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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EC) No 2211/2003

of 15 December 2003

amending Regulation (EC) No 2501/2001 applying a scheme of generalised tariff preferences for the period from 1 January 2002 to 31 December 2004 and extending it to 31 December 2005

THE COUNCIL OF EUROPEAN UNION,

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

Having regard to the Commission proposal,

Having regard to the opinion of the European Parliament ⁽¹⁾,

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

Whereas:

- (1) Since 1971 the Community has granted trade preferences to developing countries under its generalised tariff preference scheme.
- (2) The Community's common commercial policy must be consistent with and consolidate the objectives of development policy, in particular the eradication of poverty and the promotion of sustainable development in the developing countries.
- (3) The multilateral trade negotiations launched at the fourth ministerial conference of the World Trade Organisation in Doha in November 2001 are not yet over. It is therefore premature to draw up guidelines for applying the scheme from 2005 to 2014, which is a valid reason for renewing the current scheme for one year in accordance with the guidelines in the Commission communication to the Council of 1 June 1994. The arrangements for drugs have to be evaluated. In addition, such renewal will allow candidate States, for which accession is foreseen in 2004, to be fully involved in the elaboration of a new preferential tariff scheme.
- (4) Implementation of Regulation (EC) No 2501/2001 ⁽³⁾ showed the need to amend some of its provisions.

- (5) In April 2003 the Council and the Commission committed themselves to examining any appropriate amendment to the annual mechanism for excluding beneficiary countries/sectors on the grounds of their development (graduation), bearing in mind the need to support the development of sustainable and competitive production including, *inter alia*, the possible adjustment of the graduation system for crops other than drugs. Pending other possible amendments in the future generalised system of preferences (GSP), Article 12 of Regulation (EC) No 2501/2001 should be amended now to avoid any adverse impact on beneficiary countries whose low volume of GSP-covered trade makes them vulnerable to any change in tariff preferences.

- (6) In order to take into account the individual characteristics of the developing countries benefiting from the GSP, the special incentive arrangements for the protection of labour rights need to be strengthened in order to give more encouragement to the gradual adoption of the standards set out in the International Labour Organisation (ILO) declaration.

- (7) Regulation (EC) No 2501/2001 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 2501/2001 is hereby amended as follows:

1. in Article 1(1), 'and 2004' is replaced by ', 2004 and 2005';
2. at the end of Article 6(a), the words 'tariff quotas' are replaced by the words 'tariff quotas adopted pursuant to Article 26 of the Treaty or Annex VII to Regulation (EEC) No 2658/87';

⁽¹⁾ Opinion of 4 December 2003 (not yet published in the Official Journal).

⁽²⁾ Opinion of 10 December 2003 (not yet published in the Official Journal).

⁽³⁾ OJ L 346, 31.12.2001, p. 1. Regulation as last amended by Commission Regulation (EC) No 1686/2003 (OJ L 240, 26.9.2003, p. 8).

3. Article 12(3) is replaced by the following:

'3. On the basis of the most recent data available on 1 September of each year, the Commission shall establish which sectors meet the conditions laid down in paragraphs 1 and 2. However, paragraphs 1 and 2 shall not apply to beneficiary countries whose exports to the Community account for less than 1 % in value of total Community imports of products covered by the Community preference scheme in at least one of the three years referred to in paragraphs 1 and 2. Similarly, tariff preferences removed pursuant to column D of Annex 1 shall be restored.'

4. Article 14(2) is replaced by the following:

'2. The special incentive arrangements for the protection of labour rights may be granted to a country:

(a) the national legislation of which incorporates the substance of the standards laid down in ILO Conventions Nos 29 and 105 on forced labour, 87 and 98 on the freedom of association and the right to collective bargaining, 100 and 111 on non-discrimination in respect of employment and occupation, and 138 and 182 on child labour, and which effectively applies that legislation, or

(b) the national legislation of which incorporates the substance of the standards referred to in paragraph (a), and which is engaged in a clear and significant way in applying them, including all appropriate means envisaged in the relevant ILO conventions, taking the utmost account of the assessment of the situation made by the ILO.

In the case provided for in (b), the arrangements may be accorded for a limited period and their renewal shall be subject to the beneficiary country giving proof of progress in this area. The appraisal of such progress shall be carried out according to the memorandum of understanding to be agreed upon by the authorities of the beneficiary country.'

5. in Article 25(4), '2004' is replaced by '2005';

6. in Article 41(2), '2004' is replaced by '2005'.

Article 2

This Regulation shall enter into force on the third 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, 15 December 2003.

For the Council

The President

A. MARZANO

**COUNCIL REGULATION (EC) No 2212/2003
of 17 December 2003**

amending Regulation (EC) No 964/2003 imposing definitive anti-dumping duties on imports of certain tube or pipe fittings, of iron or steel, originating in the People's Republic of China and Thailand, and those consigned from Taiwan, whether declared as originating in Taiwan or not

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to Council Regulation (EC) No 452/2003 of 6 March 2003 on measures that the Community may take in relation to the combined effect of anti-dumping or anti-subsidy measures with safeguard measures ⁽¹⁾,

Having regard to the proposal submitted by the Commission, after consultations with the Advisory Committee established by Article 15 of Council Regulation (EC) No 384/96 of 22 December 1995 on protection against dumped imports from countries not members of the European Community ⁽²⁾ (the 'basic Regulation'),

Whereas:

- (1) By Regulation (EC) No 778/2003 ⁽³⁾, the Council amended, amongst others, Council Regulations (EC) No 584/96 and (EC) No 763/2000 with regard to the anti-dumping measures applicable to certain tube and pipe fittings, of iron or steel, originating in the People's Republic of China and Thailand, and those consigned from Taiwan, whether declared as originating in Taiwan or not. The purpose was to make provision for the situation where those imports also become subject to the payment of a safeguard duty, as adopted by Commission Regulation (EC) No 1694/2002 of 27 September 2002 imposing definitive safeguard measures against imports of certain steel products ⁽⁴⁾.
- (2) In such circumstances, and where the anti-dumping duty is less than, or equal to, the amount of the safeguard duty, it was considered appropriate that no anti-dumping duty should be payable. Where the anti-dumping duty is greater than the amount of the safeguard duty, it was considered appropriate that only that part of the anti-dumping duty which is in excess of the amount of the safeguard should be payable.
- (3) Pursuant to Article 11(2) of the basic Regulation, the measures imposed by Regulation (EC) No 584/96 and (EC) No 763/2000 were prolonged by Council Regulation (EC) No 964/2003 ⁽⁵⁾. However, no provision similar to the one described in recital 2 hereto was made by Regulation (EC) No 964/2003 for the situation where imports also become subject to the payment of a safeguard duty.
- (4) Consequently, Regulation (EC) No 964/2003 should be amended so as to make provision for the situation where imports also become subject to the payment of a safeguard duty, in the same way as the amendments introduced into Council Regulations (EC) No 584/96 and (EC) No 763/2000 by Regulation (EC) No 778/2003.
- (5) This Regulation should apply retroactively from the date of the entry into force of Regulation (EC) No 964/2003,

⁽¹⁾ OJ L 69, 13.3.2003, p. 8.

⁽²⁾ OJ L 56, 6.3.1996, p. 1; Regulation as last amended by Regulation (EC) No 1972/2002 (OJ L 305, 7.11.2002, p. 1).

⁽³⁾ OJ L 114, 8.5.2003, p. 1.

⁽⁴⁾ OJ L 261, 28.9.2002, p. 1.

⁽⁵⁾ OJ L 139, 6.6.2003, p. 1.

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 964/2003 is hereby amended as follows:

(a) in Article 1, the following paragraph shall be inserted:

'2a Notwithstanding paragraph 2, where imports of the product concerned from Thailand are subject to payment of a safeguard additional duty pursuant to Article 1(3) of Commission Regulation (EC) No 1694/2002 (*), the rate of anti-dumping duty applicable to the free-at-Community-frontier price, before duty, shall be as follows:

Country	Company	Rate of AD duty (%) applicable when safeguard additional duty is payable					TARIC additional code
		To 28.3.2003	29.3.2003 to 28.9.2003	29.9.2003 to 28.3.2004	29.3.2004 to 28.9.2004	29.9.2004 to 28.3.2005	
Thailand	All (Except: Thai Benkan Co. Ltd, Prapadaeng Samutprakarn)	35,2 %	37,6 %	37,6 %	39,7 %	39,7 %	8851

(*) OJ L 261, 28.9.2002, p. 1.;

(b) in Article 3, the first paragraph shall be numbered '1' and the following paragraph shall be inserted:

'2. Notwithstanding paragraph 1, with the exception of those fittings produced by the said Chup Hsin Enterprise Co. Ltd, Rigid Industries Co. Ltd and Niang Hong Pipe Fittings Co. Ltd, where imports of fittings consigned from Taiwan are subject to payment of a safeguard additional duty pursuant to Article 1(3) of Regulation (EC) No 1694/2002, the rate of anti-dumping duty applicable to the free-at-Community-frontier price, before duty, shall be as follows:

Country	Company	Rate of AD duty (%) applicable when safeguard additional duty is payable					TARIC additional code
		To 28.3.2003	29.3.2003 to 28.9.2003	29.9.2003 to 28.3.2004	29.3.2004 to 28.9.2004	29.9.2004 to 28.3.2005	
Taiwan	All (except Chup Hsin Enterprise Co. Ltd, Rigid Industries Co. Ltd and Niang Hong Pipe Fittings Co. Ltd)	34,9 %	37,3 %	37,3 %	39,4 %	39,4 %	A999'

Article 2

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

It shall apply with effect from 7 June 2003.

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

Done at Brussels, 17 December 2003.

For the Council
The President
 G. ALEMANN

COMMISSION REGULATION (EC) No 2213/2003
of 18 December 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 19 December 2003.

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

Done at Brussels, 18 December 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 18 December 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	77,1
	204	57,1
	212	113,1
	624	160,7
	999	102,0
0707 00 05	052	143,4
	628	126,9
	999	135,2
0709 90 70	052	125,4
	204	71,4
	999	98,4
0805 10 10, 0805 10 30, 0805 10 50	052	45,0
	204	62,7
	388	46,8
	421	13,6
	999	42,0
0805 20 10	052	62,0
	204	63,1
	999	62,6
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	052	74,3
	999	74,3
0805 50 10	052	65,7
	400	39,2
	600	64,8
	999	56,6
0808 10 20, 0808 10 50, 0808 10 90	052	58,6
	060	45,8
	064	51,0
	400	77,8
	404	82,3
	720	94,1
	999	68,3
0808 20 50	052	71,0
	060	62,2
	064	60,3
	400	101,3
	528	79,8
	720	119,1
	999	82,3

⁽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 2214/2003
of 18 December 2003**

fixing the A1 and B export refunds for fruit and vegetables (tomatoes, oranges, lemons and apples)

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 the third subparagraph of Article 35(3),

Whereas:

- (1) Commission Regulation (EC) No 1961/2001 ⁽³⁾, as last amended by Regulation (EC) No 1176/2002 ⁽⁴⁾, lays down the detailed rules of application for export refunds on fruit and vegetables.
- (2) Article 35(1) of Regulation (EC) No 2200/96 provides that, to the extent necessary for economically significant exports, the products exported by the Community may be covered by export refunds, within the limits resulting from agreements concluded in accordance with Article 300 of the Treaty.
- (3) Under Article 35(2) of Regulation (EC) No 2200/96, care must be taken to ensure that the trade flows previously brought about by the refund scheme are not disrupted. For this reason and because exports of fruit and vegetables are seasonal in nature, the quantities scheduled for each product should be fixed, based on the agricultural product nomenclature for export refunds established by Commission Regulation (EEC) No 3846/87 ⁽⁵⁾, as last amended by Regulation (EC) No 118/2003 ⁽⁶⁾. These quantities must be allocated taking account of the perishability of the products concerned.
- (4) Article 35(4) of Regulation (EC) No 2200/96 provides that refunds must be fixed in the light of the existing situation or outlook for fruit and vegetable prices on the Community market and supplies available on the one hand, and prices on the international market on the other hand. Account must also be taken of the transport and marketing costs and of the economic aspect of the exports planned.

- (5) In accordance with Article 35(5) of Regulation (EC) No 2200/96, prices on the Community market are to be established in the light of the most favourable prices from the export standpoint.
- (6) The international trade situation or the special requirements of certain markets may call for the refund on a given product to vary according to its destination.
- (7) Tomatoes, oranges, lemons and apples of classes Extra, I and II of the common quality standards can currently be exported in economically significant quantities.
- (8) In order to ensure the best use of available resources and in view of the structure of Community exports, it is appropriate to fix the A1 and B export refunds.
- (9) The Management Committee for fresh Fruit and Vegetables has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

Article 1

1. For system A1, the refund rates, the refund application period and the scheduled quantities for the products concerned are fixed in the Annex hereto.

For system B, the indicative refund rates, the licence application period and the scheduled quantities for the products concerned are fixed in the Annex hereto.

2. The licences issued in respect of food aid as referred to in Article 16 of Commission Regulation (EC) No 1291/2000 ⁽⁷⁾ shall not count against the eligible quantities in the Annex hereto.

Article 2

This Regulation shall enter into force on 8 January 2004.

⁽¹⁾ OJ L 297, 21.11.1996, p. 1.

⁽²⁾ OJ L 7, 11.1.2003, p. 64.

⁽³⁾ OJ L 268, 9.10.2001, p. 8.

⁽⁴⁾ OJ L 170, 29.6.2002, p. 69.

⁽⁵⁾ OJ L 366, 24.12.1987, p. 1.

⁽⁶⁾ OJ L 20, 24.1.2003, p. 3.

⁽⁷⁾ OJ L 152, 24.6.2000, p. 1.

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

Done at Brussels, 18 December 2003.

For the Commission
Franz FISCHLER
Member of the Commission

ANNEX

to the Commission Regulation of 18 December 2003 fixing the export refunds on fruit and vegetables (tomatoes, oranges, lemons and apples)

Product code ⁽¹⁾	Destination ⁽²⁾	System A1 Refund application period 8.1.2004 to 8.3.2004		System B Licence application period 15.1.2003 to 15.3.2004	
		Refund amount (EUR/t net weight)	Scheduled quantity (t)	Indicative refund amount (EUR/t net weight)	Scheduled quantity (t)
0702 00 00 9100	F08	25		25	8 311
0805 10 10 9100 0805 10 30 9100 0805 10 50 9100	F00	19		19	100 817
0805 50 10 9100	F00	26		26	28 824
0808 10 20 9100 0808 10 50 9100 0808 10 90 9100	F04, F09	25		25	10 275

⁽¹⁾ The product codes are set out in Commission Regulation (EEC) No 3846/87 (OJ L 366, 24.12.1987, p. 1).

⁽²⁾ The 'A' series destination codes are set out in Annex II to Regulation (EEC) No 3846/87.

The numeric destination codes are set out in Commission Regulation (EC) No 2020/2001 (OJ L 273, 16.10.2001, p. 6).

The other destinations are defined as follows:

F00: All destinations except Estonia.

F03: All destinations except Switzerland and Estonia.

F04: Sri Lanka, Hong Kong SAR, Singapore, Malaysia, Indonesia, Thailand, Taiwan, Papua-New Guinea, Laos, Cambodia, Vietnam, Uruguay, Paraguay, Argentina, Mexico, Costa Rica and Japan.

F08: All destinations except Slovakia, Latvia, Lithuania, Bulgaria and Estonia.

F09: The following destinations:

- Norway, Iceland, Greenland, Faeroe Islands, Poland, Hungary, Romania, Albania, Bosnia and Herzegovina, Croatia, Slovenia, Former Yugoslav Republic of Macedonia, Serbia and Montenegro, Malta, Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Russia, Tajikistan, Turkmenistan, Uzbekistan, Ukraine, Saudi Arabia, Bahrain, Qatar, Oman, United Arab Emirates (Abu Dhabi, Dubai, Sharjah, Ajman, Umm al Qalwain, Ras al Khaimah, Fujairah), Kuwait, Yemen, Syria, Iran, Jordan, Bolivia, Brazil, Venezuela, Peru, Panama, Ecuador and Colombia;
- African countries and territories except for South Africa;
- destinations referred to in Article 36 of Commission Regulation (EC) No 800/1999 (OJ L 102, 17.4.1999, p. 11).

**COMMISSION REGULATION (EC) No 2215/2003
of 18 December 2003**

setting the export refunds for nuts (shelled almonds, hazelnuts in shell, shelled hazelnuts and walnuts in shell) using system A1

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 the third subparagraph of Article 35(3) thereof,

Whereas:

- (1) Commission Regulation (EC) No 1961/2001 ⁽³⁾, as last amended by Regulation (EC) No 1176/2002 ⁽⁴⁾, sets detailed rules covering export refunds on fruit and vegetables.
- (2) Under Article 35(1) of Regulation (EC) No 2200/96 refunds can be granted on products exported by the Community, to the extent necessary to enable economically significant quantities to be exported and within the limits ensuing from agreements concluded in line with Article 300 of the Treaty.
- (3) In line with Article 35(2) of Regulation (EC) No 2200/96 care should be taken to ensure that trade flows already engendered by the granting of refunds are not disturbed. For that reason and given the seasonal nature of fruit and vegetable exports quantities should be set product by product using the agricultural product nomenclature for export refunds established by Commission Regulation (EEC) No 3846/87 ⁽⁵⁾, as last amended by Regulation (EC) No 118/2003 ⁽⁶⁾. In setting quantities account must be taken of perishability.
- (4) Article 35(4) of Regulation (EC) No 2200/96 stipulates that when refunds are set account is to be taken of the existing situation and outlook for prices and availability of fruit and vegetables on the Community market and for international trade prices, of marketing and transport costs and of the economic aspects of the exportation envisaged.

- (5) Article 35(5) of Regulation (EC) No 2200/96 requires Community market prices to be determined using the prices that are most favourable from the point of view of exportation.
- (6) The international trade situation or specific requirements of certain markets may necessitate differentiation of the refund on a given product by destination.
- (7) Economically significant exports can at present be made of shelled almonds, hazelnuts and walnuts in shell.
- (8) Since nuts have a relatively long storage life export refunds can be set at longer intervals.
- (9) In order to permit the best possible use of available resources the export refunds should, given the structure of exportation from the Community, be set using system A1.
- (10) 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

1. Export refund rates for nuts, the period for lodging licence applications and the quantities permitted are stipulated in the Annex hereto.
2. Licences for food aid purposes issued as indicated in Article 16 of Commission Regulation (EC) No 1291/2000 ⁽⁷⁾ shall not be counted against the quantities indicated in the Annex hereto.
3. Without prejudice to Article 5(6) of Regulation (EC) No 1961/2001, the type A1 licences shall be valid for three months.

Article 2

This Regulation shall enter into force on 8 January 2004.

⁽¹⁾ OJ L 297, 21.11.1996, p. 1.

⁽²⁾ OJ L 7, 11.1.2003, p. 64.

⁽³⁾ OJ L 268, 9.10.2001, p. 8.

⁽⁴⁾ OJ L 170, 29.6.2002, p. 69.

⁽⁵⁾ OJ L 366, 24.12.1987, p. 1.

⁽⁶⁾ OJ L 20, 24.1.2003, p. 3.

⁽⁷⁾ OJ L 152, 24.6.2000, p. 1.

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

Done at Brussels, 18 December 2003.

For the Commission
 Franz FISCHLER
 Member of the Commission

ANNEX

to the Commission Regulation of 18 December 2003 setting the export refunds for nuts (system A1)

Period for lodging licence applications: from 8 January 2004 to 30 April 2004.

Produce code ⁽¹⁾	Destination ⁽²⁾	Rate of refund (EUR/t net)	Permitted quantities (t)
0802 12 90 9000	F00	45	1 330
0802 21 00 9000	F00	53	47
0802 22 00 9000	F00	103	2 098
0802 31 00 9000	F00	66	28

⁽¹⁾ The product codes are defined in Commission Regulation (EEC) No 3846/87 (OJ L 366, 24.12.1987, p. 1).

⁽²⁾ The series A destination codes are defined in Annex II to Regulation (EEC) No 3846/87.

The numerical destination codes are defined in Commission Regulation (EC) No 2020/2001 (OJ L 273, 16.10.2001, p. 6).

The other destinations are defined as follows:

F00: All destinations other than Estonia.

**COMMISSION REGULATION (EC) No 2216/2003
of 18 December 2003**

determining the quantity of certain products in the milk and milk products sector available for the period 1 January to 30 April 2004 under quotas opened by the Community on the basis of an import licence alone

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1255/1999 of 17 May 1999 on the common organisation of the market in milk and milk products ⁽¹⁾, as last amended by Commission Regulation (EC) No 1787/2002 ⁽²⁾,

Having regard to Commission Regulation (EC) No 2535/2001 of 14 December 2001 laying down detailed rules for applying Council Regulation (EC) No 1255/1999 as regards the import arrangements for milk and milk products and opening tariff quotas ⁽³⁾, as last amended by Regulation (EC) No 2012/2003 ⁽⁴⁾, and in particular Article 16(2) thereof,

Whereas:

When import licences were allocated for the second half of 2003 for certain quotas referred to in Regulation (EC) No 2535/2001, applications for licences covered quantities less than those available for the products concerned. As a result,

the quantity available for each quota for the period 1 January to 30 April 2004 should be fixed, taking account of the unallocated quantities resulting from Commission Regulation (EC) No 1345/2003 ⁽⁵⁾ determining the extent to which the applications for import licences submitted in July 2003 for certain dairy products under certain tariff quotas opened by Regulation (EC) No 2535/2001 can be accepted,

HAS ADOPTED THIS REGULATION:

Article 1

The quantities available for the period 1 January to 30 April 2004 for the second half of the year of importation of certain quotas referred to in Regulation (EC) No 2535/2001 shall be as set out in the Annex.

Article 2

This Regulation shall enter into force on 19 December 2003.

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

Done at Brussels, 18 December 2003.

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

⁽¹⁾ OJ L 160, 26.6.1999, p. 48.

⁽²⁾ OJ L 270, 21.10.2003, p. 121.

⁽³⁾ OJ L 341, 22.12.2001, p. 29.

⁽⁴⁾ OJ L 297, 15.11.2003, p. 19.

⁽⁵⁾ OJ L 189, 29.7.2003, p. 32.

ANNEX

Quantities available for the period 1 January to 30 April 2004

ANNEX I. A

Quota number	Quantity (tonnes)
09.4591	4 289
09.4592	15 103
09.4593	4 206
09.4594	13 227

ANNEX I. B

1. Products originating in Czech Republic

Quota number	Quantity (tonnes)
09.4636	300
09.4637	500
09.4613	4 923

2. Products originating in Slovak Republic

Quota number	Quantity (tonnes)
09.4645	500

3. Products originating in Hungary

Quota number	Quantity (tonnes)
09.4776	60

4. Products originating in Bulgaria

Quota number	Quantity (tonnes)
09.4660	2 652
09.4675	667

5. Products originating in Estonia

Quota number	Quantity (tonnes)
09.4579	1 000

6. Products originating in Latvia

Quota number	Quantity (tonnes)
09.4872	220
09.4873	3 800
09.4874	110

7. Products originating in Lithuania

Quota number	Quantity (tonnes)
09.4865	2 200

ANNEX I. F

Products originating in Switzerland

Quota number	Quantity (tonnes)
09.4155	1 239
09.4156	2 579

ANNEX I. H

Products originating in Norway

Quota number	Quantity (tonnes)
09.4781	1 782
09.4782	178

COMMISSION REGULATION (EC) No 2217/2003**of 18 December 2003****fixing the export refunds on cereals and on wheat or rye flour, groats and meal**

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(2) thereof,

Whereas:

- (1) Article 13 of Regulation (EEC) No 1766/92 provides that the difference between quotations or prices on the world market for the products listed in Article 1 of that Regulation and prices for those products in the Community may be covered by an export refund.
- (2) The refunds must be fixed taking into account the factors referred to in Article 1 of Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules under Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals ⁽³⁾, as last amended by Regulation (EC) No 1431/2003 ⁽⁴⁾.
- (3) As far as wheat and rye flour, groats and meal are concerned, when the refund on these products is being calculated, account must be taken of the quantities of cereals required for their manufacture. These quantities were fixed in Regulation (EC) No 1501/95.
- (4) The world market situation or the specific requirements of certain markets may make it necessary to vary the refund for certain products according to destination.
- (5) The refund must be fixed once a month. It may be altered in the intervening period.
- (6) It follows from applying the detailed rules set out above to the present situation on the market in cereals, and in particular to quotations or prices for these products within the Community and on the world market, that the refunds should be as set out in the Annex hereto.
- (7) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1(a), (b) and (c) of Regulation (EEC) No 1766/92, excluding malt, exported in the natural state, shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 January 2004.

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

Done at Brussels, 18 December 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 147, 30.6.1995, p. 7.

⁽⁴⁾ OJ L 203, 12.8.2003, p. 16.

ANNEX

to the Commission Regulation of 18 December 2003 fixing the export refunds on cereals and on wheat or rye flour, groats and meal

Product code	Destination	Unit of measurement	Amount of refunds	Product code	Destination	Unit of measurement	Amount of refunds
1001 10 00 9200	—	EUR/t	—	1101 00 15 9130	A00	EUR/t	0
1001 10 00 9400	—	EUR/t	—	1101 00 15 9150	A00	EUR/t	0
1001 90 91 9000	—	EUR/t	—	1101 00 15 9170	A00	EUR/t	0
1001 90 99 9000	—	EUR/t	—	1101 00 15 9180	A00	EUR/t	0
1002 00 00 9000	—	EUR/t	—	1101 00 15 9190	—	EUR/t	—
1003 00 10 9000	—	EUR/t	—	1101 00 90 9000	—	EUR/t	—
1003 00 90 9000	—	EUR/t	—	1102 10 00 9500	A00	EUR/t	0
1004 00 00 9200	—	EUR/t	—	1102 10 00 9700	A00	EUR/t	0
1004 00 00 9400	A00	EUR/t	0	1102 10 00 9900	—	EUR/t	—
1005 10 90 9000	—	EUR/t	—	1103 11 10 9200	A00	EUR/t	0 ⁽¹⁾
1005 90 00 9000	—	EUR/t	—	1103 11 10 9400	A00	EUR/t	0 ⁽¹⁾
1007 00 90 9000	—	EUR/t	—	1103 11 10 9900	—	EUR/t	—
1008 20 00 9000	—	EUR/t	—	1103 11 90 9200	A00	EUR/t	0 ⁽¹⁾
1101 00 11 9000	—	EUR/t	—	1103 11 90 9800	—	EUR/t	—
1101 00 15 9100	A00	EUR/t	0				

⁽¹⁾ No refund is granted when this product contains compressed meal.

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

COMMISSION REGULATION (EC) No 2218/2003
of 18 December 2003
fixing 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 organization 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) Article 13(8) of Regulation (EEC) No 1766/92 provides that the export refund applicable to cereals on the day on which application for an export licence is made must be applied on request to exports to be effected during the period of validity of the export licence. In this case, a corrective amount may be applied to the refund.
- (2) Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules under Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the cereals and the measures to be taken in the event of disturbance on the market for cereals ⁽³⁾, as last amended by Regulation (EC) No 1431/2003 ⁽⁴⁾, allows for the fixing of a corrective amount for the products listed in Article 1(1)(c) of Regulation (EEC) No 1766/92. That corrective amount must be calculated taking account of the factors referred to in Article 1 of Regulation (EC) No 1501/95.

- (3) The world market situation or the specific requirements of certain markets may make it necessary to vary the corrective amount according to destination.
- (4) The corrective amount must be fixed at the same time as the refund and according to the same procedure; it may be altered in the period between fixings.
- (5) It follows from applying the provisions set out above that the corrective amount must be as set out in the Annex hereto.
- (6) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

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 export refunds fixed in advance except for malt shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 January 2004.

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

Done at Brussels, 18 December 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 147, 30.6.1995, p. 7.

⁽⁴⁾ OJ L 203, 12.8.2003, p. 16.

ANNEX

to the Commission Regulation of 18 December 2003 fixing the corrective amount applicable to the refund on cereals

(EUR/t)

Product code	Destination	Current 1	1st period 2	2nd period 3	3rd period 4	4th period 5	5th period 6	6th period 7
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 2219/2003
of 18 December 2003
fixing the export refunds on malt

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 organization of the market in cereals⁽¹⁾, as last amended by Regulation (EC) No 1104/2003⁽²⁾, and in particular the third subparagraph of Article 13(2) thereof,

Whereas:

- (1) Article 13 of Regulation (EEC) No 1766/92 provides that the difference between quotations or 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) The refunds must be fixed taking into account the factors referred to in Article 1 of Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules under Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals⁽³⁾, as last amended by Regulation (EC) No 1431/2003⁽⁴⁾.
- (3) The refund applicable in the case of malts must be calculated with amount taken of the quantity of cereals required to manufacture the products in question. The said quantities are laid down in Regulation (EC) No 1501/95.
- (4) The world market situation or the specific requirements of certain markets may make it necessary to vary the refund for certain products according to destination.
- (5) The refund must be fixed once a month. It may be altered in the intervening period.
- (6) It follows from applying these rules to the present situation on markets in cereals, and in particular to quotations or prices for these products within the Community and on the world market, that the refunds should be as set out in the Annex hereto.
- (7) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on malt listed in Article 1(1)(c) of Regulation (EEC) No 1766/92 shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 January 2004.

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

Done at Brussels, 18 December 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 147, 30.6.1995, p. 7.

⁽⁴⁾ OJ L 203, 12.8.2003, p. 16.

ANNEX

to the Commission Regulation of 18 December 2003 fixing the export refunds on malt

Product code	Destination	Unit of measurement	Amount of refunds
1107 10 19 9000	A00	EUR/t	0,00
1107 10 99 9000	A00	EUR/t	0,00
1107 20 00 9000	A00	EUR/t	0,00

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

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

COMMISSION REGULATION (EC) No 2220/2003
of 18 December 2003
fixing the corrective amount applicable to the refund on malt

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 organization of the market in cereals ⁽¹⁾, as last amended by Regulation (EC) No 1104/2003 ⁽²⁾, and in particular Article 13(8),

Whereas:

- (1) Article 13(8) of Regulation (EEC) No 1766/92 provides that the export refund applicable to cereals on the day on which application for an export licence is made, adjusted for the threshold price in force during the month of exportation, must be applied on request to exports to be effected during the period of validity of the export licence. In this case, a corrective amount may be applied to the refund.
- (2) Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules under Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals ⁽³⁾, as last amended by Regulation (EC) No 1431/2003 ⁽⁴⁾, allows for the fixing of a corrective amount for the malt

referred to in Article 1(1)(c) of Regulation (EEC) No 1766/92. That corrective amount must be calculated taking account of the factors referred to in Article 1 of Regulation (EC) No 1501/95.

- (3) It follows from applying the provisions set out above that the corrective amount must be as set out in the Annex hereto.
- (4) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

Article 1

The corrective amount referred to in Article 13(4) of Regulation (EEC) No 1766/92 which is applicable to export refunds fixed in advance in respect of malt shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 January 2004.

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

Done at Brussels, 18 December 2003.

For the Commission
Franz FISCHLER
Member of the Commission

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 158, 28.6.2003, p. 1.

⁽³⁾ OJ L 147, 30.6.1995, p. 7.

⁽⁴⁾ OJ L 203, 12.8.2003, p. 16.

ANNEX

to the Commission Regulation of 18 December 2003 fixing the corrective amount applicable to the refund on malt

(EUR/t)

Product code	Destination	Current 1	1st period 2	2nd period 3	3rd period 4	4th period 5	5th period 6
1107 10 11 9000	A00	0	0	0	0	0	0
1107 10 19 9000	A00	0	0	0	0	0	0
1107 10 91 9000	A00	0	0	0	0	0	0
1107 10 99 9000	A00	0	0	0	0	0	0
1107 20 00 9000	A00	0	0	0	0	0	0

(EUR/t)

Product code	Destination	6th period 7	7th period 8	8th period 9	9th period 10	10th period 11	11th period 12
1107 10 11 9000	A00	0	0	0	0	0	0
1107 10 19 9000	A00	0	0	0	0	0	0
1107 10 91 9000	A00	0	0	0	0	0	0
1107 10 99 9000	A00	0	0	0	0	0	0
1107 20 00 9000	A00	0	0	0	0	0	0

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 Regulation (EC) No 1779/2002 (OJ L 269, 5.10.2002, p. 6).

COMMISSION REGULATION (EC) No 2221/2003
of 18 December 2003
fixing the export refunds on products processed from cereals and rice

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 organization of the market in cereals ⁽¹⁾, as last amended by Regulation (EC) No 1104/2003 ⁽²⁾, and in particular Article 13(3) thereof,

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

Whereas:

- (1) Article 13 of Regulation (EEC) No 1766/92 and Article 13 of Regulation (EC) No 3072/95 provide that the difference between quotations or prices on the world market for the products listed in Article 1 of those Regulations and prices for those products within the Community may be covered by an export refund.
- (2) Article 13 of Regulation (EC) No 3072/95 provides that when refunds are being fixed account must be taken of the existing situation and the future trend with regard to prices and availabilities of cereals, rice and broken rice on the Community market on the one hand and prices for cereals, rice, broken rice and cereal products on the world market on the other. The same Articles provide that it is also important to ensure equilibrium and the natural development of prices and trade on the markets in cereals and rice and, furthermore, to take into account the economic aspect of the proposed exports, and the need to avoid disturbances on the Community market.
- (3) Article 4 of Commission Regulation (EC) No 1518/95 ⁽⁵⁾, as amended by Regulation (EC) No 2993/95 ⁽⁶⁾, on the import and export system for products processed from cereals and from rice defines the specific criteria to be taken into account when the refund on these products is being calculated.
- (4) The refund to be granted in respect of certain processed products should be graduated on the basis of the ash, crude fibre, tegument, protein, fat and starch content of

the individual product concerned, this content being a particularly good indicator of the quantity of basic product actually incorporated in the processed product.

- (5) There is no need at present to fix an export refund for manioc, other tropical roots and tubers or flours obtained therefrom, given the economic aspect of potential exports and in particular the nature and origin of these products. For certain products processed from cereals, the insignificance of Community participation in world trade makes it unnecessary to fix an export refund at the present time.
- (6) The world market situation or the specific requirements of certain markets may make it necessary to vary the refund for certain products according to destination.
- (7) The refund must be fixed once a month. It may be altered in the intervening period.
- (8) Certain processed maize products may undergo a heat treatment following which a refund might be granted that does not correspond to the quality of the product; whereas it should therefore be specified that on these products, containing pregelatinized starch, no export refund is to be granted.
- (9) The Management Committee for Cereals has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1(1)(d) of Regulation (EEC) No 1766/92 and in Article 1(1)(c) of Regulation (EC) No 3072/95 and subject to Regulation (EC) No 1518/95 are hereby fixed as shown in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 19 December 2003.

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 158, 27.6.2003, p. 1.

⁽³⁾ OJ L 329, 30.12.1995, p. 18.

⁽⁴⁾ OJ L 62, 5.3.2002, p. 27.

⁽⁵⁾ OJ L 147, 30.6.1995, p. 55.

⁽⁶⁾ OJ L 312, 23.12.1995, p. 25.

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

Done at Brussels, 18 December 2003.

For the Commission
Franz FISCHLER
Member of the Commission

ANNEX

to the Commission Regulation of 18 December 2003 fixing the export refunds on products processed from cereals and rice

Product code	Destination	Unit of measurement	Refunds	Product code	Destination	Unit of measurement	Refunds
1102 20 10 9200 ⁽¹⁾	C10	EUR/t	40,08	1104 23 10 9300	C10	EUR/t	32,92
1102 20 10 9400 ⁽¹⁾	C10	EUR/t	34,36	1104 29 11 9000	C10	EUR/t	0,00
1102 20 90 9200 ⁽¹⁾	C10	EUR/t	34,36	1104 29 51 9000	C10	EUR/t	0,00
1102 90 10 9100	C11	EUR/t	0,00	1104 29 55 9000	C10	EUR/t	0,00
1102 90 10 9900	C11	EUR/t	0,00	1104 30 10 9000	C10	EUR/t	0,00
1102 90 30 9100	C11	EUR/t	0,00	1104 30 90 9000	C10	EUR/t	7,16
1103 19 40 9100	C10	EUR/t	0,00	1107 10 11 9000	C13	EUR/t	0,00
1103 13 10 9100 ⁽¹⁾	C10	EUR/t	51,53	1107 10 91 9000	C13	EUR/t	0,00
1103 13 10 9300 ⁽¹⁾	C10	EUR/t	40,08	1108 11 00 9200	C10	EUR/t	0,00
1103 13 10 9500 ⁽¹⁾	C10	EUR/t	34,36	1108 11 00 9300	C10	EUR/t	0,00
1103 13 90 9100 ⁽¹⁾	C10	EUR/t	34,36	1108 12 00 9200	C10	EUR/t	45,81
1103 19 10 9000	C10	EUR/t	0,00	1108 12 00 9300	C10	EUR/t	45,81
1103 19 30 9100	C10	EUR/t	0,00	1108 13 00 9200	C10	EUR/t	45,81
1103 20 60 9000	C12	EUR/t	0,00	1108 13 00 9300	C10	EUR/t	45,81
1103 20 20 9000	C11	EUR/t	0,00	1108 19 10 9200	C10	EUR/t	50,16
1104 19 69 9100	C10	EUR/t	0,00	1108 19 10 9300	C10	EUR/t	50,16
1104 12 90 9100	C10	EUR/t	0,00	1109 00 00 9100	C10	EUR/t	0,00
1104 12 90 9300	C10	EUR/t	0,00	1702 30 51 9000 ⁽²⁾	C10	EUR/t	44,88
1104 19 10 9000	C10	EUR/t	0,00	1702 30 59 9000 ⁽²⁾	C10	EUR/t	34,36
1104 19 50 9110	C10	EUR/t	45,81	1702 30 91 9000	C10	EUR/t	44,88
1104 19 50 9130	C10	EUR/t	37,22	1702 30 99 9000	C10	EUR/t	34,36
1104 29 01 9100	C10	EUR/t	0,00	1702 40 90 9000	C10	EUR/t	34,36
1104 29 03 9100	C10	EUR/t	0,00	1702 90 50 9100	C10	EUR/t	44,88
1104 29 05 9100	C10	EUR/t	0,00	1702 90 50 9900	C10	EUR/t	34,36
1104 29 05 9300	C10	EUR/t	0,00	1702 90 75 9000	C10	EUR/t	47,02
1104 22 20 9100	C10	EUR/t	0,00	1702 90 79 9000	C10	EUR/t	32,64
1104 22 30 9100	C10	EUR/t	0,00	2106 90 55 9000	C10	EUR/t	34,36
1104 23 10 9100	C10	EUR/t	42,95				

⁽¹⁾ No refund shall be granted on products given a heat treatment resulting in pregelatinisation of the starch.

⁽²⁾ Refunds are granted in accordance with Council Regulation (EEC) No 2730/75 (OJ L 281, 1.11.1975, p. 20), as amended.

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 Regulation (EC) No 1779/2002 (OJ L 269, 5.10.2002, p. 6).

The other destinations are as follows:

C10 All destinations except for Cyprus, the Czech Republic, Estonia, Hungary, Lithuania, Latvia, Malta, Poland, Slovenia and Slovakia.

C11 All destinations except for Bulgaria, Cyprus, the Czech Republic, Estonia, Hungary, Lithuania, Latvia, Malta, Poland, Slovenia and Slovakia.

C12 All destinations except for Cyprus, the Czech Republic, Estonia, Hungary, Lithuania, Latvia, Malta, Poland, Romania, Slovenia and Slovakia.

C13 All destinations except for Bulgaria, Cyprus, the Czech Republic, Estonia, Hungary, Lithuania, Latvia, Malta, Poland, Romania, Slovenia and Slovakia.

COMMISSION REGULATION (EC) No 2222/2003
of 18 December 2003
fixing the export refunds on cereal-based compound feedingstuffs

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(3) thereof,

Whereas:

- (1) Article 13 of Regulation (EEC) No 1766/92 provides that the difference between quotations or 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 (EC) No 1517/95 of 29 June 1995 laying down detailed rules for the application of Regulation (EEC) No 1766/92 as regards the arrangements for the export and import of compound feedingstuffs based on cereals and amending Regulation (EC) No 1162/95 laying down special detailed rules for the application of the system of import and export licences for cereals and rice ⁽³⁾ in Article 2 lays down general rules for fixing the amount of such refunds.
- (3) That calculation must also take account of the cereal products content. In the interest of simplification, the refund should be paid in respect of two categories of 'cereal products', namely for maize, the most commonly used cereal in exported compound feeds and maize

products, and for 'other cereals', these being eligible cereal products excluding maize and maize products. A refund should be granted in respect of the quantity of cereal products present in the compound feedingstuff.

- (4) Furthermore, the amount of the refund must also take into account the possibilities and conditions for the sale of those products on the world market, the need to avoid disturbances on the Community market and the economic aspect of the export.
- (5) The current situation on the cereals market and, in particular, the supply prospects mean that the export refunds should be abolished.
- (6) The Management Committee for Cereals has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the compound feedingstuffs covered by Regulation (EEC) No 1766/92 and subject to Regulation (EC) No 1517/95 are hereby fixed as shown in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 19 December 2003.

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

Done at Brussels, 18 December 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 147, 30.6.1995, p. 51.

ANNEX

to the Commission Regulation of 18 December 2003 fixing the export refunds on cereal-based compound feedingstuffs

Product codes benefiting from export refund:

2309 10 11 9000, 2309 10 13 9000, 2309 10 31 9000,
2309 10 33 9000, 2309 10 51 9000, 2309 10 53 9000,
2309 90 31 9000, 2309 90 33 9000, 2309 90 41 9000,
2309 90 43 9000, 2309 90 51 9000, 2309 90 53 9000

Cereal products	Destination	Unit of measurement	Amount of refunds
Maize and maize products: CN codes 0709 90 60, 0712 90 19, 1005, 1102 20, 1103 13, 1103 29 40, 1104 19 50, 1104 23, 1904 10 10	C10	EUR/t	0,00
Cereal products excluding maize and maize products	C10	EUR/t	0,00

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

C10 All destinations except for Cyprus, the Czech Republic, Estonia, Hungary, Lithuania, Latvia, Malta, Poland, Slovenia and Slovakia.

**COMMISSION REGULATION (EC) No 2223/2003
of 18 December 2003**

**fixing the maximum export refund on oats in connection with the invitation to tender issued in
Regulation (EC) No 1814/2003**

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 1501/95 of 29 June 1995 laying down certain detailed rules for the application of Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals ⁽³⁾, as last amended by Regulation (EC) No 1431/2003 ⁽⁴⁾, and in particular Article 4 thereof,

Having regard to Commission Regulation (EC) No 1814/2003 of 15 October 2003 on a special intervention measure for cereals in Finland and Sweden for the marketing year 2003/04 ⁽⁵⁾, and in particular Article 9 thereof,

Whereas:

- (1) An invitation to tender for the refund for the export of oats produced in Finland and Sweden for export from Finland or Sweden to all third countries except Bulgaria, Cyprus, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, the Czech Republic, Romania, Slovakia and Slovenia was opened pursuant to Regulation (EC) No 1814/2003.

- (2) Article 9 of Regulation (EC) No 1814/2003 provides that the Commission may, on the basis of the tenders notified, in accordance with the procedure laid down in Article 23 of Regulation (EEC) No 1766/92, decide to fix a maximum export refund taking account of the criteria referred to in Article 1 of Regulation (EC) No 1501/95. In that case a contract is awarded to any tenderer whose bid is equal to or lower than the maximum refund.
- (3) The application of the abovementioned criteria to the current market situation for the cereal in question results in the maximum export refund being fixed at the amount specified in Article 1.
- (4) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

Article 1

For tenders notified from 12 to 18 December 2003, pursuant to the invitation to tender issued in Regulation (EC) No 1814/2003, the maximum refund on exportation of oats shall be EUR 18,96/t.

Article 2

This Regulation shall enter into force on 19 December 2003.

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

Done at Brussels, 18 December 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 147, 30.6.1995, p. 7.

⁽⁴⁾ OJ L 203, 12.8.2003, p. 16.

⁽⁵⁾ OJ L 265, 16.10.2003, p. 25.

COMMISSION REGULATION (EC) No 2224/2003

of 18 December 2003

fixing the export refunds on rice and broken rice and suspending the issue of export licences

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organisation of the market in rice ⁽¹⁾, as last amended by Commission Regulation (EC) No 411/2002 ⁽²⁾, and in particular the second subparagraph of Article 13(3) and (15) thereof,

Whereas:

(1) Article 13 of Regulation (EC) No 3072/95 provides that the difference between quotations or 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) Article 13(4) of Regulation (EC) No 3072/95, provides that when refunds are being fixed account must be taken of the existing situation and the future trend with regard to prices and availabilities of rice and broken rice on the Community market on the one hand and prices for rice and broken rice on the world market on the other. The same Article provides that it is also important to ensure equilibrium and the natural development of prices and trade on the rice market and, furthermore, to take into account the economic aspect of the proposed exports and the need to avoid disturbances of the Community market with limits resulting from agreements concluded in accordance with Article 300 of the Treaty.

(3) Commission Regulation (EEC) No 1361/76 ⁽³⁾ lays down the maximum percentage of broken rice allowed in rice for which an export refund is fixed and specifies the percentage by which that refund is to be reduced where the proportion of broken rice in the rice exported exceeds that maximum.

(4) Export possibilities exist for a quantity of 8 800 tonnes of rice to certain destinations. The procedure laid down in Article 8(3) of Commission Regulation (EC) No 1342/2003 ⁽⁴⁾ should be used. Account should be taken of this when the refunds are fixed.

(5) Article 13(5) of Regulation (EC) No 3072/95 defines the specific criteria to be taken into account when the export refund on rice and broken rice is being calculated.

(6) The world market situation or the specific requirements of certain markets may make it necessary to vary the refund for certain products according to destination.

(7) A separate refund should be fixed for packaged long grain rice to accommodate current demand for the product on certain markets.

(8) The refund must be fixed at least once a month; whereas it may be altered in the intervening period.

(9) It follows from applying these rules and criteria to the present situation on the market in rice and in particular to quotations or prices for rice and broken rice within the Community and on the world market, that the refund should be fixed as set out in the Annex hereto.

(10) For the purposes of administering the volume restrictions resulting from Community commitments in the context of the WTO, the issue of export licences with advance fixing of the refund should be restricted.

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

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1 of Regulation (EC) No 3072/95 with the exception of those listed in paragraph 1(c) of that Article, exported in the natural state, shall be as set out in the Annex hereto.

Article 2

With the exception of the quantity of 8 800 tonnes provided for in the Annex, the issue of export licences with advance fixing of the refund is suspended.

Article 3

This Regulation shall enter into force on 19 December 2003.

⁽¹⁾ OJ L 329, 30.12.1995, p. 18.

⁽²⁾ OJ L 62, 5.3.2002, p. 27.

⁽³⁾ OJ L 154, 15.6.1976, p. 11.

⁽⁴⁾ OJ L 189, 29.7.2003, p. 12.

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

Done at Brussels, 18 December 2003.

For the Commission
Franz FISCHLER
Member of the Commission

ANNEX

to the Commission Regulation of 18 December 2003 fixing the export refunds on rice and broken rice and suspending the issue of export licences

Product code	Destination	Unit of measurement	Amount of refunds (1)	Product code	Destination	Unit of measurement	Amount of refunds (1)
1006 20 11 9000	R01	EUR/t	98	1006 30 65 9900	R01	EUR/t	122
1006 20 13 9000	R01	EUR/t	98		064 and 066	EUR/t	148
1006 20 15 9000	R01	EUR/t	98		A97	EUR/t	128
1006 20 17 9000	—	EUR/t	—	1006 30 67 9100	021 and 023	EUR/t	128
1006 20 92 9000	R01	EUR/t	98		064 and 066	EUR/t	148
1006 20 94 9000	R01	EUR/t	98	1006 30 67 9900	064 and 066	EUR/t	148
1006 20 96 9000	R01	EUR/t	98	1006 30 92 9100	R01	EUR/t	122
1006 20 98 9000	—	EUR/t	—		R02	EUR/t	128
1006 30 21 9000	R01	EUR/t	98		R03	EUR/t	133
1006 30 23 9000	R01	EUR/t	98		064 and 066	EUR/t	148
1006 30 25 9000	R01	EUR/t	98		A97	EUR/t	128
1006 30 27 9000	—	EUR/t	—		021 and 023	EUR/t	128
1006 30 42 9000	R01	EUR/t	98	1006 30 92 9900	R01	EUR/t	122
1006 30 44 9000	R01	EUR/t	98		A97	EUR/t	128
1006 30 46 9000	R01	EUR/t	98		064 and 066	EUR/t	148
1006 30 48 9000	—	EUR/t	—	1006 30 94 9100	R01	EUR/t	122
1006 30 61 9100	R01	EUR/t	122		R02	EUR/t	128
	R02	EUR/t	128		R03	EUR/t	133
	R03	EUR/t	133		064 and 066	EUR/t	148
	064 and 066	EUR/t	148		A97	EUR/t	128
	A97	EUR/t	128		021 and 023	EUR/t	128
1006 30 61 9900	021 and 023	EUR/t	128	1006 30 94 9900	R01	EUR/t	122
	R01	EUR/t	122		A97	EUR/t	128
	A97	EUR/t	128		064 and 066	EUR/t	148
1006 30 63 9100	064 and 066	EUR/t	148	1006 30 96 9100	R01	EUR/t	122
	R01	EUR/t	122		R02	EUR/t	128
	R02	EUR/t	128		R03	EUR/t	133
	R03	EUR/t	133		064 and 066	EUR/t	148
	064 and 066	EUR/t	148		A97	EUR/t	128
	A97	EUR/t	128		021 and 023	EUR/t	128
1006 30 63 9900	021 and 023	EUR/t	128	1006 30 96 9900	R01	EUR/t	122
	R01	EUR/t	122		A97	EUR/t	128
	064 and 066	EUR/t	148		064 and 066	EUR/t	148
	A97	EUR/t	128		021 and 023	EUR/t	128
1006 30 65 9100	R01	EUR/t	122	1006 30 98 9100	—	EUR/t	—
	R02	EUR/t	128	1006 40 00 9000	—	EUR/t	—
	R03	EUR/t	133				
	064 and 066	EUR/t	148				
	A97	EUR/t	128				
	021 and 023	EUR/t	128				

(1) The procedure laid down in Article 8(3) of Regulation (EC) No 1342/2003 applies to licences applied for under that Regulation for quantities according to the destination:

destination R01: 2 000 t,
all destinations R02 and R03: 2 000 t,
destinations 021 and 023: 500 t,
destinations 064 and 066: 4 000 t,
destination A97: 300 t.

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:

R01 Switzerland, Liechtenstein, communes of Livigno and Campione d'Italia.

R02 Morocco, Algeria, Tunisia, Malta, Egypt, Israel, Lebanon, Libya, Syria, Ex-Spanish Sahara, Cyprus, Jordan, Iraq, Iran, Yemen, Kuwait, United Arab Emirates, Oman, Bahrain, Qatar, Saudi Arabia, Eritrea, West Bank/Gaza Strip, Estonia, Latvia, Lithuania, Poland, Czech Republic, Slovenia, Slovakia, Norway, Faroe Islands, Iceland, Russia, Belarus, Bosnia and Herzegovina, Croatia, Serbia and Montenegro, Former Yugoslav Republic of Macedonia, Albania, Bulgaria, Georgia, Armenia, Azerbaijan, Moldova, Ukraine, Kazakhstan, Turkmenistan, Uzbekistan, Tajikistan, Kyrgyzstan.

R03 Colombia, Ecuador, Peru, Bolivia, Chile, Argentina, Uruguay, Paraguay, Brazil, Venezuela, Canada, Mexico, Guatemala, Honduras, El Salvador, Nicaragua, Costa Rica, Panama, Cuba, Bermuda, South Africa, Australia, New Zealand, Hong Kong SAR, Singapore, A40 except the Netherlands Antilles, Aruba, Turks and Caicos Islands, A11 except Suriname, Guyana, Madagascar.

**COMMISSION REGULATION (EC) No 2225/2003
of 18 December 2003**

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organisation of the market in cereals⁽¹⁾, as last amended by Regulation (EC) No 1784/2003⁽²⁾, and in particular Article 13(3) thereof,

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

Whereas:

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

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 270, 21.10.2003, p. 78.

⁽³⁾ OJ L 329, 30.12.1995, p. 18.

⁽⁴⁾ OJ L 62, 5.3.2002, p. 27.

⁽⁵⁾ OJ L 117, 15.7.2000, p. 1.

⁽⁶⁾ OJ L 106, 29.4.2003, p. 12.

⁽⁷⁾ OJ L 275, 29.9.1987, p. 36.

⁽⁸⁾ OJ L 159, 1.7.1993, p. 112.

⁽⁹⁾ OJ L 242, 12.9.2001, p. 3.

⁽¹⁰⁾ OJ L 151, 19.6.2003, p. 1.

⁽¹¹⁾ OJ L 163, 1.7.2003, p. 1.

⁽¹²⁾ OJ L 163, 1.7.2003, p. 19.

⁽¹³⁾ OJ L 163, 1.7.2003, p. 38.

- Republic ⁽¹⁾ and Council Regulation (EC) No 1090/2003 of 18 June 2003 adopting autonomous and transitional measures concerning the importation of certain processed agricultural products originating in the Czech Republic and the exportation of certain processed agricultural products to the Czech Republic ⁽²⁾ with effect from 1 July 2003, processed agricultural products not listed in Annex I to the Treaty which are exported to Estonia, Slovenia, Latvia, Lithuania, Slovakia or the Czech Republic are not eligible for export refunds.
- (9) In accordance with Council Regulation (EC) No 999/2003 of 2 June 2003 adopting autonomous and transitional measures concerning the import of certain processed agricultural products originating in Hungary and the export of certain processed agricultural products to Hungary ⁽³⁾, with effect from 1 July 2003, the goods referred to in its Article 1(2) which are exported to Hungary are not eligible for export refunds.
- (10) In accordance with Council Regulation (EC) No 1890/2003 of 27 October 2003 adopting autonomous and transitional measures concerning the importation of certain processed agricultural products originating in Malta and the exportation of certain processed agricultural products to Malta ⁽⁴⁾, with effect from 1 November 2003, processed agricultural products not listed in Annex I to the Treaty which are exported to Malta, are not eligible for export refunds.
- (11) It is necessary to ensure continuity of strict management taking account of expenditure forecasts and funds available in the budget.
- (12) The Management Committee for Cereals has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 19 December 2003.

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

Done at Brussels, 18 December 2003.

For the Commission

Erkki LIIKANEN

Member of the Commission

⁽¹⁾ OJ L 163, 1.7.2003, p. 56.

⁽²⁾ OJ L 163, 1.7.2003, p. 73.

⁽³⁾ OJ L 146, 13.6.2003, p. 10.

⁽⁴⁾ OJ L 278, 29.10.2003, p. 1.

ANNEX

Rates of the refunds applicable from 19 December 2003 to certain cereals and rice products exported in the form of goods not covered by Annex I to the Treaty

(EUR/100 kg)

CN code	Description of products ⁽¹⁾	Rate of refund per 100 kg of basic product ⁽²⁾	
		In case of advance fixing of refunds	Other
1001 10 00	Durum wheat:		
	– on exports of goods falling within CN codes 1902 11 and 1902 19 to the United States of America	—	—
	– in other cases	—	—
1001 90 99	Common wheat and meslin:		
	– on exports of goods falling within CN codes 1902 11 and 1902 19 to the United States of America	—	—
	– in other cases:		
	– – where Article 4(5) of Regulation (EC) No 1520/2000 applies ⁽³⁾	—	—
	– – where goods falling within subheading 2208 ⁽⁴⁾ are exported	—	—
	– – in other cases	—	—
1002 00 00	Rye	—	—
1003 00 90	Barley		
	– where goods falling within subheading 2208 ⁽⁴⁾ are exported	—	—
	– in other cases	—	—
1004 00 00	Oats	—	—
1005 90 00	Maize (corn) used in the form of:		
	– starch:		
	– – where Article 4(5) of Regulation (EC) No 1520/2000 applies ⁽³⁾	2,863	2,863
	– – where goods falling within subheading 2208 ⁽⁴⁾ are exported	0,275	0,275
	– – in other cases	2,863	2,863
	– glucose, glucose syrup, maltodextrine, maltodextrine syrup of CN codes 1702 30 51, 1702 30 59, 1702 30 91, 1702 30 99, 1702 40 90, 1702 90 50, 1702 90 75, 1702 90 79, 2106 90 55 ⁽⁵⁾ :		
	– – where Article 4(5) of Regulation (EC) No 1520/2000 applies ⁽³⁾	2,147	2,147
	– – where goods falling within subheading 2208 ⁽⁴⁾ are exported	0,206	0,206
	– – in other cases	2,147	2,147
	– where goods falling within subheading 2208 ⁽⁴⁾ are exported	0,275	0,275
	– other (including unprocessed)	2,863	2,863
	Potato starch of CN code 1108 13 00 similar to a product obtained from processed maize:		
	– where Article 4(5) of Regulation (EC) No 1520/2000 applies ⁽³⁾	2,863	2,863
	– – where goods falling within subheading 2208 ⁽⁴⁾ are exported	0,275	0,275
	– in other cases	2,863	2,863

(EUR/100 kg)

CN code	Description of products ⁽¹⁾	Rate of refund per 100 kg of basic product ⁽²⁾	
		In case of advance fixing of refunds	Other
ex 1006 30	Wholly milled rice:		
	– round grain	12,800	12,800
	– medium grain	12,800	12,800
	– long grain	12,800	12,800
1006 40 00	Broken rice	3,300	3,300
1007 00 90	Grain sorghum, other than hybrid for sowing	—	—

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

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

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

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

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

**COMMISSION REGULATION (EC) No 2226/2003
of 18 December 2003**

on the issue of system B export licences in the fruit and vegetables sector (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⁾,

Having regard to Commission Regulation (EC) No 1961/2001 of 8 October 2001 on detailed rules for implementing Council Regulation (EC) No 2200/96 as regards export refunds on fruit and vegetables ⁽³⁾, as last amended by Regulation (EC) No 1176/2002 ⁽⁴⁾, and in particular Article 6(6) thereof,

Whereas:

- (1) Commission Regulation (EC) No 1858/2003 ⁽⁵⁾ fixes the indicative quantities for which system B export licences may be issued.
- (2) In the light of the information available to the Commission today, there is a risk that the indicative quantities laid down for the current export period for tomatoes

will shortly be exceeded. This overrun will prejudice the proper working of the export refund scheme in the fruit and vegetables sector.

- (3) To avoid this situation, applications for system B licences for tomatoes after 18 December 2003 should be rejected until the end of the current export period,

HAS ADOPTED THIS REGULATION:

Article 1

Applications for system B export licences for tomatoes submitted pursuant to Article 1 of Regulation (EC) No 1858/2003, export declarations for which are accepted after 18 December 2003 and before 15 January 2004, are hereby rejected.

Article 2

This Regulation shall enter into force on 19 December 2003.

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

Done at Brussels, 18 December 2003.

For the Commission

J. M. SILVA RODRÍGUEZ
Agriculture Director-General

⁽¹⁾ OJ L 297, 21.11.1996, p. 1.

⁽²⁾ OJ L 7, 11.1.2003, p. 64.

⁽³⁾ OJ L 268, 9.10.2001, p. 8.

⁽⁴⁾ OJ L 170, 29.6.2002, p. 69.

⁽⁵⁾ OJ L 272, 23.10.2003, p. 11.

COMMISSION REGULATION (EC) No 2227/2003
of 18 December 2003
on the issue of system B export licences in the fruit and vegetables sector (lemons)

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⁾,

Having regard to Commission Regulation (EC) No 1961/2001 of 8 October 2001 on detailed rules for implementing Council Regulation (EC) No 2200/96 as regards export refunds on fruit and vegetables ⁽³⁾, as last amended by Regulation (EC) No 1176/2002 ⁽⁴⁾, and in particular Article 6(6) thereof,

Whereas:

- (1) Commission Regulation (EC) No 1858/2003 ⁽⁵⁾ fixes the indicative quantities for which system B export licences may be issued.
- (2) In the light of the information available to the Commission today, there is a risk that the indicative quantities laid down for the current export period for lemons will

shortly be exceeded. This overrun will prejudice the proper working of the export refund scheme in the fruit and vegetables sector.

- (3) To avoid this situation, applications for system B licences for lemons after 18 December 2003 should be rejected until the end of the current export period,

HAS ADOPTED THIS REGULATION:

Article 1

Applications for system B export licences for lemons submitted pursuant to Article 1 of Regulation (EC) No 1858/2003, export declarations for which are accepted after 18 December 2003 and before 15 January 2004, are hereby rejected.

Article 2

This Regulation shall enter into force on 19 December 2003.

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

Done at Brussels, 18 December 2003.

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

⁽¹⁾ OJ L 297, 21.11.1996, p. 1.

⁽²⁾ OJ L 7, 11.1.2003, p. 64.

⁽³⁾ OJ L 268, 9.10.2001, p. 8.

⁽⁴⁾ OJ L 170, 29.6.2002, p. 69.

⁽⁵⁾ OJ L 272, 23.10.2003, p. 11.

COMMISSION DIRECTIVE 2003/121/EC
of 15 December 2003

**amending Directive 98/53/EC laying down the sampling methods and the methods of analysis for
the official control of the levels for certain contaminants in foodstuffs**

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 85/591/EEC of 20 December 1985 concerning the introduction of Community methods of sampling and analysis for the monitoring of foodstuffs intended for human consumption ⁽¹⁾, and in particular Article 1 thereof,

Whereas:

- (1) Commission Regulation (EC) No 466/2001 of 8 March 2001 setting maximum levels for certain contaminants in foodstuffs ⁽²⁾, as last amended by Regulation (EC) No 1425/2003 ⁽³⁾, fixes specific maximum limits for maize to be subjected to sorting, or other physical treatment, before human consumption or use as an ingredient in foodstuffs.
- (2) Sampling plays a crucial part in the precision of the determination of the levels of aflatoxins, which are very heterogeneously distributed in a lot. Commission Directive 98/53/EC ⁽⁴⁾, as amended by Directive 2002/27/EC ⁽⁵⁾, should be amended to include specific provisions for maize to be subjected to sorting, or other physical treatment, before human consumption or use as an ingredient in foodstuffs.
- (3) It is of major importance that analytical results are reported and interpreted in a uniform way in order to ensure a harmonised enforcement approach across the Union. These interpretation rules should be of application for the analytical result obtained on the sample for official control. In case of analysis for defence or referee purposes, the national rules apply.
- (4) Directive 98/53/EC should therefore be amended accordingly.
- (5) The measures provided for in this Directive are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Annex I to Directive 98/53/EC is amended as set out in Annex I to this Directive.

Annex II to Directive 98/53/EC is amended as set out in Annex II to this Directive.

Article 2

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 31 October 2004 at the latest. They shall forthwith communicate to the Commission the text of those provisions and a correlation table between those provisions and this Directive.

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

2. Member States shall communicate to the Commission the texts of the provisions of national law which they adopt in the field governed by this Directive.

Article 3

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

Article 4

This Directive is addressed to the Member States.

Done at Brussels, 15 December 2003.

For the Commission

David BYRNE

Member of the Commission

⁽¹⁾ OJ L 372, 31.12.1985, p. 50.

⁽²⁾ OJ L 77, 16.3.2001, p. 1.

⁽³⁾ OJ L 203, 12.8.2003, p. 1.

⁽⁴⁾ OJ L 201, 17.7.1998, p. 93.

⁽⁵⁾ OJ L 75, 16.3.2002, p. 44.

ANNEX I

Annex I to Directive 98/53/EC is amended as follows:

1. in point 5.2.1, the fourth indent is replaced by the following:

— weight of the aggregate sample = 30 kg which has to be mixed and to be divided into three equal subsamples of 10 kg before grinding (this division into three subsamples is not necessary in the case of groundnuts, nuts, dried fruit and maize intended for further sorting or other physical treatment, however, this will depend upon the availability of equipment which is able to homogenise a 30 kg sample). In cases where the aggregate sample weights are under 10 kg, the aggregate sample must not be divided into three subsamples. In the case of spices the aggregate sample weighs not more than 10 kg and therefore no division in subsamples is necessary.;

2. point 5.2.2 is replaced by the following:

‘5.2.2. Acceptance of a lot or subplot

- For groundnuts, nuts, dried fruit and maize subjected to a sorting or other physical treatment and spices:
 - acceptance if the aggregate sample or the average of the subsamples conforms to the maximum limit, taking into account the measurement uncertainty and correction for recovery,
 - rejection if the aggregate sample or the average of the subsamples exceeds the maximum limit beyond reasonable doubt taking into account the measurement uncertainty and correction for recovery.
- For groundnuts, nuts, dried fruit and cereals intended for direct human consumption and cereals, with the exception of maize, to be subjected to a sorting or other physical treatment:
 - acceptance if none of the subsamples exceeds the maximum limit, taking into account the measurement uncertainty and correction for recovery,
 - rejection if one or more of the subsamples exceeds the maximum limit beyond reasonable doubt taking into account the measurement uncertainty and correction for recovery,
 - where the aggregate sample is under 10 kg:
 - acceptance if the aggregate sample conforms to the maximum limit, taking into account the measurement uncertainty and correction for recovery,
 - rejection if the aggregate sample exceeds the maximum limit beyond reasonable doubt taking into account analytical uncertainty and correction for recovery.;

3. point 5.4.2 is replaced by the following:

‘5.4.2. Acceptance of a lot or subplot

- acceptance if the aggregate sample conforms to the maximum limit, taking into account the measurement uncertainty and correction for recovery,
- rejection if the aggregate sample exceeds the maximum limit beyond reasonable doubt taking into account the measurement uncertainty and correction for recovery.;

4. point 5.5.1.2 is replaced by the following:

‘5.5.1.2. Acceptance of a lot or subplot

- acceptance if the aggregate sample conforms to the maximum limit, taking into account the measurement uncertainty and correction for recovery,
- rejection if the aggregate sample exceeds the maximum limit beyond reasonable doubt taking into account the measurement uncertainty and correction for recovery.;

5. point 5.5.2.3 is replaced by the following:

‘5.5.2.3. Acceptance of a lot or subplot

- acceptance if the aggregate sample conforms to the maximum limit, taking into account the measurement uncertainty and correction for recovery,
 - rejection if the aggregate sample exceeds the maximum limit beyond reasonable doubt taking into account the measurement uncertainty and correction for recovery.’
-

ANNEX II

In Annex II to Directive 98/53/EC, point 4.4 is replaced by the following:

'4.4. Recovery calculation and reporting of results

The analytical result is to be reported corrected or uncorrected for recovery. The manner of reporting and the level of recovery must be reported. The analytical result corrected for recovery is used for checking compliance (see Annex I, points 5.2.2, 5.3.2, 5.4.2, 5.5.1.2 and 5.5.2.3).

The analytical result has to be reported as $x \pm U$ whereby x is the analytical result and U is the expanded measurement uncertainty, using a coverage factor of 2 which gives a level of confidence of approximately 95 %.'

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 17 November 2003

concerning the conclusion of the Agreement on the application of certain Community acts on the territory of the Principality of Monaco

(2003/885/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community and in particular Article 133 in conjunction with Article 300(3), first subparagraph thereof,

Having regard to the proposal from the Commission,

Whereas:

- (1) The Commission has negotiated on behalf of the Community an Agreement on the application of certain Community acts on the territory of the Principality of Monaco.
- (2) Certain tasks for implementation have been attributed to the Joint Committee established under the Agreement, and in particular the power to amend certain aspects of the annexes thereto.
- (3) The appropriate internal procedures should be established to ensure the proper functioning of the Agreement and it is necessary to empower the Commission to agree to certain amendments to the Agreement and to take certain decisions for its implementation.
- (4) The Agreement should be approved,

HAS DECIDED AS FOLLOWS:

Article 1

The Agreement between the European Community and the Principality of Monaco on the application of certain Community acts on the territory of the Principality of Monaco is hereby approved on behalf of the Community.

The text of the Agreement is attached to this Decision.

Article 2

The President of the Council is hereby authorised to designate the person(s) empowered to sign, on behalf of the Community, the Agreement referred to in Article 1 in order to bind the Community. The President of the Council or his designate(s) shall, on behalf of the Community, notify to Monaco the completion of the procedures as provided for in Article 6(1) of the Agreement.

Article 3

1. The Community shall be represented by the Commission on the Joint Committee set up under Article 3 of the Agreement.
2. The position to be taken by the Community in the Committee shall be determined by the Council on a proposal by the Commission; the Council shall act by the same voting rule as that applicable for the adoption of the Community act concerned.
3. By derogation to paragraph 2, the Commission shall adopt the Community's position on decisions concerning the addition of Community acts to the Annex of the Agreement, when the acts in question amend acts already contained therein.

Done at Brussels, 17 November 2003.

For the Council
The President
F. FRATTINI

AGREEMENT

between the European Community and the Principality of Monaco on the application of certain Community acts on the territory of the Principality of Monaco

THE EUROPEAN COMMUNITY, hereinafter referred to as 'the Community',

and

THE PRINCIPALITY OF MONACO, hereinafter referred to as 'Monaco',

CONSIDERING the close relations between the Community and Monaco,

CONSIDERING the special relationship between Monaco and the French Republic,

DESIROUS to conclude an agreement facilitating certain economic activities and trade between them,

CONSCIOUS of the need to create and maintain a common legislative framework for the activities in question,

HAVE DECIDED TO CONCLUDE THIS AGREEMENT:

Article 1

Aim

1. The Parties agree that the Community acts covering medicines for human and veterinary use, cosmetic products and medical devices listed in the Annex shall also apply on the territory of Monaco. The Joint Committee referred to in Article 3 will amend the Annex to achieve this aim, in particular adding any new Community act in these fields.

2. Acts adopted by the Commission of the European Communities in application of the acts referred to in paragraph 1 shall apply on the territory of Monaco without the need for a decision of the Joint Committee. When applying the rules governing matters covered by this Agreement, such rules must be interpreted in accordance with the case-law of the Court of Justice of the European Communities.

Article 2

Implementation

1. Monaco shall take all proper measures to ensure the application of the acts and decisions referred to in Article 1.

2. To ensure uniform application and interpretation of the provisions referred to in Article 1, taking particular account of the relevant case-law of the Court of Justice, Monaco's authorities may have recourse to their special administrative relationship with the French Republic.

3. Any problem concerning the application of this Agreement will be brought to the attention of the Joint Committee.

4. Each year Monaco shall report to the Joint Committee on the manner in which its administrative authorities and courts have applied and interpreted the provisions referred to in Article 1, as interpreted, where relevant, by the Court of Justice.

5. If, within three months of being notified of a substantial divergence between the Court of Justice's case-law and that of Monaco's courts or between the Member States' authorities and Monaco's in their application of the provisions referred to in Article 1, the Joint Committee is unable to ensure uniform application or interpretation, the procedure provided for in Article 4 shall be initiated.

Article 3

Joint Committee

1. A Joint Committee composed of representatives of the Parties is hereby established. It shall be responsible for the management and proper application of the Agreement. It will formulate recommendations for that purpose. It shall take decisions in the circumstances provided for in Article 1. The Joint Committee shall reach its decisions by mutual agreement.

2. The Joint Committee shall be chaired by each of the Parties in turn according to arrangements to be determined in its rules of procedure.

3. The Joint Committee shall meet as and when necessary. Either Party may request the convening of a meeting.

4. The Joint Committee shall establish its rules of procedure.

Article 4

Dispute settlement

1. In the event of a dispute concerning the application of this Agreement or if a Community act is not added to the Annex within six months of its adoption in accordance with Article 1(1), the matter shall be placed on the agenda of the Joint Committee.

2. The Joint Committee shall have 90 days to settle the dispute, counting from the date of adoption of the agenda on which the dispute has been placed.

3. Should the dispute not be settled by the Joint Committee in the period laid down in paragraph 2, this Agreement shall cease to apply six months after that period expires.

Article 5

Territorial scope

This Agreement shall apply, on the one hand, to the territories to which the Treaty establishing the European Community applies and under the conditions laid down in that Treaty and, on the other hand, to the territory of Monaco.

Por la Comunidad Europea
 For Det Europæiske Fællesskab
 Für die Europäische Gemeinschaft
 Για την Ευρωπαϊκή Κοινότητα
 For the European Community
 Pour la Communauté européenne
 Per la Comunità europea
 Voor de Europese Gemeenschap
 Pela Comunidade Europeia
 Euroopan yhteisön puolesta
 På Europeiska gemenskapens vägnar




Por el Principado de Mónaco
 For Fyrstendømmet Monaco
 Für das Fürstentum Monaco
 Για το Πριγκιπάτο του Μονακό
 For the Principality of Monaco
 Pour la Principauté de Monaco
 Per il Principato di Monaco
 Voor het Vorstendom Monaco
 Pelo Principado do Mónaco
 Monacon ruhtinaskunnan puolesta
 På Furstendömet Monacos vägnar



Article 6

Entry into force and duration

1. This Agreement will be ratified or approved by the Parties according to their own procedures. It will enter into force on the first day of the second month following the last notification between the Parties of the completion of the procedures referred to in the previous sentence.

2. This Agreement is concluded for an indefinite period. Either Party may denounce it with six months' notice.

Done at Brussels, on the fourth day of December in the year two thousand and three, in duplicate, in the Danish, Dutch, English, Finnish, French, German, Greek, Italian, Portuguese, Spanish and Swedish languages, each text being equally authentic.

ANNEX

I. MEDICINAL PRODUCTS

ACTS REFERRED TO

1. **378 L 0025**: Council Directive 78/25/EEC of 12 December 1977 on the approximation of the laws of the Member States relating to the colouring matters which may be added to medicinal products (OJ L 11, 14.1.1978, p. 18), as amended by:
 - **179 H**: Acts concerning the conditions of accession and the adjustments to the Treaties — Accession to the European Communities of the Hellenic Republic (OJ L 291, 19.11.1979, p. 108),
 - **381 L 0464**: Council Directive 81/464/EEC of 24 June 1981 (OJ L 183, 4.7.1981, p. 33),
 - **185 I**: Act concerning the conditions of accession and adjustment to the Treaties — Accession to the European Communities of the Kingdom of Spain and the Portuguese Republic (OJ L 302, 15.11.1985),
 - **194 N**: Act concerning the conditions of accession of the Kingdom of Norway, the Republic of Austria, the Republic of Finland and the Kingdom of Sweden and the adjustments to the Treaties on which the European Union is founded (OJ C 241, 29.8.1994, p. 21).
2. **386 L 0609**: Council Directive 86/609/EEC of 24 November 1986 on the approximation of laws, regulations and administrative provisions of the Member States regarding the protection of animals used for experimental and other scientific purposes (OJ L 358, 18.12.1986, p. 1).
3. **389 L 0105**: Council Directive 89/105/EEC of 21 December 1988 relating to the transparency of measures regulating the pricing of medicinal products for human use and their inclusion in the scope of national health insurance systems (OJ L 40, 11.2.1989, p. 8).
4. **390 R 2377**: Council Regulation (EEC) No 2377/90 of 26 June 1990 laying down a Community procedure for the establishment of maximum residue limits of veterinary medicinal products in foodstuffs of animal origin (OJ L 224, 18.8.1990, p. 1), as amended by:
 - **392 R 0675**: Commission Regulation (EEC) No 675/92 of 18 March 1992 (OJ L 73, 19.3.1992, p. 8),
 - **392 R 0762**: Commission Regulation (EEC) No 762/92 of 27 March 1992 (OJ L 83, 28.3.1992, p. 14),
 - **392 R 3093**: Commission Regulation (EEC) No 3093/92 of 27 October 1992 (OJ L 311, 28.10.1992, p. 18),
 - **393 R 0895**: Commission Regulation (EEC) No 895/93 of 16 April 1993 (OJ L 93, 17.4.1993, p. 10),
 - **393 R 2901**: Council Regulation (EEC) No 2901/93 of 18 October 1993 (OJ L 264, 23.10.1993, p. 1),
 - **393 R 3425**: Commission Regulation (EC) No 3425/93 of 14 December 1993 (OJ L 312, 15.12.1993, p. 12),
 - **393 R 3426**: Commission Regulation (EC) No 3426/93 of 14 December 1993 (OJ L 312, 15.12.1993, p. 15),
 - **394 R 0955**: Commission Regulation (EC) No 955/94 of 28 April 1994 (OJ L 108, 29.4.1994, p. 8),
 - **394 R 1430**: Commission Regulation (EC) No 1430/94 of 22 June 1994 (OJ L 156, 23.6.1994, p. 6),
 - **394 R 2701**: Commission Regulation (EC) No 2701/94 of 7 November 1994 (OJ L 287, 8.11.1994, p. 7),
 - **394 R 2703**: Commission Regulation (EC) No 2703/94 of 7 November 1994 (OJ L 287, 8.11.1994, p. 19),
 - **394 R 3059**: Commission Regulation (EC) No 3059/94 of 15 December 1994 (OJ L 323, 16.12.1994, p. 15),
 - **395 R 1102**: Commission Regulation (EC) No 1102/95 of 16 May 1995 (OJ L 110, 17.5.1995, p. 9),
 - **395 R 1441**: Commission Regulation (EC) No 1441/95 of 26 June 1995 (OJ L 143, 27.6.1995, p. 22),
 - **395 R 1442**: Commission Regulation (EC) No 1442/95 of 26 June 1995 (OJ L 143, 27.6.1995, p. 26),

- **395 R 1798**: Commission Regulation (EC) No 1798/95 of 25 July 1995 (OJ L 174, 26.7.1995, p. 20),
- **395 R 2796**: Commission Regulation (EC) No 2796/95 of 4 December 1995 (OJ L 290, 5.12.1995, p. 1),
- **395 R 2804**: Commission Regulation (EC) No 2804/95 of 5 December 1995 (OJ L 291, 6.12.1995, p. 8),
- **396 R 0281**: Commission Regulation (EC) No 281/96 of 14 February 1996 (OJ L 37, 15.2.1996, p. 9),
- **396 R 0282**: Commission Regulation (EC) No 282/96 of 14 February 1996 (OJ L 37, 15.2.1996, p. 12),
- **396 R 1140**: Commission Regulation (EC) No 1140/96 of 25 June 1996 (OJ L 151, 26.6.1996, p. 6),
- **396 R 1147**: Commission Regulation (EC) No 1147/96 of 25 June 1996 (OJ L 151, 26.6.1996, p. 26),
- **396 R 1311**: Commission Regulation (EC) No 1311/96 of 8 July 1996 (OJ L 170, 9.7.1996, p. 4),
- **396 R 1312**: Commission Regulation (EC) No 1312/96 of 8 July 1996 (OJ L 170, 9.7.1996, p. 8),
- **396 R 1433**: Commission Regulation (EC) No 1433/96 of 23 July 1996 (OJ L 184, 24.7.1996, p. 21),
- **396 R 1742**: Commission Regulation (EC) No 1742/96 of 6 September 1996 (OJ L 226, 7.9.1996, p. 5),
- **396 R 1798**: Commission Regulation (EC) No 1798/96 of 17 September 1996 (OJ L 236, 18.9.1996, p. 23),
- **396 R 2010**: Commission Regulation (EC) No 2010/96 of 21 October 1996 (OJ L 269, 22.10.1996, p. 5),
- **396 R 2017**: Commission Regulation (EC) No 2017/96 of 22 October 1996 (OJ L 270, 23.10.1996, p. 2),
- **396 R 2034**: Commission Regulation (EC) No 2034/96 of 24 October 1996 (OJ L 272, 25.10.1996, p. 2),
- **397 R 0017**: Commission Regulation (EC) No 17/97 of 8 January 1997 (OJ L 5, 9.1.1997, p. 12),
- **397 R 0270**: Commission Regulation (EC) No 270/97 of 14 February 1997 (OJ L 45, 15.2.1997, p. 8),
- **397 R 0434**: Council Regulation (EC) No 434/97 of 3 March 1997 (OJ L 67, 7.3.1997, p. 1),
- **397 R 0716**: Commission Regulation (EC) No 716/97 of 23 April 1997 (OJ L 106, 24.4.1997, p.10),
- **397 R 0748**: Commission Regulation (EC) No 748/97 of 25 April 1997 (OJ L 110, 26.4.1997, p. 21),
- **397 R 0749**: Commission Regulation (EC) No 749/97 of 25 April 1997 (OJ L 110, 26.4.1997, p. 24),
- **397 R 1836**: Commission Regulation (EC) No 1836/97 of 24 September 1997 (OJ L 263, 25.9.1997, p. 6),
- **397 R 1837**: Commission Regulation (EC) No 1837/97 of 24 September 1997 (OJ L 263, 25.9.1997, p. 9),
- **397 R 1838**: Commission Regulation (EC) No 1838/97 of 24 September 1997 (OJ L 263, 25.9.1997, p. 14),
- **397 R 1850**: Commission Regulation (EC) No 1850/97 of 25 September 1997 (OJ L 264, 26.9.1997, p. 12),
- **397 R 0211**: Commission Regulation (EC) No 211/97 of 4 February 1997 (OJ L 35, 5.2.1997, p. 1),
- **398 R 0426**: Commission Regulation (EC) No 426/98 of 23 February 1998 (OJ L 53, 24.2.1998, p. 3),
- **398 R 0613**: Commission Regulation (EC) No 613/98 of 18 March 1998 (OJ L 82, 19.3.1998, p. 14),

- **398 R 0121:** Commission Regulation (EC) No 121/98 of 16 January 1998 (OJ L 11, 17.1.1998, p. 11),
- **398 R 1000:** Commission Regulation (EC) No 1000/98 of 13 May 1998 (OJ L 142, 14.5.1998, p. 18),
- **398 R 1076:** Commission Regulation (EC) No 1076/98 of 27 May 1998 (OJ L 154, 28.5.1998, p. 14),
- **398 R 1191:** Commission Regulation (EC) No 1191/98 of 9 June 1998 (OJ L 165, 10.6.1998, p. 6),
- **398 R 1568:** Commission Regulation (EC) No 1568/98 of 17 July 1998 (OJ L 205, 22.7.1998, p. 1), as corrected by OJ L 271, 8.10.1998, p. 42,
- **398 R 1569:** Commission Regulation (EC) No 1569/98 of 17 July 1998 (OJ L 205, 22.7.1998, p. 7),
- **398 R 1570:** Commission Regulation (EC) No 1570/98 of 17 July 1998 (OJ L 205, 22.7.1998, p. 10),
- **398 R 1916:** Commission Regulation (EC) No 1916/98 of 9 September 1998 (OJ L 250, 10.9.1998, p. 8),
- **398 R 1917:** Commission Regulation (EC) No 1917/98 of 9 September 1998 (OJ L 250, 10.9.1998, p. 13),
- **398 R 1958:** Commission Regulation (EC) No 1958/98 of 15 September 1998 (OJ L 254, 16.9.1998, p. 7),
- **398 R 2560:** Commission Regulation (EC) No 2560/98 of 27 November 1998 (OJ L 320, 28.11.1998, p. 28),
- **398 R 2686:** Commission Regulation (EC) No 2686/98 of 11 December 1998 (OJ L 337, 12.12.1998, p. 20),
- **398 R 2692:** Commission Regulation (EC) No 2692/98 of 14 December 1998 (OJ L 338, 15.12.1998, p. 5),
- **398 R 2728:** Commission Regulation (EC) No 2728/98 of 17 December 1998 (OJ L 343, 18.12.1998, p. 8),
- **399 R 0508:** Commission Regulation (EC) No 3426/1999 of 4 March 1999 (OJ L 60, 9.3.1999, p. 15),
- **399 R 0804:** Commission Regulation (EC) No 804/1999 of 16 April 1999 (OJ L 102, 17.4.1999, p. 58),
- **399 R 0953:** Commission Regulation (EC) No 953/1999 of 5 May 1999 (OJ L 118, 6.5.1999, p. 23),
- **399 R 0954:** Commission Regulation (EC) No 954/1999 of 5 May 1999 (OJ L 118, 6.5.1999, p. 28),
- **399 R 0997:** Commission Regulation (EC) No 997/1999 of 11 May 1999 (OJ L 122, 12.5.1999, p. 24),
- **399 R 0998:** Commission Regulation (EC) No 998/1999 of 12 May 1999 (OJ L 122, 12.5.1999, p. 30),
- **399 R 1308:** Council Regulation (EC) No 1308/1999 of 15 June 1999 (OJ L 156, 23.6.1999, p. 1),
- **399 R 1931:** Commission Regulation (EC) No 1931/1999 of 9 September 1999 (OJ L 240, 10.9.1999, p. 3),
- **399 R 1942:** Commission Regulation (EC) No 1942/1999 of 10 September 1999 (OJ L 241, 11.9.1999, p. 4),
- **399 R 1943:** Commission Regulation (EC) No 1943/1999 of 10 September 1999 (OJ L 241, 11.9.1999, p. 9),
- **399 R 2385:** Commission Regulation (EC) No 2385/1999 of 10 November 1999 (OJ L 288, 11.11.1999, p. 14),
- **399 R 2393:** Commission Regulation (EC) No 2393/1999 of 11 November 1999 (OJ L 290, 12.11.1999, p. 5),
- **399 R 2593:** Commission Regulation (EC) No 2593/1999 of 8 December 1999 (OJ L 315, 9.12.1999, p. 26),

- **399 R 2728**: Commission Regulation (EC) No 2728/1999 of 20 December 1999 (OJ L 328, 22.12.1999, p. 23),
- **399 R 2757**: Commission Regulation (EC) No 2757/1999 of 22 December 1999 (OJ L 331, 23.12.1999, p. 45),
- **399 R 2758**: Commission Regulation (EC) No 2758/1999 of 22 December 1999 (OJ L 331, 23.12.1999, p. 49),
- **32000 R 1286**: Commission Regulation (EC) No 1286/2000 of 19 June 2000 (OJ L 145, 20.6.2000, p. 15),
- **32000 R 1295**: Commission Regulation (EC) No 1295/2000 of 20 June 2000 (OJ L 146, 21.6.2000, p. 11),
- **32000 R 1960**: Commission Regulation (EC) No 1960/2000 of 15 September 2000 (OJ L 234, 16.9.2000, p. 5),
- **32000 R 2338**: Commission Regulation (EC) No 2338/2000 of 14 October 2000 (OJ L 269, 21.10.2000, p. 21),
- **32000 R 2391**: Commission Regulation (EC) No 2391/2000 of 27 October 2000 (OJ L 276, 28.10.2000, p. 5),
- **32000 R 2535**: Commission Regulation (EC) No 2535/2000 of 17 November 2000 (OJ L 291, 18.11.2000, p. 9),
- **32000 R 2908**: Commission Regulation (EC) No 2908/2000 of 29 December 2000 (OJ L 336, 30.12.2000, p. 72),
- **32001 R 0749**: Commission Regulation (EC) No 749/2001 of 18 April 2001 (OJ L 109, 19.4.2001, p. 32),
- **32001 R 0750**: Commission Regulation (EC) No 750/2001 of 18 April 2001 (OJ L 109, 19.4.2001, p. 35),
- **32001 R 0807**: Commission Regulation (EC) No 807/2001 of 25 April 2001 (OJ L 118, 27.4.2001, p. 6),
- **32001 R 1274**: Commission Regulation (EC) No 1274/2001 of 27 June 2001 (OJ L 175, 28.6.2001, p. 14),
- **32001 R 1322**: Commission Regulation (EC) No 1322/2001 of 29 June 2001 (OJ L 177, 30.6.2001, p. 52),
- **32001 R 1478**: Commission Regulation (EC) No 1478/2001 of 18 July 2001 (OJ L 195, 19.7.2001, p. 32),
- **32001 R 1553**: Commission Regulation (EC) No 1553/2001 of 30 July 2001 (OJ L 205, 31.7.2001, p. 16),
- **32001 R 1680**: Commission Regulation (EC) No 1680/2001 of 22 August 2001 (OJ L 227, 23.8.2001, p. 33),
- **32001 R 1815**: Commission Regulation (EC) No 1815/2001 of 14 September 2001 (OJ L 246, 15.9.2001, p. 11),
- **32001 R 1879**: Commission Regulation (EC) No 1879/2001 of 26 September 2001 (OJ L 258, 27.9.2001, p. 11),
- **32001 R 2162**: Commission Regulation (EC) No 2162/2001 of 7 November 2001 (OJ L 291, 8.11.2001, p. 9),
- **32001 R 2584**: Council Regulation (EC) No 2584/2001 of 19 December 2001 (OJ L 345, 29.12.2001, p. 7),
- **32002 R 0077**: Commission Regulation (EC) No 77/2002 of 17 January 2002 (OJ L 16, 18.1.2002, p. 9),
- **32002 R 0868**: Commission Regulation (EC) No 868/2002 of 24 May 2002 (OJ L 137, 25.5.2002, p. 6),
- **32002 R 0869**: Commission Regulation (EC) No 869/2002 of 24 May 2002 (OJ L 137, 25.5.2002 p. 10),
- **32002 R 1181**: Commission Regulation (EC) No 1181/2002 of 1 July 2002 (OJ L 172, 2.7.2002, p. 13),

- **32002 R 1530**: Commission Regulation (EC) No 1530/2002 of 27 August 2002 (OJ L 230, 28.8.2002, p. 3),
 - **32002 R 1752**: Commission Regulation (EC) No 1752/2002 of 1 October 2002 (OJ L 264, 2.10.2002, p. 18),
 - **32002 R 1937**: Commission Regulation (EC) No 1937/2002 of 30 October 2002 (OJ L 297, 31.10.2002, p. 3),
 - **32003 R 0061**: Commission Regulation (EC) No 61/2003 of 15 January 2003 (OJ L 11, 16.1.2003, p. 12),
 - **32003 R 0544**: Commission Regulation (EC) No 544/2003 of 27 March 2003 (OJ L 81, 28.3.2003, p. 7),
 - **32003 R 0665**: Commission Regulation (EC) No 665/2003 of 11 April 2003 (OJ L 96, 12.4.2003, p. 7),
 - **32003 R 0739**: Commission Regulation (EC) No 739/2003 of 28 April 2003 (OJ L 106, 29.4.2003, p. 9).
5. **391 L 0356**: Commission Directive 91/356/EEC of 13 June 1991 laying down the principles and guidelines of good manufacturing practice for medicinal products for human use (OJ L 193, 17.7.1991, p. 30).
 6. **391 L 0412**: Commission Directive 91/412/EEC of 23 July 1991 laying down the principles and guidelines of good manufacturing practice for veterinary medicinal products (OJ L 228, 17.8.1991, p. 70).
 7. **393 L 0041**: Council Directive 93/41/EEC of 14 June 1993 repealing Directive 87/22/EEC on the approximation of national measures relating to the placing on the market of high-technology medicinal products, particularly those derived from biotechnology (OJ L 214, 24.8.1993, p. 40).
 8. **393 R 2309**: Council Regulation (EEC) No 2309/93 of 22 July 1993 laying down Community procedures for the authorisation and supervision of medicinal products for human and veterinary use and establishing a European Agency for the evaluation of Medicinal Products (OJ L 214, 24.8.1993, p. 1), as amended by:
 - **398 R 0649**: Commission Regulation (EC) No 649/98 of 23 March 1998 (OJ L 88, 24.3.1998, p. 7).
 9. **395 R 0297**: Council Regulation (EC) No 297/95 of 10 February 1995 on fees payable to the European Agency for the Evaluation of Medicinal Products (OJ L 35, 15.2.1995, p. 1), as amended by:
 - **398 R 2743**: Council Regulation (EC) No 2743/98 of 14 December 1998 (OJ L 345, 19.12.1998, p. 3).
 10. **395 R 0540**: Commission Regulation (EC) No 540/95 of 10 March 1995 laying down the arrangements for reporting suspected unexpected adverse reactions which are not serious, whether arising in the Community or in a third country, to medicinal products for human or veterinary use authorised in accordance with the provisions of Council Regulation (EEC) No 2309/93 (OJ L 55, 11.3.1995, p. 5).
 11. **396 R 2141**: Commission Regulation (EC) No 2141/96 of 7 November 1996 concerning the examination of an application for the transfer of marketing authorisation for a medicinal product falling within the scope of Council Regulation (EEC) No 2309/93 (OJ L 286, 8.11.1996, p. 6).
 12. **32000 R 0141**: Regulation (EC) No 141/2000 of the European Parliament and of the Council of 16 December 1999 on orphan medicinal products (OJ L 18, 22.1.2000, p. 1).
 13. **32000 R 0847**: Commission Regulation (EC) No 847/2000 of 27 April 2000 laying down the provisions for implementation of the criteria for designation of a medicinal product as an orphan medicinal product and definitions of the concepts 'similar medicinal product' and 'clinical superiority' (OJ L 103, 28.4.2000, p. 5).
 14. **32001 L 0020**: Directive 2001/20/EC of the European Parliament and of the Council of 4 April 2001 on the approximation of the laws, regulations and administrative provisions of the Member States relating to the implementation of good clinical practice in the conduct of clinical trials on medicinal products for human use (OJ L 121, 1.5.2001, p. 34).
 15. **32001 L 0082**: Directive 2001/82/EC of the European Parliament and of the Council of 6 November 2001 on the Community code relating to veterinary medicinal products (OJ L 311, 28.11.2001, p. 1).
 16. **32001 L 0083**: Directive 2001/83/EC of the European Parliament and of the Council of 6 November 2001 on the Community code relating to medicinal products for human use (OJ L 311, 28.11.2001, p. 67).
 - **32002 L 0098**: Directive 2002/98/EC of the European Parliament and of the Council of 27 January 2003 setting standards of quality and safety for the collection, testing, processing, storage and distribution of human blood and blood components and amending Directive 2001/83/EC (OJ L 33, 8.2.2003, p. 30),

- **32003 L 0063**: Commission Directive 2003/63/EC of 25 June 2003 amending Directive 2001/83/EC of the European Parliament and of the Council on the Community code relating to medicinal products for human use (OJ L 159, 27.6.2003, p. 46).
17. **32003 R 1084**: Commission Regulation (EC) No 1084/2003 of 3 June 2003 concerning the examination of variations to the terms of a marketing authorisation for medicinal products for human use and veterinary medicinal products granted by a competent authority of a Member State (OJ L 159, 27.6.2003, p. 1).
18. **32003 R 1085**: Commission Regulation (EC) No 1085/2003 of 3 June 2003 concerning the examination of variations to the terms of a marketing authorisation for medicinal products for human use and veterinary medicinal products falling within the scope of Council Regulation (EC) No 2309/93 (OJ L 159, 27.6.2003, p. 24).

ACTS OF WHICH THE CONTRACTING PARTIES SHALL TAKE NOTE

The Contracting Parties take note of the content of the following acts:

19. **C/310/86**: Commission Communication on the compatibility with Article 30 of the Treaty of measures taken by Member States relating to price controls and reimbursement of medicinal products (OJ C 310, 4.12.1986, p. 7).
20. **C/115/82**: Commission Communication on parallel imports of proprietary medicinal products for which marketing authorisations have already been granted (OJ C 115, 6.5.1982, p. 5).
21. **C/229/98**: Commission Communication on the Community marketing authorisation procedures for medicinal products (OJ C 229, 22.7.1998, p. 4).

II. COSMETICS

ACTS REFERRED TO

1. **376 L 0768**: Council Directive 76/768/EEC of 27 July 1976 on the approximation of the laws of the Member States relating to cosmetic products (OJ L 262, 27.9.1976, p. 169), as amended by:
- **379 L 0661**: Council Directive 79/661/EEC of 24 July 1979 (OJ L 192, 31.7.1979, p. 35),
 - **179 H**: Acts concerning the conditions of accession and the adjustments to the Treaties — Accession to the European Communities of the Hellenic Republic (OJ L 291, 19.11.1979, p. 108),
 - **382 L 0147**: Commission Directive 82/147/EEC of 11 February 1982 (OJ L 63, 6.3.1982, p. 26),
 - **382 L 0368**: Council Directive 82/368/EEC of 17 May 1982 (OJ L 167, 15.6.1982, p. 1),
 - **383 L 0191**: Second Commission Directive 83/191/EEC of 30 March 1983 (OJ L 109, 26.4.1983, p. 25),
 - **383 L 0341**: Third Commission Directive 83/341/EEC of 29 June 1983 (OJ L 188, 13.7.1983, p. 15),
 - **383 L 0496**: Fourth Commission Directive 83/496/EEC of 22 September 1983 (OJ L 275, 8.10.1983, p. 20),
 - **383 L 0574**: Council Directive 83/574/EEC of 26 October 1983 (OJ L 332, 28.11.1983, p. 38),
 - **384 L 0415**: Fifth Commission Directive 84/415/EEC of 18 July 1984 (OJ L 228, 25.8.1984, p. 31), as corrected by OJ L 255, 25.9.1984, p. 28,
 - **385 L 0391**: Sixth Commission Directive 85/391/EEC of 16 July 1985 (OJ L 224, 22.8.1985, p. 40),
 - **1 85 I**: Act concerning the conditions of accession and adjustments to the Treaties — Accession of the Kingdom of Spain and the Portuguese Republic (OJ L 302, 15.11.1985, p. 218),
 - **386 L 0179**: Seventh Commission Directive 86/179/EEC of 28 February 1986 (OJ L 138, 24.5.1986, p. 40),
 - **386 L 0199**: Eighth Commission Directive 86/199/EEC of 26 March 1986 (OJ L 149, 3.6.1986, p. 38),

- **387 L 0137**: Ninth Commission Directive 87/137/EEC of 2 February 1987 (OJ L 56, 26.2.1987, p. 20),
 - **388 L 0233**: Tenth Commission Directive 88/233/EEC of 2 March 1988 (OJ L 105, 26.4.1988, p. 11),
 - **388 L 0667**: Council Directive 88/667/EEC of 21 December 1988 (OJ L 382, 31.12.1988, p. 46),
 - **389 L 0174**: Eleventh Commission Directive 89/174/EEC of 21 February 1989 (OJ L 64, 8.3.1989, p. 10), as corrected by OJ L 199, 13.7.1989, p. 23,
 - **389 L 0679**: Council Directive 89/679/EEC of 21 December 1989 (OJ L 398, 30.12.1989, p. 25),
 - **390 L 0121**: Twelfth Commission Directive 90/121/EEC of 20 February 1990 (OJ L 71, 17.3.1990, p. 40),
 - **391 L 0184**: Thirteenth Commission Directive 91/184/EEC of 12 March 1991 (OJ L 91, 12.4.1991, p. 59),
 - **392 L 0008**: Fourteenth Commission Directive 92/8/EEC of 18 February 1992 (OJ L 70, 17.3.1992, p. 23),
 - **392 L 0086**: Fifteenth Commission Directive 92/86/EEC of 21 October 1992 (OJ L 325, 11.11.1992, p. 18),
 - **393 L 0035**: Council Directive 93/35/EEC of 14 June 1993 (OJ L 151, 23.6.1993, p. 32),
 - **393 L 0047**: Sixteenth Commission Directive 93/47/EEC of 22 June 1993 (OJ L 203, 13.8.1993, p. 24),
 - **394 L 0032**: Seventeenth Commission Directive 94/32/EC of 29 June 1994 (OJ L 181, 15.7.1994, p. 31),
 - **395 L 0034**: Eighteenth Commission Directive 95/34/EC of 10 July 1995 (OJ L 167, 18.7.1995, p. 19),
 - **396 L 0041**: Nineteenth Commission Directive 96/41/EC of 25 June 1996 (OJ L 198, 8.8.1996, p. 36),
 - **397 L 0001**: Twentieth Commission Directive 97/1/EC of 10 January 1997 (OJ L 16, 18.1.1997, p. 85),
 - **397 L 0018**: Commission Directive 97/18/EC of 17 April 1997 (OJ L 114, 1.5.1997, p. 43),
 - **397 L 0045**: 21st Commission Directive 97/45/EC of 14 July 1997 (OJ L 196, 24.7.1997, p. 77),
 - **398 L 0016**: 22nd Commission Directive 98/16/EC of 5 March 1998 (OJ L 77, 14.3.1998, p. 44),
 - **398 L 0062**: 23rd Commission Directive 98/62/EC of 3 September 1998 (OJ L 253, 15.9.1998, p. 20),
 - **32000 L 0006**: 24th Commission Directive 2000/6/EC of 29 February 2000 (OJ L 56, 1.3.2000, p. 42),
 - **32000 L 0011**: 25th Commission Directive 2000/11/EC of 10 March 2000 (OJ L 65, 14.3.2000, p. 22),
 - **32002 L 0034**: 26th Commission Directive 2002/34/EC of 15 April 2002 (OJ L 102, 18.4.2002, p. 191),
 - **32003 L 0001**: Commission Directive 2003/1/EC of 6 January 2003 (OJ L 5, 10.1.2003, p. 14),
 - **32003 L 0016**: Commission Directive 2003/16/EC of 19 February 2003 (OJ L 46, 20.2.2003, p. 24),
 - **32003 L 0015**: Directive 2003/15/EC of the European Parliament and of the Council of 27 February 2003 (OJ L 66, 11.3.2003, p. 26).
2. **380 L 1335**: First Commission Directive 80/1335/EEC of 22 December 1980 on the approximation of the laws of the Member States relating to methods of analysis necessary for checking the composition of cosmetic products (OJ L 383, 31.12.1980, p. 27), as amended by:
- **387 L 0143**: Commission Directive 87/143/EEC of 10 February 1987 (OJ L 57, 27.2.1987, p. 56).

3. **382 L 0434**: Second Commission Directive 82/434/EEC of 14 May 1982 on the approximation of the laws of the Member States relating to methods of analysis necessary for checking the composition of cosmetic products (OJ L 185, 30.6.1982, p. 1), as amended by:
— **390 L 0207**: Commission Directive 90/207/EEC of 4 April 1990 (OJ L 108, 28.4.1990, p. 92).
4. **383 L 0514**: Third Commission Directive 83/514/EEC of 27 September 1983 on the approximation of the laws of the Member States relating to methods of analysis necessary for checking the composition of cosmetic products (OJ L 291, 24.10.1983, p. 9).
5. **385 L 0490**: Fourth Commission Directive 85/490/EEC of 11 October 1985 on the approximation of laws of the Member States relating to methods of analysis necessary for checking the composition of cosmetic products (OJ L 295, 7.11.1985, p. 30).
6. **393 L 0073**: Fifth Commission Directive 93/73/EEC of 9 September 1993 on the methods of analysis necessary for checking the composition of cosmetic products (OJ L 231, 14.9.1993, p. 34).
7. **395 L 0017**: Commission Directive 95/17/EC of 19 June 1995 laying down detailed rules for the application of Council Directive 76/768/EEC as regards the non-inclusion of one or more ingredients on the list used for the labelling of cosmetic products (OJ L 140, 23.6.1995, p. 26).
8. **395 L 0032**: Sixth Commission Directive 95/32/EC of 7 July 1995 relating to methods of analysis necessary for checking the composition of cosmetic products (OJ L 178, 28.7.1995, p. 20).
9. **396 L 0045**: Seventh Commission Directive 96/45/EC of 2 July 1996 relating to methods of analysis necessary for checking the composition of cosmetic products (OJ L 213, 22.8.1996, p. 8).
10. **396 D 0335**: Commission Decision 96/335/EC of 8 May 1996 establishing an inventory and a common nomenclature of ingredients employed in cosmetic products (OJ L 132, 1.6.1996, p. 1).

III. MEDICAL DEVICES

ACTS REFERRED TO

1. **390 L 0385**: Council Directive 90/385/EEC of 20 June 1990 on the approximation of the laws of the Member States relating to active implantable medical devices (OJ L 189, 20.7.1990, p. 17), as amended by:
— **393 L 0068**: Council Directive 93/68/EEC of 22 July 1993 (OJ L 220, 30.8.1993, p. 1).
 2. **393 L 0042**: Council Directive 93/42/EEC of 14 June 1993 concerning medical devices (OJ L 169, 12.7.1993, p. 1).
 3. **398 L 0079**: Directive 98/79/EC of the European Parliament and of the Council of 27 October 1998 on *in vitro* diagnostic medical devices (OJ L 331, 7.12.1998, p. 1).
 4. **32000 L 070**: Directive 2000/70/EC of the European Parliament and of the Council of 16 November 2000 amending Council Directive 93/42/EEC as regards medical devices incorporating stable derivatives of human blood or human plasma (OJ L 313, 13.12.2000, p. 22).
 5. **32001 L 0104**: Directive 2001/104/EC of the European Parliament and of the Council of 7 December 2001 amending Council Directive 93/42/EEC concerning medical devices (OJ L 6, 10.1.2002, p. 50).
 6. **32002 D 0364**: Commission Decision 2002/364/EC of 7 May 2002 on common technical specifications for *in vitro* diagnostic medical devices (OJ L 131, 16.5.2002, p. 17).
 7. **32003 L 0012**: Commission Directive 2003/12/EC of 3 February 2003 on the reclassification of breast implants in the framework of Directive 93/42/EEC concerning medical devices (OJ L 28, 4.2.2003, p. 43).
 8. **32003 L 0032**: Commission Directive 2003/32/EC of 23 April 2003 introducing detailed specifications as regards the requirements laid down in Council Directive 93/42/EEC with respect to medical devices manufactured utilising tissues of animal origin (OJ L 105, 26.4.2003, p. 18).
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Information relating to the entry into force of the Agreement amending the Protocol to the Europe Agreement establishing an Association between the European Communities and their Member States, of the one part, and the Czech Republic, of the other part, on conformity assessment and acceptance of industrial products (PECA)

The Agreement amending the Protocol to the Europe Agreement establishing an Association between the European Communities and their Member States, of the one part, and the Czech Republic, of the other part, on conformity assessment and acceptance of industrial products (PECA), which the Council decided to conclude on 22 September 2003 ⁽¹⁾, enters into force on 1 January 2004, the procedures provided for in Article 2 of the Agreement having been completed on 28 November 2003.

⁽¹⁾ OJ L 256, 9.10.2003, p. 17.

COMMISSION

COMMISSION DECISION

of 10 December 2003

laying down criteria for information to be provided in accordance with Council Directive 64/432/EEC

(notified under document number C(2003) 4606)

(Text with EEA relevance)

(2003/886/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 64/432/EEC of 26 June 1964 on animal health problems affecting intra-Community trade in bovine animals and swine⁽¹⁾, as last amended by Commission Regulation (EC) No 1226/2002⁽²⁾, and in particular Article 8, second paragraph thereof,

Whereas:

- (1) Directive 64/432/EEC provides that Member States shall forward to the Commission details on the occurrence of diseases listed in Annex E(I) and of any other diseases covered by the additional guarantees provided for by the Community legislation in its territory.
- (2) Commission Decision 2002/677/EC⁽³⁾ of 22 August 2002, as last amended by Decision 2003/394/EC⁽⁴⁾ lays down standard reporting requirements for programmes of eradication and control of animal diseases co-financed by the Community.
- (3) The information provided by the Member States may be used by the Commission to declare Member States and regions of Member States officially free of tuberculosis, brucellosis, or enzootic bovine leukosis as regards bovine herds or to suspend or revoke this status as laid down in Commission Decision 2003/467/EC⁽⁵⁾.

(4) As regards infectious bovine rhinotracheitis, the information provided by the Member States may be used by the Commission to grant or withdraw additional guarantees for Member States or regions of Member States free from the disease, as laid down in Commission Decision 93/42/EEC⁽⁶⁾, or which have a compulsory programme in place in accordance with Directive 64/432/EEC.

(5) As regards *Brucella suis* infection and transmissible gastroenteritis, the information provided by the Member States may be used by the Commission to grant or withdraw additional guarantees for Member States or regions of Member States which either have a compulsory programme in place or are free from the diseases, in accordance with respectively Articles 9 and 10 of Directive 64/432/EEC.

(6) Rules on the information to be provided by the Member States as regards Aujeszky's disease are laid down in Commission Decision 2001/618/EC⁽⁷⁾ and in particular in Annex IV to that Decision.

(7) In order to allow the Commission to assess the animal health situation properly, it is also appropriate to harmonise the presentation of the information provided by Member States for other diseases listed under Directive 64/432/EEC, i.e. rabies, foot-and-mouth disease, contagious bovine pleuropneumonia, swine vesicular disease, classical swine fever, African swine fever, *Brucella suis* infection, transmissible gastroenteritis and anthrax where those diseases may affect bovine or porcine animals, while providing for certain derogations.

⁽¹⁾ OJ L 121, 29.7.1964, p. 1977/64.

⁽²⁾ OJ L 179, 9.7.2002, p. 13.

⁽³⁾ OJ L 229, 27.8.2002, p. 24.

⁽⁴⁾ OJ L 136, 4.6.2003, p. 8.

⁽⁵⁾ OJ L 156, 25.6.2003, p. 74.

⁽⁶⁾ OJ L 16, 25.1.1993, p. 50.

⁽⁷⁾ OJ L 215, 9.8.2001, p. 48.

- (8) It is therefore appropriate to define uniform criteria for the information provided by the Member States in relation to these diseases.
- (9) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

Article 2

This Decision shall apply for the first time to the information to be sent to the Commission by 31 May 2004, as regards the year 2003.

Article 3

This Decision is addressed to the Member States.

HAS ADOPTED THIS DECISION:

Article 1

If not otherwise required in accordance with Articles 4 and 5 of Decision 2002/677/EC, the information forwarded by the Member States to the Commission pursuant to Article 8 of Directive 64/432/EEC on the occurrence of the diseases listed in Annex E to that Directive, with the exception of Aujeszky's disease, shall be based on the uniform criteria laid down in Annexes I to VII to this Decision.

Done at Brussels, 10 December 2003.

For the Commission

David BYRNE

Member of the Commission

ANNEX V

Criteria for the information to be provided in accordance with Article 8 of Directive 64/432/EEC on the occurrence of rabies cases

Country: Reporting period:

Date (dd.mm.)	Area	Rabies cases														Human cases	Human exposure												
		Domestic animals										Wildlife																	
		dog	cat	cattle	equine	sheep	goat	pig	stray dog	other	unspecified	fox	raccoon dog	raccoon	wolf	badger	marten	other mustelids	other carnivores	wild boar	roe deer	red deer	fallow deer	other	bat	unspecified			

Date of report:

The information shall be in the format used for quarterly reports on the occurrence of rabies sent by the Member States to the WHO Collaborating Centre for Rabies Surveillance and Research.
The Member States may provide the information also in the format of the annual report on the occurrence of rabies established by the WHO Collaborating Centre for Rabies Surveillance and Research, <http://www.who-rabies-bulletin.org>

ANNEX VI

Criteria for the information to be provided in accordance with Article 8 of Directive 64/432/EEC on the occurrence of cases of foot-and-mouth disease, contagious bovine pleuropneumonia, swine vesicular disease, classical swine fever and African swine fever

ANIMAL DISEASE NOTIFICATION SYSTEM

Date of the report: COUNTRY: (A): Number of outbreaks
Reporting period: (B): Last date of confirmation

REGIONS		FMD	SVD	RINDER-PEST	CBPP	BT	CSF	CSF WB	ASF	ND	AI	PEE	Vesicular stomatitis	PPR	LSD	CAPRIPOX
	(A)															
	(B)															
	(A)															
	(B)															
	(A)															
	(B)															
	(A)															
	(B)															
	(A)															
	(B)															
	(A)															
	(B)															
	(A)															
	(B)															
Total																

The Member States may provide the information in the format of the annual report extracted from the Animal Disease Notification System as regards these diseases.

ANNEX VII

Criteria for the information to be provided in accordance with Article 8 of Directive 64/432/EEC on the occurrence of cases of anthrax (bovine and porcine animals), *Brucella suis* infection and transmissible gastroenteritis (porcine animals)

Date of the report: MEMBER STATE: (A): Number of Outbreaks
 Reporting period: (B): Last Date of Confirmation

REGIONS		Anthrax (bovine animals)	Anthrax (porcine animals)	<i>Brucella suis</i> infection	Transmissible gastroenteritis
	(A)				
	(B)				
	(A)				
	(B)				
	(A)				
	(B)				
	(A)				
	(B)				
	(A)				
	(B)				
	(A)				
	(B)				
Total					

COMMISSION RECOMMENDATION
of 11 December 2003
on the implementation and use of Eurocodes for construction works and structural construction products

(notified under document number C(2003) 4639)

(Text with EEA relevance)

(2003/887/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community, and in particular the second indent of Article 211 thereof,

Whereas:

- (1) The Eurocodes are a series of European standards which provide a common series of methods for calculating the mechanical strength of elements playing a structural role in construction works (hereinafter 'structural construction products'). Those methods make it possible to design construction works, to check the stability of construction works or parts thereof and to give the necessary dimensions of structural construction products.
- (2) Council Directive 89/106/EEC of 21 December 1988 on the approximation of laws, regulations and administrative provisions of the Member States relating to construction products⁽¹⁾ concerns the establishment and functioning of the internal market for construction products, as provided for in Article 95 of the Treaty, and applies to products covered by technical specifications, as referred to in Article 4 of Directive 89/106/EEC.
- (3) Structural construction products constitute an important part of the construction products market and should therefore be subject to the requirements laid down in Directive 89/106/EEC and, in particular, to the CE marking requirements. In order to enable the producers and notified bodies to assess the mechanical strength of structural construction products, which is necessary for their conformity assessment, the technical specifications should refer to calculation methods developed in the Eurocodes. The mechanical strength should be declared as performance of the product in the documents which accompany the CE marking, in accordance with Directive 89/106/EEC.
- (4) The disparities between the various calculation methods referred to in national building regulations hinder the free circulation of engineering and architectural services within the Community. The use of Eurocodes should facilitate the freedom to provide services in the field of construction engineering and architecture by creating the conditions for a harmonised system of general rules.
- (5) The majority of structural construction products and construction works are the subject of public contracts. The Eurocodes are to be used by contracting authorities in technical specifications pursuant to Article 14(1) and (2) of Council Directive 92/50/EEC of 18 June 1992 relating to the coordination of procedures for the award of public service contracts⁽²⁾ and Article 10(1) and (2) of Council Directive 93/37/EEC of 14 June 1993 concerning the coordination of procedures for the award of public works contracts⁽³⁾. Those directives provide that the technical specifications for the award of public services contracts and public works contracts are to be given in the general documents or the contractual documents relating to each contract and that, without prejudice to the legally binding national technical rules and in so far as they are compatible with Community law, such technical specifications are to be defined by the contracting authorities by reference to national standards implementing European standards.
- (6) The Eurocodes are also to be used pursuant to Article 18(2) of Council Directive 93/38/EEC of 14 June 1993 coordinating the procurement procedures of entities operating in the water, energy, transport and telecommunications sectors⁽⁴⁾, which provides that the technical specifications are to be defined by those entities by reference to European specifications, where such exist. Additionally, Article 1(13) of Directive 93/38/EEC specifies that, for the purposes of that Directive, 'European specification' is to mean a common technical specification, a European technical approval or a national standard implementing a European standard.

⁽¹⁾ OJ L 40, 11.2.1989, p. 12. Directive as last amended by Regulation (EC) No 1882/2003 of the European Parliament and of the Council (OJ L 284, 31.10.2003, p. 1).

⁽²⁾ OJ L 209, 24.7.1992, p. 1. Directive as last amended by the Act of Accession of 2003.

⁽³⁾ OJ L 199, 9.8.1993, p. 54. Directive as last amended by the Act of Accession of 2003.

⁽⁴⁾ OJ L 199, 9.8.1993, p. 84. Directive as last amended by the Act of Accession of 2003.

- (7) Member States should take all necessary measures to ensure that structural construction products calculated in accordance with the Eurocodes may be used, and should therefore refer to the Eurocodes in their national regulations on design.
- (8) Member States should adopt Eurocodes for structural products and construction works and recognise that the use of those Eurocodes raises a presumption of conformity with the essential requirements referred to in Directive 89/106/EEC.
- (9) In order to take into account specific geographical, geological or climatic conditions as well as specific levels of protection applicable in their territory, Member States may need specific parameters and the Eurocodes therefore contain 'nationally determined parameters'. For each nationally determined parameter, the Eurocodes give a recommended value. However, Member States may choose a different specific value as the nationally determined parameter, if they consider it necessary in order to ensure that building and civil engineering works are designed and executed in a way that does not endanger the safety of persons, domestic animals or property.
- (10) In order to achieve a higher level of harmonisation, a comparison of the various nationally determined parameters implemented by the Member States should be undertaken and, where appropriate, they should be aligned.
- (11) In the absence of technical specifications, as referred to in Article 4 of Directive 89/106/EEC, it is necessary to guarantee the free movement of structural construction products the mechanical strength of which has been assessed using Eurocodes. For that purpose, Member States should include the Eurocodes in the national provisions concerning such products.
- (12) The Eurocodes should facilitate the development of common research efforts undertaken by various actors in the Community and dissemination of the results of that research, in particular through professional training. This will result in safer building and civil engineering works in the Community,
- resistance and stability, and with part of essential requirement No 2 'Safety in case of fire', as referred to in Annex I to Directive 89/106/EEC.
2. Member States should lay down the parameters usable in their territory, hereinafter 'the nationally determined parameters'.
3. Member States should use the recommended values provided by the Eurocodes when nationally determined parameters have been identified in the Eurocodes. They should diverge from those recommended values only where geographical, geological or climatic conditions or specific levels of protection make that necessary. Member States should notify the Commission of the nationally determined parameters in force on their territory within two years of the date on which the Eurocodes become available.
4. Member States should, acting in coordination under the direction of the Commission, compare the nationally determined parameters implemented by each Member State and assess their impact as regards the technical differences for works or parts of works. Member States should, at the request of the Commission, change their nationally determined parameters in order to reduce divergence from the recommended values provided by the Eurocodes.
5. In the absence of technical specifications, as referred to in Article 4 of Directive 89/106/EEC, Member States should refer to the Eurocodes in their national provisions on structural construction products.
6. Member States should undertake research to facilitate the integration into the Eurocodes of the latest developments in scientific and technological knowledge. Member States should pool the national funding available for such research so that it can be used at Community level to contribute to the existing technical and scientific resources for research within the Commission, in cooperation with the Joint Research Centre, thus ensuring an ongoing increased level of protection of buildings and civil works, specifically as regards the resistance of structures to earthquakes and fire.
7. Member States should promote instruction in the use of the Eurocodes, especially in engineering schools and as part of continuous professional development courses for engineers and technicians.

HEREBY RECOMMENDS:

1. Member States should adopt the Eurocodes as a suitable tool for designing construction works, checking the mechanical resistance of components, or checking the stability of structures. Member States should recognise that, in the case of construction works designed using the calculation methods described in the Eurocodes, there is a presumption of conformity with essential requirement No 1 'Mechanical resistance and stability', including such aspects of essential requirement No 4 'Safety in use' as relate to mechanical

Member States should inform the Commission of all national measures taken in accordance with this Recommendation.

This Recommendation is addressed to the Member States.

Done at Brussels, 11 December 2003.

For the Commission

Erkki LIIKANEN

Member of the Commission

CORRIGENDA

PROCES-VERBAL OF RECTIFICATION

to the Agreement establishing an Association between the European Community and its Member States, of the one part, and the Republic of Chile, of the other part, signed on 18 November 2002 in Brussels

(Official Journal of the European Communities L 352 of 30 December 2002)

These corrections were made by a procès-verbal of rectification which was signed in Brussels on 4 November 2003 with the Council as depository.

1. Annex I, section 3 (Community's tariff elimination schedule)

(a) On page 72, HS heading 0101 10 10:

Under HS heading 0101 10 10 'Horses', the category entry is replaced by '0' (*).

(b) On page 120, HS heading 0808 20 10:

Under HS heading 0808 20 10, 'Perry pears ...,' the abbreviation 'EP' is deleted in the 'Category' column (**).

2. Annex II, section 2 (Chile's tariff elimination schedule), list in Spanish language

The base figure should be raised by one line, as follows:

(a) On page 659, HS heading 2517.30.00 (***):

for:

'2 517.30.00	– Macadán alquitranado – Gránulos, tasquiles (fragmentos) y polvo de piedras de las partidas 25.15 ó 25.16, incluso tratados térmicamente:	6'	Year 0
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read:

'2 517.30.00	– Macadán alquitranado – Gránulos, tasquiles (fragmentos) y polvo de piedras de las partidas 25.15 ó 25.16, incluso tratados térmicamente:'	6	Year 0
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(b) On page 884, HS heading 8520.20.00 (****):

for:

'8 520.20.00	– Contestadores telefónicos – Los demás aparatos de grabación y reproducción de sonido, en cinta magnética:	6'	Year 0
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read:

'8 520.20.00	– Contestadores telefónicos – Los demás aparatos de grabación y reproducción de sonido, en cinta magnética:'	6	Year 0
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3. Annex III (Definition of the concept of originating products and methods of administrative cooperation)

(a) On page 963, Appendix II, HS heading 2009, column 3:

for: 'Manufacture in which:

— all the citrus fruits used must be wholly obtained,'

read: 'Manufacture in which:

— all the citrus fruits used are wholly obtained,'

(*) Mistake in signed Agreement. The reference on page 72 of OJ L 352, 30.12.2002 is correct.

(**) Mistake in OJ L 352, 30.12.2002, p. 120. The signed Agreement is correct.

(***) Mistake in OJ L 352, 30.12.2002, p. 659. The signed Agreement is correct.

(****) Mistake in OJ L 352, 30.12.2002, p. 884. The signed Agreement is correct.

- (b) On page 1043, Appendix IV, Invoice declaration, German version:
for: 'German version
Der Ausführer (Ermächtigter Ausführer; Bewilligung der Zollbehörde oder der zuständigen Regierungsbehörde Nr. ... ⁽¹⁾) der Waren, auf die sich dieses Handelspapier bezieht, erklärt, dass diese Waren, soweit nichts anderes angegeben, präferenzbegünstigte Ursprungswaren ... ⁽²⁾.' ^(*)
read: 'German version
Der Ausführer (Ermächtigter Ausführer; Bewilligung der Zollbehörde oder der zuständigen Regierungsbehörde Nr. ... ⁽¹⁾) der Waren, auf die sich dieses Handelspapier bezieht, erklärt, dass diese Waren, soweit nichts anderes angegeben, präferenzbegünstigte Ursprungswaren ... ⁽²⁾ sind.'
4. On page 1296, Annex VII (Schedule of specific commitments on services):
In column 3, 'Limitations on national treatment':
for: '(1)(2)(3) None, außer dass nur chilenische Staatsangehörige als Zollagenten tätig sein dürfen.' ^(**)
read: '(1)(2)(3) None, except that only Chilean nationals may act as customs agents or brokers.'
5. On page 1304, Annex VIII (Schedule of specific commitments on financial services)
Part A, Community's schedule, section II, Sector-specific commitments, 7. Financial services sector, point 3 ^(***):
for: '... transactions indicated in paragraphs B.3 and B.4 of the market access section of the Understanding ...'
read: '... transactions indicated in paragraphs A.1 and A.2 of the market access section of the Understanding ...'.
6. On page 1428, Annex XIII (Government procurement implementation of certain provisions of Part IV, Title IV) Appendix 3, Time limits, point 1:
for: '1. Except in so far as provided in paragraphs 3 and 4, entities ...'
read: '1. Except in so far as provided in paragraphs 2 and 3, entities ...'.
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^(*) Mistake in OJ L 352, 30.12.2002, p. 1043. The signed Agreement is correct, except for a spelling mistake which was corrected in the minutes.

^(**) Mistake in OJ L 352, 30.12.2002, p. 1296. The signed Agreement is correct.

^(***) Mistake in OJ L 352, 30.12.2002, p. 1304. The signed Agreement is correct.