Code in conjunction with Article 220(2)(b) of the Code, subparagraph (b) of the first paragraph of this Article and Articles 871 to 876 shall apply *mutatis mutandis*.

For the purposes of applying the above paragraphs the Member States shall give each other mutual assistance, particularly where an error by the customs authorities of a Member State other than the one responsible for taking the decision is concerned.'

2. Articles 870 to 872 are replaced by the following:

Article 870

1. Each Member State shall hold at the disposal of the Commission a list of the cases in which the following provisions have been applied:

- Article 869(a),
- Article 236 of the Code in conjunction with Article 220(2)(b) of the Code, where no communication is required under paragraph 2,
- Article 869(b), where no communication is required under paragraph 2.

2. Each Member State shall communicate to the Commission a list of the cases in which the amount not collected from the operator concerned in respect of one or more import or export operations but in consequence of a single error is more than EUR 50 000, and the provisions of Article 236 of the Code in conjunction with Article 220(2)(b) of the Code or of Article 869(b) have been applied, giving a short summary of each case. This communication shall be forwarded during the first and third quarters of each year for all cases in which it was decided not to enter the uncollected duties in the accounts during the preceding half-year.

Article 871

1. The customs authority shall transmit the case to the Commission to be settled under the procedure laid down in Articles 872 to 876 where it considers that the conditions laid down in Article 220(2)(b) of the Code are fulfilled and:

- it considers that the Commission has committed an error within the meaning of Article 220(2)(b) of the Code,
- the circumstances of the case are related to the findings of a Community investigation carried out under Council Regulation (EC) No 515/97 of 13 March 1997 on mutual assistance between the administrative authorities of the Member States and cooperation between the latter

and the Commission to ensure the correct application of the law on customs and agricultural matters (*) or under any other Community legislation or any agreement concluded by the Community with a country or group of countries in which provision is made for carrying out such Community investigations, or

- the amount not collected from the operator concerned in respect of one or more import or export operations but in consequence of a single error is EUR 500 000 or more.

2. However, the cases referred to in paragraph 1 shall not be transmitted where:

- the Commission has already adopted a decision under the procedure provided for in Articles 872 to 876 on a case involving comparable issues of fact and of law,
- the Commission is already considering a case involving comparable issues of fact and of law.

3. The dossier submitted to the Commission shall contain all the information required for full consideration. It shall include detailed information on the behaviour of the operator concerned, and in particular on his professional experience, good faith and diligence. This assessment shall be accompanied by all information that may demonstrate that the operator acted in good faith. The dossier shall also include a statement, signed by the applicant for repayment or remission, certifying that he has read the dossier and either stating that he has nothing to add or listing all the additional information that he considers should be included.

4. As soon as it receives the dossier the Commission shall inform the Member State concerned accordingly.

5. Should it be found that the information supplied by the Member State is not sufficient to enable a decision to be taken on the case concerned in full knowledge of the facts, the Commission may request that additional information be supplied.

6. Where one of the following situations occurs the Commission shall return the dossier to the customs authority and the procedure referred to in Articles 872 to 876 shall be deemed never to have been initiated:

- the dossier shows that there is a disagreement between the customs authority that has transmitted the dossier and the person who signed the statement referred to in paragraph 3 as regards the account of the facts,
- the dossier is obviously incomplete since it contains nothing that would justify its consideration by the Commission,
- under paragraphs 1 and 2, the dossier should not be transmitted,

- the existence of a customs debt has not been established,
- new information relating to the dossier and of a nature to alter substantially its presentation of the facts or legal assessment has been transmitted by the customs authority to the Commission while it is considering the dossier.

Article 872

The Commission shall send to the Member States a copy of the dossier referred to in Article 871(3) within 15 days of the date on which it received that dossier.

Consideration of the case in question shall be included as soon as possible on the agenda of a meeting of the group of experts provided for in Article 873.

(*) OJ L 82, 22.3.1997, p. 1.'

3. Articles 873 to 875 are replaced by the following:

'Article 873

After consulting a group of experts composed of representatives of all Member States, meeting within the framework of the Committee to consider the case in question, the Commission shall decide whether the circumstances under consideration are such that the duties in question need not be entered in the accounts.

That decision shall be taken within nine months of the date on which the dossier referred to in Article 871(3) is received by the Commission. However, where the declaration or detailed assessment of the operator's behaviour referred to in Article 871(3) is not included in the dossier, the nine months shall be counted only from the date of receipt of these documents by the Commission. The Commission shall notify the customs authority and the person concerned accordingly.

Where the Commission has found it necessary to ask for additional information from the Member State in order to reach its decision, the nine months shall be extended by a period equivalent to that between the date the Commission sent the request for additional information and the date it received that information. The Commission shall notify the person concerned of the extension of the procedure.

Where the Commission conducts investigations itself in order to reach a decision, the nine months shall be extended by the time necessary to complete the investigations. Such an extension shall not exceed nine months. The Commission shall notify the customs authority and the person concerned of the dates on which investigations are opened and closed.

Where the Commission has notified the person concerned of its objections in accordance with Article 872a, the period of nine months shall be extended by one month.

Article 874

The Member State concerned shall be notified of the decision referred to in Article 873 as soon as possible and in any event within one month of the expiry of the period specified in that Article.

The Commission shall notify the Member States of the decisions it has adopted in order to help customs authorities to reach decisions in situations involving comparable issues of fact and law.

Article 875

Where it is established by the decision referred to in Article 873 that the circumstances under consideration are such that the duties in question need not be entered in the accounts, the Commission may specify the conditions under which the Member States may refrain from post-clearance entry in the account in cases involving comparable issues of fact and of law.'

4. Article 899 is replaced by the following text:

'Article 899

1. Where the decision-making customs authority establishes that an application for repayment or remission submitted to it under Article 239(2) of the Code:

- is based on grounds corresponding to one of the circumstances referred to in Articles 900 to 903, and that these do not result from deception or obvious negligence on the part of the person concerned, it shall repay or remit the amount of import or export duties concerned,
- is based on grounds corresponding to one of the circumstances referred to in Article 904, it shall not repay or remit the amount of import or export duties concerned.

2. In other cases, except those in which the dossier must be submitted to the Commission pursuant to Article 905, the decision-making customs authority shall itself decide to grant repayment or remission of the import or export duties where there is a special situation resulting from circumstances in which no deception or obvious negligence may be attributed to the person concerned.

Where Article 905(2), second indent, is applicable, the customs authorities may not decide to authorise repayment or remission of the duties in question until the end of a procedure initiated in accordance with Articles 906 to 909.

3. For the purposes of Article 239(1) of the Code and of this Article, "the person concerned" shall mean the person or persons referred to in Article 878(1) or their representatives, and any other person who was involved with the completion of the customs formalities relating to the goods concerned or gave the instructions necessary for the completion of these formalities.

4. For the purposes of applying paragraphs 1 and 2 the Member States shall give each other mutual assistance, particularly where an error by the customs authorities of a Member State other than that responsible for taking the decision is concerned.'

5. The following Article is inserted after Article 904:

'Article 904a

1. When no communication is required under paragraph 2, each Member State shall hold at the disposal of the Commission the list of the cases in which Article 899(2) was applied.

2. Each Member State shall communicate to the Commission a list of the cases in which it has applied the provisions of Article 899(2) and the amount repaid or remitted in respect of one or more import or export operations but in consequence of a single special situation is more than EUR 50 000, giving a short summary of each case. This communication shall be forwarded during the first and third quarters of each year for all cases in which it was decided to repay or remit duties during the preceding half-year.'

6. Articles 905 and 906 are replaced by:

'Article 905

1. Where the application for repayment or remission submitted under Article 239(2) of the Code is supported by evidence which might constitute a special situation resulting from circumstances in which no deception or obvious negligence may be attributed to the person concerned, the Member State to which the decision-making customs authority belongs shall transmit the case to the Commission to be settled under the procedure laid down in Articles 906 to 909 where:

- the authority considers that a special situation is the result of the Commission failing in its obligations,
- the circumstances of the case are related to the findings of a Community investigation carried out under Regulation (EC) No 515/97, or under any other Community legislation or any agreement concluded by the Community with countries or groups of countries in which provision is made for carrying out such Community investigations, or

- the amount for which the person concerned may be liable in respect of one or more import or export operations but in consequence of a single special situation is EUR 500 000 or more.

The term "the person concerned" shall be interpreted in the same way as in Article 899.

2. However, the cases referred to in paragraph 1 shall not be transmitted where:

- the Commission has already adopted a decision under the procedure provided for in Articles 906 to 909 on a case involving comparable issues of fact and of law,
- the Commission is already considering a case involving comparable issues of fact and of law.

3. The dossier submitted to the Commission shall contain all the information required for full consideration. It shall include detailed information on the behaviour of the operator concerned, and in particular on his professional experience, good faith and diligence. This assessment shall be accompanied by all information that may demonstrate that the operator acted in good faith. The dossier shall also include a statement, signed by the applicant for repayment or remission, certifying that he has read the dossier and either stating that he has nothing to add or listing all the additional information that he considers should be included.

4. As soon as it receives the dossier the Commission shall inform the Member State concerned accordingly.

5. Should it be found that the information supplied by the Member State is not sufficient to enable a decision to be taken on the case concerned in full knowledge of the facts, the Commission may request that additional information be supplied.

6. Where one of the following situations occurs the Commission shall return the dossier to the customs authority and the procedure referred to in Articles 906 to 909 shall be deemed never to have been initiated:

- the dossier shows that there is a disagreement between the customs authority that has transmitted the dossier and the person who signed the statement referred to in paragraph 3 as regards the account of the facts,
- the dossier is obviously incomplete since it contains nothing that would justify its consideration by the Commission,
- under paragraphs 1 and 2, the dossier should not be transmitted,

- the existence of a customs debt has not been established,
- new information relating to the dossier and of a nature to alter substantially its presentation of the facts or legal assessment has been transmitted by the customs authority to the Commission while it is considering the dossier.

Article 906

The Commission shall forward to the Member States a copy of the dossier referred to in Article 905(3) within 15 days of the date on which it received that dossier.

Consideration of the case in question shall be included as soon as possible on the agenda of a meeting of the group of experts provided for in Article 907.'

7. Articles 907 and 908 are replaced by:

'Article 907

After consulting a group of experts composed of representatives of all Member States, meeting within the framework of the Committee to consider the case in question, the Commission shall decide whether or not the situation which has been considered justifies repayment or remission.

That decision shall be taken within nine months of the date on which the case referred to in Article 905(3) is received by the Commission. However, where the declaration or detailed assessment of the operator's behaviour referred to in Article 905(3) is not included in the dossier, the nine months shall be counted only from the date of receipt of these documents by the Commission. The customs authority and the person applying for repayment or remission shall be notified accordingly.

Where the Commission has found it necessary to ask for additional information from the Member State in order to reach its decision, the nine months shall be extended by a period equivalent to that between the date the Commission sent the request for additional information and the date it received that information. The person applying for repayment or remission shall be notified of the extension.

Where the Commission conducts investigations itself in order to reach its decision, the nine months shall be extended by the time necessary to complete the investigations. Such an extension shall not exceed nine months. The customs authority and the person applying for repayment or remission shall be notified of the dates on which investigations are opened and closed.

Where the Commission has notified the person applying for repayment or remission of its objections in accordance with Article 906a, the period of nine months shall be extended by one month.

Article 908

1. The Member State concerned shall be notified of the decision referred to in Article 907 as soon as possible and in any event within one month of the expiry of the period specified in that Article.

The Commission shall notify the Member States of the decisions it has adopted in order to help customs authorities to reach decisions on cases involving comparable issues of fact and law.

2. The decision-making authority shall decide whether to grant or refuse the application made to it on the basis of the Commission's decision notified in accordance with paragraph 1.

3. Where it is established by the decision referred to in Article 907 that the circumstances under consideration justify repayment or remission, the Commission may specify the conditions under which the Member States may repay or remit duties in cases involving comparable issues of fact and of law.'

Article 2

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

Article 1 shall apply from 1 August 2003 to all cases not sent to the Commission for decision before that date.

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

Done at Brussels, 25 July 2003.

For the Commission
Frederik BOLKESTEIN
Member of the Commission

COMMISSION REGULATION (EC) No 1336/2003
of 25 July 2003
amending Regulation (EC) No 2076/2002 as regards the continued use of the substances listed in
Annex II
(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 91/414/EEC of 15 July 1991 concerning the placing of plant-protection products on the market ⁽¹⁾, as last amended by Commission Directive 2003/70/EC ⁽²⁾, and in particular the fourth subparagraph of Article 8(2) thereof,

Whereas:

- (1) Commission Regulation (EC) No 2076/2002 ⁽³⁾ contains provisions for the non-inclusion of certain active substances in Annex I to Directive 91/414/EEC and for the withdrawal by Member States of all authorisations for plant-protection products containing such active substances. For uses for which additional technical evidence had been provided demonstrating the essential need for further use of the active substance and the absence of an efficient alternative, temporary measures were provided to enable the development of alternatives.
- (2) Member States have presented new evidence demonstrating the need for further essential uses. Such information has been evaluated by the Commission with Member State experts. Derogations should be given only for cases which appear justified and which do not give rise to concern and should be restricted to the control of harmful organisms for which no efficient alternatives exist.

- (3) Certain active substances are covered both by the third and fourth stage of the programme of work because of their chemical relation or because of their specific use. In order to avoid inconsistencies, the necessary adaptations should be made to Annex II to Regulation (EC) No 2076/2002.
- (4) Regulation (EC) No 2076/2002 should therefore be amended accordingly.
- (5) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS REGULATION:

Article 1

Annex II to Regulation (EC) No 2076/2002 is replaced by the text in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on the seventh 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, 25 July 2003.

For the Commission

David BYRNE

Member of the Commission

⁽¹⁾ OJ L 230, 19.8.1991, p. 1.

⁽²⁾ OJ L 184, 23.7.2003, p. 9.

⁽³⁾ OJ L 319, 23.11.2002, p. 3.

ANNEX

'ANNEX II

List of authorisations referred to in Article 2(3)

Column A	Column B	Column C
Active substance	Member State	Use
2-aminobutane	United Kingdom	Stored seed potato
	Ireland	Stored seed potato
1,3-dichloropropene (cis)	The Netherlands	Flower bulbs, strawberries, vegetables, tree nursery crops, perennials and replanting of orchards
4-CPA (4-chlorophenoxyacetic acid)	Greece	Grape (seedless)
	Spain	Tomato, aubergine
Acifluorfen	Italy	Soybean
Azaconazole	Belgium	Sweet pepper, tomato, wound treatment on trees
	The Netherlands	Tomato
	United Kingdom	Ornamentals
Benfuresate	Spain	Cotton
Bromacil	France	Lavender, lavandin
Bromopropylate	Belgium	Bean
	Italy	Pome fruit, vine
	Spain	Lemon, tomato, pome fruit, vine
Calcium hydroxide (aka slake lime (*))	The Netherlands	Fruit
Cartap	Italy	Pome fruit, stone fruit, tomato, aubergine, pepper, melon, marrow, ornamentals
Chinomethionate	Greece	Melon, water melon
	Spain	<i>Cucurbitaceae</i>
Chlorfenvinfos	Denmark	Cabbage
	Germany	Small radish, radish, carrot, onion, celery, cabbage, cucumber, oil seed rape
	Ireland	Carrot, parsnip, cabbage, swede
	France	Mushroom, asparagus, cress, radish, spinach, corn salad, gherkin, courgette, onion, shallot, carrot, celeriac, leek, celery, parsley, garlic, cabbage, turnip
	The Netherlands	Cabbage, onion, carrot, <i>Brassica</i> vegetables, swede, turnip, radish, black radish, leek, celeriac
	Sweden	Head cabbage and swedes
	Portugal	<i>Brassica</i>
	Spain	<i>Brassica</i>
Cyanazine	United Kingdom	Pea, bean, <i>Brassica</i> , narcissi, oilseed rape, <i>Allium</i> , forestry
	Sweden	Oilseed rape and pickling cucumber
	Ireland	Onion
Dalapon	Italy	Rice

Column A	Column B	Column C
Active substance	Member State	Use
Ethion	France	Carrot, parsley, celery, celeriac, garlic, shallot, onion, leek, cabbage
Dikegulac	Germany	Ornamentals (under glass)
Dimefuron	Germany	Oil seed rape
Dinobuton	Spain	Pome fruit
Ethyl dipropylthiocarbamate (EPTC)	Portugal	Potato
Fenpropathrin	United Kingdom	Soft fruit (blackcurrant)
Fenuron	United Kingdom	Pea, bean, spinach
Flumethralin	Portugal Spain	Tobacco Tobacco
Fomesafen	United Kingdom France Italy	Pea, bean, lupin Soybean, bean Soybean, bean, pea
Furalaxyl	Ireland	Ornamentals
Furathiocarb	Belgium	Leek
Haloxyfop	Denmark	Seed grass fields of red fescue, seed beds of ornamentals
Heptenophos	Ireland Italy	Ornamentals, cucumber, tomato, lettuce Cabbage, french bean, lettuce
Hexazinone	Austria France Ireland Spain	Conifer Conifer, lavender, lavandin, clary sage, liquorice, lucerne, sugar cane Conifer Conifer, lucerne
Imazapyr	Ireland Portugal	Forestry Non-crop land
Iminoctadine	Greece	Tomatoes under plastic
Mepronil	Austria	Lettuce
Metobromuron	Belgium Spain Germany France	Lambs lettuce, bean, potato Potato Lambs lettuce, bean, tobacco Lambs lettuce
Metoxuron	Belgium France Ireland Luxemburg The Netherlands United Kingdom	Carrot, potato Carrot Carrot Carrot, potato Carrot, potato, iris, gladiolus Carrot, parsnip

Column A	Column B	Column C
Active substance	Member State	Use
Naptalam	Spain	Melon, water melon
	France	Melon
Omethoate	Austria	Ornamentals
Orbencarb	Austria	Lupin
Oxadixyl	Belgium	Pea — seed treatment
Oxycarboxin	United Kingdom	Ornamentals
	Austria	Ornamentals
	Greece	Ornamentals, flowers
	Spain	Ornamentals
	Ireland	Turf grass
Pebulate	Greece	Tobacco
Pentanochlor	United Kingdom	Umbellifers, herbs, ornamentals
Prometryn	United Kingdom	Umbellifers, <i>Allium</i> , herbs
	Spain	Carrots, celery, cotton, chickpeas, peas, lentils
	Greece	Cotton
	Ireland	Carrots, parsley, celery, parsnips
	Portugal	Potatoes, carrots, parsley, leek, peas
	France	Celery, celeriac, lentils, leek
Pyridafenthion	Spain	Vine, meadow, lemon
Resmethrin	United Kingdom	Mushroom
Rock powder (*)	Austria	Forestry
Sethoxydim	Austria	Strawberry
	Belgium	Leek, beans, cabbage
	Italy	Vegetables
Silver nitrate	The Netherlands	Cucumber and gherkin grown for seed
Sodium monochloracetate	United Kingdom	<i>Brassica</i> , <i>Allium</i> , soft fruit, hop
	Ireland	Cabbage, Brussels sprouts, kale
Sodium silver thiosulphate	Denmark	Cut flowers, pot plants
Sulfotep	Germany	Ornamentals and vegetables in greenhouses
Tar acids (*)	Ireland	Disinfectant use
	United Kingdom	Disinfectant use
Temephos	Spain	Rice
Terbacil	Spain	Mentha
	France	Arnica, ribbed melilot, balm, peppermint, oregano, wild pansy, rosemary, winter savory, sage, thyme
	Greece	Aromatic plants
	United Kingdom	Aromatic and pharmaceutical plants

Column A	Column B	Column C
Active substance	Member State	Use
Terbufos	Greece	Sugar beet
Terbutryn	United Kingdom Spain Ireland	Pea, bean, lupin Citrus Peas, beans
Tetradifon	Spain Ireland	Citrus, <i>Cucurbitaceae</i> , tomato, grapes tomato, cucumber, ornamentals nursery stock
Triazophos	Ireland	Carrot
Triforine	Austria Denmark	Bean, cucumber, ornamentals growing, rose Apple, pear, blackcurrant, redcurrant, gooseberry
Vamidothion	Belgium Spain Italy Portugal	Apple, arboriculture Pome fruit Pome fruit Apple, pear

(*) This active substance is allowed to remain on the market for the uses mentioned pending the finalisation of the procedures under the fourth stage of the programme of work as initiated by Commission Regulation (EC) No 1112/2002.'

**COMMISSION REGULATION (EC) No 1337/2003
of 25 July 2003**

**determining to what extent applications for the right to import for cows and heifers of certain
mountain breeds lodged under Regulation (EC) No 1143/98 can be met**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 1143/98 of 2 June 1998 laying down detailed rules for a tariff quota for cows and heifers of specified mountain breeds originating in various third countries, other than for slaughter and amending Regulation (EC) No 1012/98 ⁽¹⁾, as last amended by Regulation (EC) No 673/2003 ⁽²⁾, and in particular Article 5(1) thereof,

Whereas:

- (1) Article 2(2) of Regulation (EC) No 1143/98 provides for the quantities reserved to traditional importers to be assigned in proportion to their imports during the period 1 July 2000 to 30 June 2003.
- (2) Allocation of the quantities available to operators covered by Article 2(3) of the abovementioned Regulation is to be made in proportion to the quantities applied for. Since the quantities applied for exceed those available, a fixed percentage reduction should be set,

Article 1

Every application for the right to import lodged in accordance with Regulation (EC) No 1143/98 shall be granted to the following extent:

- (a) for importers covered by Article 2(1)(a) of Regulation (EC) No 1143/98, 51,7282 % of the quantities imported during the period 1 July 2000 to 30 June 2003;
- (b) for importers covered by Article 2(1)(b) of Regulation (EC) No 1143/98, 6,8393 % of the quantities applied for.

Article 2

This Regulation shall enter into force on 26 July 2003.

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

Done at Brussels, 25 July 2003.

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

⁽¹⁾ OJ L 159, 3.6.1998, p. 14.

⁽²⁾ OJ L 97, 15.4.2003, p. 18.

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 17 July 2003

extending the period referred to in Article 95(6) of the EC Treaty in relation to the national provisions on the use of short-chain chlorinated paraffins notified by the Netherlands under Article 95(4)

(notified under document number C(2003) 2539)

(Only the Dutch text is authentic)

(Text with EEA relevance)

(2003/549/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community, and in particular Article 95(6) thereof,

Whereas:

I. FACTS

- (1) By letter of the Office of the Permanent Representative of the Kingdom of the Netherlands to the European Union of 17 January 2003, the Dutch Government, referring to Article 95(4) of the Treaty, notified to the Commission its national provisions on the use of Short Chain Chlorinated Paraffins (hereinafter referred to as SCCPs) that it deems necessary to maintain after the adoption of European Parliament and Council Directive 2002/45/EC of 25 June 2002 amending for the 20th time Council Directive 76/769/EEC ⁽¹⁾.

1. Article 95(4) and (6) of the Treaty

- (2) Article 95(4) and (6) of the Treaty provides:

'4. If, after the adoption by the Council or by the Commission of a harmonisation measure, a Member State deems it necessary to maintain national provisions on grounds of major needs referred to in Article 30, or relating to the protection of the environment or the working environment, it shall notify the Commission of these provisions as well as the grounds for maintaining them.

(...)

6. The Commission shall, within six months of the notification approve or reject the national provisions involved after having verified whether or not they are a means of arbitrary discrimination or a disguised restriction to trade between Member States and whether or not they shall constitute an obstacle to the functioning of the internal market

⁽¹⁾ OJ L 177, 6.7.2002, p. 21.

In the absence of a Decision by the Commission within this period the national provisions referred to in paragraphs 4 (...) shall be deemed to have been approved.

When justified by the complexity of the matter and in the absence of danger for human health, the Commission may notify the Member State concerned that the period referred to in this paragraph may be extended for a further period of up to six months.'

2. Directive 2002/45/EC

- (3) 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⁽²⁾, as amended, establishes rules restricting the marketing and use of certain dangerous substances and preparations. According to Article 1(1), the Directive applies to the dangerous substances and preparations listed in Annex I.
- (4) Article 2 provides that Member States shall take all necessary measures to ensure that the dangerous substances and preparations listed in Annex I may only be placed on the market or used subject to the conditions specified therein.
- (5) Directive 76/769/EEC has been amended on several occasions, *inter alia*, to add new dangerous substances and preparations to Annex I thereto, thereby introducing the restrictions on their marketing or use that are necessary to protect human health or the environment.
- (6) Adopted on the legal basis of Article 95 of the Treaty, European Parliament and Council Directive 2002/45/EC has inserted in Annex I to Directive 76/769/EEC a new point 42 concerning Alkanes, C₁₀-C₁₃, chloro (SCCPs), laying down rules on the marketing and use of these substances.
- (7) Recital 1 of the Directive states that 'limitations already adopted or planned by certain Member States on the use of short-chain chlorinated paraffins (SCCPs) following PARCOM (Convention for the Prevention of Marine Pollution from Land-Based Sources) Decision 95/1 directly affect the completion and functioning of the internal market; it is therefore necessary to approximate the laws of the Member States in this field and consequently to amend Annex I to 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 taking into account Community risk-assessments and the relevant scientific evidence in support of PARCOM Decision 95/1'.
- (8) Recitals 2 and 3 recall the background to the Directive, stating that 'SCCPs are classified as dangerous to the environment, since they are very toxic to aquatic organisms and may cause long-term adverse effects in the aquatic environment' and that 'the Commission has adopted a Recommendation, in the framework of Council Regulation (EEC) No 793/93 of 23 March 1993 on the evaluation and control of the risks of existing substances⁽³⁾, calling for specific measures to restrict the use of SCCPs, in particular in metalworking fluids and leather finishing products, in order to protect the aquatic environment' respectively.
- (9) According to point 42.1, SCCPs may not be placed on the market for use as substances or as constituents of other substances or preparations in concentrations higher than 1 %:
 - in metalworking,
 - for fat liquoring of leather.
- (10) Point 42.2 provides that before 1 January 2003 all remaining uses of SCCPs will be reviewed by the European Commission, in cooperation with the Member States and the OSPAR Commission, in the light of any relevant new scientific data on risks posed by SCCPs to health and the environment and that the European Parliament will be informed of the outcome of this review.
- (11) Article 2(1) provides that Member States shall adopt and publish, not later than 6 of July 2003, the laws, regulations and administrative provisions necessary to comply with this Directive and that they shall forthwith inform the Commission thereof and that they shall apply those measures from 6 January 2004 at the latest.

⁽²⁾ OJ L 262, 27.9.1976, p. 201.

⁽³⁾ OJ L 84, 5.4.1993, p. 1.

3. National provisions

- (12) The national provisions notified by the Netherlands were introduced by Decision of 3 November 1999, laying down rules prohibiting certain uses of short-chain chlorinated paraffins (Chlorinated Paraffins Decision, Chemicals Substances Act (WMS)) (Staatsblad van het Koninkrijk der Nederlanden, Jaargang 1999, 478).
- (13) Article 1 provides that the Decision applies to chlorinated alkanes with a chain of from 10 to 13 inclusive carbon atoms and a chlorination degree of not less than 48 % by weight.

Under Article 2(1), SCCPs referred to in Article 1 may not be used:

- as plasticisers in paints, coatings or sealants,
- in metal-working fluids,
- as flame-retardant in rubber, plastics or textiles.

However, under Article 2(2) SCCPs may continue to be used until 31 December 2004 in dam sealants or as flame-retardants in conveyor belts for exclusive use in mining.

- (14) These provisions were notified to the Commission at the draft stage on 8 March 1999 under Directive 98/34/EC of the European Parliament and of the Council of 22 June 1998, laying down a procedure for the provision of information in the field of technical standards and regulations⁽⁴⁾. The Netherlands pointed out that the introduction of the envisaged provisions was necessary in order for it to comply with its international obligations under the Convention for the Prevention of Marine Pollution from Land-Based Sources (the 'Paris Convention') and the Paris Commission (PARCOM) Decision 95/1 of June 1995 on the Phasing out of SCCPs taken in implementation thereof, to which the Kingdom of the Netherlands is Contracting Party⁽⁵⁾. Five Member States⁽⁶⁾ and the European Commission issued observations, whereas Spain issued a detailed opinion. All these Member States except Denmark and Austria opposed the introduction of the envisaged national provisions and so did the European Commission.

4. Background information on SCCPs

- (15) Chlorinated paraffins are chemical substances manufactured from the chlorination of straight chain paraffins or alkanes. They are often divided into several groups depending on the chain length of the starting material and the amount of chlorine in the final product. Three major groups are short, medium and long chained chlorinated paraffins (SCCPs, MCCPs and LCCPs, respectively). SCCPs are manufactured from straight chain paraffins of chain length C 10 to C 13. The commercial SCCPs can contain between 49 and 71 % chlorine as an average. They can be marketed and used in their pure form but they can also be present as impurities in other substances and preparations, especially MCCPs⁽⁷⁾.
- (16) In the European Community SCCPs are mainly used as additives in metal working fluids. Other uses are as flame-retardants in rubber formulations and as additives for paints and other coating systems. Minor uses are as fattening and softening agents in the leather industry, impregnation agents in the textiles industry and as additives for sealing compounds.

⁽⁴⁾ OJ L 204, 21.7.1998, p. 37.

⁽⁵⁾ Under the Paris Convention the Contracting Parties committed themselves to take all possible steps to prevent and combat marine pollution from land-based sources. All Member States of the European Community except Austria, Greece, Luxembourg and Italy are signatories to the Convention. The European Community is also Contracting Party. The Paris commission (PARCOM), composed of representatives of each of the Contracting Parties, is responsible for the administration of the Convention. Article 18.3 provides that the commission can adopt programmes and measures for the prevention or the reduction of pollution from land-based sources by certain chemical substances listed in Annex A, Part I, II and III, to the Convention. Adopted on the legal basis of Article 18.3, PARCOM Decision 95/1 provides for the phasing out of certain uses of SCCPs according to the following time frame: use as plasticisers in paints and coatings, use in metal working fluids, use as flame retardants in rubber, plastics and textiles by 31 December 1999; use as plasticise in sealants and as flame retardants in conveyor belts for exclusive use in mining by 31 December 2004. Of the eleven Member States of the European Community which are Contracting Parties to the Paris Convention all but the United Kingdom have committed themselves to PARCOM Decision 95/1. The European Community is not Party to PARCOM Decision. The Paris Convention was replaced by the new Convention for the protection of the Marine Environment of the North-East Atlantic (OSPAR Convention, 1992). Under the new Convention, a new OSPAR commission replaced the Paris Commission.

⁽⁶⁾ Italy, Denmark, United Kingdom, Austria and Germany.

⁽⁷⁾ Directive 2002/45/EC lays down a concentration limit of 1 % for SCCPs as constituent of other substances and preparations.

- (17) SCCPs are classified as dangerous substances under Council Directive 67/548/EEC of 27 June 1967 on the approximation of the laws, regulations and administrative provisions relating to the classification, packaging and labelling of dangerous substances⁽⁸⁾. In particular, they are classified as carcinogens, category 3, and are labelled with the risk phrase R 40 (Possible risk of irreversible effects) and the symbol Xn (harmful). They are also classified as dangerous for the environment and are labelled with the risk phrase R 50/53 ('very toxic to aquatic organisms' and 'may cause long-term adverse effects in the aquatic environment') and the symbol N ('dangerous for the environment').
- (18) Due to their toxicity and their apparent persistence and tendency to bioaccumulation, SCCPs are among the substances for which measures aimed at combating pollution are envisaged under the Paris Convention (now OSPAR Convention)⁽⁹⁾. During the early 1990s, the Paris commission expressed a concern over the emissions of SCCPs to the marine environment and started to consider regulatory measures on the use of these substances. At that time, the European producers submitted a proposal for a voluntary agreement with a view to phasing out the supply of SCCPs intended for metal working fluids applications and encouraging the downstream industry to use products less damaging to the aquatic environment. The negotiations were not successful and the Paris Commission (PARCOM) finally adopted Decision 95/1. The United Kingdom opposed this Decision pointing out that it was not supported by an appropriate assessment of the risks.
- (19) By Commission Regulation (EC) No 1179/94⁽¹⁰⁾, SCCPs were included in the first list of priority substances to be subjected to risk evaluation under Council Regulation (EEC) No 793/93 of 23 March 1993 on the evaluation and control of the risks of existing substances⁽¹¹⁾, with the United Kingdom acting as rapporteur.
- (20) The risk assessment report produced by the United Kingdom was submitted to the Member States' Technical Experts⁽¹²⁾ for review. Finalised in September 1997, the report⁽¹³⁾, which considered all scientific evidence available until 1996, including that on which PARCOM Decision 95/1 was based, highlighted certain environmental risks to aquatic organisms from the use of SCCPs in metalworking and leather finishing, for which it suggested that risk reduction measures should be considered. The remaining current uses were not considered to raise a concern for both the aquatic environment and human health, although further information and testing were considered to be needed to adequately characterise certain possible environmental risks from the use of SCCPs in rubber.
- (21) The risk assessment report was subsequently submitted to the CSTEE (Scientific Committee on Toxicity Ecotoxicity and the Environment) for peer-review. In its Opinion of 27 November 1998⁽¹⁴⁾, the CSTEE confirmed the scientific validity of the results of the risk assessment. Those results and the corresponding risk reduction strategy were finally adopted at Community level through Commission Recommendation 1999/721/EC of 12 October 1999 under Regulation (EEC) No 793/93. The relevant parts of the Recommendation are reproduced below.

⁽⁸⁾ OJ 196, 16.8.1967, p. 1.

⁽⁹⁾ See footnote 5.

⁽¹⁰⁾ Commission Regulation (EC) No 1179/94 of 25 May 1994 concerning the first list of priority substances as foreseen under Council Regulation (EEC) No 793/93 (OJ L 131, 26.5.1994, p. 3).

⁽¹¹⁾ OJ L 84, 5.4.93, p. 1. This regulation establishes, inter alia, a Community procedure for the evaluation of the risks of existing substances, i.e. substances appearing on the European Inventory of Existing Commercial Substances (OJ C 146, 15.6.1990, p. 1). Under this Regulation, lists of priority substances to be subjected to Community risk evaluation are to be adopted through a Commission Regulation specifying, for each substance, the Member State responsible for the evaluation. Specific procedures and methodologies have to be followed in carrying out the assessment of the real or potential risks to man and the environment from the substances concerned. These are specified in Commission Regulation (EC) No 1488/94 of 28 June 1994 laying down the principles for the assessment of the risks to man and the environment of existing substances in accordance with Council Regulation (EEC) No 793/93 (OJ L 161, 26.6.94, p. 3). The results of the risk evaluation and, where appropriate, the recommended strategy are finally adopted at Community level, normally in the form of a Commission Recommendation. On the basis of the risk evaluation and the recommended strategy so adopted, the Commission is then to decide to propose Community measures in the framework of Directive 76/769/EEC or in the framework of other relevant existing Community instruments.

⁽¹²⁾ The Member States' experts meet regularly in order to review risk assessment reports with a view to preparing the measures to be adopted according to the Committee procedure established by Council Regulation 793/93/EEC.

⁽¹³⁾ 'European Union Risk Assessment Report, alkanes, C¹⁰⁻¹³, chloro', Chemicals Bureau, Institute for Health and Consumer Protection, Joint Research Centre, European Commission.

⁽¹⁴⁾ CSTEE's opinion on the results of the risk assessment of SCCPs carried out in the framework of Council Regulation (EEC) 793/93 on the evaluation and control of the risks of existing substances — Opinion expressed at the 6th CSTEE plenary meeting, Brussels, 27 November 1998. http://europa.eu.int/comm/food/fs/sc/sct/out23_en.html

I. RISK ASSESSMENT

A. Human health

The conclusion of the evaluation of the risks to man for WORKERS, CONSUMERS and MAN EXPOSED VIA THE ENVIRONMENT is that there is at present no need for further information and/or testing or for risk reduction measures beyond those which are being applied. This conclusion is reached because:

- the risk assessment shows that risks related to the population mentioned above are not expected. The main route of potential worker exposure during production and use is via dermal exposure. Inhalation is also a potential route of exposure during use of metal working fluids and hot-melt adhesives containing the substance. Risk reduction measures already being applied in the framework of the workplace or other relevant Community legislation in force are considered sufficient,
- Consumer exposure, which may occur by contact with leather goods treated with the substance and from non-professional use of metal working fluids, was considered not to be of concern.

B. Environment

The conclusion of the evaluation of the risks to the environment for AQUATIC (sediment) and TERRESTRIAL ECOSYSTEM is that there is a need for further information and/or testing. This conclusion is reached because:

- there is a need for better information to adequately characterise the risk to sediment compartment arising from production of the substance and its use in rubber, to the soil and sediment compartments arising from the formulation and use of metal working fluids and leather finishing products, and to the soil and sediment compartments at regional level.

The information requirements are:

- experimental determination of the K_{oc} ⁽¹⁵⁾,
- monitoring data in soil and sediment near sources of release,
- toxicity testing on soil and sediment dwelling organisms if the above mentioned information does not remove the concern for the above mentioned compartments.

The conclusion of the evaluation of the risks to the environment for MICRO-ORGANISMS in the SEWAGE TREATMENT PLANT and ATMOSPHERE is that there is at present no need for further information and/or testing or for risk reduction measures beyond those which are being applied. This conclusion is reached because:

- the risk assessment shows that risks related to the environmental spheres mentioned above are not expected. Risk reduction measures already being applied are considered sufficient.

The conclusion of the evaluation of the risks to the environment for AQUATIC (excluding sediment) ECOSYSTEM and NON-COMPARTMENT SPECIFIC EFFECTS RELEVANT TO THE FOOD CHAIN is that there is a need for specific measures to limit the risks. This conclusion is reached because of:

- concerns for effects on the local aquatic environmental spheres mentioned above as a consequence of exposure arising from formulation and use of metal working fluids containing the substance and leather finishing products containing the substance,
- concerns for non-compartmental specific effects relevant to the food chain arising from the formulation and use of leather finishing products containing the substance and from use of metal working fluids containing the substance.

II. STRATEGY FOR LIMITING RISKS for the ENVIRONMENT

Marketing and use restrictions should be considered at Community level for the substance to protect the environment from the use and formulation of products, in particular for use in metal working and leather finishing. Further work is necessary to establish those uses for which derogations can be justified. The measures identified to protect the environment will also reduce human exposure.'

⁽¹⁵⁾ Organic carbon partition coefficient, a parameter which represents the distribution of a compound between organic carbon in the soil (e.g. humic acid) and water.

- (22) On 20 June 2000 the Commission adopted a proposal for an amendment of Directive 76/769/EC with a view to introducing the marketing and use restrictions suggested by the Community risk assessment, which finally led to the adoption by the European Parliament and the Council of Directive 2002/45/EC.
- (23) As required by point 42.2 of Annex I to Directive 76/769/EEC, as introduced by Directive 2002/45/EC, the Commission started the review of the remaining uses of SCCPs. In this context, the Commission requested the United Kingdom, as Member State rapporteur for the risk assessment of SCCPs in the framework of Regulation 793/93/EC, to gather and review all new relevant available data and, if appropriate, to update the Community risk assessment report. Furthermore, the Commission asked the OSPAR Secretariat whether there were any new scientific data on risks posed by SCCPs which might modify the conclusions of the previous risk assessment. The Commission finally asked the CSTEE whether the latter was aware of any new available scientific evidence which could influence the results of the risk assessment and might call for a modification of its conclusions.
- (24) In its opinion of 22 December 2002, the CSTEE concluded that the review of new knowledge on SCCPs does not highlight any need to change the conclusions of the Community risk assessment ⁽¹⁶⁾.
- (25) In February 2003, the United Kingdom produced a draft updated risk assessment report on SCCPs as a follow up to Directive 2002/45/EC. The draft report reviews the data on the environmental exposure, fate and effects of SCCPs that have become available since the original risk assessment was completed and re-assesses the risks from the uses other than those subject to the marketing and use restrictions laid down in Directive 2002/45/EC. The two opinions of the CSTEE referred to above (points 21 and 24) have also been considered. By contrast to the original risk assessment, the new draft updated risk assessment covers the risks to the marine environment and considers in detail the emissions of SCCPs over the lifetime of products containing them.
- (26) The results of the draft updated draft risk assessment are reproduced below:

'(x) i) There is a need for further information and/or testing.

For surface water, sediment, soil and secondary poisoning, as well as marine ecosystems, there is a need for further specific exposure information, in order to refine the release estimates for the local (rubber, paints/coatings and textiles) and regional (all uses) scenarios. In particular, information could be provided on:

- actual releases from the compounding and conversion of rubber,
- the amounts of short-chain chlorinated paraffins used at typical textile compounding (formulation) and backcoating sites,
- releases from textile compounding and backcoating sites,
- releases from paint formulation and application sites, and
- emissions during use and disposal of products.

The substance meets the screening criteria for consideration as a PBT substance, and so a simulation test for biodegradability could also be performed to determine the half-life in the marine environment. Additional toxicity data would allow the PNEC for both marine water and sediment to be revised, but the need to gather such data is less important than the determination of persistence. In addition, consideration could be given to carrying out further biodegradation testing of short-chain chlorinated paraffins in soil.

NOTE: Measurements indicate that the substance is widely distributed in the environment. The trend in levels is unknown, and they could be related to former uses that are now controlled. In addition, a clear risk has not been identified on the basis of these measurements. Nevertheless, the occurrence of short-chain chlorinated paraffins in the Arctic and marine predators mean that these findings remain a concern. Whilst it is not possible to say whether or not on a scientific basis there is a current or future risk to the environment, in light of:

- data indicating presence in biota,
- the apparent persistence of the substance (based on laboratory tests),

⁽¹⁶⁾ Opinion of the CSTEE's on 'SCCPs' - Follow-up to Directive 2002/45/EC, Opinion expressed at the 35th CSTEE plenary meeting, Brussels, 17 December 2002. http://europa.eu.int/comm/food/fs/sc/sct/out23_en.html

- the time it would take to gather the information, and
- the fact that it could be difficult to reduce exposure if the additional information confirmed a risk,

consideration could be given at a policy level about the need to investigate precautionary risk management options now in the absence of measured environmental half-life data, to reduce the inputs to water (and soil from the application of sewage sludge), including from “waste remaining in the environment”. This could be reconsidered should an environmental simulation test show that the persistence criterion is not fulfilled. In connection with this, it should be noted that the substance appears to meet the screening criteria for consideration as a candidate persistent organic pollutant (POP) under international conventions.

(x) ii) There is at present no need for further information and/or testing or for risk reduction measures beyond those that are being applied already.

This conclusion applies to the assessment of:

- the local surface water compartment for production sites, formulation and use of sealants, the formulation and use of paints and coatings, and at the regional level,
 - the local sediment compartment for production sites, formulation and use of sealants, the formulation and use of paints and coatings, and at the regional level,
 - the assessment of waste water treatment plants from all uses,
 - the atmospheric compartment and wastewater treatment processes for production and all uses,
 - the local terrestrial compartment for production sites and formulation and use of sealants and formulation and use of paints, and the regional agricultural soil compartment, and
 - secondary poisoning for use of sealants.’
- (27) In addition to the Community measures referred to above, SCCPs are considered by other Community legislation. In view of their human toxicity and aquatic toxicity, of their widely detected presence in the aquatic environment and of the fact that they are already subject to PARCOM Decision 95/1, SCCPs were included by Decision 2455/2001/EC of the European Parliament and of the Council of 20 November 2001 establishing the list of priority substances in the field of water policy and amending Directive 2000/60/EC⁽¹⁷⁾ among the priority hazardous substances within the meaning of Article 16(3) of the latter Directive. Under this Directive, specific measures must be adopted at Community with a view to the cessation or phasing out of discharges emissions and losses within 20 years after their adoption. To date no such measures have been adopted as regards SCCPs.

II. PROCEDURE

- (28) At the time of adoption of Directive 2002/45/EC, the Dutch delegation voted against that Directive, stating, in a voting declaration made on 24 April 2002, that the implementation of a Directive on SCCPs would make it impossible for the Netherlands to discharge its international obligations under the Paris Convention and PARCOM Decision 95/1.
- (29) By letter of the Office of the Permanent Representative of the Kingdom of The Netherlands to the European Union of 17 January 2003, the Dutch Government notified to the Commission its national provisions on the use of SCCPs that it intends to maintain after the adoption of Directive 2002/45/EC.
- (30) By letter of 25 March 2003, the Commission informed the Dutch Government that it had received the notification under Article 95(4) of the Treaty and that the six-month period for its examination under Article 95(6) started on 22 January 2003, the day following the day on which the notification was received.
- (31) By letter of 15 April 2003, the Commission informed the other Member States of the notification received from the Netherlands. The Commission also published a notice regarding the notification in the *Official Journal of the European Union*⁽¹⁸⁾ in order to inform other interested parties of the national provisions that the Netherlands intends to maintain as well as of the grounds invoked to that effect.

⁽¹⁷⁾ OJ L 331, 15.12.2001, p. 1.

⁽¹⁸⁾ OJ C 188, 8.8.2002, p. 2.

III. ASSESSMENT

1. Admissibility

- (32) Article 95(4) concerns cases in which the national provisions are notified in relation to a Community harmonisation measure, they were adopted and entered into force before the adoption of the latter and the maintenance of which would be incompatible with it.
- (33) The national provisions were notified in relation to Directive 2002/45/EC, a harmonisation measure adopted on the basis of Article 95 of the Treaty. They were adopted and entered into force in 1999, therefore before the adoption of that Directive. As regards the issue as to whether and to which extent the national provisions are incompatible with the Directive, the Netherlands takes the view that its national provisions are only partially incompatible with those laid down in the Directive 2002/45/EC. In its view, the harmonisation provisions of Directive 2002/45/EC relate exclusively to the applications which it expressly restricts⁽¹⁹⁾, i.e. the use of SCCPs in metalworking and for the fat liquoring of leather. The Netherlands claims that this interpretation is borne out by the wording of the Directive and follows logically from the precautionary principle⁽²⁰⁾. In this specific regard, the Netherlands argues that if Directive 2002/45/EC were assumed to be a measure of total harmonisation, new uses of SCCPs which could pose significant risks to human health and the environment would have to be allowed on an unregulated basis. The Netherlands concludes that its national provisions, in so far as they cover uses other than those subject to the restrictions laid down in Directive 2002/45/EC, fall outside the harmonisation requirements of the latter and need not be considered for the purposes of Article 95(4) of the Treaty.
- (34) The Commission does not share the views expressed by the Netherlands. According to a well-established case law, a Community measure has to be interpreted in the light of the objectives pursued. Directive 2002/45/EC is based on Article 95(1) of the Treaty, which is the legal basis for the adoption of harmonisation measures having as their object the establishing and functioning of the internal market. It is clear from recital 1 of that Directive that its main objective is to remove the obstacles to the completion and the functioning of the internal market resulting from the limitations already adopted or planned by certain Member States on the use of SCCPs following PARCOM Decision 95/1. It is also clear from recital 3 that Directive 2002/45/EC is based on the results of the Community risk-assessment of SCCPs, which covered all current uses of SCCPs. The Commission therefore considers that Directive 2002/45/EC has to be interpreted as having introduced a harmonisation of all the current uses of SCCPs covered by the Community risk assessment, thus preventing Member States from introducing or maintaining national restrictions on the use of SCCPs going further than those laid down in that Directive.
- (35) A comparison between the notified national provisions and Directive 2002/45/EC is drawn in the following table:

	Directive 2002/45/EC	National provisions
SCCPs as plasticisers in paints, coatings or sealants	No prohibition or restriction on use	Use of SCCPs with a chlorination degree $\geq 48\%$ totally banned
SCCPs as flame retardant in rubber, plastics or textiles	No prohibition or restriction on use	Use of SCCPs with a chlorination degree $\geq 48\%$ totally banned

⁽¹⁹⁾ See pages 2 and 6 of the application notified by the Netherlands.

⁽²⁰⁾ See page 3 of the application notified by the Netherlands.

	Directive 2002/45/EC	National provisions
SCCPs in metal-working fluids	<p>Use of SCCPs as substances totally banned.</p> <p>Use of SCCPs as constituents of other substances or preparations banned if the concentration of SCCPs exceeds 1 %</p>	<p>Use of SCCPs with a chlorination degree ≥ 48 % as substances totally banned.</p> <p>Use of SCCPs with a chlorination degree < 48 % as substances not covered</p> <p>Use of SCCPs with a chlorination degree ≥ 48 % as constituents of other substances and preparations totally banned</p> <p>Use of SCCPs with a chlorination degree < 48 % as constituents of other substances and preparations not covered</p>
SCCPs for fat liquoring of leather	<p>Use of SCCPs as substances totally banned</p> <p>Use of SCCPs as constituents of other substances or preparations banned if the concentration of SCCPs exceeds 1 %</p>	<p>Use not covered</p> <p>Use not covered</p>

- (36) It emerges from the table above that the notified national provisions diverge from the requirements of Directive 2002/45/EC in the following respects:
- the use of SCCPs with a chlorination degree of not less than 48 % as plasticizing substances in paints, coatings or sealants and as flame-retardant substances in rubber, plastics or textiles, which is not to be subjected to restrictions on the marketing and use under the Directive, is prohibited in the Netherlands;
 - the use in metal working fluids of substances and preparations in which SCCPs with a chlorination degree of not less than 48 % are present as constituents, which is not to be subjected to restrictions on the marketing and use under the Directive if SCCPs are present in a concentration below 1 %, is prohibited in the Netherlands.
- (37) The national provisions do not cover either the use of SCCPs as substances or as constituents of other substances and preparations for the fat liquoring of leather or the use of SCCPs with a chlorination degree below 48 % as substances or as constituents of other substances and preparations in metal-working fluids. According to the information in the possession of the Commission, these uses are still unregulated and therefore allowed in the Netherlands. In this regard, the Commission recalls that Article 95(4) can only be invoked in relation to national provisions being incompatible with a Community harmonisation measure and not to the absence of national regulatory measures the introduction of which is required under a Community harmonisation measure. The application submitted by the Netherlands under Article 95(4) is therefore without prejudice to the obligations incumbent upon the Netherlands to timely and correctly transpose into the Dutch legal order the provisions of Directive 2002/45/EC.
- (38) Furthermore Article 95(4) requires that the notification of the national provisions be accompanied by a description of the grounds relating to one or more of the major needs referred to in Article 30 or to the protection of the environment or the working environment. The application submitted by the Netherlands contains an explanation of the reasons relating to the protection of the environment and human health which, in the opinion of the Netherlands, justify the maintenance of its national provisions.
- (39) In the light of the foregoing, the Commission considers that the application submitted by the Netherlands with a view to obtaining authorisation to maintain its national provisions on SCCPs is admissible.

2. Merits

- (40) In accordance with Article 95(4) and (6), first subparagraph, of the Treaty, the Commission must ascertain that all the conditions enabling a Member State to maintain its national provisions derogating from a Community harmonisation measure provided for in that Article are fulfilled. In particular, the national provisions have to be justified by the major needs referred to in Article 30 of the Treaty or relating to the protection of the environment or the working environment, must not be a means of arbitrary discrimination or a disguised restriction on trade between Member States and must not constitute an obstacle to the functioning of the internal market.
- (41) According to Article 95(6), first subparagraph, the Commission shall take a decision within six months of the notification. However, under Article 95(6), third subparagraph, the Commission may notify to the Member State concerned that this period may be extended for a further period of up to six months if this is justified by the complexity of the matter and there is no danger for human health.

2.1. *Justification on grounds of major needs referred to in Article 30 or relating to the protection of the environment or the working environment*

- (42) The Netherlands considers that its national provisions are necessary to protect the aquatic environment and human health from the risks arising from the current uses of SCCPs. Reference is made to the precautionary principle. In its view, this principle has to be interpreted to mean that it cannot be expected to wait until a serious problem occurs, especially in view of the importance of high-quality ground and surface water for public health. The Netherlands recalls that SCCPs are extremely dangerous substances. They are classified as dangerous for both human health and the environment under Directive 67/548/EEC. They are also considered to be persistent and particularly harmful to the aquatic environment under the OSPAR Convention and, in view of their presence in the environment it was decided to phase out their uses through Paris commission (now OSPAR commission) Decision 95/1. The Netherlands points out that SCCPs pose a serious threat to the Dutch aquatic environment. This would be clearly highlighted in a study by a Dutch toxicology consultant enclosed in the notification submitted by the Netherlands. Public health is also claimed to be at risk due to the fact that both surface water and groundwater are widely used for the abstraction of drinking water in the Netherlands.
- (43) In assessing whether the national provisions fulfil the conditions laid down in Article 95(4), the Commission considers that due consideration must be given not only to the supporting evidence submitted by the Netherlands but also to all relevant data and information in the Commission's possession and, in particular, to the results of the risk assessments carried out in the framework of Regulation (EEC) No 793/93 and all other available evidence referred to in Section I.4 of the present Decision.

2.2. *Recourse to Article 95(6), third subparagraph, of the Treaty*

- (44) After a careful examination of these data and information, the Commission considers that the conditions laid down in Article 95(6), third subparagraph, are met in order for it to have recourse to the possibility of extending the six-month period within which it has to approve or reject the national provisions provided for by that Article.

2.2.1. *Justification based on the complexity of the matter*

- (45) It emerges from the examination of the notification file submitted by the Netherlands that the only supporting evidence enclosed is the Dutch study mentioned above. Finalised in 1996, this study focuses on the risks of SCCPs in the Netherlands. However, in contrast with what the Netherlands claims, this study does not highlight a risk for the Dutch aquatic environment and the Dutch population. On the contrary, it upholds the conclusions of a previous report ⁽²¹⁾ that 'based on the scanty information on exposure and effect levels, chlorinated paraffins do not seem to present a significant risk to humans and ecosystems in the Netherlands'. This study does not therefore appear to support the grounds invoked by the Netherlands for maintaining the national provisions.

⁽²¹⁾ 'Explanatory report chlorinated paraffins' (Sloof et al., 1992).

- (46) As reported above, the original Community risk assessment report on SCCPs finalised in 1999 does not highlight concerns for both human health and the environment from the uses of SCCPs other than in metal-working and for leather finishing which would justify risk reduction measures. These conclusions were confirmed by the CSTE in its opinion of 27 November 1998. After careful evaluation of the new information on SCCPs, while also expressly considering the provisions of Directive 2002/45/EC, the CSTE concluded in its opinion of 22 December 2002 that this information does not highlight any need to change the conclusions of the Community risk assessment.
- (47) However, the conclusions of the draft updated risk assessment report produced by the United Kingdom in February 2003 diverge from the conclusions of the original Community risk assessment report.
- (48) This draft report considers further data and provides a more comprehensive analysis of the risks from the uses of SCCPs other than those subject to the marketing and use restrictions laid down in Directive 2002/45/EC. Although this document is expressly referred to as a draft and is only intended for further discussions and review by the Member States' experts ⁽²²⁾ in the framework of Regulation (EEC) No 793/93, the Commission considers that it is relevant for its assessment of the justification of the national provisions under Article 95(4).
- (49) The draft report highlights certain possible environmental risks from all uses of SCCPs, except in sealants. However, further exposure information and testing are considered to be necessary in order to obtain more reliable results. The report also highlights potential risks to the marine environment in relation to the likely PBT properties of SCCPs. These substances have been identified as being potentially persistent or potentially very persistent, very bioaccumulative and toxic. The report suggests that further testing could be performed although considerable time would be necessary to conclude on a more solid scientific basis that the substance is actually persistent. Use in rubber, paints and textiles, and products in use over extended periods of time have been identified as being potential sources and pathways to the marine environment. Finally, the draft report identifies potential risks to soil from various sources, suggesting that consideration could be given to carrying out further biodegradation testing of SCCPs in this environmental compartment. Despite these scientific knowledge gaps, the United Kingdom expresses the view that the available data highlighting the potential risks to the marine environment and soil raise a serious concern and suggests that consideration could already be given to precautionary risk management measures.
- (50) The results of the draft updated risk assessment indicate that the relevant available data and information are still not sufficient to conclude that the environmental risks highlighted therein actually exist and that further information and testing would be necessary to reduce the uncertainties of the risk assessment. On the other hand, the concerns expressed by the United Kingdom seem to suggest that these data and information may justify consideration of risk reduction measures based on a precautionary approach. However, the draft report neither fully identifies the uses of SCCPs which give rise to concern nor the extent to which risk reduction measures could be justified to adequately address those concerns.
- (51) In view of the provisional character of the draft updated risk assessment report and the consequent unclear indications that emerge from it, the Commission considers that an examination of this draft by the CSTE (as well as of all other possible relevant available information) is necessary with a view to clarifying as far as possible the issues raised by the results of the draft updated risk assessment report and subsequently assessing the notified national provisions. The Commission Decision under Article 95(6), first subparagraph, should therefore await the outcome of this review. In these circumstances and in view of the fact that the updated draft risk assessment report was made available to the Commission after the notification of the national provisions, the Commission considers that it is justified to extend the six-month period within which it has to approve or reject the national provisions for a further period in order to allow for a careful evaluation of all available relevant evidence and to draw the consequences as regards the national provisions. To this end, a period expiring on 20 December 2003 is necessary.

⁽²²⁾ See footnote 12.

2.2.2. Absence of danger to human health

- (52) As indicated above, neither the study referred to in the application submitted by the Netherlands nor the relevant available data and information in the Commission's possession highlight an actual danger to human health.
- (53) Therefore, the Commission considers that the condition of absence of danger to health is met.

IV. CONCLUSION

- (54) In the light of the foregoing, the Commission concludes that the application that the Netherlands notified to it on 21 January 2003 with a view to obtaining approval of its national provisions on the use of SCCPs is admissible.
- (55) However, in view of the complexity of the matter and of the absence of evidence highlighting a danger for human health, the Commission considers it justified to extend the period referred to in Article 95(6), first subparagraph, for a further period expiring on 20 December 2003,

HAS ADOPTED THIS DECISION:

Article 1

Pursuant Article 95(6), third subparagraph, of the Treaty, the period referred to in the first subparagraph of the said Article to approve or reject the national provisions on SCCPs notified by the Netherlands on 21 January 2003 pursuant to Article 95(4) is extended until 20 December 2003.

Article 2

This Decision is addressed to the Kingdom of the Netherlands.

Done at Brussels, 17 July 2003.

For the Commission
Erkki LIIKANEN
Member of the Commission

COMMISSION DECISION

of 22 July 2003

amending Decision 2002/79/EC imposing special conditions on the import of peanuts and certain products derived from peanuts originating in or consigned from China*(notified under document number C(2003) 2602)***(Text with EEA relevance)**

(2003/550/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 93/43/EEC of 14 June 1993 on the hygiene of foodstuffs ⁽¹⁾, and in particular Article 10(1) thereof,

After consulting the Member States,

Whereas:

(1) Commission Decision 2002/79/EC of 4 February 2002 imposing special conditions on the import of peanuts and certain products derived from peanuts originating in or consigned from China ⁽²⁾, as last amended by Decision 2002/678/EC ⁽³⁾, provides for a review of that Decision by 31 December 2002.

(2) The results of random sampling and analysis of consignments of peanuts originating in or consigned from China indicate that there is a continuing need for the special conditions set out in Decision 2002/79/EC in order to provide a sufficient level of protection of public health within the Community.

(3) Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety ⁽⁴⁾ provides for the establishment of the rapid alert system for food and feed (RASFF).

(4) In the interests of public health, Member States should provide the Commission with periodical reports of all analytical results of official controls carried out in respect of consignments of peanuts and products derived from peanuts originating in or consigned from China. Such reports should be in addition to the notification obligation under the rapid alert system for food and feed.

(5) At the request of certain Member States, it is appropriate to update the list of points of entry through which the products covered by Decision 2002/79/EC may be imported into the Community. For the sake of clarity, that list should be replaced.

(6) Decision 2002/79/EC should therefore be amended accordingly.

HAS ADOPTED THIS DECISION:

Article 1

Decision 2002/79/EC is amended as follows:

1. Article 1 is amended as follows:

(a) Article 1(5) is replaced by the following:

‘5. The competent authorities in each Member State shall undertake at random sampling of the consignments of peanuts and certain products derived from peanuts originating in or consigned from China for analysis of aflatoxin B1 and total aflatoxin.

Member States shall submit to the Commission every three months a report of all analytical results of official controls on consignments of peanuts and certain products derived from peanuts originating in or consigned from China. This report shall be submitted during the month following each quarter ^(*).

^(*) April, July, October, January’;

(b) Article 1(6) is amended as follows:

at the end of the second sentence, the words ‘for a maximum of 10 working days’ are replaced by ‘for a maximum of 15 working days’;

(c) the following paragraph 7 is added:

‘7. In case a consignment is split, copies of the health certificate and accompanying documents referred to in paragraphs 1 and 6 and certified by the competent authority of the Member State on whose territory the splitting has taken place, shall accompany each part of the split consignment.’;

⁽¹⁾ OJ L 175, 19.7.1993, p. 1.

⁽²⁾ OJ L 34, 5.2.2002, p. 21.

⁽³⁾ OJ L 229, 27.8.2002, p. 33.

⁽⁴⁾ OJ L 31, 1.2.2002, p. 1.

2. Article 2 is replaced by the following:

Article 2

'Article 2

This Decision shall be kept under review in the light of information and guarantees provided by the competent authorities of China and on the basis of the results of the tests carried out by Member States in order to assess whether the special conditions set out in Article 1 provide a sufficient level of protection of public health within the Community. The review shall also assess whether there is a continuing need for those special conditions.';

This Decision is addressed to the Member States.

Done at Brussels, 22 July 2003.

3. Annex II is replaced by the text in the Annex to this Decision.

For the Commission

David BYRNE

Member of the Commission

ANNEX

ANNEX II

List of points of entry through which consignments of peanuts and certain products derived from peanuts originating in or consigned from China may be imported into the Community

Member State	Point of entry
Belgium	Antwerpen, Zeebrugge, Brussel/Bruxelles, Aalst
Denmark	All Danish harbours and airports
Germany	HZA Lörrach — ZA Weil-am-Rhein-Autobahn, HZA Stuttgart — ZA Flughafen, HZA München — ZA München-Flughafen, HZA Hof-Schirnding-Landstraße, HZA Weiden — ZA Furth-im-Wald-Schafberg, HZA Weiden — ZA Waidhaus-Autobahn, Bezirksamt Reinickendorf von Berlin, Abteilung Finanzen, Wirtschaft und Kultur, Veterinär- und Lebensmittelaufsichtsamt, Grenzkontrollstelle, HZA Frankfurt (Oder) — ZA Autobahn, HZA Cottbus — ZA Forst-Autobahn, HZA Bremen — ZA Neustädter Hafen, HZA Bremen — ZA Bremerhaven, HZA Hamburg-Hafen — ZA Waltershof, HZA Hamburg-Stadt, HZA Itzehoe — ZA Hamburg-Flughafen, HZA Frankfurt-am-Main-Flughafen, HZA Braunschweig-Abfertigungsstelle, HZA Hannover-Abfertigungsstelle, HZA Oldenburg — ZA Stade, HZA Dresden — ZA Dresden-Friedrichstadt, HZA Pirna — ZA Altenberg, HZA Löbau — ZA Ludwigsdorf-Autobahn, HZA Koblenz — ZA Hahn-Flughafen, HZA Oldenburg — ZA Wilhelmshaven, HZA Bielefeld — ZA Eckendorfer-Straße-Bielefeld, HZA Erfurt — ZA Eisenach, HZA Potsdam — ZA Ludwigsfelde, HZA Potsdam — ZA Berlin-Flughafen-Schönefeld, HZA Augsburg — ZA Memmingen, HZA Ulm — ZA Ulm (Donautal), HZA Karlsruhe — ZA Karlsruhe, HZA Berlin — ZA Dreilinden, HZA Gießen — ZA Gießen, HZA Gießen — ZA Marburg, HZA Singen — ZA Bahnhof, HZA Lörrach — ZA Weil-am-Rhein-Schusterinsel, HZA Hamburg-Stadt — ZA Oberelbe, HZA Hamburg-Stadt — ZA Oberelbe-Abfertigungsstelle-Billbrook, HZA Hamburg-Stadt — ZA Oberelbe-Abfertigungsstelle-Großmarkt, HZA Potsdam — ZA Berlin-Flughafen-Schönefeld, HZA Düsseldorf — ZA Düsseldorf-Nord
Greece	Athina, Pireas, Elefsis, Aerodromio ton Athinon, Thessaloniki, Volos, Patra, Iraklion tis Kritis, Aerodromio tis Kritis, Euzoni, Idomeni, Ormenio, Kipi, Kakavia, Niki, Promahonas, Pithio, Igoumenitsa, Kristalopigi
Spain	Algeciras (Puerto), Alicante (Aeropuerto, Puerto), Almería (Aeropuerto, Puerto), Asturias (Aeropuerto), Barcelona (Aeropuerto, Puerto, Ferrocarril), Bilbao (Aeropuerto, Puerto), Cádiz (Puerto), Cartagena (Puerto), Castellón (Puerto), Ceuta (Puerto), Gijón (Puerto), Huelva (Puerto), Irún (Carretera), La Coruña (Puerto), La Junquera (Carretera), Las Palmas de Gran Canaria (Aeropuerto, Puerto), Madrid (Aeropuerto, Ferrocarril), Málaga (Aeropuerto, Puerto), Marín (Puerto), Melilla (Puerto), Murcia (Ferrocarril), Palma de Mallorca (Aeropuerto, Puerto), Pasajes (Puerto), San Sebastián (Aeropuerto), Santa Cruz de Tenerife (Puerto), Santander (Aeropuerto, Puerto), Santiago de Compostela (Aeropuerto), Sevilla (Aeropuerto, Puerto), Tarragona (Puerto), Tenerife Norte (Aeropuerto), Tenerife Sur (Aeropuerto), Valencia (Aeropuerto, Puerto), Vigo (Aeropuerto, Puerto), Villagarcía (Puerto), Vitoria (Aeropuerto), Zaragoza (Aeropuerto)
France	Marseille (Bouches-du-Rhône), Le Havre (Seine-Maritime), Rungis MIN (Val-de-Marne), Chassieu CRD (Rhône), Strasbourg CRD (Bas-Rhin), Lille CRD (Nord), Saint-Nazaire-Montoir CRD (Loire-Atlantique), Agen (Lot-et-Garonne), port de la Pointe des Galets à la Réunion
Ireland	Dublin — port and airport, Cork — port and airport, Shannon — airport
Italy	Ufficio Sanità Marittima ed Aerea di Ancona Ufficio Sanità Marittima ed Aerea di Bari Ufficio Sanità Marittima ed Aerea di Genova Ufficio Sanità Marittima di Livorno Ufficio Sanità Marittima ed Aerea di Napoli Ufficio Sanità Marittima di Ravenna Ufficio Sanità Marittima di Salerno Ufficio Sanità Marittima ed Aerea di Trieste Dogana di Ferneti-Interporto Monrupino (Trieste) Ufficio di Sanità Marittima di La Spezia Ufficio di Sanità Marittima e Aerea di Venezia Ufficio di Sanità Marittima e Aerea di Reggio Calabria

Member State	Point of entry
Luxembourg	Centre douanier, Croix de Gasperich, Luxembourg
The Netherlands	All harbours and airports and all border stations
Austria	HZA Feldkirch, HZA Graz, Nickelsdorf, Spielfeld, HZA Wien, ZA Wels, ZA Kledering, ZA Flughafen Wien, HZA Salzburg, ZA Klingenbach/Zweigstelle Sopron, ZA Karawankentunnel, ZA Villach
Portugal	Lisboa, Leixões
Finland	All Finnish customs offices
Sweden	Göteborg, Ystad, Stockholm, Helsingborg, Karlskrona, Karlshamn, Landvetter, Arlanda
United Kingdom	Belfast, Channel Tunnel Terminal, Dover, Felixstowe, Gatwick Airport, Goole Grangemouth, Harwich, Heathrow Airport, Heysham, Hull, Immingham, Ipswich, King's Lynn, Leith, Liverpool, London (including Tilbury, Thamesport and Sheerness), Manchester Airport, Manchester Container Port, Manchester (including Ellesmere Port), Medway, Middlesborough, Newhaven, Poole, Shoreham, Southampton, Stansted Airport'

COMMISSION DECISION

of 22 July 2003

amending Decision 97/830/EC repealing Decision 97/613/EC and imposing special conditions on the import of pistachios and certain products derived from pistachios originating in or consigned from Iran*(notified under document number C(2003) 2603)***(Text with EEA relevance)**

(2003/551/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 93/43/EEC of 14 June 1993 on the hygiene of foodstuffs ⁽¹⁾, and in particular Article 10(1) thereof,

After consulting the Member States,

Whereas:

(1) Commission Decision 97/830/EC ⁽²⁾, as last amended by Decision 2000/238/EC ⁽³⁾, imposes special conditions on the import of pistachios and certain products derived from pistachios originating in or consigned from Iran.

(2) Decision 97/830/EC provides that the competent authority shall ensure that before release onto the market from the point of entry into the Community, each consignment of products covered by that Decision is subject to systematic sampling and analysis for aflatoxin B1 and total aflatoxin. The term 'systematic sampling and analysis' set out in Decision 97/830/EC may be subject to different interpretations and it is appropriate to clarify the meaning of such terms.

(3) Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety ⁽⁴⁾, established the rapid alert system for food and feed (RASFF).

(4) In the interests of public health, Member States should provide the Commission with periodical reports of all analytical results of official controls carried out in respect of consignments of pistachios and certain products derived from pistachios originating in or consigned from Iran. Such reports should be in addition to the notification obligations under the rapid alert system for food and feed.

(5) It is important to ensure that the sampling and analysis of consignments of pistachios and products derived from pistachios originating in or consigned from Iran are performed in a harmonised manner throughout the Community.

(6) At the request of some Member States it is appropriate to update the list of points of entry through which the products covered by Decision 97/830/EC may be imported into the Community. For the sake of clarity that list should be replaced.

(7) Decision 97/830/EC should therefore be amended accordingly,

HAS ADOPTED THIS DECISION:

Article 1

Decision 97/830/EC is amended as follows:

1. Article 2 is amended as follows:

(a) Paragraph 5 is replaced by the following:

'5. The competent authorities in each Member State shall take a sample for analysis from each consignment of pistachios and certain products derived from pistachios originating in or consigned from Iran for analysis of aflatoxin B1 and total aflatoxin before release onto the market from the point of entry into the Community.

Member States shall submit to the Commission every three months a report of all analytical results of official controls on consignments of pistachios and certain products derived from pistachios originating in or consigned from Iran. This report shall be submitted during the month following each quarter ^(*).

^(*) April, July, October, January.'

(b) The following paragraphs 6 and 7 are added:

'6. Any consignment to be subjected to sampling and analysis should be detained before release onto the market from the point of entry into the Community for a maximum period of 15 working days. The competent authorities of the importing Member State shall issue an accompanying official document establishing that the consignment has been subjected to official sampling and analysis and indicating the result of the analysis.

⁽¹⁾ OJ L 175, 19.7.1993, p. 1.

⁽²⁾ OJ L 343, 13.12.1997, p. 30.

⁽³⁾ OJ L 75, 24.3.2000, p. 59.

⁽⁴⁾ OJ L 31, 1.2.2002, p. 1.

7. In case a consignment is split, copies of the health certificate and accompanying documents referred to in the paragraphs 1 and 6 and certified by the competent authority of the Member State on whose territory the splitting has taken place, shall accompany each part of the split consignment.'
2. Article 3 is replaced by the following:

'Article 3

This Decision shall be kept under review in the light of information and guarantees provided by the competent authorities of Iran and on the basis of the results of the tests carried out by Member States in order to assess whether the special conditions set out in Article 2 provide a sufficient level of protection of public health within the Community. The review shall also assess whether there is a continuing need for those special conditions.'

3. Annex II is replaced by the text in the Annex to this Decision.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 22 July 2003.

For the Commission

David BYRNE

Member of the Commission

ANNEX

‘ANNEX II

List of points of entry through which pistachios and products derived from pistachios originating in or consigned from Iran may be imported into the Community

Member State	Point of entry
Belgium	Antwerpen, Zeebrugge, Brussel/Bruxelles, Aalst
Denmark	All Danish harbours and airports
Germany	HZA Lörrach — ZA Weil-am-Rhein-Autobahn, HZA Stuttgart — ZA Flughafen, HZA München — ZA München-Flughafen, HZA Hof-Schirnding-Landstraße, HZA Weiden — ZA Furth-im-Wald-Schafberg, HZA Weiden — ZA Waidhaus-Autobahn, Bezirksamt Reinickendorf von Berlin, Abteilung Finanzen, Wirtschaft und Kultur, Veterinär- und Lebensmittelaufsichtsamt, Grenzkontrollstelle, HZA Frankfurt (Oder) — ZA Autobahn, HZA Cottbus — ZA Forst-Autobahn, HZA Bremen — ZA Neustädter Hafen, HZA Bremen — ZA Bremerhaven, HZA Hamburg-Hafen — ZA Waltershof, HZA Hamburg-Stadt, HZA Itzehoe — ZA Hamburg-Flughafen, HZA Frankfurt-am-Main-Flughafen, HZA Braunschweig-Abfertigungsstelle, HZA Hannover-Abfertigungsstelle, HZA Oldenburg — ZA Stade, HZA Dresden — ZA Dresden-Friedrichstadt, HZA Pirna — ZA Altenberg, HZA Löbau — ZA Ludwigsdorf-Autobahn, HZA Koblenz — ZA Hahn-Flughafen, HZA Oldenburg — ZA Wilhelmshaven, HZA Bielefeld — ZA Eckendorfer-Straße-Bielefeld, HZA Erfurt — ZA Eisenach, HZA Potsdam — ZA Ludwigsfelde, HZA Potsdam — ZA Berlin-Flughafen-Schönefeld, HZA Augsburg — ZA Memmingen, HZA Ulm — ZA Ulm (Donautal), HZA Karlsruhe — ZA Karlsruhe, HZA Berlin — ZA Dreilinden, HZA Gießen — ZA Gießen, HZA Gießen — ZA Marburg, HZA Singen — ZA Bahnhof, HZA Lörrach — ZA Weil-am-Rhein-Schusterinsel, HZA Hamburg-Stadt — ZA Oberelbe, HZA Hamburg-Stadt — ZA Oberelbe-Abfertigungsstelle-Billbrook, HZA Hamburg-Stadt — ZA Oberelbe-Abfertigungsstelle-Großmarkt, HZA Potsdam — ZA Berlin-Flughafen-Schönefeld, HZA Düsseldorf — ZA Düsseldorf-Nord
Greece	Athina, Pireas, Elefsis, Aerodromio ton Athinon, Thessaloniki, Volos, Patra, Iraklion tis Kritis, Aerodromio tis Kritis, Euzoni, Idomeni, Ormenio, Kipi, Kakavia, Niki, Promahonas, Pithio, Igoumenitsa, Kristalopigi
Spain	Algeciras (Puerto), Alicante (Aeropuerto, Puerto), Almería (Aeropuerto, Puerto), Asturias (Aeropuerto), Barcelona (Aeropuerto, Puerto, Ferrocarril), Bilbao (Aeropuerto, Puerto), Cádiz (Puerto), Cartagena (Puerto), Castellón (Puerto), Ceuta (Puerto), Gijón (Puerto), Huelva (Puerto), Irún (Carretera), La Coruña (Puerto), La Junquera (Carretera), Las Palmas de Gran Canaria (Aeropuerto, Puerto), Madrid (Aeropuerto, Ferrocarril), Málaga (Aeropuerto, Puerto), Marín (Puerto), Melilla (Puerto), Murcia (Ferrocarril), Palma de Mallorca (Aeropuerto, Puerto), Pasajes (Puerto), San Sebastián (Aeropuerto), Santa Cruz de Tenerife (Puerto), Santander (Aeropuerto, Puerto), Santiago de Compostela (Aeropuerto), Sevilla (Aeropuerto, Puerto), Tarragona (Puerto), Tenerife Norte (Aeropuerto), Tenerife Sur (Aeropuerto), Valencia (Aeropuerto, Puerto), Vigo (Aeropuerto, Puerto), Villagarcía (Puerto), Vitoria (Aeropuerto), Zaragoza (Aeropuerto)
France	Marseille (Bouches-du-Rhône), Le Havre (Seine-Maritime), Rungis MIN (Val-de-Marne), Chassieu CRD (Rhône), Strasbourg CRD (Bas-Rhin), Lille CRD (Nord), Saint-Nazaire-Montoir CRD (Loire-Atlantique), Agen (Lot-et-Garonne), port de la Pointe des Galets à la Réunion
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Italy	Ufficio Sanità Marittima ed Aerea di Ancona Ufficio Sanità Marittima ed Aerea di Bari Ufficio Sanità Marittima ed Aerea di Genova Ufficio Sanità Marittima di Livorno Ufficio Sanità Marittima ed Aerea di Napoli Ufficio Sanità Marittima di Ravenna Ufficio Sanità Marittima di Salerno Ufficio Sanità Marittima ed Aerea di Trieste Dogana di Ferneti-Interporto Monrupino (Trieste) Ufficio di Sanità Marittima di La Spezia Ufficio di Sanità Marittima e Aerea di Venezia Ufficio di Sanità Marittima e Aerea di Reggio Calabria

Member State	Point of entry
Luxembourg	Centre douanier, Croix de Gasperich, Luxembourg
The Netherlands	All harbours and airports and all border stations
Austria	HZA Feldkirch, HZA Graz, Nickelsdorf, Spielfeld, HZA Wien, ZA Wels, ZA Kledering, ZA Flughafen Wien, HZA Salzburg, ZA Klingenbach/Zweigstelle Sopron, ZA Karawankentunnel, ZA Villach
Portugal	Lisboa, Leixões
Finland	All Finnish customs offices
Sweden	Göteborg, Ystad, Stockholm, Helsingborg, Karlskrona, Karlshamn, Landvetter, Arlanda
United Kingdom	Belfast, Channel Tunnel Terminal, Dover, Felixstowe, Gatwick Airport, Goole Grangemouth, Harwich, Heathrow Airport, Heysham, Hull, Immingham, Ipswich, King's Lynn, Leith, Liverpool, London (including Tilbury, Thamesport and Sheerness), Manchester Airport, Manchester Container Port, Manchester (including Ellesmere Port), Medway, Middlesborough, Newhaven, Poole, Shoreham, Southampton, Stansted Airport'

COMMISSION DECISION

of 22 July 2003

amending Decision 2002/80/EC imposing special conditions on the import of figs, hazelnuts and pistachios and certain products derived thereof originating in or consigned from Turkey*(notified under document number C(2003) 2604)***(Text with EEA relevance)**

(2003/552/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 93/43/EEC of 14 June 1993 on the hygiene of foodstuffs ⁽¹⁾, and in particular Article 10(1) thereof,

After consulting the Member States,

Whereas:

- (1) Commission Decision 2002/80/EC of 4 February 2002 imposing special conditions on the import of figs, hazelnuts and pistachios and certain products derived thereof originating in or consigned from Turkey ⁽²⁾, as last amended by Decision 2002/679/EC ⁽³⁾, provides for a review of that Decision by 31 December 2002.
- (2) The results of random sampling and analysis of consignments of dried figs, hazelnuts and pistachios originating in or consigned from Turkey demonstrate that there is a continuing need for the special conditions set out in Decision 2002/80/EC in order to provide a sufficient level of protection of public health within the Community.
- (3) Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety ⁽⁴⁾ provides for the establishment of the rapid alert system for food and feed (RASFF).
- (4) In the interests of public health, Member States should provide the Commission with periodical reports of all analytical results of official controls carried out in respect of consignments of figs, hazelnuts and pistachios and certain products derived thereof originating in or consigned from Turkey. Such reports should be in addition to the notification obligation under the rapid alert system for food and feed.
- (5) At the request of certain Member States, it is appropriate to update the list of points of entry through which the products covered by Decision 2002/80/EC may be imported into the Community. For the sake of clarity, that list should be replaced.

- (6) Decision 2002/80/EC should therefore be amended accordingly,

HAS ADOPTED THIS DECISION:

Article 1

Decision 2002/80/EC is amended as follows:

1. Article 1 is amended as follows:

- (a) The following is added to Article 1(1):
'— Flour, meal and powder of hazelnuts, figs and pistachios falling within CN code 1106 30 90.'
- (b) Article 1(5) is replaced by the following:

'5. The competent authorities in each Member State shall undertake at random sampling of the consignments of dried figs, hazelnuts and pistachios and certain products derived thereof originating in or consigned from Turkey for analysis of aflatoxin B1 and total aflatoxin.

Member States shall submit to the Commission every three months a report of all analytical results of official controls on consignments of dried figs, hazelnuts and pistachios and certain products derived thereof originating in or consigned from Turkey. This report shall be submitted during the month following each quarter (*).

(* April, July, October, January.'

- (c) Article 1(6) is amended as follows:

At the end of the second sentence, the words 'for a maximum of 10 working days' are replaced by 'for a maximum of 15 working days'.

- (d) The following paragraph 7 is added

'7. In case a consignment is split, copies of the health certificate and accompanying documents referred to in the paragraphs 1 and 6 and certified by the competent authority of the Member State on whose territory the splitting has taken place, shall accompany each part of the split consignment.'

⁽¹⁾ OJ L 175, 19.7.1993, p. 1.

⁽²⁾ OJ L 34, 5.2.2002, p. 26.

⁽³⁾ OJ L 229, 27.8.2002, p. 37.

⁽⁴⁾ OJ L 31, 1.2.2002, p. 1.

2. Article 2 is replaced by the following:

Article 2

'Article 2

This Decision shall be kept under review in the light of information and guarantees provided by the competent authorities of Turkey and on the basis of the results of the tests carried out by Member States in order to assess whether the special conditions set out in Article 1 provide a sufficient level of protection of public health within the Community. The review shall also assess whether there is a continuing need for the special conditions.'

This Decision is addressed to the Member States.

Done at Brussels, 22 July 2003.

3. Annex II is replaced by the text in the Annex to this Decision

For the Commission

David BYRNE

Member of the Commission

ANNEX

ANNEX II

List of points of entry through which consignments of dried figs, hazelnuts and pistachios and certain products derived thereof originating in or consigned from Turkey may be imported into the Community

Member State	Point of entry
Belgium	Antwerpen, Zeebrugge, Brussel/Bruxelles, Aalst
Denmark	All Danish harbours and airports
Germany	HZA Lörrach — ZA Weil-am-Rhein-Autobahn, HZA Stuttgart — ZA Flughafen, HZA München — ZA München-Flughafen, HZA Hof-Schirnding-Landstraße, HZA Weiden — ZA Furth-im-Wald-Schafberg, HZA Weiden — ZA Waidhaus-Autobahn, Bezirksamt Reinickendorf von Berlin, Abteilung Finanzen, Wirtschaft und Kultur, Veterinär- und Lebensmittelaufsichtsamt, Grenzkontrollstelle, HZA Frankfurt (Oder) — ZA Autobahn, HZA Cottbus — ZA Forst-Autobahn, HZA Bremen — ZA Neustädter Hafen, HZA Bremen — ZA Bremerhaven, HZA Hamburg-Hafen — ZA Waltershof, HZA Hamburg-Stadt, HZA Itzehoe — ZA Hamburg-Flughafen, HZA Frankfurt-am-Main-Flughafen, HZA Braunschweig-Abfertigungsstelle, HZA Hannover-Abfertigungsstelle, HZA Oldenburg — ZA Stade, HZA Dresden — ZA Dresden-Friedrichstadt, HZA Pirna — ZA Altenberg, HZA Löbau — ZA Ludwigsdorf-Autobahn, HZA Koblenz — ZA Hahn-Flughafen, HZA Oldenburg — ZA Wilhelmshaven, HZA Bielefeld — ZA Eckendorfer-Straße-Bielefeld, HZA Erfurt — ZA Eisenach, HZA Potsdam — ZA Ludwigsfelde, HZA Potsdam — ZA Berlin-Flughafen-Schönefeld, HZA Augsburg — ZA Memmingen, HZA Ulm — ZA Ulm (Donautal), HZA Karlsruhe — ZA Karlsruhe, HZA Berlin — ZA Dreilinden, HZA Gießen — ZA Gießen, HZA Gießen — ZA Marburg, HZA Singen — ZA Bahnhof, HZA Lörrach — ZA Weil-am-Rhein-Schusterinsel, HZA Hamburg-Stadt — ZA Oberelbe, HZA Hamburg-Stadt — ZA Oberelbe-Abfertigungsstelle-Billbrook, HZA Hamburg-Stadt — ZA Oberelbe-Abfertigungsstelle-Großmarkt, HZA Potsdam — ZA Berlin-Flughafen-Schönefeld, HZA Düsseldorf — ZA Düsseldorf-Nord
Greece	Athina, Pireas, Elefsis, Aerodromio ton Athinon, Thessaloniki, Volos, Patra, Iraklion tis Kritis, Aerodromio tis Kritis, Euzoni, Idomeni, Ormenio, Kipi, Kakavia, Niki, Promahonas, Pithio, Igoumenitsa, Kristalopigi
Spain	Algeciras (Puerto), Alicante (Aeropuerto, Puerto), Almería (Aeropuerto, Puerto), Asturias (Aeropuerto), Barcelona (Aeropuerto, Puerto, Ferrocarril), Bilbao (Aeropuerto, Puerto), Cádiz (Puerto), Cartagena (Puerto), Castellón (Puerto), Ceuta (Puerto), Gijón (Puerto), Huelva (Puerto), Irún (Carretera), La Coruña (Puerto), La Junquera (Carretera), Las Palmas de Gran Canaria (Aeropuerto, Puerto), Madrid (Aeropuerto, Ferrocarril), Málaga (Aeropuerto, Puerto), Marín (Puerto), Melilla (Puerto), Murcia (Ferrocarril), Palma de Mallorca (Aeropuerto, Puerto), Pasajes (Puerto), San Sebastián (Aeropuerto), Santa Cruz de Tenerife (Puerto), Santander (Aeropuerto, Puerto), Santiago de Compostela (Aeropuerto), Sevilla (Aeropuerto, Puerto), Tarragona (Puerto), Tenerife Norte (Aeropuerto), Tenerife Sur (Aeropuerto), Valencia (Aeropuerto, Puerto), Vigo (Aeropuerto, Puerto), Villagarcía (Puerto), Vitoria (Aeropuerto), Zaragoza (Aeropuerto)
France	Marseille (Bouches-du-Rhône), Le Havre (Seine-Maritime), Rungis MIN (Val-de-Marne), Chassieu CRD (Rhône), Strasbourg CRD (Bas-Rhin), Lille CRD (Nord), Saint-Nazaire-Montoir CRD (Loire-Atlantique), Agen (Lot-et-Garonne), port de la Pointe des Galets à la Réunion
Ireland	Dublin — port and airport, Cork — port and airport, Shannon — airport
Italy	Ufficio Sanità Marittima ed Aerea di Ancona Ufficio Sanità Marittima ed Aerea di Bari Ufficio Sanità Marittima ed Aerea di Genova Ufficio Sanità Marittima di Livorno Ufficio Sanità Marittima ed Aerea di Napoli Ufficio Sanità Marittima di Ravenna Ufficio Sanità Marittima di Salerno Ufficio Sanità Marittima ed Aerea di Trieste Dogana di Ferneti-Interporto Monrupino (Trieste) Ufficio di Sanità Marittima di La Spezia Ufficio di Sanità Marittima e Aerea di Venezia Ufficio di Sanità Marittima e Aerea di Reggio Calabria

Member State	Point of entry
Luxembourg	Centre douanier, Croix de Gasperich, Luxembourg
The Netherlands	All harbours and airports and all border stations
Austria	HZA Feldkirch, HZA Graz, Nickelsdorf, Spielfeld, HZA Wien, ZA Wels, ZA Kledering, ZA Flughafen Wien, HZA Salzburg, ZA Klingenbach/Zweigstelle Sopron, ZA Karawankentunnel, ZA Villach
Portugal	Lisboa, Leixões
Finland	All Finnish customs offices
Sweden	Göteborg, Ystad, Stockholm, Helsingborg, Karlskrona, Karlsham, Landvetter, Arlanda
United Kingdom	Belfast, Channel Tunnel Terminal, Dover, Felixstowe, Gatwick Airport, Goole Grangemouth, Harwich, Heathrow Airport, Heysham, Hull, Immingham, Ipswich, King's Lynn, Leith, Liverpool, London (including Tilbury, Thamesport and Sheerness), Manchester Airport, Manchester Container Port, Manchester (including Ellesmere Port), Medway, Middlesborough, Newhaven, Poole, Shoreham, Southampton, Stansted Airport'

COMMISSION DECISION**of 23 July 2003****on the eligibility of expenditure to be incurred by certain Member States in 2003 for the collection and management of the data needed to conduct the common fisheries policy***(notified under document number C(2003) 2629)*

(2003/553/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

the Member States concerned in accordance with Article 6(1)(a) of Decision 2000/439/EC on the basis of that assessment.

Having regard to the Treaty establishing the European Community,

- (4) A second instalment will be forwarded in 2004, following the transmission and acceptance by the Commission of a financial and technical report of activity detailing the state of completion of the aims set at the time of drawing up the minimum and extended programmes, in accordance with Article 6(1)(b) of Decision 2000/439/EC and Article 6(2) of Regulation (EC) No 1639/2001.

Having regard to Council Decision 2000/439/EC of 29 June 2000 on a financial contribution from the Community towards the expenditure incurred by Member States in collecting data and for financing studies and pilot projects for carrying out the common fisheries policy ⁽¹⁾, and in particular Article 4(3) thereof,

- (5) The measures provided for in this Decision are in accordance with the opinion of the Management Committee for Fisheries and Aquaculture,

Whereas:

- (1) According to Article 4(3) of Decision 2000/439/EC, the Commission, on the basis of the information provided by the Member States, decides each year on the eligibility of the expenditure forecast by the Member States and on the amount of the financial assistance from the Community for the following year.

HAS ADOPTED THIS DECISION:

Article 1

- (2) The Commission has received updates of the five-year programmes from Belgium, Denmark, Germany, Greece, Spain, France, Ireland, Italy, the Netherlands, Portugal, Finland, Sweden and the United Kingdom that describe the data they intend to collect between 1 January 2003 and 31 December 2003 pursuant to Council Regulation (EC) No 1543/2000 of 29 June 2000 establishing a Community framework for the collection and management of the data needed to conduct the common fisheries policy ⁽²⁾. They have also submitted applications for a financial contribution for the expenditure referred to in Article 4 of Decision 2000/439/EC.

This Decision establishes for 2003 the amount of the eligible expenditure for each Member State and the rates of the Community financial contribution for the collection and management of the data needed to conduct the common fisheries policy.

Article 2

- (3) Pursuant to Article 6 of Commission Regulation (EC) No 1639/2001 of 25 July 2001 establishing the minimum and extended programme for the collection of data in the fisheries sector and laying down detailed rules for the application of Council Regulation (EC) No 1543/2000 ⁽³⁾, the Commission has examined Member States' national programmes for 2003 and has assessed the eligibility of the expenditures on the basis of those programmes. A first instalment should be delivered to

Expenditure incurred in collecting and managing the data needed to conduct the common fisheries policy, as set out in Annex I, shall qualify for a financial contribution up to 50 % of the eligible expenditure within the minimum programme.

Article 3

Expenditure incurred in collecting and managing the data needed to conduct the common fisheries policy, as set out in Annex II, shall qualify for a financial contribution up to 35 % of the eligible expenditure within the extended programme.

⁽¹⁾ OJ L 176, 15.7.2000, p. 42.

⁽²⁾ OJ L 176, 15.7.2000, p. 1.

⁽³⁾ OJ L 222, 17.8.2001, p. 53.

Article 4

1. The Community shall pay a first instalment of 50 % of the financial contribution set out in Annexes I and II.
2. A second instalment will be delivered in 2004, after the reception and acceptance of a financial and a technical report provided for in Article 6(1)(b) of Decision 2000/439/EC.

Article 5

1. The euro exchange rate used to calculate the amounts eligible under this Decision shall be the rate in force in May 2002.
2. The expenditure declarations and applications for advances in national currency received from the Member States not participating in the third stage of economic and monetary union shall be converted into euro at the rate in force for the month in which those declarations and applications reach the Commission.

Article 6

This Decision is addressed to the Kingdom of Belgium, the Kingdom of Denmark, the Federal Republic of Germany, the Hellenic Republic, the Kingdom of Spain, the French Republic, Ireland, the Italian Republic, the Kingdom of the Netherlands, the Portuguese Republic, the Republic of Finland, the Kingdom of Sweden and the United Kingdom of Great Britain and Northern Ireland.

Done at Brussels, 23 July 2003.

For the Commission

Franz FISCHLER

Member of the Commission

ANEXO I/BILAG I/ANHANG I/ΠΑΡΑΡΤΗΜΑ I/ANNEX I/ANNEXE I/ALLEGATO I/BIJLAGE I/ANEXO I/LIITE I/
BILAGA I

(EUR)

Estado miembro Medlemsstat Mitgliedstaat Κράτος μέλος Member State État membre Stato membro Lidstaat Estado-Membro Jäsenvaltio Medlemsstat	Gastos subvencionables Støtteberettigede udgifter Erstattungsfähige Ausgaben Επιλέξιμες δαπάνες Eligible expenditure Dépenses admissibles Spese ammissibili In aanmerking komende uitgaven Despesas elegíveis Hyväksyttävät menot Bidragsberättigande kostnader	Contribución max. de la Comunidad Fællesskabets maksimale finansielle bidrag Maximaler Gemeinschaftsbeitrag Μέγιστη κοινοτική συμμετοχή Max. Community contribution Participation communautaire maximale Contributo max. della Comunità Maximale bijdrage van de Gemeenschap Contribuição max. da Comunidade Yhteisön osuus enintään Gemenskapens maximala bidrag
België/Belgique	1 000 250	500 125
Danmark	3 568 416	1 784 208
Deutschland	3 090 024	1 545 012
Ελλάς	1 693 432	846 716
España	5 610 985	2 805 493
France	5 562 235	2 781 118
Ireland	2 650 895	1 325 448
Italia	4 242 090	2 121 045
Nederland	2 471 154	1 235 577
Portugal	3 204 843	1 602 422
Suomi	954 618	477 309
Sverige	1 962 020	981 010
United Kingdom	6 547 577	3 273 788
Total/I alt/Σύνολο/Totale/Totaal/ Yhteensä/Totalt	42 558 539	21 279 271

ANEXO II/BILAG II/ANHANG II/ΠΑΡΑΡΤΗΜΑ II/ANNEX II/ANNEXE II/ALLEGATO II/BIJLAGE II/ANEXO II/LIITE II/
BILAGA II

(EUR)

Estado miembro Medlemsstat Mitgliedstaat Κράτος μέλος Member State État membre Stato membro Lidstaat Estado-Membro Jäsenvaltio Medlemsstat	Gastos subvencionables Støtteberettigede udgifter Erstattungsfähige Ausgaben Επιλέξιμες δαπάνες Eligible expenditure Dépenses admissibles Spese ammissibili In aanmerking komende uitgaven Despesas elegíveis Hyväksyttävät menot Bidragsberättigande kostnader	Contribución max. de la Comunidad Fællesskabets maksimale finansielle bidrag Maximaler Gemeinschaftsbeitrag Μέγιστη κοινοτική συμμετοχή Max. Community contribution Participation communautaire maximale Contributo max. della Comunità Maximale bijdrage van de Gemeenschap Contribuição max. da Comunidade Yhteisön osuus enintään Gemenskapens maximala bidrag
België/Belgique	0	0
Danmark	12 468	4 364
Deutschland	0	0
Ελλάς	204 333	71 517
España	0	0
France	455 222	159 328
Ireland	0	0
Italia	980 560	343 196
Nederland	426 904	149 416
Portugal	0	0
Suomi	217 715	76 200
Sverige	98 538	34 488
United Kingdom	2 124 031	743 411
Total/I alt/Σύνολο/Totale/Totaal/ Yhteensä/Totalt	4 519 771	1 581 920

DECISION No 2/2003 OF THE EU-SWISS JOINT COMMITTEE
of 15 July 2003

amending Annex II (Social Security) to the Agreement between the European Community and its Member States, of the one part, and the Swiss Confederation, of the other part, on the free movement of persons

(2003/554/EC)

THE JOINT COMMITTEE,

Having regard to the Agreement between the European Community and its Member States, of the one part, and the Swiss Confederation, of the other, on the free movement of persons, and in particular Articles 14 and 18 thereof,

Whereas:

- (1) The Agreement between the European Community and its Member States, of the one part, and the Swiss Confederation, of the other, on the free movement of persons (hereinafter referred to as 'the Agreement') was signed on 21 June 1999 and entered into force on 1 June 2002.
- (2) Annex II to the Agreement refers in particular to Council Regulations (EEC) No 1408/71 ⁽¹⁾ and (EEC) No 574/72 ⁽²⁾, as updated by Regulation (EC) No 118/97 ⁽³⁾ as well as to subsequent amending Regulations, including Regulation (EC) No 307/1999 ⁽⁴⁾.
- (3) Regulations (EEC) No 1408/71 and (EEC) No 574/72 have, since the date of signature of the Agreement, been amended on a number of occasions. Consequently, it is now necessary to incorporate the relevant amending acts, namely Regulation (EC) No 1399/1999 ⁽⁵⁾, Commission Regulation (EC) No 89/2001 ⁽⁶⁾, Regulation (EC) No 1386/2001 and (EC) No 410/2002, into the Agreement, and specifically into Annex II thereto.
- (4) The allowances established under Swiss law for helpless persons should be provided for in the text of Annex IIa to Regulation (EEC) No 1408/71 according to the Protocol to Annex II to the Agreement as the acts relating to these benefits have been amended stipulating that these benefits shall be financed exclusively by public authorities.
- (5) The conditions and effects of the option to request exemption from compulsory Swiss sickness insurance need to be further clarified, particularly as regards the time limits for submitting a request for exemption, its

effects for family members residing in the same Member State, as regards the distribution of costs for sickness benefits in kind between the Swiss accident insurance and a Member State's sickness insurance for non-work related accidents, and as regards entitlement to sickness benefits in kind during a stay in Switzerland.

- (6) As a result of a change to the Swiss invalidity insurance scheme, the current provisions in Annex II concerning the granting of an invalidity pension and entitlement to rehabilitation measures should be amended.
- (7) Following modifications at national Swiss level of the responsibilities or designations, amendments should be made to the references to the ministries and institutions concerned.
- (8) The complicated and technical nature of the coordination of social security schemes requires effective and coherent coordination, through the application of common and homogeneous provisions within the territory of the Contracting parties.
- (9) It is in the interests of the persons covered by the Agreement to resolve, or at least limit in time, any negative effects arising from the application of different coordination rules by the Contracting Parties.
- (10) Amendments to Annex II should therefore take effect on the date of entry into force of the Agreement, except for the ending or limiting of the possibility of exemption from Swiss compulsory insurance for persons residing in Portugal and Finland, which should take effect as from 1 June 2003,

HAS DECIDED AS FOLLOWS:

Article 1

Annex II to the Agreement shall be amended as set out in the Annex to this Decision.

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

⁽²⁾ OJ L 74, 27.3.1972. Regulation as last amended by Commission Regulation (EC) No 410/2002 (OJ L 62, 5.3.2002, p. 17).

⁽³⁾ OJ L 28, 30.1.1997, p. 1.

⁽⁴⁾ OJ L 38, 12.2.1999, p. 1.

⁽⁵⁾ OJ L 164, 30.6.1999, p. 1.

⁽⁶⁾ OJ L 14, 18.1.2001, p. 16.

Article 2

This Decision shall enter into force on the day of its adoption by the Joint Committee.

It shall apply from 1 June 2002, except for the amendment to Point 3(b) of Annex II to the Agreement, ending or limiting the possibility of exemption from Swiss compulsory insurance for persons residing in Portugal and Finland, which shall take effect on 1 June 2003.

Equally, from this latter date, the effects of the exemptions from Swiss compulsory insurance that may have been granted to persons residing in Portugal shall cease.

Article 3

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

Done at Brussels, 15 July 2003.

For the Joint Committee

The President

Matthias BRINKMANN

ANNEX

Annex II to the Agreement between the European Community and its Member States, of the one part, and the Swiss Confederation, of the other, on the free movement of persons is hereby amended as follows:

1. The following shall be inserted under the Title 'Section A: Acts referred to' of point 1 'Regulation (EEC) No 1408/71' after '399 R 307: Council Regulation (EC) No 307/1999 ...':

'399 R 1399: Council Regulation (EC) No 1399/1999 of 29 April 1999 amending Regulation (EEC) No 1408/71 on the application of social security schemes to employed persons, to self-employed persons and to members of their families moving within the Community and Regulation (EEC) No 574/72 laying down the procedure for implementing Regulation (EEC) No 1408/71 (OJ L 164, 30.6.1999, p. 1).

301 R 1386: Regulation (EC) No 1386/2001 of the European Parliament and of the Council of 5 June 2001 amending Council Regulation (EEC) No 1408/71 on the application of social security schemes to employed persons, to self-employed persons and to members of their families moving within the Community and Regulation (EEC) No 574/72 laying down the procedure for implementing Regulation (EEC) No 1408/71 (OJ L 187, 10.7.2001, p. 1).'

2. Under the heading 'For the purposes of this Agreement, the Regulation shall be adapted as follows:', point 1 of Section A of Annex II to the Agreement shall be amended as follows:

(a) under (h), concerning Annex IIa, a new item shall be added after item (a):

'(a1) Allowance for helpless persons (Federal Act of 19 June 1959 on invalidity insurance (LAI) and Federal Act of 20 December 1946 on old-age and survivor's pensions (LAVS) as amended on 8 October 1999).'

(b) under (o), concerning Annex VI, point 3 shall be replaced by the following:

'3. Compulsory insurance under Swiss sickness insurance and possible exemptions

(a) The Swiss legal provisions governing compulsory sickness insurance shall apply to the following persons not resident in Switzerland:

(i) persons subject to Swiss legal provisions under Title II of the Regulation;

(ii) persons for whom Switzerland is the competent State for sickness insurance under Articles 28, 28a or 29 of the Regulation;

(iii) persons receiving Swiss unemployment insurance benefits;

(iv) family members of persons referred to in (i) and (iii) or of an employed or self-employed person resident in Switzerland who is insured under the Swiss sickness insurance scheme, unless these family members are resident in one of the following States: Denmark, Spain, Portugal, Sweden or the United Kingdom;

(v) family members of persons referred to in (ii) or of a pensioner resident in Switzerland who is insured under the Swiss sickness insurance scheme, unless these family members are resident in one of the following States: Denmark, Portugal, Sweden or the United Kingdom.

As family members are considered those persons who are defined as family members according to the legislation of the State of residence.

(b) Persons referred to in (a) may, on request, be exempted from compulsory insurance if and as long as they are resident in one of the following States and can prove that they are eligible for cover in the event of sickness: Germany, Austria, France, Italy and, with regard to persons referred to in (a)(iv) and (v), Finland.

This request

(aa) must be submitted within three months of the date on which the obligation to take out insurance in Switzerland comes into effect; where, in justified cases, the request is submitted after this deadline, the exemption shall take effect as from the commencement of the insurance obligation;

(bb) shall apply to all family members residing in the same State.'

(c) under (o) after point 3, the following new paragraphs shall be added:

'3a. Where a person subject to Swiss legal provisions under Title II of the Regulation is, in application of 3b, subject for the purposes of sickness insurance to the legal provisions of another State covered by this Agreement, the costs of these benefits in kind for non-occupational accidents shall be shared equally between the Swiss insurer against occupational and non-occupational accidents and industrial diseases and the competent sickness insurance institution if an entitlement exists to benefits in kind from both bodies. The Swiss insurer against occupational and non-occupational accidents and industrial diseases shall meet all costs in the event of occupational accidents, accidents on the way to work or industrial diseases, even where there is an entitlement to benefits from a sickness insurance body in the country of residence.

- 3b. Persons who are working, but not residing in Switzerland and who have statutory insurance cover in their State of residence in accordance with point 3(b) shall benefit from the provisions of Article 22(1)(a) of the Regulation for any condition requiring benefits during a stay in Switzerland.'
- (d) Point 8 shall be replaced by the following:
- '8. Notwithstanding the provisions of Title III of the Regulation, an employed or self-employed worker who is no longer subject to Swiss legislation on invalidity insurance shall be regarded as being covered by that insurance for a period of one year with effect from the day on which work preceding the invalidity was interrupted if he had to give up his gainful employment or self-employment in Switzerland owing to an accident or an illness and if the invalidity was diagnosed in this country; he shall be obliged to pay contributions to old-age, survivors' and invalidity insurance as if he were resident in Switzerland. This shall not apply if he is subject to the legislation of another Member State according to Articles 13(2)(a) to (e), Articles 14 to 14(f) or Article 17 of the Regulation.'
- (e) Point 9 shall be replaced by the following:
- '9. Where a person who was gainfully employed or self-employed in Switzerland and covering his vital needs has had to cease his activity owing to an accident or illness and is no longer subject to Swiss legislation on invalidity insurance, he shall be considered to be covered by that insurance for the purpose of eligibility for rehabilitation measures and throughout the period during which he benefits from these measures, provided that he has not taken up a new activity outside Switzerland.'
3. The following shall be inserted under the Title 'Section A: Acts referred to' under point 2 'Regulation (EEC) No 574/72' after '399 R 307: Council Regulation (EC) No 307/1999 ...':
- '399 R 1399: Council Regulation (EC) No 1399/1999 of 29 April 1999 amending Regulation (EEC) No 1408/71 on the application of social security schemes to employed persons, to self-employed persons and to members of their families moving within the Community, and Regulation (EEC) No 574/72 laying down the procedure for implementing Regulation (EEC) No 1408/71 (OJ L 164, 30.6.1999, p. 1).
- 301 R 1386: Regulation (EC) No 1386/2001 of the European Parliament and of the Council of 5 June 2001 amending Council Regulation (EEC) No 1408/71 on the application of social security schemes to employed persons, to self-employed persons and to members of their families moving within the Community and Regulation (EEC) No 574/72 laying down the procedure for implementing Regulation (EEC) No 1408/71 (OJ L 187, 10.7.2001, p. 1).
- 301 R 89: Commission Regulation (EC) No 89/2001 of 17 January 2001 amending Council Regulation (EEC) No 574/72 laying down the procedure for implementing Regulation (EEC) No 1408/71 on the application of social security schemes to employed persons, to self-employed persons and to members of their families moving within the Community (OJ L 14, 18.1.2001, p. 16).
- 302 R 410: Commission Regulation (EC) No 410/2002 of 27 February 2002 amending Council Regulation (EEC) No 574/72 laying down the procedure for implementing Regulation (EEC) No 1408/71 on the application of social security schemes to employed persons, to self-employed persons and to members of their families moving within the Community (OJ L 62, 5.3.2002, p. 17).'
4. Under the heading 'For the purposes of this Agreement, the Regulation shall be adapted as follows:', point 2 of Section A of Annex II to the Agreement shall be amended as follows:
- (a) under (a) of Annex 1, point 2 shall be replaced as follows:
- '2. Staatssekretariat für Wirtschaft, Direktion für Arbeit, Bern — Secrétariat d'Etat à l'économie, Direction du travail, Berne — Segretariato di Stato dell'economia, Direzione del lavoro, Berna — State Secretariat for Economic Affairs, Directorate of Labour, Berne';
- (b) under (d) of Annex 4, point 5 shall be replaced as follows:
- '5. Unemployment Staatssekretariat für Wirtschaft, Direktion für Arbeit, Bern — Secrétariat d'Etat à l'économie, Direction du travail, Berne — Segretariato di Stato dell'economia, Direzione del lavoro, Berna — State Secretariat for Economic Affairs, Directorate of Labour, Berne';
- (c) letter (g) of Annex 7, shall be replaced as follows:
- 'Switzerland
- UBS SA, Genève — Genf — Ginevra — Geneva';

- (d) under (j), concerning Annex 10,
- (aa) in point 3 the words 'Gemeindeverwaltung — Administration communale — Amministrazione comunale' are deleted in the English version,
- (bb) in point 5 the words 'Gemeindeverwaltung — Administration communale — Amministrazione comunale' are added before the words in parentheses 'the local authority at the place of residence' in the English version,
- (cc) under point 6, the title 'Bundesamt für Wirtschaft und Arbeit, Bern — Office fédéral du développement économique et de l'emploi, Berne — Ufficio federale dello sviluppo economico e del lavoro, Berna' are replaced as follows:
- 'Staatssekretariat für Wirtschaft, Direktion für Arbeit, Bern — Secrétariat d'Etat à l'économie, Direction du travail, Berne — Segretariato di Stato dell'economia, Direzione del lavoro, Berna (State Secretariat for Economic Affairs, Directorate of Labour, Berne);
- (dd) under point 7(c), the title 'Bundesamt für Wirtschaft und Arbeit, Bern — Office fédéral du développement économique et de l'emploi, Berne — Ufficio federale dello sviluppo economico e del lavoro, Berna' are replaced as follows:
- 'Staatssekretariat für Wirtschaft, Direktion für Arbeit, Bern — Secrétariat d'Etat à l'économie, Direction du travail, Berne — Segretariato di Stato dell'economia, Direzione del lavoro, Berna — (State Secretariat for Economic Affairs, Directorate of Labour, Berne)'.

5. Section B of Annex II shall be as follows:

- (a) in 4.23, '387 D XXX' shall be replaced by '387 Y 1009 (01)';
- (b) in 4.25, '388 D XXX' shall be replaced by '388 Y 309 (01)';
- (c) in 4.26, '388 D XXX' shall be replaced by '388 Y 309 (3)';
- (d) in 4.29, '389 D XXX' shall be replaced by '389 Y 1115 (01)';
- (e) in 4.30, '390 D XXX' shall be replaced by '390 Y 412 (01)';
- (f) in 4.31, '390 D XXX' shall be replaced by '390 Y 412 (02)';
- (g) in 4.32, '390 D XXX' shall be replaced by '390 Y 412 (03)';
- (h) in 4.33, '390 D XXX' shall be replaced by '390 Y 330 (01)';
- (i) Points 4.16, 4.46 and 4.47 shall be deleted.
- (j) under point 4.38
- in 1(a), the term 'invalidity insurance' shall be replaced by 'old-age, survivors' and invalidity insurance',
- in 2, the title 'Bundesamt für Wirtschaft und Arbeit, Bern — Office fédéral du développement économique et de l'emploi, Berne — Ufficio federale dello sviluppo economico e del lavoro, Berna' is replaced as follows:
- 'Staatssekretariat für Wirtschaft, Direktion für Arbeit, Bern — Secrétariat d'Etat à l'économie, Direction du travail, Berne — Segretariato di Stato dell'economia, Direzione del lavoro, Berna — State Secretariat for Economic Affairs, Directorate of Labour, Berne';
- (k) after point 4.55, the following numbers shall be added:
- 4.56. 399 D 370: Decision No 171 of 9 December 1998 amending Decision No 135 of 1 July 1987 concerning the granting of benefits in kind provided for in Article 17(7) and Article 60(6) of Council Regulation (EEC) No 574/72 and the concepts of urgency within the meaning of Article 20 of Regulation (EEC) No 1408/71 and of extreme urgency within the meaning of Article 17(7) and Article 60(6) of Regulation (EEC) No 574/72 (OJ L 143, 8.6.1999, p. 11).
- 4.57. 399 D 371: Decision No 172 of 9 December 1998 on the model forms necessary for the application of Council Regulations (EEC) No 1408/71 and (EEC) No 574/72 (E 101) (OJ L 143, 8.6.1999, p. 13).
- 4.58. 300 D 129: (01) Decision No 173 of 9 December 1998 concerning the common arrangements adopted by the Member States, for the purposes of reimbursement between institutions following the introduction of the euro unit (OJ C 27, 29.1.2000, p. 21).
- 4.59. 300 D 141: Decision No 174 of 20 April 1999 concerning the interpretation of Article 22a of Regulation (EEC) No 1408/71 (OJ L 47, 19.2.2000, p. 30).

- 4.60. 300 D 142: Decision No 175 of 23 June 1999 on interpretation of the concept of "benefits in kind" in the event of sickness or maternity pursuant to Article 19(1) and (2), Article 22, Article 22a, Article 22b, Article 25(1), (3) and (4), Article 26, Article 28(1), Article 28a, Article 29, Article 31, Article 34a and Article 34b of Council Regulation (EEC) No 1408/71 and on calculation of the amounts to be refunded under Articles 93, 94 and 95 of Council Regulation (EEC) No 574/72 as well as the advances to be paid pursuant to Article 102(4) of the same Regulation (OJ L 47, 19.2.2000, p. 32).
- 4.61. 300 D 582: Decision No 176 of 24 June 1999 concerning the reimbursement by the competent institution in a Member State of the costs incurred during a stay in another Member State by means of the procedure referred to in Article 34(4) of Regulation (EEC) No 574/72 (96/249/EC) (OJ L 243, 28.9.2000, p. 42).
- 4.62. 300 D 748: Decision No 177 of 5 October 1999 on the forms necessary for the application of Council Regulations (EEC) No 1408/71 and (EEC) No 574/72 (E 128 and E 128 B) (OJ L 302, 1.12.2000, p. 65).
- 4.63. 300 D 749: Decision No 178 of 9 December 1999 on the interpretation of Article 111(1) and (2) of Regulation (EEC) No 574/72 (OJ L 302, 1.12.2000, p. 71).
- 4.64. 302 D 154: Decision No 179 of 18 April 2000 on the model forms necessary for the application of Council Regulations (EEC) No 1408/71 and (EEC) No 574/72 (E 111, E 111 B, E 113 to E 118 and E 125 to E 127) (OJ L 54, 25.2.2002, p. 1).
- 4.65. 301 D 70: Decision No 180 of 15 February 2000 on the model forms necessary for the application of Council Regulations (EEC) No 1408/71 and (EEC) No 574/72 (E 211, E 212) (OJ L 23, 25.1.2001, p. 33).
- 4.66. 301 D 891: Decision No 181 of 13 December 2000 concerning the interpretation of Articles 14(1), 14a(1) and 14b(1) and (2) of Council Regulation (EEC) No 1408/71 on the legislation applicable to posted workers and self-employed workers temporarily working outside the competent State (OJ L 329, 14.12.2001, p. 73).
- 4.67. 301 D 655: Decision No 182 of 13 December 2000 concerning the establishment of a common framework for the collection of data on the settlement of pension claims (OJ L 230, 28.8.2001, p. 20).
- 4.68. 302 D 155: Decision No 183 of 27 June 2001 on the interpretation of Article 22(1)(a) of Council Regulation (EEC) No 1408/71, concerning health care in conjunction with pregnancy and childbirth (OJ L 54, 25.2.2002, p. 39).
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CORRIGENDA

Corrigendum to Commission Regulation (EC) No 1319/2003 of 24 July 2003 fixing the export refunds on milk and milk products*(Official Journal of the European Union L 186 of 25 July 2003)*

On page 16, in the column headed 'Amount of refund':

for:

Product code	Destination	Unit of measurement	Amount of refund
'0402 91 11 9370	L07	EUR/100 kg	8,165
0402 91 19 9370	L07	EUR/100 kg	8,165
0402 91 31 9300	L07	EUR/100 kg	9,67
0402 91 39 9300	L07	EUR/100 kg	9,67
0402 99 11 9350	L07	EUR/kg	0,2081
0402 99 19 9350	L07	EUR/kg	0,2081
0402 99 31 9150	L07	EUR/kg	0,2179
0402 99 39 9150	L07	EUR/kg	0,2179
0404 90 83 9936	L07	EUR/kg	0,2081'

read:

Product code	Destination	Unit of measurement	Amount of refund
'0402 91 11 9370	L07	EUR/100 kg	6,804
0402 91 19 9370	L07	EUR/100 kg	6,804
0402 91 31 9300	L07	EUR/100 kg	8,058
0402 91 39 9300	L07	EUR/100 kg	8,058
0402 99 11 9350	L07	EUR/kg	0,1734
0402 99 19 9350	L07	EUR/kg	0,1734
0402 99 31 9150	L07	EUR/kg	0,1816
0402 99 39 9150	L07	EUR/kg	0,1816
0404 90 83 9936	L07	EUR/kg	0,1734'