

English edition

## Legislation

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## I

(Acts whose publication is obligatory)

**REGULATION (EC) No 1567/2003 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL  
of 15 July 2003  
on aid for policies and actions on reproductive and sexual health and rights in developing  
countries**

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 179 thereof,

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

Acting in accordance with the procedure laid down in Article 251 of the Treaty <sup>(2)</sup>,

Whereas:

- (1) The Community is deeply concerned by the reproductive and sexual health conditions of women and men, in particular those aged 15 to 49, in developing countries. High maternal mortality and morbidity rates, the lack of a full range of safe and reliable reproductive and sexual health care and services, supplies and information, and the spread of HIV/AIDS undermine all efforts to eradicate poverty, enhance sustainable development, expand opportunities and safeguard livelihoods in developing countries.
- (2) Individual freedom of choice for women, men and adolescents through adequate access to information, education and services in matters concerning their reproductive and sexual health and rights is a significant element of progress and development and requires action by governments as well as individual responsibility.
- (3) The right to enjoy the highest attainable standard of physical and mental health is a fundamental human right which is in line with the provisions of Article 25 of the Universal Declaration of Human Rights. This right is being denied to over a fifth of the world's population.
- (4) Article 35 of the Charter of Fundamental Rights of the European Union calls for a high level of human health protection in the definition and implementation of all Union policies and activities.

(5) The Community and its Member States uphold the right of individuals to decide freely on the number and spacing of their children; they condemn any violation of human rights in the form of compulsory abortion, compulsory sterilisation, infanticide, or the rejection, abandonment or abuse of unwanted children as a means of curbing population growth.

(6) Both the European Parliament and the Council have called for greater efforts by the Community in the area of reproductive and sexual health and rights in developing countries.

(7) Article 25(1)(c) and (d) and Article 31(b)(iii) of the ACP-EU Partnership Agreement <sup>(3)</sup> signed in Cotonou on 23 June 2000 clearly aim to integrate strategies to improve access to basic social services.

(8) The Community and its Member States will continue to contribute greatly to the wider effort to support policies and programmes on reproductive and sexual health and rights in developing countries, and undertake to continue to play a leading role in this area, giving priority to health as part of a global strategy to fight poverty.

(9) The Community and its Member States are determined to make a full contribution towards achieving the Millennium Development Goals of reducing by three-quarters the rate of maternal mortality, achieving gender equality, and attaining access to sexual and reproductive health care and services worldwide.

(10) The Monterrey Conference stipulates that increased official development assistance (ODA) and debt relief schemes should be used for the benefit of better health and education outcomes and the EU has an important role to play in exploring how increased ODA could be used more effectively for improved sustainable development.

<sup>(1)</sup> OJ C 151 E, 25.6.2002, p. 260.

<sup>(2)</sup> Opinion of the European Parliament of 13 February 2003 (not yet published in the Official Journal) and Decision of the Council of 16 June 2003.

<sup>(3)</sup> OJ L 317, 15.12.2000, p. 3.

- (11) The International Conference on Population and Development (ICPD) held in Cairo in 1994 and the ICPD + 5 in 1999 set out an ambitious agenda. The Community and its Member States maintain their commitment to the specific reproductive health goal that was agreed at the ICPD, to make accessible, through the primary health-care system, reproductive health care to all individuals of appropriate ages as soon as possible and no later than 2015 (ICPD Programme of Action, point 7.6).
- (12) The Community and its Member States are committed to upholding the principles agreed at the ICPD and the ICPD + 5 and call upon the international community, in particular the developed countries, collectively to bear the appropriate share of the financial burden defined in the ICPD Programme of Action.
- (13) Since the ICPD, progress has been made, yet there is still much to be done to ensure that every woman has the chance of a healthy pregnancy and of giving birth in safe conditions, that the sexual and reproductive health needs of young people are met and that the violence and abuse suffered by women is stopped, including in refugee and conflict situations.
- (14) The sustained supply, availability and affordability of more effective and acceptable methods of contraception and protection from sexually transmitted infection, including HIV/AIDS, is crucial in achieving the ICPD goals; this calls for an adequate supply and choice of quality reproductive-health-related supplies for every person who needs them. This form of security requires not only the commodities themselves, but the capacity to forecast, finance, procure and deliver them to the places where they are needed, when they are needed.
- (15) The 1995 UN Beijing Conference on Women and the Beijing + 5 Conference reaffirmed the goals of the ICPD Programme of Action, recognising that unsafe abortions threaten the lives of a large number of women, and that deaths and injuries could be prevented through safe and effective reproductive health measures.
- (16) No support is to be given under this Regulation to incentives to encourage sterilisation or abortion, or to the improper testing of contraception methods in developing countries. When cooperation measures are implemented, the decisions adopted at the ICPD, in particular point 8.25 of the ICPD Programme of Action, according to which, *inter alia*, abortion should in no case be promoted as a method of family planning, must be rigorously observed. Post-abortion counselling, education and family planning services should be offered promptly, which will also help to avoid repeat abortions.
- (17) Experience shows that population and development programmes are most effective when steps have been taken to improve the status of women (ICPD Programme of Action, point 4.1). Gender equality is a precondition for improved reproductive health, and men should take full responsibility for their sexual and reproductive behaviour (ICPD Programme of Action, point 4.25).
- (18) The effectiveness of programmes to support nationally led strategies to improve reproductive and sexual health in developing countries partly depends on the improved coordination of aid at both the European and the international level, in particular with the UN agencies, funds and programmes, and more specifically the UN Population Fund.
- (19) Reproductive health providers have a major role to play in the prevention of HIV/AIDS and other sexually transmitted infections.
- (20) Council Regulation (EC) No 1484/97 of 22 July 1997 on aid for population policies and programmes in developing countries <sup>(1)</sup>, applicable until 31 December 2002, is rendered obsolete by this Regulation and should therefore be repealed. The experience acquired during its application should be reflected in the application of this new Regulation.
- (21) This Regulation lays down, for the entire duration of the programme, a financial framework constituting the prime reference, within the meaning of point 33 of the Interinstitutional Agreement of 6 May 1999 between the European Parliament, the Council and the Commission on budgetary discipline and improvement of the budgetary procedure <sup>(2)</sup>, for the budgetary authority during the annual budgetary procedure.
- (22) The measures necessary for the implementation of this Regulation should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission <sup>(3)</sup>.
- (23) As the objectives of the proposed action, namely to improve reproductive and sexual health and to secure respect for the rights related thereto, with particular reference to developing countries, cannot be sufficiently achieved by the Member States, and can therefore, by reason of the scale and effects of the proposed action, be better achieved at Community level, the Community may adopt measures, in accordance with the principle of subsidiarity set out in Article 5 of the Treaty. In accordance with the principle of proportionality also set out in that Article, this Regulation does not go beyond what is necessary in order to achieve those objectives,

<sup>(1)</sup> OJ L 202, 30.7.1997, p. 1.

<sup>(2)</sup> OJ C 172, 18.6.1999, p. 1.

<sup>(3)</sup> OJ L 184, 17.7.1999, p. 23.

HAVE ADOPTED THIS REGULATION:

## Chapter I

### Purpose and scope

#### Article 1

1. The Community shall support actions to improve reproductive and sexual health in developing countries and to secure respect for the rights relating thereto.

2. The Community shall provide financial assistance and appropriate expertise with a view to promoting a holistic approach to, and the recognition of, reproductive and sexual health and rights as defined in the ICPD Programme of Action, including safe motherhood and universal access to a comprehensive range of safe and reliable reproductive and sexual health care and services.

3. In the allocation of such funding and expertise, priority shall be given to:

- (a) the poorest and least developed countries and the most disadvantaged sections of the populations of developing countries;
- (b) action that complements and reinforces both the policies and capacities of developing countries and the assistance provided through other instruments of development cooperation.

#### Article 2

The purpose of the activities carried out under this Regulation shall be to:

- (a) secure the right of women, men and adolescents to good reproductive and sexual health;
- (b) enable women, men and adolescents to have access to a comprehensive range of high-quality, safe, accessible, affordable and reliable reproductive and sexual health care services, supplies, education and information, including information on all kinds of family planning methods;
- (c) reduce maternal mortality and morbidity rates, with particular reference to the countries and populations where these are highest.

#### Article 3

1. Community financial support shall be given to specific operations targeting the poorest and most vulnerable populations in both rural and urban areas, designed to achieve the purposes described in Article 2, and, in particular, to those which aim to:

- (a) support and promote policy and operational frameworks and action, tailored to meet specific targets for the progressive realisation of people's rights to adequate basic health services and accountable service providers;

(b) ensure better access to high-quality reproductive and sexual health services, offering, in particular, contraceptive choice and the prevention and diagnosis of sexually transmitted infections, including HIV/AIDS, and the provision of voluntary confidential counselling and testing;

(c) offer adolescents and young adults educational programmes that focus on the relationship between family planning, reproductive health, sexually transmitted diseases and the impact of HIV/AIDS on partnerships, and provide them with the necessary information, services and skills to protect their reproductive and sexual health, avoid unwanted pregnancies and involve them in the design and implementation of such programmes;

(d) combat practices harmful to the sexual and reproductive health of women, adolescents and children, such as female genital mutilation, sexual violence, child marriages and early marriages;

(e) ensure the sustained supply, availability and affordability of more effective and acceptable methods of contraception and protection from sexually transmitted infection, including HIV/AIDS;

(f) promote comprehensive maternal health programmes, including the provision of quality antenatal care, care during childbirth and post-natal care, and the establishment and/or expansion of a body of skilled birth attendants;

(g) provide effective emergency obstetric and post-partum care, including treatment for complications resulting from unsafe abortion;

(h) reduce unsafe abortions by decreasing the number of unwanted pregnancies through the provision of family planning services, compassionate counselling and information, including the use of contraception, and by investing in the training and equipping of suitable staff, including medical service personnel, to manage under hygienic and safe conditions the complications resulting from unsafe abortion.

2. In order to implement the abovementioned operations, particular attention shall be given to the need to improve the health systems of developing countries. In this process, the participation and consultation of local communities, families and stakeholders, with special attention to the poor, women and adolescents, shall be ensured. In addition, with a view to ensuring that improvements in health and well-being are sustainable, all operations shall be conducted in tandem with broad-based investments in the social sector, covering education, community action, equity and gender awareness, environmental improvement, economic well-being, food-security and nutrition.

#### Article 4

1. In the context of the operations referred to in Article 3, Community support may take the form of:

- (a) funding of research and programmes for action (which shall, as far as possible, be carried out by or in collaboration with experts or institutions of the partner country);



- (b) technical assistance, training, counselling or other services;
- (c) supplies, such as medical supplies, commodities and works;
- (d) audits, evaluation and monitoring missions.

Priority shall be given to enhancing national capacities with a view to long-term viability.

2. Community financing may cover both investment expenditure, excluding the purchase of real estate, and, in exceptional and duly substantiated cases, taking into account the fact that the operation must, as far as possible, aim at medium-term viability, recurring expenditure as well (including administrative expenditure, maintenance and running costs), which temporarily represents a burden for the partner, so that maximum use is made of the support referred to in paragraph 1.

## Chapter II

### Implementation of aid

#### Article 5

1. Community financing under this Regulation shall take the form of grants.
2. A financial contribution from the partners defined in Article 6 shall be sought for each cooperation operation. In specifying the amount of the contribution requested, account shall be taken of the capacity of the partners concerned and the nature of the operation in question. In certain circumstances, the contribution may be in kind if the partner is either a non-governmental organisation (NGO) or a community-based organisation.
3. The provision of financial assistance under this Regulation may entail co-financing with other donors, in particular with Member States, the United Nations, and international or regional development banks or financial institutions.
4. In the context of the operations referred to in Article 3(1)(b), (c), (d), (e), (f) and (g), efforts shall be made to integrate interventions targeting reproductive and sexual health and rights with actions targeting poverty diseases.

#### Article 6

1. The partners eligible for financial assistance under this Regulation include:
  - (a) administrative authorities and agencies at national, regional and local government levels;
  - (b) local authorities and other decentralised bodies;
  - (c) local communities, NGOs, community-based organisations and other not-for-profit natural and legal persons from the private sector;
  - (d) regional organisations;

- (e) international organisations, such as the United Nations and its agencies, funds and programmes, as well as development banks, financial institutions, global initiatives and international public-private partnerships;
- (f) research institutes and universities.

2. Without prejudice to paragraph 1(e), Community financial assistance shall be available to partners whose head office is located in a Member State or in a third country that is a beneficiary or potential beneficiary of Community assistance under this Regulation, provided that this office is the actual centre directing business operations. In exceptional cases, this office may be located in another third country.

#### Article 7

1. Where operations are the subject of financing agreements between the Community and countries which benefit from operations financed under this Regulation, the agreements shall stipulate that the payment of taxes, duties and charges shall not be financed by the Community.
2. Any financing agreement or contract concluded under this Regulation shall stipulate that it is subject to the supervision and financial control of the Commission which may carry out spot-checks and inspections, and to audits by the Court of Auditors, in accordance with the usual arrangements laid down by the Commission under the provisions in force, particularly those in the Financial Regulation applicable to the general budget of the European Communities<sup>(1)</sup>, hereinafter 'the Financial Regulation'.
3. The necessary measures shall be taken to emphasise the Community character of aid provided under this Regulation.

#### Article 8

1. Participation in invitations to tender for the award of contracts shall be open on equal terms to all natural and legal persons in the Member States and in all developing countries. It may be extended, in exceptional cases, to other third countries.
2. Supplies shall originate in the beneficiary country, other developing countries or the Member States. In exceptional cases, supplies may originate from other third countries.

#### Article 9

1. In order to secure the objectives of consistency and complementarity referred to in the Treaty and to ensure maximum effectiveness of these operations as a whole, the Commission may take all necessary coordination measures, including:
  - (a) the establishment of a system for the systematic exchange and analysis of information on the operations financed and those which the Community and the Member States propose to finance;

<sup>(1)</sup> OJ L 248, 16.9.2002, p. 1.

(b) on-the-spot coordination of the implementation of operations through regular meetings and exchanges of information between the representatives of the Commission and the Member States in the recipient country.

2. The Commission, in liaison with the Member States, may take any initiative necessary for ensuring proper coordination with the other donors concerned, in particular those forming part of the United Nations system.

### Chapter III

#### Financial and decision-making procedures

##### Article 10

1. The financial framework for the implementation of this Regulation for the period from 2003 to 2006 is hereby set at EUR 73,95 million. The annual allocation shall be subject to the agreement of the budgetary authority on the appropriate means of financing under the Financial Perspective or through the use of the instruments provided for by the Interinstitutional Agreement of 6 May 1999.

2. The annual appropriations shall be authorised by the budgetary authority within the limits of the Financial Perspective.

##### Article 11

1. The Commission shall be responsible for drafting strategic programming guidelines, defining the Community's cooperation in terms of measurable objectives, priorities, deadlines for specific areas of action, assumptions and expected outcomes. Programming shall be annual and indicative.

2. An annual exchange of views with the Member States shall take place, within the Committee referred to in Article 13(1), on the basis of a presentation by the representative of the Commission of the strategic programming guidelines for the operations to be carried out. The Committee shall give an opinion on these matters in accordance with the procedure referred to in Article 13(2).

##### Article 12

1. The Commission shall be responsible for appraising, deciding upon and administering the operations covered by this Regulation in accordance with the budgetary and other procedures in force, in particular those laid down in the Financial Regulation.

2. Decisions concerning operations for which financing under this Regulation exceeds EUR 3 million and any changes to these operations that entail a cost overrun of more than 20 % of the amount initially fixed for the operation concerned shall be adopted in accordance with the procedure referred to in Article 13(2).

3. For decisions and changes to these operations amounting to EUR 3 million or less, the Commission shall inform the Member States.

##### Article 13

1. The Commission shall be assisted by the geographically competent committee for development.

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

The period laid down in Article 4(3) of Decision 1999/468/EC shall be set at 45 days.

3. The Committee shall adopt its Rules of Procedure.

### Chapter IV

#### Reporting and final provisions

##### Article 14

1. After each budget year, the Commission shall submit, in its annual report to the European Parliament and to the Council on Community development policy, information on the guidelines for its annual indicative strategic programme and on the operations financed in the course of that year, as well as the Commission's conclusions on the implementation of this Regulation over the previous budget year. The summary shall in particular provide information on the strengths and weaknesses of operations, those with whom contracts have been concluded and the sums of those contracts, as well as the results of any independent evaluations of specific operations.

2. At the latest one year before the expiry of this Regulation, the Commission shall submit a comprehensive independent appraisal report on its implementation to the European Parliament and the Council with a view to establishing whether the actions undertaken under this Regulation have been effective, and with a view to providing guidelines for improving the effectiveness of future operations. On the basis of this appraisal report the Commission may make proposals for the future of this Regulation and, if necessary, proposals for its amendment.

##### Article 15

Regulation (EC) No 1484/97 shall be repealed. However, operations that have been decided upon under that Regulation shall continue to be implemented under it.

##### Article 16

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

2. It shall apply until 31 December 2006.

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

Done at Brussels, 15 July 2003.

*For the European Parliament*

*The President*

P. COX

*For the Council*

*The President*

G. TREMONTI

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**REGULATION (EC) No 1568/2003 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**  
**of 15 July 2003**  
**on aid to fight poverty diseases (HIV/AIDS, tuberculosis and malaria) in developing countries**

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 179 thereof,

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

Acting in accordance with the procedure laid down in Article 251 of the Treaty <sup>(2)</sup>,

Whereas:

- (1) The right to enjoy the highest attainable standard of physical and mental health is a fundamental human right which is in line with the provisions of Article 25 of the Universal Declaration of Human Rights. This right is being denied to over a fifth of the world's population.
- (2) Article 35 of the Charter of Fundamental Rights of the European Union calls for a high level of human health protection in the definition and implementation of all Union policies and activities.
- (3) HIV/AIDS, tuberculosis and malaria cause the deaths of more than five and a half million people each year, their greatest impact being on morbidity and life expectancy in developing countries. Moreover, these diseases wipe out years of development efforts and achievements and constitute a serious concern in the long run because of their destabilising effects on society.
- (4) It is now widely accepted that prevention, care and treatment are mutually dependent and synergistic.
- (5) The failure to reduce the burden of these diseases and the evidence of their increasing impact have brought them to the centre of the development debate — as evidenced by the Declaration of Commitment of the Special Session of the UN General Assembly of June 2001, which recognises that HIV/AIDS has evolved to become a developmental emergency, and by the WHO World Health Assembly's declaration of tuberculosis and malaria as global emergencies — and have led to calls for urgent action and a series of national, regional and international initiatives, all meant to achieve the Millennium Development Goals which include clear targets to fight HIV/AIDS, tuberculosis and malaria, and to which the European Community and its Member States committed themselves.
- (6) The abovementioned UN Declaration of Commitment agreed, for HIV/AIDS alone, to reach by 2005 through a series of incremental steps an overall target of annual expenditure on the epidemic of between USD 7 and 10 thousand million in low and middle-income countries and countries experiencing or at risk of experiencing a rapid spread of the disease, for prevention, care, treatment, support and mitigation of the impact of HIV/AIDS, and to take measures to ensure that the resources needed are made available, particularly from donor countries and also from national budgets, bearing in mind that resources of the most affected countries are seriously limited.
- (7) HIV/AIDS, tuberculosis and malaria require an appropriate structural response, which is both comprehensive and coherent and which is beyond the financial and human resources of most developing countries. Because of their magnitude and cross-boundary nature, the poverty diseases are among the problems that require a systematic, coordinated response by the international community. Interventions in this area are in everyone's interest and therefore should not be viewed as a question of development aid alone.
- (8) The Doha Declaration on the Agreement on trade-related aspects of intellectual property rights (TRIPs) and Public Health affirmed that 'the TRIPs Agreement does not and should not prevent members from taking measures to protect public health' and that it 'can and should be interpreted and implemented in a manner supportive of WTO members' right to protect public health and, in particular, to promote access to medicines for all' and reaffirmed 'the right of WTO members to use, to the full, the provisions in the TRIPs Agreement which provide flexibility for this purpose'.
- (9) The effectiveness of programmes to support national strategies to combat HIV/AIDS, tuberculosis and malaria partly depends on the improved coordination of aid at both the European and the international level, notably with UN agencies, funds and programmes, including partnerships between the private, public and voluntary sectors, and on the use of procedures tailored to the specific nature of the strategies and partners concerned.

<sup>(1)</sup> OJ C 151 E, 25.6.2002, p. 202.

<sup>(2)</sup> Opinion of the European Parliament of 30 January 2003 (not yet published in the Official Journal) and Decision of the Council of 16 June 2003.

- (10) Public health is a public responsibility. Inadequate public policy has compounded the failure of the market to generate research and development for neglected diseases. In 2000, only 10 % of all research and development concerned diseases that are responsible for 90 % of disease in the world. The dynamics of neglect are different for different diseases, and distinct strategies to correct this imbalance are needed. Comprehensive action needs to be taken to compensate for the market failure in drug development, through increased public funding, including supporting the research and development of specific global public goods and effective methods of prevention and treatment to confront these diseases in developing countries and the introduction of appropriate incentives for the private sector to invest accordingly.
- (11) Actions specifically targeted at the poverty diseases must be appropriately situated within the larger context of generally improved, more effective systems of health care and health services in developing countries. Considerable improvement of these systems is vital if HIV/AIDS, tuberculosis and malaria are to be combated effectively. Special efforts must be made to integrate interventions targeting the poverty diseases with actions targeting sexual and reproductive health and rights.
- (12) The improvement of health is a precondition for and a key element of sustainable development. For the partner countries and populations in question, the type of assistance provided for by this Regulation therefore plays a direct and tangible part in development and thus contributes significantly to the Community's development cooperation policy.
- (13) In the interests of coherence, all Community policies should take account of the objective of improving health and reducing poverty.
- (14) In its Communications to the Council and the European Parliament of 20 September 2000 and 21 February 2001 on action related to communicable diseases in the context of poverty reduction, the Commission outlined the policy principles and strategic priorities needed to enhance the effectiveness of action by the Community and the Member States in this field.
- (15) In its Resolutions of 10 November 2000 and 14 May 2001, the Council emphasised the gravity of the HIV/AIDS, tuberculosis and malaria epidemics and the need to step up efforts to give more support at national, regional and global levels.
- (16) The Council, in its resolution of 14 May 2001, and the European Parliament, in its resolution of 4 October 2001 <sup>(1)</sup>, endorsed the Community Programme for Action: accelerated action on HIV/AIDS, tuberculosis and malaria in the context of poverty reduction, and stressed the need to ensure that adequate and appropriate human and financial resources were in place to enable effective implementation.
- (17) The Joint Declaration of 31 May 2001 by the Council and the Commission, the abovementioned European Parliament resolution of 4 October 2001 and the ACP-EU Joint Parliamentary Assembly resolution of 1 November 2001 welcomed the proposal of the UN Secretary-General to establish a Global Fund to fight HIV/AIDS, tuberculosis and malaria, which came into operation on 29 January 2002, and stressed that contributions to this Fund should be additional to existing resources.
- (18) The abovementioned UN Declaration of Commitment, and in particular the Monterrey Conference, stipulates that increased Official Development Assistance (ODA) and debt relief schemes should be used for the benefit of better health and education outcomes. The Community and its Member States have an important role to play in exploring how increased ODA, including debt relief mechanisms, could be used more effectively as tools for combating HIV/AIDS, tuberculosis and malaria.
- (19) In its Resolutions of September 1998, October 2000 and March 2002, the ACP-EU Joint Parliamentary Assembly underlined the threat posed by HIV/AIDS to all development efforts and the need for rapid action.
- (20) This Regulation renders obsolete Council Regulation (EC) No 550/97 of 24 March 1997 on HIV/AIDS-related operations in developing countries <sup>(2)</sup>, which should therefore be repealed.
- (21) This Regulation lays down, for the entire duration of the programme, a financial framework constituting the prime reference, within the meaning of point 33 of the Interinstitutional Agreement of 6 May 1999 between the European Parliament, the Council and the Commission on budgetary discipline and improvement of the budgetary procedure <sup>(3)</sup>, for the budgetary authority during the annual budgetary procedure.

<sup>(1)</sup> OJ C 87 E, 11.4.2002, p. 244.

<sup>(2)</sup> OJ L 85, 27.3.1997, p. 1.

<sup>(3)</sup> OJ C 172, 18.6.1999, p. 1.

(22) The measures necessary for the implementation of this Regulation should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission <sup>(1)</sup>.

(23) The objective of the proposed action, namely to combat the three major communicable diseases within the context of poverty reduction, with particular reference to developing countries, cannot be sufficiently achieved by the Member States and can therefore, by reason of the scale and effects of the proposed action, be better achieved at a Community level, in accordance with the principles of subsidiarity set out in Article 5 of the Treaty. In accordance with the principle of proportionality also set out in that Article, this Regulation does not go beyond what is necessary, in order to achieve that objective,

HAVE ADOPTED THIS REGULATION:

## Chapter I

### Purpose and scope

#### Article 1

1. The Community shall implement the European Community Programme for Action targeting the three major communicable diseases, namely HIV/AIDS, tuberculosis and malaria, in developing countries.

2. Under that Programme the Community shall provide financial assistance and appropriate expertise to actors in development in order to improve access to health for all and to promote equitable economic growth, within the overall objective of reducing poverty with a view to its eventual eradication.

3. In the allocation of such funding and expertise, priority shall be given to:

- (a) the poorest and least developed countries and the most disadvantaged sections of the population within developing countries;
- (b) action that complements and reinforces both the policies and capacities of developing countries and the assistance provided through other instruments of development cooperation.

<sup>(1)</sup> OJ L 184, 17.7.1999, p. 23.

#### Article 2

The purpose of the activities carried out under this Regulation shall be to:

- (a) optimise the impact of existing interventions, services and commodities aimed at preventing and fighting the major communicable diseases affecting the poorest populations;
- (b) increase the affordability of key pharmaceuticals and diagnostics for the three diseases;
- (c) increase research and development, including vaccines, microbicides and innovative treatments.

#### Article 3

Community financial support shall be given to specific projects designed to achieve the purposes described in Article 2 and, in particular, to those which aim to:

- (a) provide the necessary technical, scientific and normative input in order to prioritise health interventions within the total development cooperation budget and improve health outcomes relating to the three major communicable diseases, keeping a balanced approach between prevention, treatment and care, with prevention as a key priority, acknowledging that its effectiveness is increased when linked with treatment and care; recognition has to be given to the fact that important measures have to be looked for through a multi-sectoral approach, including targeting behavioural patterns as well as factors such as clean water and sanitation, land-use planning, nutrition and gender mainstreaming;
- (b) improve the performance of health interventions targeted at the three major communicable diseases within the context of a strengthened comprehensive health system, including public services;
- (c) improve understanding of effects of the poverty diseases on social and economic development, as well as the impact of strategies aimed at mitigating the negative socioeconomic effects connected with the diseases;
- (d) improve pharmaceutical policies and practice, and help developing countries, at regional or national level, to develop high-quality local production of key preventive and therapeutic pharmaceuticals consistent with the Doha Declaration on the Agreement on trade-related aspects of intellectual property (TRIPs) and Public Health;
- (e) promote a tiered pricing mechanism for key pharmaceuticals for developing countries that will guarantee the lowest possible prices;
- (f) analyse the effects of factors such as the level of net import price, tariffs, taxes, and importation, distribution and local registration fees on consumer prices of medical goods in developing countries;

- (g) provide, where appropriate, technical assistance to developing countries to help them address public health issues in accordance with the provisions of the TRIPs Agreement as clarified in the Doha Declaration on the TRIPs Agreement and Public Health, so as to enable the developing countries to protect public health and promote access to medicines for all;
- (h) encourage public investment and develop an incentive package to encourage more private investment in Research and Development for new treatments, particularly vaccines and microbicides, diagnostics, and fixed-dose combinations designed to fight the major communicable diseases in developing countries;
- (i) support team-based clinical, epidemiological, operational and social studies, so as to enable health-related research to be conducted on a sounder basis; where appropriate, teams shall be encouraged also to include personnel from the developing countries as a way of contributing to the training of such personnel;
- (j) encourage capacity building in developing countries, to enable them to coordinate, host and conduct large-scale population trials and to complete all stages of the research and development process;
- (k) support global initiatives targeting the major communicable diseases in the context of poverty reduction, including the Global Fund to fight HIV/AIDS, tuberculosis and malaria which came into operation on 29 January 2002;
- (l) support initiatives which enable the quality of pharmaceuticals to be supervised and monitored.

#### Article 4

1. In the context of the operations referred to in Article 3, Community support may take the form of:

- (a) financial assistance;
- (b) technical assistance, training, including of doctors and paramedics, or other services;
- (c) supplies, such as medical supplies, commodities, and works;
- (d) audits, evaluation and monitoring missions;
- (e) transfer of technology and know-how, where possible, for the purpose of local pharmaceuticals production.

Priority shall be given to enhancing national capacity with a view to long-term viability.

2. Community financing may cover both investment expenditure, excluding the purchase of real estate, and, in exceptional and duly substantiated cases, taking into account the fact that the operation must, as far as possible, aim at medium-term viability, recurring expenditure as well (including administrative expenditure, maintenance and running costs), which temporarily represents a burden for the partner, so that maximum use is made of the support referred to in paragraph 1.

## Chapter II

### Procedures for the implementation of aid

#### Article 5

1. Community financing under this Regulation shall take the form of grants.

2. A financial contribution from the partners defined in Article 6 shall be sought for each cooperation operation. In specifying the amount of the contribution requested, account shall be taken of the capacity of the partners concerned and the nature of the operation in question. In certain circumstances, the contribution may be made in kind if the partner is either a non-governmental organisation (NGO) or a community-based organisation.

3. The provision of financial assistance under this Regulation may entail co-financing with other donors, in particular with Member States, the United Nations, and international or regional development banks or financial institutions.

4. In the context of the operations referred to in Article 3(h), (i) and (j), financial assistance shall be granted in coordination with the new instruments for product research and development on poverty-related communicable diseases implemented under the Community Framework Programme of Research and Development 2002-2006.

5. The contribution to the Global Fund to fight HIV/AIDS, tuberculosis and malaria shall be made by means of a financing agreement to be concluded between the Commission and the Trustee of the Global Fund. The contribution shall be administered following the rules and procedures established for the Global Fund, agreed with the Commission and to be annexed to the financing agreement.

6. In the context of the operations referred to in Article 3(h), (i) and (j), efforts shall be made to exploit the synergies with policies and programming in the area of sexual and reproductive health, in particular for HIV/AIDS interventions.

#### Article 6

1. The partners eligible for financial assistance under this Regulation include:

- (a) administrative authorities and agencies at national, regional and local government level;
- (b) local authorities and other decentralised bodies;
- (c) local communities, NGOs, community-based organisations and other not-for-profit natural and legal persons from the private sector;
- (d) regional organisations;



(e) international organisations, such as the United Nations and its agencies, funds and programmes, as well as development banks, financial institutions, global initiatives, international public-private partnerships;

(f) research institutes and universities.

2. Without prejudice to paragraph 1(e), Community financial assistance shall be available to partners whose head office is located in a Member State or in a third country that is a beneficiary or potential beneficiary of Community assistance under this Regulation, provided that this office is the actual centre directing business operations. In exceptional cases, this office may be located in another third country.

#### Article 7

1. Where operations are the subject of financing agreements between the Community and countries which benefit from operations financed under this Regulation, the agreements shall stipulate that the payment of taxes, duties and charges shall not be financed by the Community.

2. Any financing agreement or contract concluded under this Regulation shall stipulate that it is subject to the supervision and financial control of the Commission which may carry out spot-checks and inspections, and to audits by the Court of Auditors, in accordance with the usual arrangements laid down by the Commission under the provisions in force, particularly those in the Financial Regulation applicable to the general budget of the European Communities <sup>(1)</sup>, hereinafter 'the Financial Regulation'.

3. The necessary measures shall be taken to emphasise the Community character of aid provided under this Regulation.

#### Article 8

1. Participation in invitations to tender for the award of contracts shall be open on equal terms to all natural and legal persons in the Member States and in all developing countries. It may be extended, in exceptional cases, to other third countries.

2. Supplies shall originate in the beneficiary country, other developing countries or the Member States. In exceptional cases, supplies may originate from other third countries.

#### Article 9

1. In order to secure the objectives of consistency and complementarity referred to in the Treaty and to ensure maximum effectiveness of these operations as a whole, the Commission may take all necessary coordination measures, including:

(a) the establishment of a system for the systematic exchange and analysis of information on the operations financed and those which the Community and the Member States propose to finance;

(b) on-the-spot coordination of the implementation of operations through regular meetings and exchanges of information between the representatives of the Commission and the Member States in the recipient country.

2. The Commission, in liaison with the Member States, may take any initiative necessary for ensuring proper coordination with the other donors concerned, in particular those forming part of the United Nations system. Such coordination shall aim at systematic exchange and analysis of information on operations planned and implemented in order to ensure coherence and complementarity.

### Chapter III

#### Financial and decision-making procedures

##### Article 10

1. The financial framework for the implementation of this Regulation for the period from 2003 to 2006 is hereby set at EUR 351 million. The annual allocation shall be subject to the agreement of the budgetary authority on the appropriate means of financing under the Financial Perspective or through the use of the instruments provided for by the Interinstitutional Agreement of 6 May 1999.

2. The annual appropriations shall be authorised by the budgetary authority within the limits of the Financial Perspective.

##### Article 11

1. The Commission shall be responsible for drafting strategic programming guidelines, defining the Community's cooperation in terms of measurable objectives, priorities, deadlines for specific areas of action, assumptions and expected outcomes. Programming shall be annual and indicative.

2. An annual exchange of views with the Member States shall take place within the Committee referred to in Article 13(1), on the basis of a presentation by the representative of the Commission of the strategic programming guidelines for the operations to be carried out. The Committee shall give an opinion on these matters in accordance with the procedure referred to in Article 13(2).

##### Article 12

1. The Commission shall be responsible for appraising, deciding upon and administering the operations covered by this Regulation in accordance with the budgetary and other procedures in force, in particular those laid down in the Financial Regulation.

<sup>(1)</sup> OJ L 248, 16.9.2002, p. 1.

2. Decisions concerning operations for which financing under this Regulation exceeds EUR 5 million and any changes to these operations that entail a cost overrun of more than 20 % of the amount initially fixed for the operation concerned shall be adopted in accordance with the procedure referred to in Article 13(2).

3. For decisions and changes to these operations amounting to EUR 5 million or less, the Commission shall inform the Member States.

#### Article 13

1. The Commission shall be assisted by the geographically competent committee for development.

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

The period laid down in Article 4(3) of Decision 1999/468/EC shall be set at 45 days.

3. The Committee shall adopt its Rules of Procedure.

### Chapter IV

#### Reporting and final provisions

#### Article 14

1. After each budget year, the Commission shall submit, in its annual report to the European Parliament and to the Council on Community development policy, information on the guidelines for its annual indicative strategic programme and on the operations financed in the course of that year, including the

operations of the Global Fund to fight HIV/AIDS, tuberculosis and malaria, as well as the Commission's conclusions on the implementation of this Regulation over the previous budget year. The summary shall in particular provide information about the strengths and weaknesses of operations in terms of their impact on the fight against the three communicable diseases and poverty reduction, including concrete, qualified results achieved in relation to the objectives set. Moreover, information shall be provided on those with whom contracts have been concluded and the sums of those contracts, and the disbursements made as well as the results of any independent evaluations of specific operations.

2. At the latest one year before the expiry of this Regulation, the Commission shall submit an independent appraisal report on its implementation to the European Parliament and the Council with a view to establishing whether its objectives have been achieved and providing guidelines for improving the effectiveness of future operations. On the basis of this appraisal report the Commission may make proposals for the future of this Regulation and, if necessary, proposals for its amendment.

#### Article 15

Regulation (EC) No 550/97 shall be repealed. However, operations that have been decided upon under that Regulation shall continue to be implemented under it.

#### Article 16

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

2. It shall apply until 31 December 2006.

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

Done at Brussels, 15 July 2003.

*For the European Parliament*

*The President*

P. COX

*For the Council*

*The President*

G. TREMONTI

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**COMMISSION REGULATION (EC) No 1569/2003**  
**of 5 September 2003**  
**establishing the standard import values for determining the entry price of certain fruit and vegetables**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

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

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

HAS ADOPTED THIS REGULATION:

*Article 1*

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

*Article 2*

This Regulation shall enter into force on 6 September 2003.

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

Done at Brussels, 5 September 2003.

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

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<sup>(1)</sup> OJ L 337, 24.12.1994, p. 66.

<sup>(2)</sup> OJ L 299, 1.11.2002, p. 17.

## ANNEX

**to the Commission Regulation of 5 September 2003 establishing the standard import values for determining the entry price of certain fruit and vegetables**

(EUR/100 kg)

CN code	Third country code <sup>(1)</sup>	Standard import value
0702 00 00	052	106,4
	060	84,7
	064	71,1
	096	45,5
	999	76,9
0707 00 05	052	120,2
	096	16,4
	999	68,3
0709 90 70	052	78,8
	999	78,8
0805 50 10	388	62,1
	524	55,6
	528	46,7
	999	54,8
0806 10 10	052	76,2
	064	84,5
	999	80,3
0808 10 20, 0808 10 50, 0808 10 90	388	74,3
	400	78,9
	508	100,3
	512	97,9
	528	44,5
	720	49,8
	800	212,7
	804	82,2
	999	92,6
0808 20 50	052	109,0
	388	89,0
	999	99,0
0809 30 10, 0809 30 90	052	121,5
	999	121,5
0809 40 05	052	78,6
	060	64,5
	064	65,7
	066	68,5
	093	70,3
	094	54,9
	624	129,3
	994	54,7
	999	73,3

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

**COMMISSION REGULATION (EC) No 1570/2003**  
**of 5 September 2003**

**fixing the quantities for which applications for import licences can be lodged in respect of the period from 1 January to 30 June 2004 under the tariff quotas for beef and veal provided for in Council Regulation (EC) No 1279/98 for Bulgaria, the Czech Republic, Hungary, Poland, Romania and Slovakia**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 1279/98 of 19 June 1998 laying down detailed rules for applying the tariff quotas for beef and veal provided for in Council Decisions 2003/286/EC, 2003/298/EC, 2003/299/EC, 2003/18/EC, 2003/263/EC and 2003/285/EC for Bulgaria, the Czech Republic, Slovakia, Romania, the Republic of Poland and the Republic of Hungary <sup>(1)</sup>, as last amended by Regulation (EC) No 1144/2003 <sup>(2)</sup>, and in particular Article 4(4) thereof,

Whereas:

- (1) Commission Regulation (EC) No 1307/2003 <sup>(3)</sup> lays down the conditions under which applications for import licences lodged for the period from 1 July to 31 December 2003 can be accepted.
- (2) All the available quantities of beef and veal products originating in Poland and Hungary (quota number 09.4707) that can be imported under special conditions in the period from 1 July to 30 December 2003, as provided for in the first paragraph of Article 2 of Regulation (EC) No 1279/98, have been used up.
- (3) Licence applications have been lodged for smaller quantities of beef and veal products originating in Bulgaria, the Czech Republic, Slovakia, Romania (quota number 09.4774) that can be imported under special terms in the period from 1 July to 31 December 2003, as

provided for in the first paragraph of Article 2 of Regulation (EC) No 1279/98, than the quantities actually available. In accordance with the second paragraph of that Article, therefore, the quantities left over from that period should be added to the quantities available for the following period, for each of the five countries concerned.

- (4) The quantities of beef and veal products originating in Bulgaria, the Czech Republic, Slovakia, Romania, Poland and Hungary that can be imported under special terms in the period from 1 January to 30 June 2004 must be established in the light of the available quantities left over from the preceding period, in accordance with the second paragraph of Regulation (EC) No 1279/98,

HAS ADOPTED THIS REGULATION:

*Article 1*

The quantities for which applications for import licences can be lodged in respect of the period from 1 January to 30 June 2004 under the tariff quotas for beef and veal provided for by Regulation (EC) No 1279/98 shall be as set out in the Annex to this Regulation, by country of origin and quota serial number.

*Article 2*

This Regulation shall enter into force on 6 September 2003.

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

Done at Brussels, 5 September 2003.

*For the Commission*

J. M. SILVA RODRÍGUEZ

*Agriculture Director-General*

<sup>(1)</sup> OJ L 176, 20.6.1998, p. 12.

<sup>(2)</sup> OJ L 160, 28.6.2003, p. 44.

<sup>(3)</sup> OJ L 185, 24.7.2003, p. 16.

## ANNEX

**Quantities available for the period referred to in Article 2 of Regulation (EC) No 1279/98, running from 1 January to 30 June 2004**

Country of origin	Serial number	CN code	Quantity available (tonnes)
Hungary	09.4707	0201 0202	7 510
	09.4774	0206 10 95 0206 29 91 0210 20 10 0210 20 90 0210 99 51 0210 99 59 0210 99 90	1 100
Poland	09.4824	0201 0202 1602 50 10	10 400 <sup>(1)</sup>
Czech Republic	09.4623	0201 0202	3 326
Slovakia	09.4624	0201 0202	3 180
	09.4644	0206 10 95 0206 29 91 0210 20	1 000
	09.4648	1602 50	200
Romania	09.4753	0201 0202	4 000
	09.4765	0206 10 95 0206 29 91 0210 20 0210 99 51	100
	09.4768	1602 50	440
Bulgaria	09.4651	0201 0202	250

<sup>(1)</sup> 10 400 tonnes of beef and veal falling within CN codes 0201 and 0202 originating in Poland or 4 859,81 tonnes of processed products falling within CN code 1602 50 originating in Poland.

**COMMISSION REGULATION (EC) No 1571/2003**  
**of 5 September 2003**  
**amending the specifications of a name appearing in the Annex to Regulation (EC) No 1107/96**  
**(Parmigiano Reggiano)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2081/92 of 14 July 1992 on the protection of geographical indications and designations of origin for agricultural products and food-stuffs<sup>(1)</sup>, as last amended by Regulation (EC) No 806/2003<sup>(2)</sup>, and in particular Article 9 thereof,

Whereas:

- (1) In accordance with Article 9 of Regulation (EEC) No 2081/92, the Italian authorities have requested in respect of the name 'Parmigiano Reggiano' registered as a protected designation of origin by Commission Regulation (EC) No 1107/96 of 12 June 1996 on the registration of geographical indications and designations of origin under the procedure laid down in Article 17 of Council Regulation (EEC) No 2081/92<sup>(3)</sup>, as last amended by Regulation (EC) No 1204/2003<sup>(4)</sup>, the amendment of the description, method of production, labelling and rules on feed for cows.
- (2) Following examination of this request for amendment, it has been decided that the amendments concerned are not minor.

- (3) In accordance with the procedure laid down in Article 9 of Regulation (EEC) No 2081/92 and since the amendments are not minor, the Article 6 procedure applies *mutatis mutandis*.
- (4) It has been decided that the amendments in this case comply with Regulation (EEC) No 2081/92. No statement of objection, within the meaning of Article 7 of the Regulation, has been sent to the Commission following the publication of these amendments in the *Official Journal of the European Union*<sup>(5)</sup>.
- (5) Consequently, these amendments must be registered and published in the *Official Journal of the European Union*,

HAS ADOPTED THIS REGULATION:

*Article 1*

The amendments set out in the Annex to this Regulation are hereby registered and published in accordance with Article 6(4) of Regulation (EEC) No 2081/92.

*Article 2*

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

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

Done at Brussels, 5 September 2003.

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

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

<sup>(2)</sup> OJ L 122, 16.5.2003, p. 1.

<sup>(3)</sup> OJ L 148, 21.6.1996, p. 1.

<sup>(4)</sup> OJ L 168, 5.7.2003, p. 10.

<sup>(5)</sup> OJ C 275, 12.11.2002, p. 14 (Parmigiano Reggiano).

## ANNEX

## ITALY

**Parmigiano Reggiano**— *Description:*

The mould ranges in height from not less than 20 cm to not more than 26 cm with resulting variations in weight, the minimum being set at 30 kg.

The oiling of the exterior of the mould, a possibility almost never availed of, has now been discontinued as it proved to be a drawback when marketing the product.

— *Method of production:*

The use of raw milk is specified. Heat treatment may not be applied and no additives may be used.

Milking operations, the maximum period for which milking takes place, conservation and the partial skimming of the milk by removal of the cream that rises to the top in open-air tanks, the adding of natural whey inoculum produced by spontaneous acidification of the whey residue from the previous day's processing, the coagulation of the milk, the dripping of the curds and the moulding of the cheese are explained as appropriate in accordance with local, trustworthy and established practice, as traditionally observed.

— *Labelling:*

The origin of the cheese is stencilled on the product and a casein nameplate is attached bearing the words 'Parmigiano Reggiano' together with codes identifying the mould so that the product can be accurately traced.

Selection is marked by the Consorzio di tutela del Parmigiano Reggiano using indelible marks for the selection classes following verification by the approved inspection agency.

— *Other — Rules on feed for cows:*

A list of prohibited fodder and by-products is specified, reflecting currently available technical knowledge of animal nutrition.

Aspects of the rules on feed that have no impact on the link with the territory have been simplified and the rules themselves have been tightened as regards the use of the 'unifeed technique' for administering feed.

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**COMMISSION REGULATION (EC) No 1572/2003**  
**of 4 September 2003**  
**authorising transfers between the quantitative limits of textiles and clothing products originating**  
**in the Islamic Republic of Pakistan**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 3030/93 of 12 October 1993 on common rules for imports of certain textile products from third countries <sup>(1)</sup>, as last amended by Regulation (EC) No 138/2003 <sup>(2)</sup>, and in particular Article 7 thereof,

Whereas:

- (1) The Memorandum of Understanding between the European Community and the Islamic Republic of Pakistan on arrangements in the area of market access for textiles products, initialled on 31 December 1994 <sup>(3)</sup> and approved by Council Decision 96/386/EC <sup>(4)</sup>, provides that favourable consideration should be given to certain requests for so-called 'exceptional flexibility' by Pakistan.
- (2) The Islamic Republic of Pakistan submitted a request for transfers between categories on 27 May 2003.
- (3) The transfers requested by the Islamic Republic of Pakistan fall within the limits of the flexibility provisions referred to in Article 7 of Regulation (EEC) No 3030/93 and set out in Annex VIII thereto.

- (4) It is appropriate to grant the request.
- (5) It is desirable for this Regulation to enter into force on the day after its publication in order to allow operators to benefit from it as soon as possible.
- (6) The measures provided for in this Regulation are in accordance with the opinion of the Textile Committee set up by Article 17 of Regulation (EEC) No 3030/93,

HAS ADOPTED THIS REGULATION:

*Article 1*

Transfers between the quantitative limits for textile goods originating in the Islamic Republic of Pakistan are authorised for the quota year 2003 in accordance with the Annex.

*Article 2*

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

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

Done at Brussels, 4 September 2003.

*For the Commission*  
Pascal LAMY  
*Member of the Commission*

<sup>(1)</sup> OJ L 275, 8.11.1993, p. 1.

<sup>(2)</sup> OJ L 23, 28.1.2003, p. 1.

<sup>(3)</sup> OJ L 153, 27.6.1996, p. 48.

<sup>(4)</sup> OJ L 153, 27.6.1996, p. 47.

## ANNEX

Pakistan				Adjusted working level	Adjustment				
Group	Category	Unit	Limit 2003		Quantity in units	Quantity in tonnes	%	Flexibility	Adjusted working level
IB	6	pcs	49 142 000	49 972 189	2 640 000	1 500	5,4	Transfer from category 28	52 612 189
IIA	9	kgs	13 464 000	13 173 480	1 500 000	1 500	11,1	Transfer from category 28	14 673 480
IIA	20	kgs	52 407 000	55 355 640	1 000 000	1 000	1,9	Transfer from category 28	56 355 640
IIB	28	pcs	115 272 000	123 341 040	- 6 440 000	- 4 000	- 5,6	Transfer to cate- gories 6, 9 and 20	116 901 040

**COMMISSION REGULATION (EC) No 1573/2003**  
**of 4 September 2003**  
**authorising transfers between the quantitative limits of textiles and clothing products originating**  
**in the Republic of India**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 3030/93 of 12 October 1993 on common rules for imports of certain textile products from third countries <sup>(1)</sup>, as last amended by Regulation (EC) No 138/2003 <sup>(2)</sup>, and in particular Article 7 thereof,

Whereas:

- (1) The Memorandum of Understanding between the European Community and the Republic of India on arrangements in the area of market access for textiles products, initialled on 31 December 1994 <sup>(3)</sup> provides that favourable consideration should be given to certain requests for so-called 'exceptional flexibility' by India.
- (2) The Republic of India has made a request for transfers between categories on 6 June 2003 and amended it on 4 August 2003.
- (3) The transfers requested by the Republic of India fall within the limits of the flexibility provisions referred to in Article 7 and set out in Annex VIII to Regulation (EEC) No 3030/93.

- (4) It is appropriate to grant the request.
- (5) It is desirable for this Regulation to enter into force the day after its publication in order to allow operators to benefit from it as soon as possible.
- (6) The measures provided for in this Regulation are in accordance with the opinion of the Textile Committee provided for in Article 17 of Regulation (EEC) No 3030/93,

HAS ADOPTED THIS REGULATION:

*Article 1*

Transfers between the quantitative limits for textile goods originating in the Republic of India are authorised for the quota year 2003 in accordance with the Annex.

*Article 2*

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

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

Done at Brussels, 4 September 2003.

*For the Commission*

Pascal LAMY

*Member of the Commission*

<sup>(1)</sup> OJ L 275, 8.11.1993, p. 1.

<sup>(2)</sup> OJ L 23, 28.1.2003, p. 1.

<sup>(3)</sup> OJ L 153, 27.6.1996, p. 53.

## ANNEX

664 India				Adjusted working level	Adjustment				
Group	Category	Unit	Limit 2003		Quantity in units	Quantity in tonnes	%	Flexibility	New adjusted working level
IA	3	kgs	35 804 000	35 804 000	- 4 500 000	- 4 500	- 12,6	Transfer to categories 4,6,7	31 304 000
IB	4	pcs	87 733 000	88 068 700	12 960 000	2 000	14,8	Transfer from category 3	101 028 700
IB	6	pcs	12 259 000	12 310 700	1 760 000	1 000	14,4	Transfer from category 3	14 070 700
IB	7	pcs	74 350 000	74 513 600	8 325 000	1 500	11,2	Transfer from category 3	82 838 600

**COMMISSION REGULATION (EC) No 1574/2003  
of 4 September 2003**

**authorising transfers between the quantitative limits of textiles and clothing products originating  
in the People's Republic of China**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 3030/93 of 12 October 1993 on common rules for imports of certain textile products from third countries <sup>(1)</sup>, as last amended by Regulation (EC) No 138/2003 <sup>(2)</sup>, and in particular Article 7 thereof,

Whereas:

- (1) Article 5 of the Agreement between the European Economic Community and the People's Republic of China on trade in textile products, initialled on 9 December 1988 and approved by Council Decision 90/647/EEC <sup>(3)</sup>, and Article 8 of the Agreement between the European Community and the People's Republic of China on trade in textile products not covered by the MFA bilateral agreement, initialled on 19 January 1995 and approved by Council Decision 95/155/EC <sup>(4)</sup>, both Agreements being as last amended by an Agreement in the form of an Exchange of Letters initialled on 19 May 2000 and approved by Council Decision 2000/787/EC <sup>(5)</sup>, provide that transfers may be made between quota years. Those flexibility provisions were notified to the Textiles Monitoring Body of the World Trade Organisation following China's accession to it.
- (2) On 23 June 2003 the People's Republic of China submitted a request for transfers of quantities from the quota year 2002 to the quota year 2003.

- (3) The transfers requested by the People's Republic of China fall within the limits of the flexibility provisions referred to in Article 5 of the Agreement between the European Economic Community and the People's Republic of China on trade in textile products and as set out in Annex VIII to Regulation (EEC) No 3030/93.
- (4) It is appropriate to grant the request.
- (5) It is desirable for this Regulation to enter into force on the day after its publication in order to allow operators to benefit from it as soon as possible.
- (6) The measures provided for in this Regulation are in accordance with the opinion of the Textile Committee set up by Article 17 of Regulation (EEC) No 3030/93,

HAS ADOPTED THIS REGULATION:

*Article 1*

Transfers between the quantitative limits for textile goods originating in the People's Republic of China fixed by the Agreement between the European Community and the People's Republic of China on trade in textile products are authorised for the quota year 2003 in accordance with the Annex to this Regulation.

*Article 2*

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

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

Done at Brussels, 4 September 2003.

*For the Commission*  
Pascal LAMY  
*Member of the Commission*

<sup>(1)</sup> OJ L 275, 8.11.1993, p. 1.

<sup>(2)</sup> OJ L 23, 28.1.2003, p. 1.

<sup>(3)</sup> OJ L 352, 15.12.1990, p. 1.

<sup>(4)</sup> OJ L 104, 6.5.1995, p. 1.

<sup>(5)</sup> OJ L 314, 14.12.2000, p. 13.

## ANNEX

720 China						Adjustment Transfers from quota year 2002		
Group	Category	Unit	Limit 2003	Working level after previous adjustments <sup>(1)</sup>	Working level after implementing normal flexibilities (carry over 3 %)	Quantity	%	New adjusted working level
IA	1	kgs	4 491 000	4 094 950	4 229 680	179 640	4,0	4 409 320
IA	2a	kgs	3 765 000	3 802 650	3 915 600	54 716	1,5	3 970 316
IA	3a	kgs	770 000	777 700	800 800	20 843	2,7	821 643
IB	5a	pcs	244 000	244 000	251 320	9 760	4,0	261 080
IB	7	pcs	13 277 000	13 277 000	13 675 310	31 423	0,2	13 706 733
IIA	9	kgs	6 079 000	6 443 740	6 626 110	41 148	0,7	6 667 258
IIA	22	kgs	17 975 000	14 565 639	15 104 889	719 000	4,0	15 823 889
IIA	23	kgs	11 558 000	2 558 000	2 904 740	462 320	4,0	3 367 060
IIB	12	prs	32 721 000	33 752 070	34 733 700	462 679	1,4	35 196 379
IIB	13	pcs	516 216 000	522 090 360	537 576 840	3 641 881	0,7	541 218 721
IIB	14	pcs	14 608 000	14 608 000	15 046 240	584 320	4,0	15 630 560
IIB	15	pcs	17 404 000	17 952 430	18 474 550	136 227	0,8	18 610 777
IIB	16	pcs	16 196 000	17 167 760	17 653 640	647 840	4,0	18 301 480
IIB	17	pcs	12 187 000	12 187 000	12 552 610	487 480	4,0	13 040 090
IIB	26	pcs	5 523 000	5 854 380	6 020 070	75 802	1,4	6 095 872
IIB	28	pcs	81 202 000	86 074 120	88 510 180	3 248 080	4,0	91 758 260
IIB	83	kgs	9 673 000	9 985 960	10 276 150	99 627	1,0	10 375 777
IIIB	97	kgs	2 514 000	2 664 840	2 740 260	100 560	4,0	2 840 820
other	X20	kgs	50 000	50 000	51 500	2 000	4,0	53 500
other	X117	kgs	589 000	624 340	642 010	23 560	4,0	665 570
other	X118	kgs	1 394 000	1 477 640	1 519 460	55 760	4,0	1 575 220
other	X122	kgs	194 000	194 000	199 820	7 760	4,0	207 580
other	X136A	kgs	436 000	436 000	449 080	17 440	4,0	466 520
other	X156	kgs	3 406 000	3 406 000	3 508 180	136 240	4,0	3 644 420
other	X157	kgs	12 489 000	12 295 680	12 670 350	499 560	4,0	13 169 910
other	X159	kgs	4 279 000	4 279 000	4 407 370	171 160	4,0	4 578 530

<sup>(1)</sup> Normal flexibilities (inter-category transfers).



**COMMISSION REGULATION (EC) No 1575/2003**  
**of 5 September 2003**  
**amending representative prices and additional duties for the import of certain products in the**  
**sugar sector**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

Whereas:

- (1) The amounts of the representative prices and additional duties applicable to the import of white sugar, raw sugar and certain syrups are fixed by Commission Regulation (EC) No 1166/2003 <sup>(5)</sup>, as last amended by Regulation (EC) No 1558/2003 <sup>(6)</sup>.

- (2) It follows from applying the general and detailed fixing rules contained in Regulation (EC) No 1423/95 to the information known to the Commission that the representative prices and additional duties at present in force should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

*Article 1*

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

*Article 2*

This Regulation shall enter into force on 6 September 2003.

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

Done at Brussels, 5 September 2003.

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

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<sup>(1)</sup> OJ L 178, 30.6.2001, p. 1.

<sup>(2)</sup> OJ L 104, 20.4.2002, p. 26.

<sup>(3)</sup> OJ L 141, 24.6.1995, p. 16.

<sup>(4)</sup> OJ L 85, 20.3.1998, p. 5.

<sup>(5)</sup> OJ L 162, 1.7.2003, p. 57.

<sup>(6)</sup> OJ L 211, 4.9.2003, p. 11.

## ANNEX

**to the Commission Regulation of 5 September 2003 altering representative prices and the amounts of additional duties applicable to imports of white sugar, raw sugar and products covered by CN code 1702 90 99**

(EUR)

CN code	Amount of representative prices per 100 kg net of product concerned	Amount of additional duty per 100 kg net of product concerned
1701 11 10 <sup>(1)</sup>	15,39	8,87
1701 11 90 <sup>(1)</sup>	15,39	15,17
1701 12 10 <sup>(1)</sup>	15,39	8,64
1701 12 90 <sup>(1)</sup>	15,39	14,66
1701 91 00 <sup>(2)</sup>	18,55	17,42
1701 99 10 <sup>(2)</sup>	18,55	11,97
1701 99 90 <sup>(2)</sup>	18,55	11,97
1702 90 99 <sup>(3)</sup>	0,19	0,45

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

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

<sup>(3)</sup> By 1 % sucrose content.

**COMMISSION DIRECTIVE 2003/80/EC**  
**of 5 September 2003**  
**establishing a symbol indicating the durability of cosmetic products in Annex VIIIa to Council Directive 76/768/EEC**  
**(Text with EEA relevance)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS DIRECTIVE:

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 76/768/EEC of 27 July 1976 on the approximation of the laws of the Member States relating to cosmetic products <sup>(1)</sup>, as last amended by Directive 2003/15/EC of the European Parliament and of the Council <sup>(2)</sup>,

Having regard to Directive 2003/15/EC, in particular Article 1(11) thereof,

Whereas:

- (1) In order to improve the information provided to consumers, cosmetic products should bear more precise indications concerning their durability.
- (2) For cosmetic products with a shelf life of 30 months or more, there should be an indication of the period of time after opening for which the product can be used without any harm to the consumer.
- (3) For this purpose, a symbol followed by the said period (in months and/or years) is provided for under Article 6(1)(c) of Council Directive 76/768/EEC.
- (4) The measures provided for by this Directive are in accordance with the opinion of the Standing Committee on Cosmetic Products,

*Article 1*

Annex VIIIa to Directive 76/768/EEC shall include the symbol which appears in the Annex to this Directive.

*Article 2*

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 11 September 2004. They shall forthwith communicate to the Commission the text of those provisions and a correlation table between those provisions and this Directive.

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

*Article 3*

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

*Article 4*

This Directive is addressed to the Member States.

Done at Brussels, 5 September 2003.

*For the Commission*

Erkki LIIKANEN

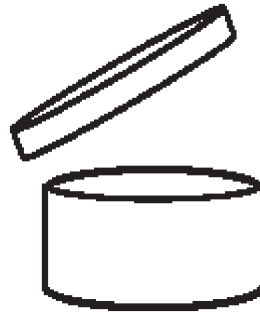
*Member of the Commission*

<sup>(1)</sup> OJ L 262, 27.9.1976, p. 169.

<sup>(2)</sup> OJ L 66, 11.3.2003, p. 26.

## ANNEX

Symbol representing an open cream jar as provided for in Article 6(1)(c) of Council Directive 76/768/EEC <sup>(1)</sup>.



<sup>(1)</sup> OJ L 262, 27.9.1976, p. 169. Directive as last amended by Article 1(3) of Directive 2003/15/EC.

**COMMISSION DIRECTIVE 2003/81/EC**  
**of 5 September 2003**  
**amending Council Directive 91/414/EEC to include molinate, thiram and ziram as active substances**  
**(Text with EEA relevance)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 91/414/EEC of 15 July 1991 concerning the placing of plant protection products on the market <sup>(1)</sup>, as last amended by Commission Directive 2003/79/EC <sup>(2)</sup>, and in particular Article 6(1) thereof,

Whereas:

- (1) Commission Regulation (EEC) No 3600/92 of 11 December 1992 laying down the detailed rules for the implementation of the first stage of the programme of work referred to in Article 8(2) of Council Directive 91/414/EEC concerning the placing of plant protection products on the market <sup>(3)</sup>, as last amended by Regulation (EC) No 2266/2000 <sup>(4)</sup>, establishes a list of active substances to be assessed, with a view to their possible inclusion in Annex I to Directive 91/414/EEC. That list includes molinate, thiram and ziram.
- (2) For those active substances the effects on human health and the environment have been assessed in accordance with the provisions laid down in Regulation (EEC) No 3600/92 for a range of uses proposed by the notifiers. By Commission Regulation (EC) No 933/94 of 27 April 1994 laying down the active substances of plant protection products and designating the rapporteur Member State for the implementation of Commission Regulation (EEC) No 3600/92 <sup>(5)</sup>, as last amended by Regulation (EC) No 2230/95 <sup>(6)</sup>, the following rapporteur Member States were designated, which in turn submitted the relevant assessment reports and recommendations to the Commission in accordance with Article 7(1)(c) of Regulation (EEC) No 3600/92. For molinate the rapporteur Member State was Portugal, and all relevant information was submitted on 30 November 1998. For thiram the Rapporteur Member State was Belgium, and the relevant information was submitted on 15 January 1998. For ziram the rapporteur Member State was Belgium and the relevant information was submitted on 9 June 1998.
- (3) Those assessment reports have been reviewed by the Member States and the Commission within the Standing Committee on the Food Chain and Animal Health.

- (4) The reviews of all active substances were finalised on 4 July 2003 in the format of the Commission review reports for molinate, thiram and ziram.
- (5) The reviews of molinate, thiram and ziram did not reveal any open questions or concerns, which would have required a consultation of the Scientific Committee on Plants.
- (6) It has appeared from the various examinations made that plant protection products containing molinate, thiram or ziram may be expected to satisfy, in general, the requirements laid down in Article 5(1)(a) and (b) of Directive 91/414/EEC, in particular with regard to the uses which were examined and detailed in the Commission review report. It is therefore appropriate to include these active substances in Annex I, in order to ensure that in all Member States the authorisations of plant protection products containing these active substances can be granted in accordance with the provisions of that Directive.
- (7) A reasonable period should be allowed to elapse before an active substance is included in Annex I in order to permit Member States and the interested parties to prepare themselves to meet the new requirements which will result from the inclusion.
- (8) After inclusion, Member States should be allowed a reasonable period within which to implement the provisions of Directive 91/414/EEC as regards plant protection products containing molinate, thiram or ziram, and in particular, to review existing authorisations to ensure that the conditions regarding those active substances set out in Annex I to Directive 91/414/EEC are satisfied. A longer period should be provided for the submission and assessment of the complete dossier of each plant protection product in accordance with the uniform principles laid down in Directive 91/414/EEC.
- (9) It is therefore appropriate to amend Directive 91/414/EEC accordingly.
- (10) The measures provided for in this Directive are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS DIRECTIVE:

*Article 1*

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

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

<sup>(2)</sup> OJ L 205, 14.8.2003, p. 16.

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

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

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

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

*Article 2*

Member States shall adopt and publish by 31 January 2005 at the latest the laws, regulations and administrative provisions necessary to comply with this Directive. They shall forthwith inform the Commission thereof.

They shall apply those provisions from 1 February 2005.

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

*Article 3*

1. Member States shall review the authorisation for each plant protection product containing molinate, thiram or ziram to ensure that the conditions relating to those active substances set out in Annex I to Directive 91/414/EEC are complied with. Where necessary and by 31 January 2005 at the latest, they shall amend or withdraw the authorisation.

2. Member States shall, for each authorised plant protection product containing molinate, thiram or ziram as either the only active substance or as one of several active substances all of which were listed in Annex I to Directive 91/414/EEC by 31

July 2004 at the latest, re-evaluate the product in accordance with the uniform principles provided for in Annex VI to Directive 91/414/EEC, on the basis of a dossier satisfying the requirements of Annex III to that Directive. On the basis of that evaluation, they shall determine whether the product satisfies the conditions set out in Article 4(1)(b), (c), (d) and (e) of Directive 91/414/EEC. Where necessary and by 31 July 2008 at the latest, they shall amend or withdraw the authorisation.

*Article 4*

This Directive shall enter into force on 1 August 2004.

*Article 5*

This Directive is addressed to the Member States.

Done at Brussels, 5 September 2003.

*For the Commission*

David BYRNE

*Member of the Commission*

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

No	Common name, identification numbers	IUPAC name	Purity <sup>(1)</sup>	Entry into force	Expiration of inclusion	Specific provisions
72	Molinate CAS No 2212-67-1 CIPAC No 235	S-ethyl azepane-1-carbothioate; S-ethyl perhydroazepine-1-carbothioate; S-ethyl perhydroazepine-1-thiocarboxilate	950 g/kg	1 August 2004	31 July 2014	<p>Only uses as herbicide may be authorised.</p> <p>For the implementation of the uniform principles of Annex VI, the conclusions of the review report on molinate, and in particular Appendices I and II thereof, as finalised in the Standing Committee on the Food Chain and Animal Health on 4 July 2003 shall be taken into account. In this overall assessment:</p> <ul style="list-style-type: none"> <li>— Member States should pay particular attention to the potential for groundwater contamination, when the active substance is applied in regions with vulnerable soil and/or climatic conditions. Conditions of authorisation should include risk mitigation measures, where appropriate,</li> <li>— Member States should pay particular attention to the possibility of short-range transport of the active substance in air.</li> </ul>
73	Thiram CAS No 137-26-8 CIPAC No 24	tetramethylthiuram disulfide; bis (dimethylthiocarbamoyl)-disulfide	960 g/kg	1 August 2004	31 July 2014	<p>Only uses as fungicide or as repellent may be authorised.</p> <p>For the implementation of the uniform principles of Annex VI, the conclusions of the review report on thiram, and in particular Appendices I and II thereof, as finalised in the Standing Committee on the Food Chain and Animal Health on 4 July 2003 shall be taken into account. In this overall assessment:</p> <ul style="list-style-type: none"> <li>— Member States should pay particular attention to the protection of aquatic organisms. Risk mitigation measures should be applied, where appropriate,</li> <li>— Member States should pay particular attention to the protection of small mammals and birds when the substance is used as a seed treatment in spring uses. Risk mitigation measures should be applied, where appropriate.</li> </ul>
74	Ziram CAS No 137-30-4 CIPAC No 31	Zinc bis (dimethyl-dithiocarbamate)	950 g/kg (FAO-specification) Arsenic: maximum 250 mg/kg Water: maximum 1,5 %	1 August 2004	31 July 2014	<p>Only uses as fungicide or as repellent may be authorised.</p> <p>For the implementation of the uniform principles of Annex VI, the conclusions of the review report on ziram, and in particular Appendices I and II thereof, as finalised in the Standing Committee on the Food Chain and Animal Health on 4 July 2003 shall be taken into account. In this overall assessment:</p> <ul style="list-style-type: none"> <li>— Member States should pay particular attention to the protection of non-target arthropods and aquatic organisms. Risk mitigation measures should be applied, where appropriate,</li> <li>— Member States should observe the acute dietary exposure situation of consumers in view of future revisions of Maximum Residue Levels.</li> </ul>

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



## II

(Acts whose publication is not obligatory)

## COMMISSION

## COMMISSION DECISION

of 5 September 2003

**setting the definitive financial allocations to the Member States for the 2002/2003 marketing year, in respect of a number of hectares, for the purposes of restructuring and converting vineyards under Council Regulation (EC) No 1493/1999**

(notified under document number C(2003) 3147)

(2003/638/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1493/1999 of 17 May 1999 on the common organisation of the market in wine <sup>(1)</sup>, as last amended by Regulation (EC) No 806/2003 <sup>(2)</sup>, and in particular Article 14 thereof,

Whereas:

- (1) The rules for the restructuring and conversion of vineyards are laid down in Council Regulation (EC) No 1493/1999 and Commission Regulation (EC) No 1227/2000 laying down detailed rules for the application of Regulation (EC) No 1493/1999 on the common organisation of the market in wine <sup>(3)</sup>, as last amended by Regulation (EC) No 1203/2003 <sup>(4)</sup>, in particular on production potential.
- (2) The detailed rules on financial planning and participation in financing the restructuring and conversion scheme laid down in Regulation (EC) No 1227/2000 stipulate that the references to a given financial year refer to the payments actually made by the Member States between 16 October and the following 15 October.
- (3) In accordance with Article 14(1) of Regulation (EC) No 1493/1999, the Commission makes initial allocations to Member States each year on the basis of objective criteria, taking account of particular situations and needs and the efforts to be undertaken in the light of the scheme's objective.

- (4) The Commission fixed the indicative financial allocations for the 2002/2003 marketing year in Commission Decision 2002/666/EC <sup>(5)</sup>.

- (5) In accordance with Article 14(2) of Regulation (EC) No 1493/1999, initial allocations must be adapted on the basis of actual expenditure and revised expenditure forecasts notified by the Member States, taking into account the objective of the scheme and subject to the funds available.

- (6) Under Article 17(1) and (3) of Regulation (EC) No 1227/2000, Member States' expenditure incurred and validated is restricted to the allocations laid down in Decision 2002/666/EC. For this financial year that restriction applies to Spain, France, Italy, Austria and Portugal.

- (7) Under Article 16(1)(c) of Regulation (EC) No 1227/2000, Member States may submit a request for subsequent financing in the current financial year. Under Article 17(3) of that Regulation, such a request is to be accepted for Member States that have expended their initial allocation on a pro rata basis using the appropriations available after deducting, for all Member States, the sum of the amounts notified in accordance with Article 16(1)(a) and (b) of that Regulation and corrected where applicable in accordance with Article 17(1) and (3), from the total amount allocated to the Member States. For this financial year that provision applies to Spain, France, Italy, Austria and Portugal.

<sup>(1)</sup> OJ L 179, 14.7.1999, p. 1.

<sup>(2)</sup> OJ L 122, 16.5.2003, p. 1.

<sup>(3)</sup> OJ L 143, 16.6.2000, p. 1.

<sup>(4)</sup> OJ L 168, 5.7.2003, p. 9.

<sup>(5)</sup> OJ L 227, 23.8.2002, p. 49.

- (8) Article 17(1) and (2) applies to Luxembourg for this financial year.
- (9) Article 17(4) does not apply to any Member State for this financial year.
- (10) The Commission has received additional information from Spain as regards the number of hectares allocated to it by Decision 2002/666/EC. As a result of that information, the area allocated to that Member State should be corrected,

for the restructuring and conversion of vineyards under Regulation (EC) No 1493/1999, for the 2003 financial year, are set out in the Annex hereto.

*Article 2*

This Decision is addressed to the Member States.

HAS ADOPTED THIS DECISION:

Done at Brussels, 5 September 2003.

*Article 1*

The definitive financial allocations to the Member States for the 2002/2003 marketing year, in respect of a number of hectares,

*For the Commission*

Franz FISCHLER

*Member of the Commission*

ANNEX

**Definitive financial allocations to the Member States for the 2002/2003 marketing year, in respect of a number of hectares, for the restructuring and conversion of vineyards under Council Regulation (EC) No 1493/1999, for the 2003 financial year**

Member State	Area (ha)	Financial allocation (EUR)
Germany	2 136	12 481 433
Greece	1 358	7 132 661
Spain	23 902	160 033 831
France	14 635	95 431 219
Italy	18 660	123 950 907
Luxembourg	—	—
Austria	1 918	10 602 842
Portugal	5 362	33 567 107
Total	67 971	443 200 000