

Official Journal

of the European Union

ISSN 1725-2555

L 249

Volume 46

1 October 2003

English edition

Legislation

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Price: EUR 18

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I

(Acts whose publication is obligatory)

**REGULATION (EC) No 1726/2003 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL
of 22 July 2003
amending Regulation (EC) No 417/2002 on the accelerated phasing-in of double-hull or equivalent
design requirements for single-hull oil tankers**

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE
EUROPEAN UNION,

Having regard to the Treaty establishing the European Commu-
nity, and in particular Article 80(2) thereof,

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

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

Having consulted the Committee of the Regions,

Acting in accordance with the procedure laid down in Article
251 of the Treaty ⁽³⁾,

Whereas:

- (1) Regulation (EC) No 417/2002 ⁽⁴⁾ establishes an acceler-
ated phasing-in scheme for the application of the
double-hull or equivalent design requirements of the
Marpol 73/78 Convention to single-hull oil tankers, to
reduce the risk of accidental oil pollution in European
waters.
- (2) The Commission and the Member States should make
every effort to ensure that rules similar to those
contained in this Regulation amending Regulation (EC)
No 417/2002 can be established in 2003 at a worldwide
level, through an amendment of the Marpol Convention.
Both the Council and the Commission welcome the will-
ingness of the International Maritime Organisation
(IMO) to hold an additional meeting of the Marine Envir-
onment Protection Committee (MEPC) in December
2003 to facilitate an international solution regarding the
accelerated phasing-out of single-hull oil tankers and the
introduction, in the short term, of a ban on single-hull
oil tankers carrying heavy grades of oil.
- (3) The Community is seriously concerned that the age
limits for the operation of single-hull oil tankers in
Regulation (EC) No 417/2002 are not sufficiently strin-
gent. Particularly in the wake of the shipwreck of the

category 1 single-hull oil tanker 'Prestige' of the same
age as 'Erika' (26 years) those age limits should be
further lowered.

- (4) The communication from the Commission to the
European Parliament and to the Council on the safety of
the seaborne oil trade proposed age limits of 23, 28 and
25 to 30 years respectively for three categories of single-
hull oil tankers, and the final end-dates of 2005, 2010
and 2015 respectively, for such tankers. The initial
proposal from the Commission provided that the regula-
tion should apply to oil tankers from 600 tonnes dead-
weight and above. The limits eventually included in
Regulation (EC) No 417/2002 were, following negotia-
tions, less stringent on all accounts.
- (5) The communication from the Commission to the
European Parliament and to the Council on improving
safety at sea in response to the 'Prestige' incident stated
that the Commission intended to propose a regulation
prohibiting the transport of heavy fuel oil in single-
hulled tankers bound for or leaving ports in the Member
States.
- (6) The Council conclusions of 6 December 2002 invited
the Commission to present as a matter of urgency a
proposal concerning an accelerated phasing-out of
single-hull tankers and incorporating the condition
assessment scheme for tankers, regardless of the design,
from the age of 15 years. The Council further agreed
that heavy grades of oil should only be transported in
double-hull oil tankers.
- (7) The accelerated phasing-out of single-hull vessels will
lead to a significant increase in the number of vessels for
scrapping, and an effort should be made to ensure that
scrap vessels are processed in a way which is safe for
human beings and the environment.
- (8) The condition assessment scheme is designed to detect
structural weaknesses in ageing oil tankers and should
therefore, from 2005, apply to all oil tankers above the
age of 15 years.

⁽¹⁾ Not yet published in the Official Journal.

⁽²⁾ OJ C 133, 6.6.2003, p. 97.

⁽³⁾ Opinion of the European Parliament of 4 June 2003 (not yet
published in the Official Journal) and Council Decision of 22 July
2003.

⁽⁴⁾ OJ L 64, 7.3.2002, p. 1. Regulation as amended by Regulation (EC)
No 2099/2002 (OJ L 324, 29.11.2002, p. 1).

- (9) The European Parliament in its resolution on the Prestige oil tanker disaster off the coast of Galicia of 21 November 2002 called for stronger measures that can enter into force more rapidly, and stated that this new disaster has again underlined the need for effective action at international and EU level in order significantly to improve maritime safety.
- (10) The Commission should be given a mandate by the Council and the Member States to enable it to negotiate the adoption of the provisions of this Regulation in the IMO.
- (11) As the rapidly increasing volume of oil transported through the Baltic Sea poses a threat to the marine environment, especially during the winter season, oil tankers entering or leaving a port or an offshore terminal or anchoring in an area under the jurisdiction of a Member State in that region should have ice-strengthening of the ship's structure and propulsion machinery which meets the requirements of the administration of the Member State when the ice conditions require the use of an ice-strengthened vessel.
- (12) It is essential to persuade third countries, particularly candidate countries and countries which are neighbours of the EU, to undertake to stop the use of single-hull oil tankers.
- (13) Freight or container ships often contain heavy fuel oil (HFO) as engine fuel in their bunkers, the quantity of which may considerably exceed the cargoes of smaller oil tankers. The Commission should submit a proposal to the European Parliament and the Council as soon as possible in order to ensure that for new ships bunker oil for engine fuel purposes is also stored in safe, double-walled tanks.
- (14) European shipyards have the necessary know-how to build double-hulled tankers. The Commission and the Member States should accordingly strive to ensure, by means of the appropriate instruments and programmes, that the increased demand for safe double-hulled tankers resulting from this Regulation has a positive impact on the Community's shipbuilding industry.
- (15) Regulation (EC) No 417/2002 should be amended accordingly,

HAVE ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 417/2002 is hereby amended as follows:

1. In Article 1, the following shall be added:

‘, and to ban the transport to or from ports of the Member States of heavy grades of oil in single-hull oil tankers.’

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

‘1. This Regulation shall apply to oil tankers of 5 000 tonnes deadweight and above:

— entering or leaving a port or offshore terminal or anchoring in an area under the jurisdiction of a Member State, irrespective of their flag, or

— flying the flag of a Member State.

For the purpose of Article 4(3), this Regulation shall apply to oil tankers of 600 tonnes deadweight and above.’

3. Article 3 shall be amended as follows:

(a) point 10 shall be replaced by the following:

‘10. “double-hull oil tanker” shall mean an oil tanker meeting the double-hull or equivalent design requirements of Regulation 13F of Annex I to Marpol 73/78. An oil tanker meeting the provisions of paragraph 1(c) of revised Regulation 13G of Annex I to Marpol 73/78 is also considered to be a double-hull oil tanker.’

(b) the following point shall be added:

‘14. “heavy grades of oil” shall mean:

(a) crude oils with a density at 15 °C of over 900 kg/m³ (*);

(b) fuel oils with a density at 15 °C of over 900 kg/m³ or a kinematic viscosity at 50 °C of over 180 mm²/s (**);

(c) bitumen and tar and emulsions thereof;

(*) Corresponding to an API grade of less than 25,7.

(**) Corresponding to a kinematic viscosity of over 180 cSt.’

4. Article 4 shall be amended as follows:

(a) in paragraph 1, points (a) and (b) shall be replaced by the following:

‘(a) for category 1 oil tankers:

- 2003 for ships delivered in 1980 or earlier,
- 2004 for ships delivered in 1981,
- 2005 for ships delivered in 1982 or later;

(b) for category 2 and 3 oil tankers:

- 2003 for ships delivered in 1975 or earlier,
- 2004 for ships delivered in 1976,

- 2005 for ships delivered in 1977,
- 2006 for ships delivered in 1978 and 1979,
- 2007 for ships delivered in 1980 and 1981,
- 2008 for ships delivered in 1982,
- 2009 for ships delivered in 1983,
- 2010 for ships delivered in 1984 or later;'

(b) point (c) shall be deleted;

(c) the following paragraph shall be inserted:

'2. Notwithstanding paragraph 1, oil tankers of category 2 or 3 which are equipped only with double bottoms or double sides not used for the transport of oil and extending for the whole length of the cargo tank, or with double-hulled spaces not used for the transport of oil and extending for the whole length of the cargo tank, but which do not meet the conditions for exemption from the provisions of paragraph 1(c) of revised Regulation 13G of Annex I to Marpol 73/78, may continue to be operated after the date referred to in paragraph 1, but not beyond the anniversary of the date of delivery of the ship in the year 2015 or the date on which the ship reaches the age of 25 years from its date of delivery, whichever is the sooner.'

(d) the current paragraph 2 shall be replaced by the following:

'3. No oil tanker carrying heavy grades of oil, irrespective of its flag, shall be allowed to enter or leave ports or offshore terminals or to anchor in areas under the jurisdiction of a Member State, unless such tanker is a double-hull oil tanker.'

(e) the following paragraphs shall be added:

'4. Oil tankers operated exclusively in ports and inland navigation may be exempted from the obligation under paragraph 3 provided that they are duly certified under inland waterway legislation.

5. Oil tankers with a deadweight of less than 5 000 tonnes must comply with the provisions of paragraph 3 no later than the anniversary of the date of delivery of the ship in the year 2008.

6. Until 21 October 2005 a Member State may, in cases where ice conditions require the use of an ice-strengthened vessel, allow ice-strengthened single-hull oil tankers, equipped with double bottoms not used for the transport of oil and extending over the entire length of the cargo tank, carrying heavy grades of oil, to enter

or leave a port or offshore terminal or anchor in an area under the jurisdiction of that Member State, provided that the heavy grades of oil are transported only in the vessel's central tanks.'

5. Article 5 shall be replaced by the following:

'Article 5

Compliance with the condition assessment scheme for Category 2 and 3 ships

Irrespective of its flag, a single-hull oil tanker above 15 years of age shall not be allowed to enter or leave ports or offshore terminals or anchor in areas under the jurisdiction of a Member State beyond the anniversary of the date of delivery of the ship, in 2005 for category 2 and category 3 ships, unless it complies with the condition assessment scheme referred to in Article 6.'

6. Article 6 shall be replaced by the following:

'Article 6

Condition assessment scheme

For the purposes of Article 5, the condition assessment scheme adopted by MEPC Resolution 94 (46) of 27 April 2001, as amended, shall apply.'

7. In Article 8, the introductory phrase to paragraph 1 shall be replaced by the following:

'1. By way of derogation from Articles 4, 5 and 7, the competent authority of a Member State may, subject to national provisions, allow, under exceptional circumstances, an individual ship to enter or leave a port or offshore terminal or anchor in an area under the jurisdiction of that Member State, when:'

Article 2

The Presidency of the Council, acting on behalf of the Member States, and the Commission shall jointly inform the IMO of the adoption of this Regulation, whereby reference shall be made to Article 211(3) of the United Nations Convention on the Law of the Sea.

Article 3

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

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

Done at Brussels, 22 July 2003.

For the European Parliament

The President

P. COX

For the Council

The President

G. ALEMANNO

**COUNCIL REGULATION (EC) No 1727/2003
of 29 September 2003
concerning certain restrictive measures in respect of the Democratic Republic of Congo**

THE COUNCIL OF THE EUROPEAN UNION,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Community, and in particular Articles 60 and 301 thereof,

Having regard to Council Common Position 2003/680/CFSP of 29 September 2003, amending Common Position 2002/829/CFSP on the supply of certain equipment into the Democratic Republic of Congo ⁽¹⁾,

Having regard to the proposal from the Commission,

Whereas:

- (1) On 28 July 2003, the United Nations Security Council decided in its Resolution 1493 (2003), hereinafter referred to as UNSCR 1493 (2003), to impose an embargo on the supply of arms and related material as well as the provision of assistance, advice or training related to military activities to all armed groups and militias operating in the territory of North and South Kivu and of Ituri, and to groups not party to the Global and All-inclusive Agreement, in the Democratic Republic of Congo.
- (2) Council Common Position 2002/829/CFSP of 21 October 2002 on the supply of certain equipment into the Democratic Republic of Congo ⁽²⁾ imposes an embargo on the supply or sale of arms and related material to that country.
- (3) Council Common Position 2003/680/CFSP provides for the implementation of the measures imposed by UNSCR 1493 (2003), including, *inter alia*, for a ban on assistance, advice and training related to military material.
- (4) That measure falls under the scope of the Treaty and, therefore, notably with a view to avoiding distortion of competition, Community legislation is necessary to implement that decision of the Security Council as far as the territory of the Community is concerned. For the purpose of this Regulation, the territory of the Community is deemed to encompass the territories of the Member States to which the Treaty is applicable, under the conditions laid down in that Treaty.
- (5) The Commission and the Member States should inform each other of the measures taken under this Regulation and of other relevant information at their disposal in connection with this Regulation, and cooperate with the Secretary-General of the United Nations, in particular by supplying him with information.
- (6) Violations of the provisions of this Regulation should be subject to sanctions, and Member States should impose appropriate sanctions to that end. It is, moreover, desirable for those sanctions to be imposed on the date of entry into force of this Regulation,

⁽¹⁾ See page 64 of this Official Journal.

⁽²⁾ OJ L 285, 23.10.2002, p. 1.

Article 1

1. Without prejudice to the powers of the Member States in the exercise of their public authority, it shall be prohibited
 - (a) to provide financing and financial assistance, including in particular grants, loans and export credit insurance, for any sale, supply, transfer or export of arms and related material of all types, including weapons and ammunition, military vehicles and equipment, paramilitary equipment and spare parts of the aforementioned, directly or indirectly, to any person, entity or body in the Democratic Republic of Congo;
 - (b) to provide, directly or indirectly, technical advice, assistance or training related to military activities, including in particular training and assistance related to the manufacture, maintenance and use of arms and related material of all types, to any person, entity or body in the Democratic Republic of Congo.
2. The participation, knowingly and intentionally, in activities the object or effect of which is, directly or indirectly, to promote the transactions referred to in paragraph 1 shall be prohibited.

Article 2

Article 1 shall not apply to the provision of financing and financial assistance for the sale, supply, transfer or export of military equipment, and the provision of technical advice, assistance or training related to military activities, to the United Nations Organisation Mission in the Democratic Republic of Congo and the integrated Congolese national army and police forces, if an authorisation for such activities has been granted by the competent authority, as listed in the Annex, of the Member State, where the service provider is established.

Article 3

Article 1 shall not apply to the provision of financing and financial assistance for the sale, supply, transfer or export of non-lethal military equipment intended solely for humanitarian or protective use and the provision of technical advice, assistance or training related to such non-lethal equipment, provided:

- (a) such provision is notified in advance by the competent authority to the Secretary-General of the United Nations through his Special Representative; and
- (b) an authorisation for such activities has been granted by the competent authority, as listed in the Annex, of the Member State, where the service provider is established.

Article 4

The information concerning competent authorities shall be amended by the Commission on the basis of the information supplied by the Member States.

Article 5

The Commission and the Member States shall immediately inform each other of the measures taken under this Regulation and shall supply each other with relevant information at their disposal in connection with this Regulation, in particular information in respect of violation and enforcement problems and judgements handed down by national courts.

Article 6

1. Each Member State shall determine the sanctions to be imposed where the provisions of this Regulation are infringed. Such sanctions shall be effective, proportionate and dissuasive.

Pending the adoption, where necessary, of any legislation to this end, the sanctions to be imposed where the provisions of this Regulation are infringed shall, where relevant, be those determined by the Member States in order to give effect to Article 7 of Council Regulation (EC) No 1318/2002 of 22 July 2002 concerning certain restrictive measures in respect of Liberia ⁽¹⁾.

2. Each Member State shall be responsible for bringing proceedings against any natural or legal person, entity or body under its jurisdiction, in cases of violation of any of the prohibitions laid down in this Regulation by such person, entity or body.

Article 7

This Regulation shall apply

- within the territory of the Community, including its airspace,
- on board any aircraft or any vessel under the jurisdiction of a Member State,
- to any national of a Member State, and
- to any legal person, entity or body which is incorporated or constituted under the law of a Member State.

Article 8

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

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

Done at Brussels, 29 September 2003.

For the Council
The President
F. FRATTINI

⁽¹⁾ OJ L 194, 23.7.2002, p. 1.

ANNEX

List of competent authorities referred to in Article 2

BELGIUM

Service public fédéral des affaires étrangères, commerce extérieur et coopération au développement
Egmont 1
Rue des Petits Carmes 19
B-1000 Bruxelles

Direction générale des affaires bilatérales
Service 'Afrique du sud du Sahara'
Téléphone (32-2) 501 85 77
Service des transports
Téléphone (32-2) 501 37 62
Télécopieur (32-2) 501 88 27

Direction générale coordination et des affaires européennes
Coordination de la politique commerciale
Téléphone (32-2) 501 83 20

Service public fédéral de l'économie, des PME, des classes moyennes et de l'énergie
ARE 4^e division, service des licences
Avenue du Général Leman 60
B-1040 Bruxelles
Téléphone (32-2) 206 58 16/27
Télécopieur (32-2) 230 83 22

Brussels Hoofdstedelijk Gewest — Region de Bruxelles-Capitale:

Kabinet van de minister van Financiën, Begroting, Openbaar Ambt en Externe Betrekkingen van de Brusselse Hoofdstedelijke regering
Kunstlaan 9
B-1210 Brussel

Cabinet du ministre des finances, du budget, de la fonction publique et des relations extérieures du gouvernement de la Région de Bruxelles-Capitale
Avenue des Arts, 9
B-1210 Bruxelles
Téléphone (32-2) 209 28 25
Télécopieur (32-2) 209 28 12

Région wallonne:

Cabinet du ministre-président du gouvernement wallon
Rue Mazy, 25-27
B-5100 Jambes-Namur
Téléphone (32-81) 33 12 11
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Vlaams Gewest:

Administratie Buitenlands Beleid
Boudewijnlaan 30
B-1000 Brussel
Tel. (32-2) 553 59 28
Fax (32-2) 553 60 37

DENMARK

Erhvervs- og Boligstyrelsen
Dahlerups Pakhus
Langelinie Allé 17
DK-2100 København Ø
Tlf. (45) 35 46 60 00
Fax (45) 35 46 60 01

Udenrigsministeriet
Asiatisk Plads 2
DK-1448 København K
Tlf. (45) 33 92 00 00
Fax (45) 32 54 05 33

Justitsministeriet
Slotholmsgade 10
DK-1216 København K
Tlf. (45) 33 92 33 40
Fax (45) 33 93 35 10

GERMANY

Bundesamt für Wirtschaft und Ausfuhrkontrolle (BAFA)
Frankfurter Straße 29-35
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Tel. (49) 61 96 908-0
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GREECE

Ministry of Economy and Finance
General Secretariat for International Economic Relations
General Directorate for Policy Planning and Management
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GR-105 63 Athens
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Γενική Γραμματεία Διεθνών Οικονομικών Σχέσεων
Γενική Διεύθυνση Σχεδιασμού και Διαχείρισης Πολιτικής
Κορνάρου 1
GR-105 63 Αθήνα
Τηλ.: (30) 210 328 64 01-3
Φαξ: (30) 210 328 64 04

SPAIN

Ministerio de Economía
Dirección General de Comercio e Inversiones
Paseo de la Castellana, 162
E-28046 Madrid
Tel.: (34) 913 49 38 60
Fax: (34) 914 57 28 63

FRANCE

Ministère de l'économie, des finances et de l'industrie
Direction générale des douanes et des droits indirects
Cellule embargo — Bureau E2
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Télécopieur (33) 144 74 48 97

Ministère des affaires étrangères
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IRELAND

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ITALY

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DGAE - Uff. X
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Fax (39) 06 36 91 37 52

Ministero del Commercio estero
Gabinetto
Roma
Tel. (39) 06 59 93 23 10
Fax (39) 06 59 64 74 94

Ministero dei Trasporti
Gabinetto
Roma
Tel. (39) 06 44 26 71 16/06 84 90 40 94
Fax (39) 06 44 26 71 14

LUXEMBOURG

Ministère des affaires étrangères
Office des licences
21, rue Philippe II
L-2340 Luxembourg
Téléphone (352) 478 23 70
Télécopieur (352) 46 61 38

NETHERLANDS

Belastingdienst/Douane centrale dienst voor in- en uitvoer
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9700 RD Groningen
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Tel. (31) 50 523 81 11
Fax (31) 50 523 22 10
E-mail: cdiusgs@bart.nl

AUSTRIA

Bundesministerium für Wirtschaft und Arbeit
Stubenring 1
A-1010 Wien
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Fax (43-1) 711 00-8386

PORTUGAL

Ministério dos Negócios Estrangeiros
Direcção-Geral dos Assuntos Multilaterais
Largo do Rilvas
P-1350-179 Lisboa
Tel: (351) 21 394 60 72
Fax: (351) 21 394 60 73

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Ministério das Finanças
Av. Infante D. Henrique, n.º 1C - 1º
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Fax: (351) 21 882 33 99
E-mail: mf.dgaeri@dgaeri.pt

FINLAND

Ulkoasiainministeriö/Utrikesministeriet
PL/PB 176
FIN-00161 Helsinki/Helsingfors
Puhelin/Tfn (358-9) 16 05 59 00
Faksi/Fax (358-9) 16 05 57 07

Puolustusministeriö/Försvarsministeriet
Eteläinen Makasiinikatu 8
PL/PB 31
FIN-00131 Helsinki/Helsingfors
Puhelin/Tfn (358-9) 1608 8128
Faksi/Fax (358-9) 1608 8111

SWEDEN

Inspektionen för strategiska produkter (ISP)
Box 70 252
S-107 22 Stockholm
Tfn (46) 8 406 31 00
Fax (46) 8 20 31 00

UNITED KINGDOM

Sanctions Licensing Unit
Export Control Organisation
Department of Trade and Industry
4 Abbey Orchard Street
London SW1P 2HT
United Kingdom
Tel. (44-20) 72 15 05 94
Fax (44-20) 72 15 05 93

EUROPEAN COMMUNITY

Commission of the European Communities
Directorate-General for External Relations
Directorate CFSP
Unit A.2: Legal and institutional matters for external relations — Sanctions
CHAR 12/163
B-1049 Bruxelles/Brussel
Tel. (32-2) 296 25 56
Fax (32-2) 296 75 63
E-mail: relex-sanctions@cec.eu.int

**COMMISSION REGULATION (EC) No 1728/2003
of 30 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 ⁽¹⁾, as last amended by Regulation (EC) No 1947/2002 ⁽²⁾, and in particular Article 4(1) thereof,

Whereas:

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 1 October 2003.

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

Done at Brussels, 30 September 2003.

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

⁽¹⁾ OJ L 337, 24.12.1994, p. 66.

⁽²⁾ OJ L 299, 1.11.2002, p. 17.

ANNEX

to the Commission Regulation of 30 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 ⁽¹⁾	Standard import value
0702 00 00	052	105,5
	060	90,6
	070	75,1
	096	68,9
	999	85,0
0707 00 05	052	114,5
	999	114,5
0709 90 70	052	107,2
	999	107,2
0805 50 10	052	81,8
	388	79,0
	524	66,3
	528	51,0
	800	63,0
	999	68,2
0806 10 10	052	103,8
	064	105,0
	999	104,4
0808 10 20, 0808 10 50, 0808 10 90	388	80,4
	400	86,1
	508	35,3
	512	105,5
	720	72,4
	800	155,0
	804	105,2
	999	91,4
0808 20 50	052	115,3
	064	57,2
	388	72,7
	720	65,2
	999	77,6

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

**COMMISSION REGULATION (EC) No 1729/2003
of 30 September 2003**

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

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

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

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

⁽¹⁾ OJ L 178, 30.6.2001, p. 1.

⁽²⁾ OJ L 104, 20.4.2002, p. 26.

⁽³⁾ OJ L 214, 8.9.1995, p. 16.

⁽⁴⁾ OJ L 178, 30.6.2001, p. 63.

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 1 October 2003.

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

Done at Brussels, 30 September 2003.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX

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

Product code	Destination	Unit of measurement	Amount of refund
1702 40 10 9100	S00	EUR/100 kg dry matter	48,88 ⁽¹⁾
1702 60 10 9000	S00	EUR/100 kg dry matter	48,88 ⁽¹⁾
1702 60 80 9100	S00	EUR/100 kg dry matter	92,87 ⁽²⁾
1702 60 95 9000	S00	EUR/1 % sucrose × net 100 kg of product	0,4888 ⁽³⁾
1702 90 30 9000	S00	EUR/100 kg dry matter	48,88 ⁽¹⁾
1702 90 60 9000	S00	EUR/1 % sucrose × net 100 kg of product	0,4888 ⁽³⁾
1702 90 71 9000	S00	EUR/1 % sucrose × net 100 kg of product	0,4888 ⁽³⁾
1702 90 99 9900	S00	EUR/1 % sucrose × net 100 kg of product	0,4888 ⁽³⁾ ⁽⁴⁾
2106 90 30 9000	S00	EUR/100 kg dry matter	48,88 ⁽¹⁾
2106 90 59 9000	S00	EUR/1 % sucrose × net 100 kg of product	0,4888 ⁽³⁾

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

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

The other destinations are defined as follows:

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

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

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

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

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

COMMISSION REGULATION (EC) No 1730/2003
of 30 September 2003
altering the export refunds on white sugar and raw sugar exported in the natural state

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

- (1) The refunds on white sugar and raw sugar exported in the natural state were fixed by Commission Regulation (EC) No 1684/2003 ⁽³⁾.
- (2) It follows from applying the detailed rules contained in Regulation (EC) No 1684/2003 to the information known to the Commission that the export refunds at

present in force should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1(1)(a) of Regulation (EC) No 1260/2001, undenatured and exported in the natural state, as fixed in the Annex to Regulation (EC) No 1684/2003 are hereby altered to the amounts shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 October 2003.

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

Done at Brussels, 30 September 2003.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 178, 30.6.2001, p. 1.

⁽²⁾ OJ L 104, 20.4.2002, p. 26.

⁽³⁾ OJ L 240, 26.9.2003, p. 5.

ANNEX

REFUNDS ON WHITE SUGAR AND RAW SUGAR EXPORTED WITHOUT FURTHER PROCESSING

Product code	Destination	Unit of measurement	Amount of refund
1701 11 90 9100	S00	EUR/100 kg	44,96 ⁽¹⁾
1701 11 90 9910	S00	EUR/100 kg	44,96 ⁽¹⁾
1701 12 90 9100	S00	EUR/100 kg	44,96 ⁽¹⁾
1701 12 90 9910	S00	EUR/100 kg	44,96 ⁽¹⁾
1701 91 00 9000	S00	EUR/1 % of sucrose × 100 kg product net	0,4888
1701 99 10 9100	S00	EUR/100 kg	48,88
1701 99 10 9910	S00	EUR/100 kg	48,88
1701 99 10 9950	S00	EUR/100 kg	48,88
1701 99 90 9100	S00	EUR/1 % of sucrose × 100 kg of net product	0,4888

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

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

The other destinations are:

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

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

COMMISSION REGULATION (EC) No 1731/2003
of 30 September 2003
fixing the production refund on white sugar used in the chemical industry

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

The production refund on white sugar referred to in Article 4 of Regulation (EC) No 1265/2001 shall be equal to 43,887 EUR/100 kg net.

Article 2

This Regulation shall enter into force on 1 October 2003.

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

Done at Brussels, 30 September 2003.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 178, 30.6.2001, p. 1.

⁽²⁾ OJ L 104, 20.4.2002, p. 26.

⁽³⁾ OJ L 178, 30.6.2001, p. 63.

COMMISSION REGULATION (EC) No 1732/2003
of 30 September 2003
fixing the export refunds on beef and veal

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1254/1999 of 17 May 1999 on the common organisation of the market in beef and veal ⁽¹⁾, as last amended by Commission Regulation (EC) No 806/2003 ⁽²⁾, and in particular Article 33(12) thereof,

Whereas:

- (1) Article 33 of Regulation (EC) No 1254/1999 provides that the difference between prices on the world market for the products listed in Article 1 of that Regulation and prices for those products within the Community may be covered by an export refund.
- (2) Commission Regulation (EEC) No 32/82 ⁽³⁾, as last amended by Regulation (EC) No 744/2000 ⁽⁴⁾, Regulation (EEC) No 1964/82 ⁽⁵⁾, as last amended by Regulation (EC) No 2772/2000 ⁽⁶⁾, Regulation (EEC) No 2388/84 ⁽⁷⁾, as last amended by Regulation (EEC) No 3661/92 ⁽⁸⁾, Regulation (EEC) No 2973/79 ⁽⁹⁾, as last amended by Regulation (EEC) No 3434/87 ⁽¹⁰⁾, and Regulation (EC) No 2051/96 ⁽¹¹⁾, as amended by Regulation (EC) No 2333/96 ⁽¹²⁾, lay down the conditions for granting special export refunds on certain cuts of beef and veal and certain preserved beef and veal products, and for certain destinations.
- (3) It follows from applying those rules and criteria to the foreseeable situation on the market in beef and veal that the refund should be as set out below.
- (4) With regard to live animals, for reasons of simplification export refunds should no longer be granted for categories with insignificant trade with third countries. Moreover, in light of the general concern of animal welfare, export refunds for live animals for slaughter should be limited as much as possible. Consequently, export refunds for such animals should only be granted for third countries which for cultural and/or religious reasons traditionally import substantial numbers of animals for domestic slaughter. As to live animals for reproduction, in order to prevent any abuse export refunds for pure-bred breeding animals should be limited to heifers and cows of no more than 30 months of age.

- (5) Export refunds should be granted for certain destinations on some fresh or chilled meat listed in the Annex under CN code 0201, on some frozen meat listed in the Annex under CN code 0202, on some meat or offal listed in the Annex under CN code 0206 and on some other prepared or preserved meat or offal listed in the Annex under CN code 1602 50 10.
- (6) In the case of meat of bovine animals, boned or boneless, salted and dried, there are traditional trade flows to Switzerland. To allow this trade to continue, the refund should be set to cover the difference between prices on the Swiss market and export prices in the Member States.
- (7) In the case of certain other cuts and preserves of meat or offal shown in the Annex under CN codes 1602 50 31 to 1602 50 80, the Community presence of international trade may be maintained by granting a refund corresponding to that at present available.
- (8) In the case of other beef and veal products, a refund need not be fixed since the Community's share of world trade is not significant.
- (9) Commission Regulation (EEC) No 3846/87 ⁽¹³⁾, as last amended by Regulation (EC) No 118/2003 ⁽¹⁴⁾, establishes the agricultural product nomenclature for the purposes of export refunds.
- (10) In order to simplify customs export formalities for operators, the refunds on all frozen cuts should be brought into line with those on fresh or chilled cuts other than those from adult male bovine animals.
- (11) Checks on products covered by CN code 1602 50 should be stepped up by making the granting of refunds on these products conditional on manufacture under the arrangements provided for in Article 4 of Council Regulation (EEC) No 565/80 of 4 March 1980 on the advance payment of export refunds in respect of agricultural products ⁽¹⁵⁾, as last amended by Commission Regulation (EC) No 444/2003 ⁽¹⁶⁾.

⁽¹⁾ OJ L 160, 26.6.1999, p. 21.

⁽²⁾ OJ L 122, 16.5.2003, p. 1.

⁽³⁾ OJ L 4, 8.1.1982, p. 11.

⁽⁴⁾ OJ L 89, 11.4.2000, p. 3.

⁽⁵⁾ OJ L 212, 21.7.1982, p. 48.

⁽⁶⁾ OJ L 321, 19.12.2000, p. 35.

⁽⁷⁾ OJ L 221, 18.8.1984, p. 28.

⁽⁸⁾ OJ L 370, 19.12.1992, p. 16.

⁽⁹⁾ OJ L 336, 29.12.1979, p. 44.

⁽¹⁰⁾ OJ L 327, 18.11.1987, p. 7.

⁽¹¹⁾ OJ L 274, 26.10.1996, p. 18.

⁽¹²⁾ OJ L 317, 6.12.1996, p. 13.

⁽¹³⁾ OJ L 366, 24.12.1987, p. 1.

⁽¹⁴⁾ OJ L 20, 24.1.2003, p. 3.

⁽¹⁵⁾ OJ L 62, 7.3.1980, p. 5.

⁽¹⁶⁾ OJ L 67, 12.3.2003, p. 3.

- (12) Refunds should be granted only on products that are allowed to move freely in the Community. Therefore, to be eligible for a refund, products should be required to bear the health mark laid down in Council Directive 64/433/EEC ⁽¹⁾, as last amended by Directive 95/23/EC ⁽²⁾, Council Directive 94/65/EC ⁽³⁾, as amended by Regulation (EC) No 806/2003, and Council Directive 77/99/EEC ⁽⁴⁾, as last amended by Regulation (EC) No 807/2003 ⁽⁵⁾, respectively.
- (13) Under Article 6(2) of Regulation (EEC) No 1964/82, the special refund is to be reduced if the quantity of boned meat to be exported amounts to less than 95 %, but not less than 85 %, of the total weight of cuts produced by boning.
- (14) The negotiations on the adoption of additional concessions, held within the framework of the Europe Agreements between the European Community and the associated central and eastern European Countries, aim in particular to liberalise trade in products covered by the common organisation of the market in beef and veal. To this end, it was decided to abolish export refunds on products intended for export to Estonia, Latvia, Lithuania, Hungary, Rumania and Slovakia. These countries should therefore be excluded from the list of destinations giving rise to the grant of a refund, while ensuring that the abolition of refunds for these countries may not lead to the creation of a differentiated refund for exports to other countries.
- (15) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Beef and Veal,

HAS ADOPTED THIS REGULATION:

Article 1

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

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

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

Article 2

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

Article 3

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

Article 4

This Regulation shall enter into force on 6 October 2003.

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

Done at Brussels, 30 September 2003.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 121, 29.7.1964, p. 2012/64.

⁽²⁾ OJ L 243, 11.10.1995, p. 7.

⁽³⁾ OJ L 368, 31.12.1994, p. 10.

⁽⁴⁾ OJ L 26, 31.1.1977, p. 85.

⁽⁵⁾ OJ L 122, 16.5.2003, p. 36.

ANNEX

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

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

Product code	Destination	Unit of measurement	Refunds (7)
0201 30 00 9060 ⁽⁶⁾	B02	EUR/100 kg net weight	46,00
	B03	EUR/100 kg net weight	13,00
	039	EUR/100 kg net weight	15,00
	809, 822	EUR/100 kg net weight	37,00
0201 30 00 9100 ⁽²⁾ ⁽⁶⁾	B08, B09	EUR/100 kg net weight	172,00
	B03	EUR/100 kg net weight	102,00
	039	EUR/100 kg net weight	60,00
	809, 822	EUR/100 kg net weight	152,50
	220	EUR/100 kg net weight	205,00
0201 30 00 9120 ⁽²⁾ ⁽⁶⁾	B08	EUR/100 kg net weight	94,50
	B09	EUR/100 kg net weight	88,00
	B03	EUR/100 kg net weight	56,50
	039	EUR/100 kg net weight	33,00
	809, 822	EUR/100 kg net weight	83,50
0202 10 00 9100	220	EUR/100 kg net weight	123,00
	B02	EUR/100 kg net weight	33,50
	B03	EUR/100 kg net weight	10,00
	039	EUR/100 kg net weight	11,50
0202 10 00 9900	B02	EUR/100 kg net weight	46,00
	B03	EUR/100 kg net weight	14,00
	039	EUR/100 kg net weight	16,00
0202 20 10 9000	B02	EUR/100 kg net weight	46,00
	B03	EUR/100 kg net weight	14,00
	039	EUR/100 kg net weight	16,00
0202 20 30 9000	B02	EUR/100 kg net weight	33,50
	B03	EUR/100 kg net weight	10,00
	039	EUR/100 kg net weight	11,50
0202 20 50 9100	B02	EUR/100 kg net weight	58,50
	B03	EUR/100 kg net weight	17,50
	039	EUR/100 kg net weight	19,50
0202 20 50 9900	B02	EUR/100 kg net weight	33,50
	B03	EUR/100 kg net weight	10,00
	039	EUR/100 kg net weight	11,50
0202 20 90 9100	B02	EUR/100 kg net weight	33,50
	B03	EUR/100 kg net weight	10,00
	039	EUR/100 kg net weight	11,50
0202 30 90 9100	400 ⁽³⁾	EUR/100 kg net weight	23,50
	404 ⁽⁴⁾	EUR/100 kg net weight	23,50
0202 30 90 9200 ⁽⁶⁾	B02	EUR/100 kg net weight	46,00
	B03	EUR/100 kg net weight	13,00
	039	EUR/100 kg net weight	15,00
	809, 822	EUR/100 kg net weight	37,00
0206 10 95 9000	B02	EUR/100 kg net weight	46,00
	B03	EUR/100 kg net weight	13,00
	039	EUR/100 kg net weight	15,00
	809, 822	EUR/100 kg net weight	37,00

Product code	Destination	Unit of measurement	Refunds (7)
0206 29 91 9000	B02	EUR/100 kg net weight	46,00
	B03	EUR/100 kg net weight	13,00
	039	EUR/100 kg net weight	15,00
	809, 822	EUR/100 kg net weight	37,00
0210 20 90 9100	039	EUR/100 kg net weight	23,00
1602 50 10 9170 (8)	B02	EUR/100 kg net weight	22,50
	B03	EUR/100 kg net weight	15,00
	039	EUR/100 kg net weight	17,50
1602 50 31 9125 (5)	B00	EUR/100 kg net weight	88,50
1602 50 31 9325 (5)	B00	EUR/100 kg net weight	79,00
1602 50 39 9125 (5)	B00	EUR/100 kg net weight	88,50
1602 50 39 9325 (5)	B00	EUR/100 kg net weight	79,00
1602 50 39 9425 (5)	B00	EUR/100 kg net weight	30,00
1602 50 39 9525 (5)	B00	EUR/100 kg net weight	30,00
1602 50 80 9535 (8)	B00	EUR/100 kg net weight	17,50

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

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

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

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

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

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

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

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

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

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

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

The other destinations are defined as follows:

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

B02: B08, B09 and destination 220.

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

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

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

B11: Lebanon and Egypt.

**COMMISSION REGULATION (EC) No 1733/2003
of 30 September 2003**

initiating an investigation concerning the alleged circumvention of anti-dumping measures imposed by Council Regulation (EC) No 119/97 on imports of certain ring binder mechanisms originating in the People's Republic of China by imports of certain ring binder mechanisms consigned from Vietnam, whether declared as originating in Vietnam or not, and making such imports subject to registration

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

C. EXISTING MEASURES

Having regard to the Treaty establishing the European Community,

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

After having consulted the Advisory Committee,

Whereas:

A. REQUEST

- (1) The Commission has received a request pursuant to Article 13(3) of the basic Regulation to investigate the alleged circumvention of the anti-dumping measures imposed on imports of certain ring binder mechanisms originating in the People's Republic of China.
- (2) The request was lodged on 18 August 2003 by SX Büro-waren and Ringbuchtechnik Handelsgesellschaft GmbH on behalf of producers representing 100 % of the Community production of certain ring binder mechanisms.

B. PRODUCT

- (3) The product concerned by the allegation of circumvention are certain ring binder mechanisms originating in the People's Republic of China (the product concerned) normally declared under CN code ex 8305 10 00. These ring binder mechanisms consist of two rectangular steel sheets or wires with at least four half-rings made of steel wire fixed on it and which are kept together by a steel cover. They can be opened either by pulling the half-rings or by using a small steel-made trigger mechanism fixed to the product concerned ('certain ring binder mechanisms').
- (4) The product under investigation is certain ring binder mechanisms consigned from Vietnam (the product under investigation), normally declared under the same codes as the product concerned.
- (5) The CN codes are given for information only.

- (6) The measures currently in force and allegedly being circumvented are anti-dumping measures imposed by Council Regulation (EC) No 119/97 ⁽³⁾ as amended by Regulation (EC) No 2100/2000 ⁽⁴⁾.

D. GROUNDS

- (7) The request contains sufficient evidence, that the anti-dumping measures in force on imports of certain ring binder mechanisms originating in the People's Republic of China are being circumvented by means of transshipment via Vietnam of certain ring binder mechanisms.
- (8) The request shows that a significant change in the pattern of trade involving exports from the People's Republic of China and Vietnam to the Community has taken place following the imposition of measures on the product concerned, and that there is insufficient due cause or justification other than the imposition of the duty for such a change. This change in the pattern of trade appears to stem from a transshipment of certain ring binder mechanisms originating in the People's Republic of China via Vietnam.
- (9) Furthermore, the request contains sufficient evidence that the remedial effects of the existing anti-dumping measures on the product concerned are being undermined both in terms of quantity and price. Significant volumes of imports of certain ring binder mechanisms from Vietnam appear to have replaced imports of the product concerned. In addition, there is sufficient evidence that this increase in imports is made at prices well below the non-injurious price established in the investigation that led to the existing measures.
- (10) Finally, the request contains sufficient evidence that the prices of certain ring binder mechanisms consigned from Vietnam are dumped in relation to the normal value previously established for the product concerned.

E. PROCEDURE

- (11) In the light of the above, the Commission has concluded that sufficient evidence exists to justify the initiation of an investigation pursuant to Article 13 of the basic Regulation and to make imports of ring binder mechanisms consigned from Vietnam, whether declared as originating in Vietnam or not, subject to registration, in accordance with Article 14(5) of the basic Regulation.

⁽¹⁾ OJ L 56, 6.3.1996, p. 1.

⁽²⁾ OJ L 305, 7.11.2002, p. 1.

⁽³⁾ OJ L 22, 24.1.1997, p. 1.

⁽⁴⁾ OJ L 250, 5.10.2000, p. 1.

(a) Questionnaires

- (12) In order to obtain the information it deems necessary for its investigation, the Commission will send questionnaires to the exporters/producers in Vietnam, the exporters/producers in the People's Republic of China and to the importers in the Community known to the Commission or which cooperated in the investigation that led to the existing measures and to the authorities of the People's Republic of China and Vietnam. Information, as appropriate, may also be sought from the Community industry.
- (13) In any event, all interested parties should contact the Commission forthwith, but not later than the time limit set in Article 3 in order to find out whether they are listed in the request and, if necessary, request a questionnaire within the time limit set in Article 3(1) of this Regulation, given that the time limit set in Article 3(2) of this Regulation applies to all interested parties.
- (14) The authorities of the People's Republic of China and Vietnam will be notified of the initiation of the investigation and provided with a copy of the request.

(b) Collection of information and holding of hearings

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

(c) Exemption from registration of imports or measures

- (16) In accordance with Article 13(4) of the basic Regulation, imports of the product under investigation may be exempted from registration or measures if the importation does not constitute circumvention.
- (17) The alleged circumvention takes place outside the Community. Article 13 of the basic Regulation is aiming at countering circumvention practices without affecting operators which can prove that they are not involved in such practices, but it does not contain a specific provision providing for the treatment of exporters which could establish that they are not involved in circumvention practices. Therefore, it appears necessary to introduce a possibility for exporters concerned to request an exemption from the registration of imports of their exported products or from measures on these imports. Exporters wishing to obtain an exemption should apply for it and submit any requested questionnaire reply within the appropriate time limits, in order for it to be established that they are not circumventing the anti-dumping duties within the meaning of Article 13(1) of the basic Regulation. Importers could still benefit from exemption from registration or measures to the extent that their imports are from exporters which are granted such an exemption, and in accordance with Article 13(4).

F. REGISTRATION

- (18) Pursuant to Article 14(5) of the basic Regulation, imports of the product under investigation should be made subject to registration in order to ensure that, should the investigation result in findings of circumvention, anti-dumping duties of an appropriate amount can be levied retroactively from the date of registration, of such imports consigned from Vietnam.

G. TIME LIMITS

- (19) In the interest of sound administration, time limits should be stated within which:
- interested parties may make themselves known to the Commission, present their views in writing and submit questionnaire replies or any other information to be taken into account during the investigation,
 - interested parties may make a written request to be heard by the Commission.
- (20) Attention is drawn to the fact that the exercise of most procedural rights set out in the basic Regulation depends on the party's making itself known within the time limits mentioned in Article 3 of this Regulation.

H. NON-COOPERATION

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

HAS ADOPTED THIS REGULATION:

Article 1

An investigation is hereby initiated pursuant to Article 13(3) of Regulation (EC) No 384/96, in order to determine if imports into the Community of certain ring binder mechanisms, falling within CN code ex 8305 10 00 (TARIC codes 8305 10 00 11 and 8305 10 00 21), consigned from Vietnam, whether originating in Vietnam or not, are circumventing the measures imposed by Council Regulation (EC) No 119/97 as last amended by Regulation (EC) No 2100/2000.

For the purpose of this Regulation, ring binder mechanisms shall consist of two rectangular steel sheets or wires with at least four half-rings made of steel wire fixed on it and which are kept together by a steel cover. They can be opened either by pulling the half-rings or with a small steel-made trigger mechanism fixed to the ring binder mechanism.

Article 2

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

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

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

Article 3

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

2. Interested parties, if their representations are to be taken into account during the investigation, must make themselves known by contacting the Commission, present their views in writing and submit questionnaire replies or any other informa-

tion within 40 days from the date of the publication of this Regulation in the *Official Journal of the European Union*, unless otherwise specified.

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

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

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

Article 4

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, 30 September 2003.

For the Commission

Pascal LAMY

Member of the Commission

COMMISSION REGULATION (EC) No 1734/2003

of 30 October 2003

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

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

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

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

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

⁽¹⁾ OJ L 178, 30.6.2001, p. 1.

⁽²⁾ OJ L 104, 20.4.2002, p. 26.

⁽³⁾ OJ L 177, 15.7.2000, p. 1.

⁽⁴⁾ OJ L 106, 29.4.2003, p. 12.

⁽⁵⁾ OJ L 151, 19.6.2003, p. 1.

⁽⁶⁾ OJ L 163, 1.7.2003, p. 1.

⁽⁷⁾ OJ L 163, 1.7.2003, p. 19.

⁽⁸⁾ OJ L 163, 1.7.2003, p. 38.

⁽⁹⁾ OJ L 163, 1.7.2003, p. 56.

⁽¹⁰⁾ OJ L 163, 1.7.2003, p. 73.

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 1 October 2003.

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

Done at Brussels, 30 October 2003.

For the Commission

Erkki LIIKANEN

Member of the Commission

ANNEX

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

Product	Rate of refund in EUR/100 kg ⁽¹⁾	
	In case of advance fixing of refunds	Other
White sugar	48,88	48,88

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

COMMISSION REGULATION (EC) No 1735/2003

of 30 September 2003

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1255/1999 of 15 May 1999 on the common organisation of the market in milk and milk products ⁽¹⁾, as last amended by Regulation (EC) No 806/2003 ⁽²⁾, and in particular Article 31(3) thereof,

Whereas:

- (1) Article 31(1) of Regulation (EC) No 1255/1999 provides that the difference between prices in international trade for the products listed in Article 1(a), (b), (c), (d), (e), and (g) of that Regulation and prices within the Community may be covered by an export refund. Whereas Commission Regulation (EC) No 1520/2000 of 13 July 2000 laying down common implementing rules for granting export refunds on certain agricultural products exported in the form of goods not covered by Annex I to the Treaty, and criteria for fixing the amount of such refunds ⁽³⁾, as last amended by Regulation (EC) No 740/2003 ⁽⁴⁾, specifies the products for which a rate of refund should be fixed, to be applied where these products are exported in the form of goods listed in the Annex to Regulation (EC) No 1255/1999.
- (2) In accordance with the first subparagraph of Article 4(1) of Regulation (EC) No 1520/2000, the rate of the refund per 100 kilograms for each of the basic products in question must be fixed for each month.
- (3) Article 4(3) of Regulation (EC) No 1520/2000 provides that, when the rate of the refund is being fixed, account should be taken, where necessary, of production refunds, aids or other measures having equivalent effect applicable in all Member States in accordance with the Regulation on the common organisation of the market in the product in question to the basic products listed in Annex A to that Regulation or to assimilated products.

(4) Article 12(1) of Regulation (EC) No 1255/1999 provides for the payment of aid for Community-produced skimmed milk processed into casein if such milk and the casein manufactured from it fulfil certain conditions.

(5) Commission Regulation (EC) No 2571/97 of 15 December 1997 on the sale of butter at reduced prices and the granting of aid for cream, butter and concentrated butter for use in the manufacture of pastry products, ice-cream and other foodstuffs ⁽⁵⁾, as last amended by Regulation (EC) No 635/2000 ⁽⁶⁾, lays down that butter and cream at reduced prices should be made available to industries which manufacture certain goods.

(6) In accordance with Council Regulation (EC) No 1039/2003 of 2 June 2003 adopting autonomous and transitional measures concerning the importation of certain processed agricultural products originating in Estonia and the exportation of certain agricultural products to Estonia ⁽⁷⁾, Council Regulation (EC) No 1086/2003 of 18 June 2003 adopting autonomous and transitional measures concerning the importation of certain processed agricultural products originating in Slovenia and the exportation of certain processed agricultural products to Slovenia ⁽⁸⁾, Council Regulation (EC) No 1087/2003 of 18 June 2003 adopting autonomous and transitional measures concerning the importation of certain processed agricultural products originating in Latvia and the exportation of certain processed agricultural products to Latvia ⁽⁹⁾, Council Regulation (EC) No 1088/2003 of 18 June 2003 adopting autonomous and transitional measures concerning the importation of certain processed agricultural products originating in Lithuania and the exportation of certain processed agricultural products to Lithuania ⁽¹⁰⁾, Council Regulation (EC) No 1089/2003 of 18 June 2003 adopting autonomous and transitional measures concerning the importation of certain processed agricultural products originating in the Slovak Republic and the exportation of certain processed agricultural products to the Slovak Republic ⁽¹¹⁾ and Council Regulation (EC) No 1090/2003 of 18 June 2003 adopting autonomous and transitional measures concerning the importation of certain processed agricultural products originating in the Czech Republic and the exportation of certain processed agricultural products to the Czech Republic ⁽¹²⁾ with effect from 1 July 2003, processed agricultural products not listed in Annex I to the Treaty which are exported to Estonia, Slovenia, Latvia, Lithuania, Slovakia or Czech Republic are not eligible for export refunds.

⁽¹⁾ OJ L 160, 26.6.1999, p. 48.

⁽²⁾ OJ L 122, 16.5.2003, p. 1.

⁽³⁾ OJ L 177, 15.7.2000, p. 1.

⁽⁴⁾ OJ L 106, 29.4.2003, p. 12.

⁽⁵⁾ OJ L 350, 20.12.1997, p. 3.

⁽⁶⁾ OJ L 76, 25.3.2000, p. 9.

⁽⁷⁾ OJ L 151, 19.6.2003, p. 1.

⁽⁸⁾ OJ L 163, 1.7.2003, p. 1.

⁽⁹⁾ OJ L 163, 1.7.2003, p. 19.

⁽¹⁰⁾ OJ L 163, 1.7.2003, p. 38.

⁽¹¹⁾ OJ L 163, 1.7.2003, p. 56.

⁽¹²⁾ OJ L 163, 1.7.2003, p. 73.

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

HAS ADOPTED THIS REGULATION:

Article 1

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

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

Article 2

This Regulation shall enter into force on 1 October 2003.

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

Done at Brussels, 30 September 2003.

For the Commission

Erkki LIIKANEN

Member of the Commission

⁽¹⁾ OJ L 146, 13.6.2003, p. 10.

ANNEX

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

		(EUR/100 kg)
CN code	Description	Rate of refund ⁽¹⁾
ex 0402 10 19	Powdered milk, in granules or other solid forms, not containing added sugar or other sweetening matter, with a fat content not exceeding 1,5 % by weight (PG 2):	
	(a) On exportation of goods of CN code 3501	—
	(b) On exportation of other goods	57,00
ex 0402 21 19	Powdered milk, in granules or other solid forms, not containing added sugar or other sweetening matter, with a fat content of 26 % by weight (PG 3):	
	(a) Where goods incorporating, in the form of products assimilated to PG 3, reduced-price butter or cream obtained pursuant to Regulation (EC) No 2571/97 are exported	71,67
	(b) On exportation of other goods	98,00
ex 0405 10	Butter, with a fat content by weight of 82 % (PG 6):	
	(a) Where goods containing reduced-price butter or cream which have been manufactured in accordance with the conditions provided for in Regulation (EC) No 2571/97 are exported	93,00
	(b) On exportation of goods of CN code 2106 90 98 containing 40 % or more by weight of milk fat	185,25
	(c) On exportation of other goods	178,00

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

**COMMISSION REGULATION (EC) No 1736/2003
of 30 September 2003
fixing the import duties in the cereals sector**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organisation of the market in cereals ⁽¹⁾, as last amended by Regulation (EC) No 1104/2003 ⁽²⁾,

Having regard to Commission Regulation (EC) No 1249/96 of 28 June 1996 laying down detailed rules for the application of Council Regulation (EEC) No 1766/92 as regards import duties in the cereals sector ⁽³⁾, as last amended by Regulation (EC) No 1110/2003 ⁽⁴⁾, and in particular Article 2(1) thereof,

Whereas:

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 1 October 2003.

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

Done at Brussels, 30 September 2003.

For the Commission

J. M. SILVA RODRÍGUEZ

Agriculture Director-General

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 158, 27.6.2003, p. 1.

⁽³⁾ OJ L 161, 29.6.1996, p. 125.

⁽⁴⁾ OJ L 158, 27.6.2003, p. 12.

ANNEX I

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

CN code	Description	Import duty ⁽¹⁾ (EUR/tonne)
1001 10 00	Durum wheat high quality	0,00
	medium quality	0,00
	low quality	0,00
1001 90 91	Common wheat seed	0,00
ex 1001 90 99	Common high quality wheat other than for sowing	0,00
1002 00 00	Rye	15,61
1005 10 90	Maize seed other than hybrid	50,46
1005 90 00	Maize other than seed ⁽²⁾	50,46
1007 00 90	Grain sorghum other than hybrids for sowing	15,61

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

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

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

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

ANNEX II

Factors for calculating duties

(period from 16 September to 29 September 2003)

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

Exchange quotations	Minneapolis	Chicago	Minneapolis	Minneapolis	Minneapolis	Minneapolis
Product (% proteins at 12 % humidity)	HRS2. 14 %	YC3	HAD2	Medium quality (*)	Low quality (**)	US barley 2
Quotation (EUR/t)	129,05 (****)	77,89	165,49 (***)	155,49 (***)	135,49 (***)	114,05 (***)
Gulf premium (EUR/t)	—	11,07	—	—	—	—
Great Lakes premium (EUR/t)	12,85	—	—	—	—	—

(*) A discount of 10 EUR/t (Article 4(3) of Regulation (EC) No 1249/96).

(**) A discount of 30 EUR/t (Article 4(3) of Regulation (EC) No 1249/96).

(***) Fob Duluth.

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

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

Freight/cost: Gulf of Mexico–Rotterdam: 17,62 EUR/t; Great Lakes–Rotterdam: 27,37 EUR/t.

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

**COMMISSION REGULATION (EC) No 1737/2003
of 30 September 2003
determining the world market price for unginned cotton**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

Whereas:

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

The world price for unginned cotton as referred to in Article 4 of Regulation (EC) No 1051/2001 is hereby determined as equalling EUR 29,634/100 kg.

Article 2

This Regulation shall enter into force on 1 October 2003.

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

Done at Brussels, 30 September 2003.

For the Commission

J. M. SILVA RODRÍGUEZ

Agriculture Director-General

⁽¹⁾ OJ L 148, 1.6.2001, p. 1.

⁽²⁾ OJ L 148, 1.6.2001, p. 3.

⁽³⁾ OJ L 210, 3.8.2001, p. 10.

⁽⁴⁾ OJ L 223, 20.8.2002, p. 3.

COMMISSION REGULATION (EC) No 1738/2003
of 30 September 2003
amending the corrective amount applicable to the refund on cereals

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organisation of the market in cereals ⁽¹⁾, as last amended by Regulation (EC) No 1104/2003 ⁽²⁾, and in particular Article 13(8) thereof,

Whereas:

- (1) The corrective amount applicable to the refund on cereals was fixed by Commission Regulation (EC) No 1694/2003 ⁽³⁾.
- (2) On the basis of today's cif prices and cif forward delivery prices, taking foreseeable developments on the market into account, the corrective amount at present applicable to the refund on cereals should be altered.

- (3) The corrective amount must be fixed according to the same procedure as the refund. It may be altered in the period between fixings,

HAS ADOPTED THIS REGULATION:

Article 1

The corrective amount referred to in Article 1(1)(a), (b) and (c) of Regulation (EEC) No 1766/92 which is applicable to the export refunds fixed in advance in respect of the products referred to, except for malt, is hereby altered to the amounts set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 October 2003.

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

Done at Brussels, 30 September 2003.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 158, 27.6.2003, p. 1.

⁽³⁾ OJ L 240, 26.9.2003, p. 27.

ANNEX

**to the Commission Regulation of 30 September 2003 altering the corrective amount applicable to the refund
on cereals**

(EUR/t)

Product code	Destination	Current 10	1st period 11	2nd period 12	3rd period 1	4th period 2	5th period 3	6th period 4
1001 10 00 9200	—	—	—	—	—	—	—	—
1001 10 00 9400	—	—	—	—	—	—	—	—
1001 90 91 9000	—	—	—	—	—	—	—	—
1001 90 99 9000	—	—	—	—	—	—	—	—
1002 00 00 9000	—	—	—	—	—	—	—	—
1003 00 10 9000	—	—	—	—	—	—	—	—
1003 00 90 9000	—	—	—	—	—	—	—	—
1004 00 00 9200	—	—	—	—	—	—	—	—
1004 00 00 9400	A00	0	0	0	0	0	—	—
1005 10 90 9000	—	—	—	—	—	—	—	—
1005 90 00 9000	—	—	—	—	—	—	—	—
1007 00 90 9000	—	—	—	—	—	—	—	—
1008 20 00 9000	—	—	—	—	—	—	—	—
1101 00 11 9000	—	—	—	—	—	—	—	—
1101 00 15 9100	A00	0	0	0	0	0	—	—
1101 00 15 9130	A00	0	0	0	0	0	—	—
1101 00 15 9150	A00	0	0	0	0	0	—	—
1101 00 15 9170	A00	0	0	0	0	0	—	—
1101 00 15 9180	A00	0	0	0	0	0	—	—
1101 00 15 9190	—	—	—	—	—	—	—	—
1101 00 90 9000	—	—	—	—	—	—	—	—
1102 10 00 9500	A00	0	0	0	0	0	—	—
1102 10 00 9700	A00	0	0	0	0	0	—	—
1102 10 00 9900	—	—	—	—	—	—	—	—
1103 11 10 9200	A00	0	0	0	0	0	—	—
1103 11 10 9400	A00	0	0	0	0	0	—	—
1103 11 10 9900	—	—	—	—	—	—	—	—
1103 11 90 9200	A00	0	0	0	0	0	—	—
1103 11 90 9800	—	—	—	—	—	—	—	—

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

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

**COMMISSION REGULATION (EC) No 1739/2003
of 30 September 2003**

**reducing, for the 2003/2004 marketing year, the guaranteed quantity under the production quotas
for the sugar sector and the presumed maximum supply needs of sugar refineries under preferen-
tial imports**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1260/2001 of 19 June 2001 on the common organisation of the markets in the sugar sector ⁽¹⁾, as amended by Commission Regulation (EC) No 680/2002 ⁽²⁾, and in particular Articles 10(6) and 39(6) thereof,

Whereas:

(1) Article 10(3) and (4) of Regulation (EC) No 1260/2001 lay down that the guaranteed quantity under production quotas should be reduced before 1 October each marketing year if the forecasts for the year in question show an exportable balance (attracting a refund) greater than the maximum laid down by the Agriculture Agreement concluded under Article 300(2) of the Treaty.

(2) The forecasts for the 2003/2004 marketing year indicate an exportable balance exceeding the maximum laid down by the Agriculture Agreement. It is therefore necessary to set the overall reduction of the guaranteed quantity and divide it up between sugar, isoglucose and inulin syrup on the one hand and the production regions concerned on the other, using the coefficients provided for in Article 10(4) of Regulation (EC) No 1260/2001.

(3) In accordance with Article 10(5) of Regulation (EC) No 1260/2001, each Member State must then allocate the difference to which it is subject among the producer undertakings established on its territory on the basis of the existing ratio between their A and B quotas for the product in question and the basic quantity A and the basic quantity B for the Member State for this product.

(4) Article 39(5) of Regulation (EC) No 1260/2001 lays down that a reduction in the guaranteed quantity entails a reduction in the presumed maximum raw sugar needs of Community refineries for the marketing year in question. It is therefore necessary to set the corresponding reduction for these needs and to allocate it among the Member States concerned.

(5) The time limits by which the Member States must establish the reductions applying to each undertaking on their territory should be set.

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

HAS ADOPTED THIS REGULATION:

Article 1

1. Pursuant to Article 10(4) of Regulation (EC) No 1260/2001, the guaranteed quantity under production quotas for the 2003/2004 marketing year shall be reduced by 215 513 tonnes in white sugar equivalent.

2. The reduction referred to in paragraph 1 shall be allocated by product and by region in accordance with Annex I.

The basic quantities, after reduction, used to allocate the production quotas to producer undertakings for the 2003/2004 marketing year shall be as set out in Annex II.

3. The Member States shall establish before 1 November 2003 the specific reduction for each producer undertaking to which a production quota for the 2003/2004 marketing year has been assigned, and its A and B quotas adjusted in accordance with this reduction.

Article 2

1. Pursuant to Article 39(5) of Regulation (EC) No 1260/2001, the presumed maximum supply needs of Community refineries for the 2003/2004 marketing year shall be reduced by 2 691,5 tonnes in white sugar equivalent.

2. The reduction referred to in paragraph 1 shall be allocated among the Member States in accordance with Annex III.

Article 3

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

⁽¹⁾ OJ L 178, 30.6.2001, p. 1.

⁽²⁾ OJ L 104, 20.4.2002, p. 26.

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

Done at Brussels, 30 September 2003.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX I

ALLOCATION BY PRODUCT AND REGION OF THE REDUCTION IN THE GUARANTEED QUANTITY

1. Basic quantities A

Regions	Reduction for A sugar ⁽¹⁾	Reduction for A isoglucose ⁽²⁾	Reduction for A inulin syrup ⁽³⁾
Denmark	5 622,0		
Germany	46 456,4	447,3	
Greece	2 552,5	163,0	
Spain	5 467,6	712,9	
France (metropolitan) ⁽⁴⁾	44 063,3	262,1	269,6
French overseas departments ⁽⁴⁾	3 987,8		
Ireland	1 601,9		
Italy	17 046,4	256,6	
Netherlands	11 033,4	115,0	889,5
Austria	4 685,3		
Portugal (mainland)	480,0	125,4	
Autonomous region of the Azores	80,0		
Finland	1 174,4	99,3	
Sweden	2 960,6		
Belgium/Luxembourg Economic Union	9 547,2	967,8	2 545,7
United Kingdom	9 153,8	363,5	

⁽¹⁾ In tonnes of white sugar.

⁽²⁾ In tonnes of dry matter.

⁽³⁾ In tonnes of dry matter expressed as white sugar/isoglucose equivalent.

⁽⁴⁾ Account has been taken of the second subparagraph of Article 12(3) of Regulation (EC) No 1260/2001.

2. Basic quantities B

Regions	Reduction for B sugar ⁽¹⁾	Reduction for B isoglucose ⁽²⁾	Reduction for B inulin syrup ⁽³⁾
Denmark	1 656,3		
Germany	14 294,5	105,3	
Greece	255,2	38,4	
Spain	227,7	76,0	
France (metropolitan) ⁽⁴⁾	13 068,1	68,2	63,4
French overseas departments ⁽⁴⁾	426,3		
Ireland	160,2		
Italy	3 205,9	60,4	
Netherlands	2 910,2	27,1	208,9
Austria	1 093,6		
Portugal (mainland)	47,9	29,5	
Autonomous region of the Azores	8,1		
Finland	117,4	9,9	
Sweden	296,1		
Belgium/Luxembourg Economic Union	2 049,9	266,1	599,3
United Kingdom	915,4	97,0	

⁽¹⁾ In tonnes of white sugar.

⁽²⁾ In tonnes of dry matter.

⁽³⁾ In tonnes of dry matter expressed as white sugar/isoglucose equivalent.

⁽⁴⁾ Account has been taken of the second subparagraph of Article 12(3) of Regulation (EC) No 1260/2001.

ANNEX II

BASIC QUANTITIES USED TO ALLOCATE THE A AND B PRODUCTION QUOTAS AFTER REDUCTION OF THE GUARANTEED QUANTITY

1. Basic quantities A

Regions	Basic quantity for A sugar ⁽¹⁾	Basic quantity for A isoglucose ⁽²⁾	Basic quantity for A inulin syrup ⁽³⁾
Denmark	319 378,0	—	—
Germany	2 566 456,9	28 196,0	—
Greece	286 085,5	10 272,0	—
Spain	951 614,8	73 906,7	—
France (metropolitan) ⁽⁴⁾	2 492 424,1	15 485,0	19 577,5
French overseas departments ⁽⁴⁾	429 884,2	—	—
Ireland	179 543,3	—	—
Italy	1 293 857,5	16 175,5	—
Netherlands	673 079,0	7 249,6	64 629,9
Austria	309 343,6	—	—
Portugal (mainland)	62 900,2	7 901,6	—
Autonomous region of the Azores	8 968,2	—	—
Finland	131 631,9	10 692,7	—
Sweden	331 823,6	—	—
Belgium/Luxembourg Economic Union	665 358,3	55 182,8	171 672,9
United Kingdom	1 025 961,6	21 138,5	—

⁽¹⁾ In tonnes of white sugar.⁽²⁾ In tonnes of dry matter.⁽³⁾ In tonnes of dry matter expressed as white sugar/isoglucose equivalent.⁽⁴⁾ Account has been taken of the second subparagraph of Article 12(3) of Regulation (EC) No 1260/2001.**2. Basic quantities B**

Regions	Basic quantity for B sugar ⁽¹⁾	Basic quantity for B isoglucose ⁽²⁾	Basic quantity for B inulin syrup ⁽³⁾
Denmark	94 089,2	—	—
Germany	789 687,7	6 640,2	—
Greece	28 608,6	2 419,1	—
Spain	39 650,8	7 883,4	—
France (metropolitan) ⁽⁴⁾	739 191,4	4 030,4	4 610,8
French overseas departments ⁽⁴⁾	45 946,2	—	—
Ireland	17 954,3	—	—
Italy	243 333,4	3 809,4	—
Netherlands	177 536,9	1 707,4	15 221,6
Austria	72 203,9	—	—
Portugal (mainland)	6 290,1	1 860,8	—
Autonomous region of the Azores	896,7	—	—
Finland	13 163,0	1 069,8	—
Sweden	33 181,9	—	—
Belgium/Luxembourg Economic Union	142 856,2	15 174,9	40 428,9
United Kingdom	102 596,1	5 638,3	—

⁽¹⁾ In tonnes of white sugar.⁽²⁾ In tonnes of dry matter.⁽³⁾ In tonnes of dry matter expressed as white sugar/isoglucose equivalent.⁽⁴⁾ Account has been taken of the second subparagraph of Article 12(3) of Regulation (EC) No 1260/2001.

ANNEX III

BREAKDOWN BY MEMBER STATE OF THE REDUCTION IN MAXIMUM PRESUMED REFINERY SUPPLY NEEDS, IN TONNES OF WHITE SUGAR

Maximum needs prior to application of the reduction	Reduction	Maximum needs after application of the reduction
Finland	90,8	59 834,2
Metropolitan France	449,3	296 177,7
Mainland Portugal	441,8	291 191,2
United Kingdom	1 709,6	1 126 871,4

COMMISSION REGULATION (EC) No 1740/2003
of 30 September 2003
amending Regulation (EC) No 1555/96 as regards the trigger levels for additional duties on
tomatoes

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2200/96 of 28 October 1996 on the common organisation of the market in fruit and vegetables ⁽¹⁾, as last amended by Commission Regulation (EC) No 47/2003 ⁽²⁾, and in particular Article 33(4) thereof,

Whereas:

- (1) Commission Regulation (EC) No 1555/96 of 30 July 1996 on rules of application for additional import duties on fruit and vegetables ⁽³⁾, as last amended by Regulation (EC) No 1487/2003 ⁽⁴⁾, provides for surveillance of imports of the products listed in the Annex thereto. That surveillance is to be carried out in accordance with the rules laid down in Article 308d of Commission Regulation (EEC) No 2454/93 of 2 July 1993 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code ⁽⁵⁾, as last amended by Regulation (EC) No 1335/2003 ⁽⁶⁾.

- (2) For the purposes of Article 5(4) of the Agreement on Agriculture ⁽⁷⁾ concluded during the Uruguay Round of multilateral trade negotiations and in the light of the latest data available for 2000, 2001 and 2002, the trigger levels for additional duties on tomatoes should be adjusted.

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

HAS ADOPTED THIS REGULATION:

Article 1

The Annex to Regulation (EC) No 1555/96 is replaced by the Annex hereto.

Article 2

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

It shall apply from 1 October 2003.

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

Done at Brussels, 30 September 2003.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 297, 21.11.1996, p. 1.

⁽²⁾ OJ L 7, 11.1.2003, p. 64.

⁽³⁾ OJ L 193, 3.8.1996, p. 1.

⁽⁴⁾ OJ L 213, 23.8.2003, p. 7.

⁽⁵⁾ OJ L 253, 11.10.1993, p. 1.

⁽⁶⁾ OJ L 187, 26.7.2003, p. 16.

⁽⁷⁾ OJ L 336, 23.12.1994, p. 22.

ANNEX

‘ANNEX

Without prejudice to the rules governing the interpretation of the Combined Nomenclature, the description of the products is deemed to be indicative only. The scope of the additional duties for the purposes of this Annex is determined by the scope of the CN codes as they exist at the time of the adoption of this Regulation. Where “ex” appears before the CN code, the scope of the additional duties is determined both by the scope of the CN code and the corresponding trigger period.

Serial No	CN code	Description	Trigger period	Trigger levels (in tonnes)
78.0015 78.0020	ex 0702 00 00	Tomatoes	— 1 October to 31 March — 1 April to 30 September	182 801 25 438
78.0065 78.0075	ex 0707 00 05	Cucumbers	— 1 May to 31 October — 1 November to 30 April	7 037 4 555
78.0085	ex 0709 10 00	Artichokes	— 1 November to 30 June	1 109
78.0100	0709 90 70	Courgettes	— 1 January to 31 December	50 201
78.0110	ex 0805 10 10 ex 0805 10 30 ex 0805 10 50	Oranges	— 1 December to 31 May	331 166
78.0120	ex 0805 20 10	Clementines	— 1 November to end of February	81 509
78.0130	ex 0805 20 30 ex 0805 20 50 ex 0805 20 70 ex 0805 20 90	Mandarins (including tangerines and satsumas); wilkings and similar citrus hybrids	— 1 November to end of February	85 422
78.0155 78.0160	ex 0805 50 10	Lemons	— 1 June to 31 December — 1 January to 31 May	183 211 63 096
78.0170	ex 0806 10 10	Table grapes	— 21 July to 20 November	62 108
78.0175 78.0180	ex 0808 10 20 ex 0808 10 50 ex 0808 10 90	Apples	— 1 January to 31 August — 1 September to 31 December	642 617 42 076
78.0220 78.0235	ex 0808 20 50	Pears	— 1 January to 30 April — 1 July to 31 December	212 016 84 984
78.0250	ex 0809 10 00	Apricots	— 1 June to 31 July	24 312
78.0265	ex 0809 20 95	Cherries, other than sour cherries	— 21 May to 10 August	62 483
78.0270	ex 0809 30	Peaches, including nectarines	— 11 June to 30 September	113 101
78.0280	ex 0809 40 05	Plums	— 11 June to 30 September	18 236'

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 24 September 2003

on an additional financial contribution from the Community towards the costs of the eradication of foot-and-mouth disease in the United Kingdom in 2001

(notified under document number C(2003) 3325)

(Only the English text is authentic)

(2003/676/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Decision 90/424/EEC of 26 June 1990 on expenditure in the veterinary field ⁽¹⁾, as last amended by Regulation (EC) No 806/2003 ⁽²⁾, and in particular Article 3(3) and Article 11 thereof,

Whereas:

(1) As soon as the presence of foot-and-mouth disease was officially confirmed in 2001, the United Kingdom reported that it had immediately implemented control measures to be applied in the event of an outbreak of that disease as provided for in Directive 85/511/EEC of 18 November 1985 introducing Community measures for the control of foot-and-mouth disease ⁽³⁾, as last amended by Commission Decision 2003/11/EC ⁽⁴⁾, as required in order to obtain a financial contribution from the Community for the eradication of the disease in accordance with Decision 90/424/EEC.

(2) Foot-and-mouth disease represents a serious danger to Community stocks. Accordingly, in order to prevent the spread of that disease and contribute to its eradication, the Community should contribute to eligible expenditures incurred by the United Kingdom. Accordingly, it is appropriate that a financial contribution from the Community should be granted to the United Kingdom

under the provisions of Decision 90/424/EEC in order to cover the costs related to the outbreak of foot-and-mouth disease in 2001.

(3) Under Commission Decisions 2001/654/EC ⁽⁵⁾ and 2003/23/EC ⁽⁶⁾, a Community financial contribution was granted towards the compensation of owners for value of animals compulsorily slaughtered under eradication measures relating to outbreaks of foot-and-mouth disease in 2001. A financial contribution from the Community should also be granted towards the operational costs associated with the slaughter of those animals and toward other costs directly linked to other eradication measures.

(4) Pursuant to Article 3(2) of Council Regulation (EC) No 1258/1999 of 17 May 1999 on the financing of the common agriculture policy ⁽⁷⁾, veterinary and plant health measures undertaken in accordance with Community rules are to be financed under the Guarantee Section of the European Agricultural Guidance and Guarantee Fund; Articles 8 and 9 of that Regulation are to apply for financial control purposes.

(5) The United Kingdom introduced on 27 February 2003 a claim for the reimbursement of other costs related to the eradication of foot-and-mouth disease in 2001. It was provided in computerised form in line with the format already established by Decision 2003/182/EC of 14 March 2003, on a financial contribution from the Community towards the operational costs of the eradication of foot-and-mouth disease in the Netherlands in

⁽¹⁾ OJ L 224, 18.8.1990, p. 19.

⁽²⁾ OJ L 122, 16.5.2003, p. 1.

⁽³⁾ OJ L 315, 26.11.1985, p. 11.

⁽⁴⁾ OJ L 7, 11.1.2003, p. 82.

⁽⁵⁾ OJ L 230, 28.8.2001, p. 16.

⁽⁶⁾ OJ L 8, 14.1.2003, p. 41.

⁽⁷⁾ OJ L 160, 26.6.1999, p. 103.

2001⁽¹⁾, and the two other Decisions adopted simultaneously for France and Ireland. Therefore, it is not necessary to request that the United Kingdom submits a further claim according to a certain format. However, in order to secure the equal treatment of the Member States, an opportunity should be given to the United Kingdom authorities to complete the claim of 27 February 2003 within 30 calendar days of the date of notification of this Decision.

- (6) Having regard to the budgetary appropriations available in 2003 and having regard to the ongoing verification of the eligible expenditures, the financial contribution towards these costs should, on condition that credits are made available, be limited at this stage to an advance payment of EUR 40 million.
- (7) The financial contribution from the Community should be granted subject to the measures planned having been carried out efficiently and the competent authorities supplying all the necessary information.
- (8) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS DECISION:

Article 1

Payment of an advance to the financial contribution from the Community to the United Kingdom

Subject to budgetary availability of the corresponding funds the United Kingdom may obtain an advance payment of EUR 40 million to the additional financial contribution from the Community for the eradication of foot-and-mouth disease in the United Kingdom in 2001. This additional contribution may cover eligible expenditure for the costs of the measures foreseen in Article 11(4) under (a)(i) to (iv) and (b) of Council Decision 90/424/EEC, except for compensation for the value of the animals, already provided for in accordance with Decisions 2001/654/EC and 2003/23/EC.

Article 2

Definitions

For the purpose of this Decision, the following definitions shall apply:

- (a) 'reasonable payments', means payments for the purchase of materials or services at proportionate prices compared to the market prices before the outbreak of the foot-and-mouth disease;

- (b) 'justified payments', means payments for the purchase of materials or services of which the nature and the direct link with the compulsory slaughter of animals in the holdings is demonstrated.

Article 3

The eligible expenditure covered by the financial contribution from the Community

1. The financial contribution from the Community as referred to in Article 1 shall only be made in respect of justified and reasonable payments for the eligible costs as set out in the Annex.
2. The financial contribution from the Community as referred to in Article 1 shall exclude:
 - (a) value added tax;
 - (b) salaries of civil servants;
 - (c) use of public material other than consumables.

Article 4

Conditions for payment and supporting documentation

1. The balance of the financial contribution by the Community shall be fixed in a later Decision taken in accordance with the procedure laid down in Article 41 of Decision 90/424/EEC. It will be based on:
 - (a) the claim submitted on 27 February 2003 as eventually completed within the time limit as provided for in paragraph 2;
 - (b) detailed documents confirming the figures in the claim referred to in point (a);
 - (c) the results of the on-the-spot checks by the Commission as referred in Article 5.

The documents referred to in point (b) shall be made available for on-the-spot audits by the Commission.

2. The complement to the claim referred to in paragraph 1(a) shall be provided in computerised form identical to the claim of 27 February 2003 within 30 calendar days of the date of notification of this Decision. When that time limit is not observed, the financial contribution from the Community to the eligible expenditure of this complement shall be reduced by 25 % for every month of delay.

Article 5

On-the-spot checks by the Commission

The Commission may make on-the-spot checks, with the cooperation of the competent national authorities, on the implementation of the foot-and-mouth eradication measures referred to in Article 1 and the related costs incurred.

⁽¹⁾ OJ L 71, 15.3.2003, p. 19.

*Article 6***Addressee**

This Decision is addressed to the United Kingdom of Great Britain and Northern Ireland.

Done at Brussels, 24 September 2003.

For the Commission

David BYRNE

Member of the Commission

ANNEX**Eligible costs as referred to in Article 3**

1. Costs for the slaughter of the animals:
 - (a) salaries and fees of the slaughter-men;
 - (b) consumables and specific equipment used for the slaughter;
 - (c) materials used for the transport of the animals to the slaughter-place.
 2. Costs for the destruction of animals:
 - (a) rendering: transport of carcasses to the rendering plant, treatment of carcasses in the rendering plant and destruction of the meal;
 - (b) burying: staff specifically employed, materials specifically rented for the transport and the burying of the carcasses and products used for the disinfection of the holding;
 - (c) burning: staff specifically employed, combustibles or other materials used, materials specifically rented for the transport of the carcasses and products used for the disinfection of the plant.
 3. Cost for the destruction of milk:
 - (a) compensation at market price of the milk;
 - (b) destruction of the milk.
 4. Costs for the cleaning, disinfection and disinsectisation of holdings:
 - (a) products used for cleaning, disinfection and disinsectisation;
 - (b) salaries and fees for the staff specifically employed.
 5. Costs for the destruction of contaminated feedingstuffs:
 - (a) compensation at purchase price of the feedingstuffs;
 - (b) destruction of the feedingstuffs.
 6. Cost for the compensation of contaminated equipment at market value and destruction of such equipment. Costs of compensation for reconstruction or renewal of farm buildings and infrastructure costs are ineligible.
-

COMMISSION DECISION
of 24 September 2003
concerning a Community financial contribution for the eradication of ovine catarrhal fever in Italy
in 2001 and 2002

(notified under document number C(2003) 3326)

(Only the Italian text is authentic)

(2003/677/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Decision 90/424/EEC of 26 June 1990 on expenditure in the veterinary field ⁽¹⁾, as last amended by Regulation (EC) No 806/2003 ⁽²⁾, and in particular Article 3(3) and Article 5(3) thereof,

Whereas:

- (1) Outbreaks of ovine catarrhal fever occurred in Italy in 2001 and 2002, representing a serious danger to the Community livestock population.
- (2) With a view to helping to eradicate the disease as rapidly as possible, the Community may contribute financially to eligible expenditure borne by the Member State, as provided for in Decision 90/424/EEC.
- (3) Pursuant to Article 3(2) of Council Regulation (EC) No 1258/1999 of 17 May 1999 on the financing of the common agricultural policy ⁽³⁾, veterinary and plant health measures undertaken in accordance with Community rules shall be financed under the 'Guarantee' section of the European Agricultural Guidance and Guarantee Fund. The auditing of these measures comes under Articles 8 and 9 of the said Regulation.
- (4) The payment of the financial contribution from the Community must be subject to the condition that the actions planned have been efficiently carried out and that the authorities supply all the necessary information within the time limits laid down.
- (5) On 17 July 2002, Italy presented an application for the reimbursement of its costs for eradicating the disease. According to the information available, around 170 000 sheep and goats were slaughtered.
- (6) Pending checks by the Commission, it is now necessary to set the amount of an advance on the Community financial assistance. This advance must be 50 % of the Community contribution based on an estimate of the cost of compensation for livestock and reimbursement of other costs.

- (7) The terms 'swift and adequate compensation of the livestock farmers' used in Article 3 of Decision 90/424/EEC, 'reasonable payments' and 'justified payments' and the categories of eligible expenditure under 'other costs' associated with the compulsory slaughter must all be defined.
- (8) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS DECISION:

Article 1

Granting of Community financial assistance to Italy

In order to eradicate ovine catarrhal fever in 2001 and 2002, Italy is eligible for a Community financial contribution equal to 50 % of the expenses incurred for:

- (a) the swift and adequate compensation of the livestock farmers forced to cull their animals as part of the measures to combat the outbreaks of ovine catarrhal fever that occurred in 2001 and 2002, pursuant to the seventh indent of Article 3(2) of Decision 90/424/EEC and this decision;
- (b) the destruction of the contaminated animals and disinsection, under the conditions provided for in the first, second and third indents of Article 3(2) of Decision 90/424/EEC and this decision.

Article 2

Definitions

The following definitions apply to this decision:

- (a) 'swift and adequate compensation': payment, within 90 days of the slaughter of the animals, of compensation corresponding to the market value of the animals immediately before they became infected or were slaughtered or destroyed;

⁽¹⁾ OJ L 224, 18.8.1990, p. 19.

⁽²⁾ OJ L 122, 16.5.2003, p. 1.

⁽³⁾ OJ L 160, 26.6.1999, p. 103.

- (b) 'reasonable payments': payments made for the purchase of equipment or services at proportionate prices compared to the market prices that applied before the outbreak;
- (c) 'justified payments': payments made for the purchase of equipment or services in accordance with Article 3(2) of Decision 90/424/EEC, where their nature and direct link to the compulsory slaughter of animals on holdings have been demonstrated.

Article 3

Payment arrangements

1. Subject to the results of the checks referred to in Article 6 below, an advance of EUR 4 000 000 shall be paid, as part of the Community financial contribution mentioned in Article 1, on the basis of supporting documents submitted by Italy relating to the swift and adequate compensation of owners for the compulsory slaughter, the destruction of the animals and, if necessary, the products used for the disinsectisation of the holdings.

2. Once the inspections referred to in Article 6 have been carried out, the Commission shall decide on the balance in accordance with the procedure provided for in Article 41 of Decision 90/424/EEC.

Article 4

Eligible expenditure covered by the Community contribution

1. The non-compliance of the Italian authorities with the payment deadline referred to in Article 2(a) has led to a reduction in the eligible amounts, in accordance with the rules below:

- 25 % reduction for payments made between 91 and 105 days after slaughter of the animals,
- 50 % reduction for payments made between 106 and 120 days after slaughter of the animals,
- 75 % reduction for payments made between 121 and 135 days after slaughter of the animals,
- 100 % reduction for payments made later than 136 days after slaughter of the animals.

However, the Commission will apply a different scale and/or lower reduction rates (or a zero reduction rate) if specific management conditions can be demonstrated for certain measures or if Italy provides a well-grounded justification for the delay.

2. The Community financial contribution referred to in Article 1(b) relates only to justified and reasonable payments for the eligible expenditure mentioned in Annex I.

3. It does not include:

- (a) value added tax;
- (b) officials' wages;
- (c) the use of public equipment, except consumables.

Article 5

Payment conditions and supporting documents

1. The Community financial contribution referred to in Article 1 is paid on the basis of the following documents:

- (a) an application submitted in accordance with Annexes II and III, within the deadline in paragraph 2;
- (b) the supporting documents in Article 3(1), including an epidemiological report on each holding where animals have been culled and destroyed, as well as a financial report;
- (c) the results of any *in situ* Commission inspections, as referred to in Article 6.

The documents referred to in (b) above must be made available for the Commission's *in situ* audits.

2. The application referred to in paragraph 1(a) must be provided in computerised form in accordance with Annexes II and III within 30 calendar days of the date of notification of this Decision. If this time limit is not observed, the financial contribution from the Community shall be reduced by 25 % for every month of delay.

Article 6

Commission *in situ* inspections

The Commission, in collaboration with the competent Italian authorities, may conduct *in situ* inspections relating to the implementation of the measures in Article 1 and the associated costs.

Article 7

Addressee

This Decision is addressed to the Italian Republic.

Done at Brussels, 24 September 2003.

For the Commission

David BYRNE

Member of the Commission

ANNEX I

Eligible expenditure, as referred to in Article 4(2)

1. Costs associated with slaughtering the animals:
 - (a) wages and remuneration for workers specifically employed to slaughter the animals;
 - (b) consumables and equipment used specifically for the slaughtering.
 2. Costs associated with destroying the animals:
 - (a) rendering: staff specifically employed, transport of carcasses to the rendering plant, processing of the carcasses in the rendering plant and destruction of the meals;
 - (b) burial: staff specifically employed, equipment expressly hired to transport and bury the carcasses and products used for disinfecting the holding;
 - (c) incineration: staff specifically employed, fuel or other equipment used, equipment expressly hired to transport the carcasses and products used for disinfecting the holding.
 3. Costs associated with the disinsectisation of the holdings:
 - (a) products used for the disinsectisation;
 - (b) wages and remuneration for staff specifically employed.
-

ANNEX III

Application for a contribution towards compensation for other eligible costs associated with the compulsory slaughter

'Other costs' for holding No . . . (not including compensation for the value of the animals)	
Category	Amount (not including VAT)
Slaughter	
Destruction (transport and processing)	
Disinsectisation (wages and products)	
Total	

COMMISSION DECISION

of 24 September 2003

on a first financial contribution from the Community towards the eligible costs of the eradication of avian influenza in the Netherlands in 2003*(notified under document number C(2003) 3327)***(Only the Dutch text is authentic)**

(2003/678/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Decision 90/424/EEC of 26 June 1990 on expenditure in the veterinary field ⁽¹⁾, as last amended by Regulation (EC) No 806/2003 ⁽²⁾, and in particular Articles 3(3) and 5(3) thereof,

Whereas:

- (1) As soon as the presence of avian influenza was officially confirmed in 2003, the Netherlands reported that it had immediately implemented the control measures to be applied in the event of an outbreak of that disease as provided for in Council Directive 92/40/EEC of 19 May 1992 introducing Community measures for the control of avian influenza ⁽³⁾, as last amended by the Act of Accession of Austria, Finland and Sweden, as required in order to obtain a financial contribution from the Community for the eradication of the disease in accordance with Decision 90/424/EEC.
- (2) Avian influenza represents a serious danger to Community stocks. Accordingly, in order to prevent the spread of that disease and contribute to its eradication, the Community should contribute to eligible expenditures incurred by the Netherlands. It is therefore appropriate that a financial contribution from the Community should be granted to the Netherlands under the provisions of Decision 90/424/EEC in order to cover the costs related to the outbreak of avian influenza in 2003.
- (3) It is necessary to clarify the concepts of 'swift and adequate compensation of the livestock farmers' and 'destruction, cleaning, disinfection and disinsectisation costs' used in Article 3(2) of Decision 90/424/EEC and the concepts of 'reasonable payments' and 'justified payments' mentioned in this Decision.
- (4) On 23 April 2003, the Netherlands presented tables with the value of different types of poultry and eggs. These values are the basis for the eligible compensations granted to the owners. They may be adapted on a regular basis in function of the price evolution in the Netherlands and surrounding Member States.

- (5) Pursuant to Article 3(2) of Council Regulation (EC) No 1258/1999 of 17 May 1999 on the financing of the common agriculture policy ⁽⁴⁾, veterinary and plant-health measures undertaken in accordance with Community rules are to be financed under the Guarantee Section of the European Agricultural Guidance and Guarantee Fund. For financial control purposes, Articles 8 and 9 of Regulation (EC) No 1258/1999 apply.
- (6) Having regard to the budgetary situation for the emergency fund at this stage of the 2003 financial year, and to the uncertainty on the final eligible amount needed to compensate the outbreak of the disease, the financial contribution at this stage should be limited to an advance covering 50 % of the eligible costs incurred in March and April 2003 for the obligatory killing of the animals and the obligatory destruction of the eggs.
- (7) The financial contribution from the Community should be granted provided that the actions planned are carried out efficiently and that the competent authorities supply all the necessary information within the time limits laid down in this Decision.
- (8) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS DECISION:

*Article 1***Payment of a financial contribution from the Community to the Netherlands**

The Netherlands may obtain a financial contribution from the Community of 50 % of the eligible expenditure for:

- (a) the swift and adequate compensation of the owners for their animals killed and their eggs destroyed pursuant to Article 5 of Directive 92/40/EEC and Article 10 of Council Directive 90/425/EEC ⁽⁵⁾ under compulsory eradication measures related to outbreaks of avian influenza which occurred in 2003, pursuant to the provisions of the first and seventh indents of Article 3(2) of Decision 90/424/EEC and in accordance with this Decision;

⁽¹⁾ OJ L 224, 18.8.1990, p. 19.

⁽²⁾ OJ L 122, 16.5.2003, p. 1.

⁽³⁾ OJ L 167, 22.6.1992, p. 1.

⁽⁴⁾ OJ L 160, 26.6.1999, p. 103.

⁽⁵⁾ OJ L 224, 18.8.1990, p. 29.

- (b) the costs of the destruction of carcasses, eggs, contaminated feedingstuffs and equipment, the cleaning, disinsectisation and disinfection of holdings and equipment, pursuant to the provisions of the first, second and third indents of Article 3(2) of Decision 90/424/EEC and in accordance with this Decision.

Article 2

Definitions

For the purpose of this Decision, the following definitions shall apply:

- (a) 'swift and adequate compensation' means payment, within 90 days:
- of the killing of the animals, for compensation corresponding to the market value as defined in Article 3(1),
 - of the destruction of the eggs, for compensation corresponding to the market value as defined in Article 3(1);
- (b) 'reasonable payments' means payments for the purchase of materials or services at proportionate prices compared to the market prices before the outbreak of the avian influenza;
- (c) 'justified payments' means payments for the purchase of materials or services of which the nature and the direct link with the compulsory killing of animals or the destruction of the eggs, as referred to in Article 1(a) is demonstrated.

Article 3

The eligible expenditure covered by the financial contribution from the Community

1. The maximum eligible expenditure for the compensation of the owners of the animals and the eggs shall be based on the market value figures for the different types of poultry and eggs at different stages of their life cycle fixed in the tables presented by the Netherlands on 23 April 2003. However, if the compensations effectively paid by the Netherlands are limited to a certain part of those market value figures, the eligible compensation expenditure shall be calculated on the basis of this part.
2. At the request of the Dutch authorities based on appropriate justification, it may be decided in accordance with the procedure laid down in Article 41 of Decision 90/424/EEC to adjust the calculation of the eligible expenditure in order to take account of the evolution of relevant price indexes for poultry and eggs in the Netherlands and surrounding Member States.
3. When the compensation payments made by the Netherlands pursuant to Article 1(a) are effected after the 90-day deadline laid down in Article 2(a), the eligible amounts shall be reduced for expenditure effected after the deadline as follows:
- 25 % for payments made between 91 and 105 days after the killing of the animals or the destruction of the eggs;

- 50 % for payments made between 106 and 120 days after the killing of the animals or the destruction of the eggs;
- 75 % for payments made between 121 and 135 days after the killing of the animals or the destruction of the eggs;
- 100 % for payments beyond 136 days after the killing of the animals or the destruction of the eggs.

However, the Commission will apply a different timescale and/or lower reductions or none at all, if exceptional management conditions are encountered for certain measures, or if other well-founded justifications are introduced by the Netherlands.

4. The costs referred to in Article 1(b) eligible for a financial contribution shall only be those set out in Annex III.

5. The calculation of the financial contribution from the Community shall exclude:

- (a) value added tax;
- (b) salaries of civil servants;
- (c) use of public material other than consumables.

Article 4

Conditions for payment and supporting documentation

1. Subject to the results of the eventual checks referred to in Article 5, an advance of EUR 10 000 000 shall be paid on the basis of supporting documents submitted by the Netherlands concerning the swift and adequate compensation of owners for the compulsory killing of the animals and compulsory destruction of the eggs in March and April 2003 pursuant to Article 5 of Directive 92/40/EEC and Article 10 of Directive 90/425/EEC.

2. The balance of the financial contribution from the Community shall be fixed in accordance with the procedure laid down in Article 41 of Council Decision 90/424/EEC on the basis of:

- (a) a claim submitted in accordance with Annexes IA, IB and II within the time limits provided for in paragraph 3;
- (b) detailed documents confirming the figures in the claim referred to in point (a);
- (c) the results of the eventual on-the-spot checks by the Commission as referred to in Article 5.

The documents referred to in point (b) as well as relevant commercial information shall be made available for on-the-spot checks by the Commission.

3. The claim referred to in paragraph 2(a) shall be provided in computerised form in accordance with:

- Annexes IA and IB, 60 calendar days after the completion of the measures provided for by Commission Decision 2003/428/EC⁽¹⁾,
- Annex II within six months after the date referred to in the first indent.

⁽¹⁾ OJ L 144, 12.6.2003, p. 15.

When these deadlines are not observed, the financial contribution from the Community shall be reduced by 25 % for each month of delay.

However, at the justified request of the Netherlands, the Commission may extend the six-month period mentioned in the second indent.

Article 5

On-the-spot checks by the Commission

The Commission may make on-the-spot checks, with the cooperation of the competent national authorities, on the implementation of the avian influenza eradication measures and the related costs incurred.

Article 6

Addressee

This Decision is addressed to the Kingdom of the Netherlands.

Done at Brussels, 24 September 2003.

For the Commission

David BYRNE

Member of the Commission

ANNEX II

Claim as referred to in Article 4

'Other costs' incurred for (if applicable) holding No . . . or list (excluding compensation for the value of animals)	
Item	Amount without VAT
Killing	
Destruction of carcasses (transport and treatment)	
Destruction of eggs (transport and treatment)	
Cleaning and disinfection (salary and products)	
Feedingstuffs (compensation and destruction)	
Equipment (compensation and destruction)	
Total	

ANNEX III

Eligible costs as referred to in Article 3(5)

1. Costs for the killing of the animals:
 - (a) salaries and fees of the slaughter-men specifically employed;
 - (b) consumables and specific equipment used for the killing;
 - (c) materials used for the transport of the animals to the place of killing.
 2. Costs for the destruction of carcasses:
 - (a) rendering: transport of carcasses to the storage premises and to the rendering plant, storage of carcasses, treatment of carcasses in the rendering plant and destruction of the meal;
 - (b) burying: staff specifically employed, materials specifically rented for the transport and the burying of the carcasses and products used for the disinfection of the burying spot;
 - (c) burning: staff specifically employed, combustibles or other materials used, materials specifically rented for the transport of the carcasses and products used for the disinfection of the burning plant.
 3. Costs for the destruction of the eggs: salaries and fees for the staff specifically employed, combustibles or other materials used, materials specifically rented for the transport of the eggs and products used for the disinfection of the destruction spot.
 4. Costs for the cleaning, disinfection and disinsectisation of holdings:
 - (a) products used for cleaning, disinfection and disinsectisation;
 - (b) salaries and fees for the staff specifically employed.
 5. Costs for the destruction of contaminated feedingstuffs:
 - (a) compensation at purchase price of the feedingstuffs;
 - (b) materials specifically rented for the transport and destruction of the feedingstuffs.
 6. Cost for the compensation of contaminated equipment at market value and destruction of such equipment. Costs of compensation for reconstruction or renewal of farm buildings and infrastructure costs are ineligible.
-

COMMISSION DECISION
of 26 September 2003
amending the list of areas in France eligible for Objective 2 of the Structural Funds in the period
2000 to 2006

(notified under document number C(2003) 3357)

(Only the French text is authentic)

(2003/679/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1260/1999 of 21 June 1999 laying down general provisions on the Structural Funds ⁽¹⁾, as last amended by Regulation (EC) No 1105/2003 ⁽²⁾, and in particular the second subparagraph of Article 4(11) thereof,

After consulting the Advisory Committee on the Development and Conversion of Regions, the Committee on Agricultural Structures and Rural Development and the Management Committee for Fisheries and Aquaculture,

Whereas:

- (1) A list of areas eligible for Objective 2 was established for the programming period 2000 to 2006 by Commission Decision 2000/339/EC ⁽³⁾, as amended by Decision 2001/202/EC ⁽⁴⁾.
- (2) The French authorities have informed the Commission of a serious crisis arising from the explosion at the AZF factory in Toulouse and of the need to create business areas in order to give a boost to the affected area and replace the jobs lost.

- (3) At the Commission's request, the French authorities have confirmed that the amendments requested do not change the eligible population in the region concerned,

HAS ADOPTED THIS DECISION:

Article 1

The list of areas in France eligible for Objective 2 in the period 2000 to 2006 as established by Commission Decision 2000/339/EC is amended as shown in the Annex hereto.

There is no change in those municipalities not listed in the Annex.

Article 2

This Decision is addressed to the French Republic.

Done at Brussels, 26 September 2003.

For the Commission

Michel BARNIER

Member of the Commission

⁽¹⁾ OJ L 161, 26.6.1999, p. 1.

⁽²⁾ OJ L 158, 27.6.2003, p. 3.

⁽³⁾ OJ L 123, 24.5.2000, p. 1.

⁽⁴⁾ OJ L 78, 16.3.2001, p. 42.

ANNEX

Amendment of the list of areas eligible under objective 2 of the structural funds in Haute-Garonne (FR623), France

Period 2004 to 2006

NUTS level III region	Eligible areas		(number of inhabitants)
	The whole NUTS level III region except	Only the following areas are eligible within the NUTS level III region	Population living in the eligible areas of the NUTS level III region
<i>Areas satisfying the criteria of Article 4(7) of Regulation (EC) No 1260/1999</i>			
Haute-Garonne		Municipalities: Balma: only the following INSEE 1990 block: 31044PED6 (*) Colomiers: only the following INSEE 1990 blocks: 31149D114 (*) 31149G302 (*) 31149G306 (*) Cugnaux: only the following INSEE 1990 blocks: 31157BC02 (*) 31157BC03 (*) Labege: only the following cadastral parcels: 31254aa2 (*) 31254aa66 (*) 31254aa67 (*) 31254bl1 (*) 31254bl23 (*) Portet sur Garonne: only the following INSEE 1990 blocks: 31433AO02 (*) 31433AP02 31433AR04 (*) Quint: only the following cadastral parcels: 31445za11 (*) 31445za12 (*) 31445za13 (*) 31445za14 (*) 31445za214 (*) 31445za23 (*) 31445za24 (*) 31445za64 (*) 31445za70 (*) 31445za99 (*)	29 385

NUTS level III region	Eligible areas		(number of inhabitants)
	The whole NUTS level III region except	Only the following areas are eligible within the NUTS level III region	Population living in the eligible areas of the NUTS level III region
		Toulouse: only the following INSEE 1990 blocks: 900XX01 (*) 900XX02 (*) 900XX12 900XX13 900XX14 (*) 900XX47 (*) 900XX48 (*) 900XX50 (*) 900XX51 900XX55 (*) 900XX56 (*) 900XX57 (*) 900XX59 (*) 900XX63 (*) 900XX64 912AD05 (*) 912AD07 912AE09 (*) 912AE18 (*) 912AE20 (*) 912AH01 (*) 912XX01 (*) 912XX02 (*) 912XX04 912XX05 (*) 912XX06 (*) 936AP01 (*) 936AP02 936AS01 (*) 936XX04 (*) 936XX18 (*) 937AM05 937AX01 937AX02 937AX03 937AX04 937AX05 937AX06 937AZ01 937AZ04 (*) 937AZ05 (*) 937AZ06 937AZ07 937AZ08 937AZ09 937AZ10	

NUTS level III region	Eligible areas		(number of inhabitants)
	The whole NUTS level III region except	Only the following areas are eligible within the NUTS level III region	Population living in the eligible areas of the NUTS level III region
		937BC06 (*) 937BC07 (*) 937BC08 937BM01 937XX06 (*) 937XX07 (*) 937XX08 937XX09 937XX12 (*) 937XX13 937XX14 (*) 937XX16 (*) 937XX18 938XX01 (*) 938XX03 (*) 939AE05 (*) 939AE06 939BN01 939XX01 (*) 939XX02 (*) 939XX03 (*) 939XX06 (*) 939XX07 (*) 940AB14 (*) 940AE05 (*) 940AT03 (*) 940AT05 (*) 940AT08 (*) 940AT09 940AV05 (*) 940BH01 (*) 940BO01 940BV01 940CB01 940XX02 (*) 940XX03 940XX05 (*) 940XX06 (*) 940XX07 940XX08 (*) 940XX09 940XX10 (*) 940XX11 (*) 940XX17 941J01 (*) 941XX01 (*) 941XX02 (*)	

NUTS level III region	Eligible areas		(number of inhabitants)
	The whole NUTS level III region except	Only the following areas are eligible within the NUTS level III region	Population living in the eligible areas of the NUTS level III region
		941XX04 (*) 942AH10 (*) 942BP01 (*) 942XX05 (*) 942XX10 (*) 942XX12 (*) 943 S03 (*) 943XX01 (*) 945AL02 945AN01 (*) 945XX08 (*) 945XX09 (*) 945XX10 (*) 946XX01 (*) Villeneuve-Tolosane: only the following cadastral parcel: 31588az1 (*)	

(*) Only those parts that are permanently uninhabited as shown on the area maps drawn up on the basis of cadastral documents. Those area maps are available at the Prefecture of the Midi-Pyrénées region (Secrétariat général pour les affaires régionales) and at the Directorate-General for Regional policy of the European Commission.

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

COUNCIL COMMON POSITION 2003/680/CFSP
of 29 September 2003
amending Common Position 2002/829/CFSP on the supply of certain equipment into the
Democratic Republic of Congo

THE COUNCIL OF THE EUROPEAN UNION,

HAS ADOPTED THIS COMMON POSITION:

Having regard to the Treaty on European Union, and in particular Article 15 thereof,

Article 1

Whereas:

Common Position 2002/829/CFSP is hereby amended as follows:

Article 1 shall be replaced by the following:

‘Article 1

- (1) Following the decision by the Member States on 7 April 1993 to impose an arms embargo on Zaire (now the Democratic Republic of Congo) and the adoption by the Council on 11 March 2002 of Common Position 2002/203/CFSP concerning European Union support for the implementation of the Lusaka ceasefire agreement and the peace process in the Democratic Republic of Congo⁽¹⁾, the Council adopted on 21 October 2002 Common Position 2002/829/CFSP on the supply of certain equipment into the Democratic Republic of Congo⁽²⁾ allowing certain exemptions from the arms embargo.
- (2) On 28 July 2003, the United Nations Security Council adopted Resolution 1493 (2003) imposing an arms embargo and an embargo on assistance, advice or training related to military activities against all foreign and Congolese armed groups operating in the territory of North and South Kivu and of Ituri in the Democratic Republic of Congo and to groups not party to the Global and All-inclusive Agreement on the Transition signed in Pretoria on 17 December 2002 and allowing certain exemptions. These exemptions require national authorisation.
- (3) Common Position 2002/829/CFSP should be amended in order to implement UNSC Resolution 1493 (2003).
- (4) Action by the Community is needed in order to implement certain measures,

1. (a) The direct or indirect supply, sale or transfer of arms and any related material of all types, including weapons and ammunition, military vehicles and equipment, paramilitary equipment and spare parts for the aforementioned to the Democratic Republic of the Congo by nationals of Member States or from the territories of Member States, or using their flag vessels or aircraft, shall be prohibited whether originating or not in their territories.
- (b) The direct or indirect provision to any person, entity or body in the Democratic Republic of the Congo of any assistance (including financing and financial assistance), advice or training related to military activities, including in particular technical training and assistance related to the provision, manufacture, maintenance or use of the items mentioned in subparagraph (a), by nationals of Member States or from the territories of Member States shall be prohibited.
2. Paragraph 1 shall not apply to:
 - (a) the supply, sale or transfer of arms and any related material or the provision of assistance, advice or training, referred to in paragraph 1, to the United Nations Organisation Mission in the Democratic Republic of Congo and the integrated Congolese national army and police forces;

⁽¹⁾ OJ L 68, 12.3.2002, p. 1.

⁽²⁾ OJ L 285, 23.10.2002, p. 1.

(b) the supply, sale or transfer of non-lethal military equipment intended solely for humanitarian or protective use, or the provision of assistance and training related to such non-lethal equipment, provided that such supply or provision is notified in advance to the UN Secretary-General through its Special Representative.

3. The supply, sale or transfer of arms and related material or the provision of services, referred to in paragraph 2, shall be subject to an authorisation granted by the competent authorities of the Member States.

4. Member States shall consider deliveries under paragraph 2 on a case-by-case basis, taking full account of the criteria set out in the European Union code of conduct on arms exports. Member States shall require adequate safeguards against misuse of authorisation granted pursuant to paragraph 3 and, where appropriate, make provisions for repatriation of the delivered arms and related material.'

Article 2

This Common Position shall take effect on the date of its adoption.

Article 3

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

Done at Brussels, 29 September 2003.

For the Council

The President

F. FRATTINI

**COUNCIL JOINT ACTION 2003/681/CFSP
of 29 September 2003**

on the European Union Police Mission in the Former Yugoslav Republic of Macedonia (EUPOL 'Proxima')

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 14, Article 25, third paragraph, Article 26 and Article 28(3) thereof,

Whereas:

- (1) Pursuant to the Ohrid Framework Agreement, the Union's contribution is based upon a broad approach with activities to address the whole range of rule of law aspects, including institution building programmes and police activities which should be mutually supportive and reinforcing. The activities of the Union, supported, *inter alia*, by the Community's institution building programmes under the CARDS Regulation, will contribute to the overall peace implementation in the Former Yugoslav Republic of Macedonia as well as to the achievements of the Union's overall policy in the region, notably the stabilisation and association process.
- (2) The Union appointed a European Union Special Representative (EUSR) to contribute to the consolidation of the peaceful political process and the full implementation of the Ohrid Framework Agreement, to help to ensure the coherence of the EU external action and to ensure coordination of the international community's efforts to help in the implementation and sustainability of the provisions of that Framework Agreement.
- (3) The UN Security Council Resolution 1371 (2001) adopted on 26 September 2001 welcomes the Framework Agreement and supports its full implementation by the efforts of, *inter alia*, the EU.
- (4) In the interest of preserving and building upon the significant results achieved in the Former Yugoslav Republic of Macedonia through a considerable commitment of EU political effort and resources, the EU is to enhance its role in policing to further contribute to a stable secure environment to allow the Former Yugoslav Republic of Macedonia government to implement the Ohrid framework agreement.
- (5) The current security situation in the Former Yugoslav Republic of Macedonia is stable but may deteriorate with potentially serious repercussions on international security. A commitment of EU political effort and resources will help to embed stability in the region.
- (6) On 16 September 2003, the authorities of the Former Yugoslav Republic of Macedonia invited the EU to assume responsibility for an enhanced role in policing and the deployment of an EU Police Mission (EUPOL

'Proxima'). An agreement will need to be concluded to this end between the authorities of the Former Yugoslav Republic of Macedonia and the EU.

- (7) Operations EUPOL 'Proxima' and Concordia must be considered as separate operations, subject to separate decisions.
- (8) The Political and Security Committee should exercise political control of and provide strategic direction to EUPOL 'Proxima', including the planning team, and take the relevant decisions in accordance with Article 25, third subparagraph of the Treaty on the European Union (TEU). The Political and Security Committee (PSC) should be informed on a regular basis on all aspects of the mission, including through briefings by the EUSR and the Head of Mission/Police Commissioner as necessary.
- (9) In conformity with the guidelines of the European Council meeting at Nice on 7 to 9 December 2000, this Joint Action should determine the role of the Secretary-General/High Representative (SG/HR) in accordance with Articles 18 and 26 of the TEU in the implementation of measures falling within the political control and strategic direction exercised by the PSC, in accordance with Article 25 of the TEU.
- (10) Third States should participate in the operation in accordance with the guidelines laid down by the European Council at Nice.
- (11) Article 14(1) of the TEU calls for the indication of a financial reference amount for the whole period of implementation of the Joint Action; the indication of amounts to be financed by the Community budget illustrates the will of the legislative authority and is subject to the availability of commitment appropriations during the respective budget year,

HAS ADOPTED THIS JOINT ACTION:

Article 1

Mission

1. The European Union hereby establishes a European Union Police Mission (EUPOL 'Proxima') comprised of a planning team to be established not later than 1 October and an operational phase starting from 15 December 2003 at the latest.
2. EUPOL 'Proxima' shall operate in accordance with the objectives and other provisions as contained in the mission statement set out in Article 3.

*Article 2***Planning phase**

1. During the planning phase, the Planning Team shall comprise a Police Head of Mission/Head of the Planning Team and the necessary staff to deal with functions ensuing from the needs of the mission.

2. A comprehensive risk assessment will be carried out as a priority in the planning process and may be updated as necessary.

3. The General Secretariat of the Council shall elaborate the Concept of Operations (CONOPS) with the assistance of the Police Head of Mission/Head of the Planning Team. The Planning Team shall subsequently draw up the Operation Plan (OPLAN) and develop all technical instruments necessary to execute EUPOL 'Proxima'. CONOPS and OPLAN will take into account the comprehensive risk assessment. The Council shall approve the CONOPS and the OPLAN.

4. The Planning Team shall work in close cooperation with the OSCE.

5. As from 15 December 2003, the Police Head of Mission/Head of the Planning Team shall become Head of Mission/Police Commissioner as set out in Article 5.

*Article 3***Mission statement**

EUPOL 'Proxima', in line with the objectives of the Ohrid Agreement, in strong partnership with the relevant authorities, and within a broader rule of law perspective shall, in full coordination and complementarity with Community institution building as well as OSCE and bilateral programmes, support, including through monitoring and mentoring, as appropriate:

- the consolidation of law and order, including the fight against organised crime, focussing on the sensitive areas,
- the practical implementation of the comprehensive reform of the Minister of Interior, including the police,
- the operational transition towards, and the creation of a border police, as a part of the wider EU effort to promote integrated border management,
- the local police in building confidence within the population,
- enhanced cooperation with neighbouring States in the field of policing.

*Article 4***Structure**

EUPOL 'Proxima' shall in principle be structured as follows:

- (a) headquarters in Skopje, composed of the Head of the Mission/Police Commissioner and staff as defined in the OPLAN;
- (b) one central co-location unit at the Ministry of Interior level;
- (c) some units co-located within the Former Yugoslav Republic of Macedonia at appropriate levels.

*Article 5***Head of Mission/Police Commissioner**

1. The Council, upon a proposal by the SG/HR, shall appoint a Head of Mission/Police Commissioner. The Head of Mission/Police Commissioner shall exercise Operational Control (OPCON) over EUPOL 'Proxima' and assume the day-to-day management of EUPOL 'Proxima' operations.

2. The Head of Mission/Police Commissioner shall sign a contract with the Commission.

3. All police officers shall remain under full command of the appropriate national authority. National authorities will transfer Operational Control (OPCON) to the Head of EUPOL 'Proxima'.

4. The Head of Mission/Police Commissioner shall be responsible for disciplinary control over the personnel. For seconded personnel, disciplinary action shall be exercised by the national or EU authority concerned.

*Article 6***Staff**

1. The numbers and competence of EUPOL 'Proxima' staff shall be consistent with the mission statement set out in Article 3 and the structure set out in Article 4.

2. Police officers shall be seconded by Member States. The minimum period of secondment should be one year. Each Member State shall bear the costs related to the police officers seconded by it, including salaries, medical coverage, allowances other than per diems, and travel expenses to and from the Former Yugoslav Republic of Macedonia.

3. International civilian staff and local staff shall be recruited on a contractual basis by EUPOL 'Proxima' as required.

4. Contributing States or Community institutions may also, if required, second international civilian staff, for a minimum period of one year. Each contributing State or Community institution shall bear the costs related to any of the staff seconded by it including salaries, medical coverage, allowances other than per diems, and travel expenses to and from the Former Yugoslav Republic of Macedonia.

*Article 7***Chain of command**

The structure of EUPOL 'Proxima' as part of the broader EU Rule of Law approach in the Former Yugoslav Republic of Macedonia shall have a unified chain of command, as a crisis management operation.

- The European Union Special Representative (EUSR) shall report to the Council through the SG/HR.
- The Political and Security Committee shall provide the political control and strategic direction.
- The Head of Mission/Police Commissioner shall lead EUPOL 'Proxima' and assume its day-to-day management.
- The Head of Mission/Police Commissioner shall report to the SG/HR through the EUSR.
- The SG/HR shall give guidance to the Head of Mission/Police Commissioner through the EUSR.

*Article 8***Political control and strategic direction**

1. The Political and Security Committee shall exercise under the responsibility of the Council the political control and strategic direction of the mission. The Council hereby authorises the Political and Security Committee to take the relevant decisions in accordance with Article 25 of the TEU. This authorisation shall include the powers to amend the operation plan, the chain of command and the rules of engagement. The powers of decision with respect to the objectives and termination of the operation shall remain vested in the Council, assisted by the Secretary-General/High Representative.

2. The Political and Security Committee shall report to the Council at regular intervals.

3. The Political and Security Committee shall receive reports by the Police Head of Mission regarding the conduct of the mission at regular intervals. The Political and Security Committee may invite the Police Head of Mission to its meetings as appropriate.

*Article 9***Participation of third States**

1. Without prejudice to the decision-making autonomy of the EU and the single institutional framework of the Union, Acceding States are invited and other third States may be invited to contribute to EUPOL 'Proxima' on the basis that they bear the cost of sending the police officers and/or the international civilian staff seconded by them, including salaries, allowances and travel expenses to and from the Former Yugoslav Republic of Macedonia, and contribute to the running costs of EUPOL 'Proxima' as appropriate.

2. Without prejudice to the decision-making autonomy of the European Union and the Single Institutional Framework, third States may be invited to participate in the operation.

3. The Council hereby authorises the PSC to take, upon the recommendation of the Police Head of Mission and the Committee for Civilian Aspects of Crisis Management, the relevant decisions on acceptance of the proposed contributions.

4. Third States making contributions to EUPOL 'Proxima' shall have the same rights and obligations in terms of day-to-day management of the operation as EU Member States taking part in the operation.

5. The PSC shall take appropriate action with regard to participation arrangements and shall, if required, submit those to the Council, including on possible financial participation from third States in the common costs.

6. Detailed arrangements regarding the participation of Third States shall be subject of an agreement, in conformity with Article 24 of the Treaty on European Union. The Secretary-General/High Representative assisting the Presidency may negotiate such arrangements on its behalf.

*Article 10***Financial arrangements**

1. The costs for the implementation of this Joint Action shall be:

- (a) a maximum amount of EUR 7,3 million for start-up costs of the mission;
- (b) a maximum of EUR 650 000 for running costs for 2003, including per diems of EUR 100 per person for 2003;
- (c) a maximum of EUR 7,056 million for running costs for 2004, not including per diems, all to be financed out of the Community budget.

The financing of per diems for 2003 out of the CFSP budget shall not prejudice their amount and the modalities for their financing for 2004 and following years.

The final amount for the year 2004, including the modalities of financing per diems, shall be decided by the Council in December 2003.

2. As regards expenditure financed out of the Community budget, the following shall apply:

- (a) expenditure shall be managed in accordance with the European Community rules and procedures applicable to the budget, with the exception that any pre-financing shall not remain the property of the Community. Nationals of third States shall be allowed to tender for contracts;

(b) the Head of the Planning Team/Police Commissioner shall report fully to, and be supervised by, the Commission on the activities undertaken in the framework of his contract.

3. The financial arrangements shall respect the operational requirements of EUPOL 'Proxima', including compatibility of equipment and interoperability of its teams.

Article 11

Community action

1. The Council notes the intention of the Commission to direct its action towards achieving the objectives of this Joint Action, where appropriate, by relevant Community measures.

2. The Council also notes that coordination arrangements are required in Skopje as well as in Brussels.

Article 12

Release of classified information

1. The Secretary-General/High Representative is authorised to release to NATO/KFOR and to the third parties associated with this Joint Action, EU classified information and documents up to the level 'CONFIDENTIEL UE' generated for the purposes of the operation, in accordance with the Council's security regulations.

2. The Secretary-General/High Representative is also authorised to release, in accordance with the operational needs of the Mission, to the OSCE EU classified information and documents up to the level 'RESTREINT UE' generated for the purposes of the operation, in accordance with the Council's security regulations. Local arrangements will be drawn up for this purpose.

3. In the event of a specific and immediate operational need, the Secretary-General/High Representative is also authorised to release to the host State EU classified information and documents up to the level 'CONFIDENTIEL UE' generated for the purposes of the operation, in accordance with the Council's security regulations. In all other cases, such information and documents shall be released to the host State in accordance with procedures appropriate to the host State's level of cooperation with the European Union.

4. The Secretary-General/High Representative is authorised to release to third parties associated with this Joint Action EU non-classified documents related to the deliberations of the Council with regard to the operation covered by the obligation of professional secrecy pursuant to Article 6(1) of the Council Rules of Procedure.

Article 13

Status of staff of EUPOL 'Proxima'

1. The status of EUPOL 'Proxima' staff in the Former Yugoslav Republic of Macedonia, including where appropriate the privileges, immunities and further guarantees necessary for the completion and smooth functioning of EUPOL 'Proxima' shall be agreed in accordance with the procedure laid down in Article 24 of the Treaty on European Union. The Secretary-General/High Representative assisting the Presidency may negotiate such arrangement on its behalf.

2. The State or Community institution having seconded a staff member shall be responsible for answering any claims linked to the secondment, from or concerning the staff member. The State or Community institution in question shall be responsible for bringing any action against the secondee.

Article 14

Entry into force, duration

This Joint Action shall enter into force on the date of its adoption and shall expire on 14 December 2004.

Article 15

Publication

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

Done at Brussels, 29 September 2003.

For the Council
The President
F. FRATTINI

**COUNCIL DECISION 2003/682/CFSP
of 29 September 2003**

**concerning the appointment of the Head of Mission/Police Commissioner of the European Union
Police Mission (EUPOL) in the Former Yugoslav Republic of Macedonia**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 23(2) thereof,

Having regard to Joint Action 2003/681/CFSP of 29 September 2003 on the European Union Police Mission in the Former Yugoslav Republic of Macedonia (EUPOL 'Proxima') ⁽¹⁾, and in particular Article 5 thereof,

Whereas:

- (1) Article 5 of Joint Action 2003/681/CFSP provides that the Council, upon a proposal by the Secretary-General/High Representative, should appoint a Head of Mission/Police Commissioner.
- (2) The Secretary-General/High Representative has proposed the appointment of Mr Bart D'HOOGE,

HAS DECIDED AS FOLLOWS:

Article 1

Mr Bart D'HOOGE is hereby appointed Head of Mission/Police Commissioner of the EUPOL 'Proxima' as from 15 December 2003. Until that date, he shall act as the Police Head of Mission/Head of the Planning Team.

Article 2

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

It shall apply until 14 December 2004.

Article 3

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

Done at Brussels, 29 September 2003.

For the Council
The President
F. FRATTINI

⁽¹⁾ See page 66 of this Official Journal.

CORRIGENDA**Corrigendum to Commission Regulation (EC) No 1549/98 of 17 July 1998 supplementing the Annex to Regulation (EC) No 1107/96 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**

(Official Journal of the European Communities L 202 of 18 July 1998)

On page 26, in the Annex, point B:

for: 'Münchner Bier (IGP)',

read: 'Münchener Bier (IGP)'.

Corrigendum to Commission Regulation (EC) No 1884/2002 of 10 October 2002 amending Regulation (EC) No 2390/1999 laying down form and content of the accounting information to be submitted to the Commission for the purposes of the clearance of the EAGGF Guarantee Section accounts as well as for monitoring and forecasting purposes

(Official Journal of the European Communities L 288 of 25 October 2002)

On page 5, in Annex I, line 9, 1019, under F901 and F902:

for: 'X',

read: 'D';

on page 7, in Annex I, line 24, 1310, under F103:

for: 'A',

read: 'X';

on page 8, in Annex I, line 11, 1200, under F511:

for: 'D',

read: 'X';

on page 17, in Annex I, line 3, 1650, under F533:

insert: 'X';

on page 19, in Annex I, line 3, 2030, under F217:

for: 'D',

read: 'X';

on page 24, in Annex I, line 14, 3000, under F404:

insert: 'X';

on page 29, in Annex I, line 2, 3200, under F816:

delete: 'X';

on page 29, in Annex I, lines 22, 23, 24 and 25 (3800, 3801, 3810 and 3811), under F602:

insert: 'X'.
