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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EC) No 2238/2003

of 15 December 2003

protecting against the effects of the application of the United States Anti-Dumping Act of 1916, and actions based thereon or resulting therefrom

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal from the Commission,

Whereas:

- (1) The objectives of the Community include contributing to the harmonious development of world trade and to the progressive abolition of restrictions on international trade.
- (2) In the United States of America ('USA'), the Anti-Dumping Act of 1916 ⁽¹⁾ provides for civil and criminal proceedings and penalties against dumping of any articles when conducted with an intent to destroy or injure an industry in the USA, or to prevent the establishment of an industry in the USA, or to restrain or monopolise any part of trade and commerce in such articles in the USA.
- (3) On 26 September 2000, the Dispute Settlement Body of the World Trade Organisation (WTO), adopting the Appellate Body report ⁽²⁾ and the Panel report ⁽³⁾, as upheld by the Appellate Body report, found the Anti-Dumping Act of 1916 to be incompatible with the US obligations under the WTO agreements, notably by providing remedies against dumping, such as the imposition of treble damages, fines and imprisonment, none of which is permitted by the General Agreement on Tariffs and Trade 1994 ('GATT 1994') or by the Agreement on Implementation of Article VI of the General Agreement on Tariffs and Trade 1994 ('AD Agreement').
- (4) The USA failed to comply with the Panel and Appellate Body recommendations and rulings within the time limit of 20 December 2001. As a result, the Community requested authorisation to suspend the application to the USA of its obligations under GATT 1994 and the AD Agreement.

- (5) In February 2002, the Community agreed to suspend the arbitration on its request, on the express understanding that a bill was pending in the US Congress to repeal the Anti-Dumping Act of 1916 and to terminate the on-going cases before US Courts.
- (6) The Anti-Dumping Act of 1916 has yet to be repealed, and claims brought under this Act are pending before US Courts against persons under the jurisdiction of the Member States.
- (7) These judicial proceedings are causing substantial litigation costs and may ultimately result in a judgment awarding treble damages.
- (8) By its maintenance and application, the Anti-Dumping Act of 1916 impedes the attainment of the aforementioned objectives, affects the established legal order and has adverse effects on the interests of the Community and the interests of natural and legal persons exercising rights under the Treaty.
- (9) Under these exceptional circumstances, it is necessary to take action at Community level to protect the interests of the natural and legal persons under the jurisdiction of the Member States, in particular by removing, neutralising, blocking or otherwise counteracting the effects of the Anti-Dumping Act of 1916,

HAS ADOPTED THIS REGULATION:

Article 1

⁽¹⁾ Enacted under the heading of 'unfair competition' in Title VIII of the Revenue Act of 1916; Title VIII of that Act is codified at United States Code 71-74, cited as 15 U.S.C §72.

⁽²⁾ AB-2000-5 and AB-2000-6, 28 August 2000.

⁽³⁾ United States — Anti-Dumping Act of 1916, Panel report (WT/DS/136/R, 31 March 2000).

No judgment of a court or tribunal and no decision of an administrative authority located in the United States of America giving effect, directly or indirectly, to the Anti-Dumping Act of 1916 or to actions based thereon or resulting therefrom, shall be recognised or be enforceable in any manner.

Article 2

1. Any person referred to in Article 3 shall be entitled to recover any outlays, costs, damages and miscellaneous expenses incurred by him or her as a result of the application of the Anti-Dumping Act of 1916 or by actions based thereon or resulting therefrom.

2. Recovery may be obtained as soon as an action under the Anti-Dumping Act of 1916 is commenced.

3. Recovery may be obtained from the natural or legal person or any other entity that brought a claim under the Anti-Dumping Act of 1916 or from any person or entity related to that person or entity. Persons or entities shall be deemed to be related if:

- (a) they are officers or directors of one another's businesses;
- (b) they are legally recognised partners in business;
- (c) one of them controls directly or indirectly the other;
- (d) both of them are directly or indirectly controlled by a third person

4. Without prejudice to other means available and in accordance with applicable law, the recovery may take the form of seizure and sale of assets held by the defendant, including shares held in a legal person incorporated within the Community.

Article 3

The persons referred to in Article 2(1) shall be:

- (a) any natural person being a resident in the Community;
- (b) any legal person incorporated within the Community;
- (c) any natural or legal person referred to in Article 1(2) of Regulation (EEC) No 4055/86 ⁽¹⁾;
- (d) any other natural person acting in a professional capacity within the Community, including in territorial waters and air space and in any aircraft or on any vessel under the jurisdiction or control of a Member State.

For the purposes of point (a), 'being a resident in the Community' shall mean being legally established in the Community for a period of at least six months within the 12-month period immediately prior to the date on which, under this Regulation, an obligation arises or a right is exercised.

Article 4

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

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

Done at Brussels, 15 December 2003.

For the Council
The President
A. MARZANO

⁽¹⁾ OJ L 378, 31.12.1986, p. 1; Regulation as last amended by Regulation (EEC) No 3573/90 (OJ L 353, 17.12.1990, p. 16).

**COUNCIL REGULATION (EC) No 2239/2003
of 17 December 2003**

terminating the partial interim review and the expiry review concerning the anti-dumping measures imposed by Regulation (EC) No 2398/97 on imports of cotton-type bedlinen originating, *inter alia*, in India

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 384/96 of 22 December 1995 on protection against dumped imports from countries not members of the European Community⁽¹⁾ (the 'basic Regulation'), and in particular Article 9 and Article 11(2) and (3) thereof,

Having regard to the proposal submitted by the Commission after consulting the Advisory Committee,

Whereas:

A. MEASURES IN FORCE

(1) In 1997, by Regulation (EC) No 2398/97⁽²⁾, the Council imposed definitive anti-dumping duties ranging from 2,6 % to 24,7 % on imports of cotton-type bedlinen originating, *inter alia*, in India. Following a Panel report as modified by the Appellate Body report adopted in March 2001 on the case 'EC-anti-dumping duties on imports of cotton-type bedlinen from India' by the Dispute Settlement Body of the World Trade Organisation ('WTO'), the Council, in August 2001, by Regulation (EC) No 1644/2001⁽³⁾, amended Regulation (EC) No 2398/97 by reducing the duty rate for India and certain Indian companies to a level of between 0 and 9,8 % and suspending their application. In April 2002, the Council, by Regulation (EC) No 696/2002⁽⁴⁾, confirmed the definitive anti-dumping duty imposed on imports of cotton-type bedlinen originating in India by Regulation (EC) No 2398/97, as amended and suspended by Regulation (EC) No 1644/2001.

B. REQUEST FOR REVIEWS

(2) In January 2002, the Commission received a request for an interim review of Regulation (EC) No 2398/97 pursuant to Article 11(3) of the basic Regulation. The request was lodged by the Committee of the Cotton

and Allied Textile Industries of the European Union ('Eurocoton' or the 'applicant'), on behalf of producers representing a major proportion of the total Community production of cotton-type bedlinen. The request was based on the fact that the applicant claimed a significant change in circumstances with regard to dumping.

(3) In September 2002, following the publication of a notice of impending expiry⁽⁵⁾ of the anti-dumping measures in force, the Commission received a request for review pursuant to Article 11(2) of the basic Regulation from Eurocoton, representing a major proportion of the total Community production of cotton-type bedlinen. The request was based on the grounds that the expiry of the measures would most likely result in continuation or recurrence of dumping and injury to the Community industry.

C. INVESTIGATION

1. PROCEDURE

(4) The Commission examined the evidence submitted by the applicant and considered it sufficient to justify the initiation of an interim review and an expiry review in accordance with the provisions of Article 11(2) and (3) of the basic Regulation. After consultation of the Advisory Committee, the Commission initiated two investigations by notices published in the *Official Journal of the European Communities*⁽⁶⁾. The interim review was limited in scope to the examination of dumping.

(5) The Commission officially advised the applicant, the producers in the exporting country and their representatives of the initiation of the interim review and the expiry review, and gave all parties directly concerned the opportunity to make their views known in writing and to request a hearing.

(6) A number of exporting producers in India, as well as Community producers, Community users and importers/traders, made their views known in writing. All parties who so requested within the time limits specified in the notices of initiation referred to in recital 4 and showed that there were particular reasons why they should be heard were granted the opportunity to be heard.

⁽¹⁾ 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).

⁽²⁾ OJ L 332, 4.12.1997, p. 1; Regulation as last amended by Regulation (EC) No 160/2002 (OJ L 26, 30.1.2002, p. 1).

⁽³⁾ OJ L 219, 14.8.2001, p. 1.

⁽⁴⁾ OJ L 109, 25.4.2002, p. 3.

⁽⁵⁾ OJ C 65, 14.3.2002, p. 11.

⁽⁶⁾ OJ C 39, 13.2.2002, p. 17 and OJ C 300, 4.12.2002, p. 10.

1.1. Period of investigation

- (7) The period of investigation for dumping covered the period from 1 January 2001 to 31 December 2001 (the 'investigation period' or 'IP').

1.2. Selection of the sample

- (8) In view of the large number of exporting producers in the exporting country concerned, and in conformity with Article 17 of the basic Regulation, it was considered appropriate to use sampling. In order to select a sample, exporting producers in the country concerned were requested, pursuant to Article 17(2) of the basic Regulation, to make themselves known within 15 days of the initiation of the proceeding and to provide information on their exports to the Community during the investigation period, domestic turnover and the names and activities of all related companies in the sector of the product concerned. The Indian authorities were also contacted by the Commission in this regard.

- (9) Ninety-four exporting producers agreed to be included in the sample and provided the requested information within the deadline. Eight of them were chosen for the sample. The criteria taken into account in the selection of the sample were: the size of the company with regard to export sales to the Community and the fact that the companies had domestic sales. The exporting producers which were not finally included in the sample were informed that any anti-dumping duty on their exports would be calculated in accordance with the provisions of Article 9(6) of the basic Regulation, i.e. without exceeding the weighted average margin of dumping established for the companies in the sample. The selection of the sample was made in coordination with the representatives of the exporting producers, and with the Indian Government. The Appellate Body Report referred to in recital 1 concluded that the method for calculating amounts for administrative, selling and general costs (the SG & A) and for profits, based on the weighted average of the actual amounts incurred and realised by other exporters or producers, can only be used if data relating to more than one other exporter or producer are available. It was therefore considered paramount to have two companies with domestic sales included in the sample. It should also be noted that of the 94 producers who made themselves known, only two had domestic sales. However, the second company, which at first had agreed to cooperate in this investigation, withdrew its cooperation. The sample had therefore to be modified accordingly and was eventually composed of seven companies, six of which had exclusively export sales and one of which had both export and domestic sales of the like product.

- (10) The applicant claimed that the non-cooperation of one of the companies with domestic sales should have entailed the application of the provisions set out in Article 18 of the basic Regulation. In this connection it should be noted that Article 18 of the basic Regulation was indeed applied with respect to this company (see recital 30). Moreover, the sample still remained representative as the non-cooperating company had a very limited export share and, even without this company, the sample still represented 43 % of the exports of the product concerned to the Community during the IP. Furthermore, the non-cooperation of this company did not affect the dumping determination for those companies in the sample. The claim was therefore rejected.

1.3. Individual examination of companies not selected for the sample

- (11) One cooperating company not selected for the sample requested the calculation of an individual dumping margin in accordance with Article 17(3) of the basic Regulation and accompanied its request with a reply to the questionnaire within the deadline set for this purpose. This request was found to be acceptable in the current investigation.

1.4. Interested parties and verification visits

- (12) The Commission sent a questionnaire to the sampled companies and received full replies within the deadline. The Commission sought and verified all information it deemed necessary for the purpose of the determination of dumping and carried out verification visits at the premises of the following sampled companies:
- The Bombay Dyeing & Manufacturing Co. Ltd, Mumbai
 - Nowrosjee Wadia & Sons, Mumbai
 - Prakash Cotton Mills Pvt. Ltd, Mumbai
 - Texcellence Overseas, Mumbai
 - Vigneshwara Exports Limited, Mumbai
- (13) Due to the political situation in India, the on-the-spot verification at the premises of Jindal Worldwide Ltd, Ahmedabad and Mahalaxmi Exports, Ahmedabad had to be cancelled. However, the data provided by these companies have been used, despite the absence of verification. In this respect it should be noted that their export prices were found to be in line with those of the other Indian companies with the same company structure (i.e. mainly companies which only export) which were investigated. In addition, certain checks were made through a number of EU importers (by cross-checking invoices), and no irregularities were found in relation to the export price of Jindal Worldwide Ltd, Ahmedabad and Mahalaxmi Exports, Ahmedabad.

- (14) The Commission has also carried out a verification visit at the premises of Divya Textiles, Mumbai, which requested an individual examination, as mentioned in recital 11 above.

2. PRODUCT UNDER CONSIDERATION

- (15) The product concerned is the same as in the original investigation, i.e. certain bedlinen of cotton fibres, pure or mixed with man-made fibres or flax (flax not being the dominant fibre), bleached, dyed or printed, originating in India, falling within CN codes ex 6302 21 00 (TARIC codes 6302 21 00 81, 6302 21 00 89), ex 6302 22 90 (TARIC code 6302 22 90 19), ex 6302 31 10 (TARIC code 6302 31 10 90), ex 6302 31 90 (TARIC code 6302 31 90 90), ex 6302 32 90 (TARIC code 6302 32 90 19).

3. LIKE PRODUCT

- (16) It was established that the cotton-type bedlinen sold on the Indian market and the cotton-type bedlinen exported from India to the Community were identical, or closely resembling in terms of physical characteristics and end uses. Therefore, these cotton-type bed linens were considered to be like products within the meaning of Article 1(4) of the basic Regulation.

D. RESULT OF THE INVESTIGATION CONCERNING THE INTERIM REVIEW

1. NORMAL VALUE

1.1. Companies in the sample

- (17) It is first recalled that of the seven companies in the sample, only one had domestic sales. Of the six other companies in the sample, one had domestic sales of the general category of products (other cotton-type products).
- (18) For the sole company with domestic sales, it was found that none of its types of cotton-type bed linens sold on the domestic market were directly comparable to those exported to the Community, as a result of differences in quality in respect of a multitude of different product types. Furthermore, any adjustments needed in order to ensure the comparability would have had to be based on estimates. Consequently, the normal value had to be constructed on the basis of the manufacturing costs of the product concerned plus its own SG & A and profit on sales made in the ordinary course of trade, in accordance with Article 2(6) of the basic Regulation.
- (19) For the other companies, in the absence of domestic sales of the like product, it was first envisaged to use, in accordance with Article 2(1) of the basic Regulation, the domestic prices of the company with domestic sales to

establish the normal value. However, no comparison was possible between the product types sold on the domestic market and those exported to the European Union by the other companies. Therefore, for all the other cooperating companies, in the absence of domestic sales of the like product, normal value had also to be constructed.

- (20) In light of the above, the manufacturing costs of the product concerned were used to determine the constructed normal value for each company included in the sample, in accordance with Article 2(3) of the basic Regulation. With regard to SG & A and profits, since there was only one company with domestic sales of the like product, the option provided for by Article 2(6)(a) of the basic Regulation, based on the weighted average of the actual amounts determined for other exporters or producers in respect of production and sales of the like product in the domestic market of the country of origin, could not be used.

- (21) For the other exporting producers, including the company with domestic sales of the same general category of products, the SG & A were established in accordance with Article 2(6)(c) of the basic Regulation, taking into account the conclusions of the reports adopted by the Dispute Settlement Body of the WTO. Consequently, the SG & A were determined on the basis of the weighted average of the SG & A of the sole company with domestic sales of the like product and the SG & A of the sole company having sales of the general category of products (other cotton-type products) on the domestic market.

- (22) As far as the amounts for profit are concerned, for the company with domestic sales of the same general category of products several approaches were examined for the establishment of a reasonable profit when constructing the normal value. The first approach was to use its own profits. However, this company was operating at a loss and therefore this method could not be used.

- (23) The Indian exporting producers claimed that, according to Article 2(6)(c) of the basic Regulation, the profit cap of the company with domestic sales and the company selling the same general category of products on the domestic market should have been used. Considering that such companies were operating at a loss, the Indian exporting producers argued that the profit cap was therefore a nil profit.

- (24) According to Article 2(3) of the basic Regulation, when constructing normal value, a reasonable amount for profits should be added. Therefore, a nil profit cannot be considered to be a cap.

- (25) Finally, and in the absence of any other source of data as regards profit, for all Indian exporting producers profit was established at a level of 5 %, which was the profit used in the original investigation as the Community industry's target profit. The applicant claimed that this profit margin was too low.
- (26) However, the applicant did not advance any reasons why the 5 % profit figure was too low and why another profit margin would be more reasonable or representative. Moreover, there was no usable information on the profits of Indian domestic sales of the product concerned or of the products belonging to the same general category. Therefore, and pursuant to Article 2(6)(c) of the basic Regulation, it was considered reasonable to use the profit margin determined in the original investigation, representing the profit that the Community industry could expect to achieve on its local market in the absence of any injurious dumping.

1.2. Company with individual examination

- (27) For this company, normal value was established by using the methodologies described in recitals 19, 20, 21 and 25.

2. EXPORT PRICE

- (28) Since all export sales of the product under consideration were made directly to independent customers in the Community, the export price was established in accordance with Article 2(8) of the basic Regulation, namely on the basis of the price paid or payable for the product concerned when sold for export from India to the Community.

3. COMPARISON

- (29) For the purpose of a fair comparison, due allowance in the form of adjustments was made for differences in factors which were claimed and demonstrated to affect prices and price comparability. These adjustments were made in accordance with Article 2(10) of the basic Regulation, in respect of freight, handling and loading, transport, credit costs, insurance, commission and packing.

4. DUMPING MARGIN

- (30) The applicant claimed that the exception provided for in Article 2(11) of the basic Regulation, which allows the comparison between a weighted average normal value and the prices of all individual export transactions to the Community, should have been used for some of the companies in the sample. However, it was established

that the conditions underlying the use of this method, and in particular the existence of a pattern of export prices which differs significantly among different purchasers, regions or time periods, were not met. Therefore, in accordance with Article 2(11) of the basic Regulation, the margin of dumping was established on the basis of a comparison of a weighted average normal value with a weighted average of prices of all export transactions to the Community.

(a) Cooperating producers in the sample

The definitive dumping margins expressed as a percentage of the cif import price at the Community border are the following:

— The Bombay Dyeing & Manufacturing Co. and Nowrosjee Wadia & Sons (related company)	26,2 %
— Mahalaxmi Exports	0 %
— Prakash Cotton Mills Pvt. Ltd	0 %
— Texcellence Overseas and Jindal Worldwide Ltd (related company)	0 %
— Vigneshwara Exports Limited	0 %

(b) Other cooperating producers not included in the sample

As explained in recital 34, for all other cooperating producers not included in the sample the dumping margin is 0 %.

(c) Cooperating company with individual examination

— Divya Textiles	0 %
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(d) Non-cooperating companies

As set out in recital 9, one company did not cooperate. Since there are no indications that this company did not dump, and in order not to give a bonus for non-cooperation, the dumping margin was established on the basis of the most exported amongst the most dumped product types exported to the Community by Bombay Dyeing & Manufacturing Co., i.e. 31,4 %.

E. GROUNDS FOR TERMINATING THE INTERIM REVIEW WITHOUT THE IMPOSITION OF MEASURES

- (31) The current interim review should be terminated without the imposition of measures because only a small part of imports of the product concerned originating in India was dumped and this negligible volume of dumped imports, which is not likely to change significantly in future, cannot cause injury. This follows from the analysis set out below.

1. THE VAST MAJORITY OF IMPORTS OF THE PRODUCT CONCERNED ORIGINATING IN INDIA WERE NOT DUMPED

- (32) With regard to the companies in the sample, the investigation established the existence of dumping for only one of these companies (Bombay Dyeing), accounting for less than 8 % of total exports of the product concerned originating in India to the Community during the IP. Moreover, and as stated above, one company did not cooperate in the proceeding and its exports were considered to be dumped (see recital 30(d)). However, the exports by this latter company of the product concerned to the Community during the IP represented only 0,4 % of total exports originating in India.
- (33) The findings for the aforementioned two companies are in contrast to the situation of the remaining four companies in the sample as well as the exporting producer granted individual treatment. None of these five companies was found to be dumping. Moreover, their situation was fundamentally different from that of Bombay Dyeing and of the non-cooperating company because they produced the product concerned exclusively for export. The non-dumped imports in the sample represented around 30 % of total exports originating in India.
- (34) Furthermore, the cooperating exporters not included in the sample and not individually examined produced exclusively for export (based on the information received in response to the sampling questions in the notice of initiation). In other words, their company structure corresponds to that of the companies mentioned in recital 33. This strongly suggests that their exports were not dumped either.
- (35) It follows from the above that more than 90 % of Indian exports of the product concerned to the Community during the IP were not dumped.

2. THE SMALL VOLUME OF DUMPED IMPORTS IN THIS CASE CANNOT CAUSE ANY INJURY

- (36) The significant difference between the dumping practices found in the original investigation and that found in the current one, prompts the question of whether the causal link established in the original case could still be assumed to be present on the basis of the present findings.
- (37) First, it was found that less than 8 % of imports of the product concerned originating in India during the IP was dumped. These imports represented a market share of less than 1 % during the IP or an import share of less

than 3 % of the total imports from all sources. In other words, the volume of dumped imports is negligible, considering the normally applicable thresholds in the basic Regulation and in the WTO Anti-dumping Agreement. Second, the investigation found that, for the reasons set out in recitals 32 to 34, more than 90 % of the imports from India were non-dumped. Under these circumstances, it is very unlikely that any material injury resulted from these imports during the IP. Furthermore, it cannot be reasonably assumed that this situation would change if measures were not imposed, bearing in mind the fact that during a considerable part of the IP no duties were in force and that the volume of non-dumped imports from India was always significant.

- (38) Therefore, based on the findings of this review, the causal link established between dumping and injury in the original case can not be assumed to be present in this investigation, although the current partial interim review did not expressly include a review of the causality established in the original case.
- (39) Additionally, the measures which would result from the outcome of this investigation (see recital 30) would be ineffective, as a major part of the imports from India would not be covered.

3. CONCLUSION

- (40) In view of the above, it is necessary to terminate the interim review concerning imports of cotton-type bedlinen originating in India without the imposition of anti-dumping duties.

F. CONSEQUENCES OF THE EXPIRY REVIEW

- (41) In the light of the results of the interim review leading to the expiry of the anti-dumping measures imposed by Regulation (EC) No 2398/97, the procedure concerning the expiry review should be terminated accordingly.

G. DISCLOSURE

- (42) The interested parties were informed of the facts and considerations on the basis of which it was intended to recommend the termination of the present partial interim review and the expiry review without the imposition of measures and were given an opportunity to comment. Their comments were taken into account and, where appropriate, the findings were modified accordingly.

HAS ADOPTED THIS REGULATION:

Article 1

The interim review pursuant to Article 11(3) and the expiry review pursuant to Article 11(2) of Council Regulation (EC) No 384/96 concerning imports of cotton-type bedlinen originating in India are hereby terminated without the imposition of measures.

Article 2

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

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

Done at Brussels, 17 December 2003.

For the Council
The President
G. ALEMANNIO

COMMISSION REGULATION (EC) No 2240/2003
of 19 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 20 December 2003.

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

Done at Brussels, 19 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 19 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	80,1
	204	57,7
	212	113,1
	999	83,6
0707 00 05	052	157,5
	628	126,9
	999	142,2
0709 90 70	052	116,2
	204	56,6
	999	86,4
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	64,9
	999	63,5
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	052	76,9
	999	76,9
0805 50 10	052	63,9
	400	39,2
	600	76,3
	999	59,8
0808 10 20, 0808 10 50, 0808 10 90	052	58,6
	060	40,5
	064	51,0
	400	79,2
	404	84,1
	720	80,7
	999	65,7
0808 20 50	052	107,2
	064	58,8
	400	98,3
	528	79,8
	720	44,4
	999	77,7

⁽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 2241/2003
of 19 December 2003**

determining the extent to which applications lodged in December 2003 for import licences for certain egg sector products and poultrymeat pursuant to Regulations (EC) No 1474/95 and (EC) No 1251/96 can be accepted

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 1474/95⁽¹⁾ opening and providing for the administration of the tariff quotas in the egg sector and for egg albumin, as last amended by Regulation (EC) No 1043/2001⁽²⁾, and in particular Article 5(5) thereof,

Having regard to Commission Regulation (EC) No 1251/96 of 28 June 1996 opening and providing for the administration of tariff quotas in the poultrymeat sector and albumin⁽³⁾, as last amended by Regulation (EC) No 1043/2001 and in particular Article 5(5) thereof,

Whereas:

The applications for import licences lodged for the first quarter of 2004 are, in the case of certain products, for quantities less than or equal to the quantities available and can therefore be met in full, but in the case of other products the said applica-

tions are for quantities greater than the quantities available and must therefore be reduced by a fixed percentage to ensure a fair distribution,

HAS ADOPTED THIS REGULATION:

Article 1

1. Applications for import licences for the period 1 January to 31 March 2004 submitted pursuant to Regulations (EC) No 1474/95 and (EC) No 1251/96 shall be met as referred to in the Annex to this Regulation.

2. Applications for import licences for the period 1 April to 30 June 2004 may be lodged pursuant to Regulations (EC) No 1474/95 and (EC) No 1251/96 for the total quantity as referred to in the Annex to this Regulation.

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, 19 December 2003.

For the Commission

J. M. SILVA RODRÍGUEZ

Agriculture Director-General

⁽¹⁾ OJ L 145, 29.6.1995, p. 19.

⁽²⁾ OJ L 145, 31.5.2001, p. 24.

⁽³⁾ OJ L 161, 29.6.1996, p. 136.

ANNEX

Group	Percentage of acceptance of import licences submitted for the period 1 January to 31 March 2004	Total quantity available for the period 1 April to 30 June 2004 (t)
E1	100,00	123 013,60
E2	35,40	1 750,00
E3	—	13 967,58
P1	100,00	1 915,00
P2	100,00	2 530,08
P3	2,37	175,00
P4	14,15	250,00

**COMMISSION REGULATION (EC) No 2242/2003
of 19 December 2003**

determining the extent to which applications lodged in December 2003 for import licences for certain poultrymeat products under the regime provided for in Council Regulation (EC) No 774/94 opening and providing for the administration of certain Community tariff quotas for poultrymeat and certain other agricultural products can be accepted

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Community,

Article 1

Having regard to Commission Regulation (EC) No 1431/94 of 22 June 1994, laying down detailed rules for the application in the poultrymeat sector of the import arrangements provided for in Council Regulation (EC) No 774/94 opening and providing for the administration of certain Community tariff quotas for poultrymeat and certain other agricultural products ⁽¹⁾, as last amended by Regulation (EC) No 1043/2001 ⁽²⁾, and in particular Article 4(4) thereof,

1. Applications for import licences for the period 1 January to 31 March 2004 submitted under Regulation (EC) No 1431/94 shall be met as referred to in the Annex to this Regulation.

2. Applications for import licences for the period 1 April to 30 June 2004 may be lodged pursuant to Regulation (EC) No 1431/94 for the total quantity as referred to in the Annex to this Regulation.

Whereas:

The applications for import licences lodged for the period 1 January to 31 March 2004 are greater than the quantities available and must therefore be reduced by a fixed percentage to ensure a fair distribution,

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, 19 December 2003.

For the Commission

J. M. SILVA RODRÍGUEZ
Agriculture Director-General

⁽¹⁾ OJ L 156, 23.6.1994, p. 9.

⁽²⁾ OJ L 145, 31.5.2001, p. 24.

ANNEX

Group No	Percentage of acceptance of import certificates submitted for the period 1 January to 31 March 2004	Total quantity available for the period 1 April to 30 June 2004 (t)
1	1,55	1 775,00
2	1,55	1 275,00
3	1,58	825,00
4	1,79	450,00
5	2,19	175,00

COMMISSION REGULATION (EC) No 2243/2003**of 19 December 2003****fixing the refunds applicable to cereal and rice sector products supplied as Community and national food aid**

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 Commission Regulation (EC) No 1104/2003 ⁽²⁾, and in particular the third subparagraph of Article 13(2) 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 2 of Council Regulation (EEC) No 2681/74 of 21 October 1974 on Community financing of expenditure incurred in respect of the supply of agricultural products as food aid ⁽⁵⁾ lays down that the portion of the expenditure corresponding to the export refunds on the products in question fixed under Community rules is to be charged to the European Agricultural Guidance and Guarantee Fund, Guarantee Section.
- (2) In order to make it easier to draw up and manage the budget for Community food aid actions and to enable the Member States to know the extent of Community participation in the financing of national food aid actions, the level of the refunds granted for these actions should be determined.

- (3) The general and implementing rules provided for in Article 13 of Regulation (EEC) No 1766/92 and in Article 13 of Regulation (EC) No 3072/95 on export refunds are applicable *mutatis mutandis* to the abovementioned operations.

- (4) The specific criteria to be used for calculating the export refund on rice are set out in Article 13 of Regulation (EC) No 3072/95.

- (5) 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 Community and national food aid operations under international agreements or other supplementary programmes, and other Community free supply measures, the refunds applicable to cereals and rice sector products shall be as set out in the Annex.

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, 19 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 329, 30.12.1995, p. 18.

⁽⁴⁾ OJ L 62, 5.3.2002, p. 27.

⁽⁵⁾ OJ L 288, 25.10.1974, p. 1.

ANNEX

to the Commission Regulation of 19 December 2003 fixing the refunds applicable to cereal and rice sector products supplied as Community and national food aid

(EUR/t)

Product code	Refund
1001 10 00 9400	0,00
1001 90 99 9000	0,00
1002 00 00 9000	0,00
1003 00 90 9000	0,00
1005 90 00 9000	0,00
1006 30 92 9100	148,10
1006 30 92 9900	148,10
1006 30 94 9100	148,10
1006 30 94 9900	148,10
1006 30 96 9100	148,10
1006 30 96 9900	148,10
1006 30 98 9100	148,10
1006 30 98 9900	148,10
1006 30 65 9900	148,10
1007 00 90 9000	0,00
1101 00 15 9100	0,00
1101 00 15 9130	0,00
1102 10 00 9500	0,00
1102 20 10 9200	40,08
1102 20 10 9400	34,36
1103 11 10 9200	0,00
1103 13 10 9100	51,53
1104 12 90 9100	0,00

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

**COMMISSION REGULATION (EC) No 2244/2003
of 18 December 2003**

laying down detailed provisions regarding satellite-based Vessel Monitoring Systems

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2371/2002 of 20 December 2002 on the conservation and sustainable exploitation of fisheries resources under the Common Fisheries Policy ⁽¹⁾, and in particular Article 22(3) and Article 23(5) thereof,

Whereas:

(1) Pursuant to Article 22(1)(b) of Regulation (EC) No 2371/2002, fishing vessels are prohibited from engaging in activities within the scope of the Common Fisheries Policy, unless they have installed on board a functioning system which allows detection and identification of the vessel by remote monitoring systems.

(2) It is appropriate to provide that as from 1 January 2004, all fishing vessels exceeding 18 metres length overall, and as from 1 January 2005, all fishing vessels exceeding 15 metres length overall, should be subject to a satellite-based Vessel Monitoring System (VMS).

(3) Fishing vessels which operate exclusively inside the baselines of Member States should not be subject to that obligation since the impact of their activity on resources is insignificant.

(4) Pursuant to Article 23(3) of Regulation (EC) No 2371/2002, Member States are to set up the administrative and technical structure necessary for ensuring effective control, inspection and enforcement, including satellite based monitoring systems.

(5) Stricter VMS provisions create the potential to enhance significantly the efficiency and effectiveness of monitoring, control and surveillance operations both at sea and on land.

(6) It is appropriate to establish a transitional period for the application of the provisions referring to the communication of the speed and course of the fishing vessel subject to certain conditions.

(7) The VMS should apply in a similar way to Community fishing vessels and fishing vessels of third countries operating in Community waters.

(8) In view of the adoption of these new provisions, it is necessary to repeal Commission Regulation (EC) No 1489/97 of 29 July 1997 laying down detailed rules for the application of Council Regulation (EEC) No 2847/93 as regards satellite-based vessel monitoring systems ⁽²⁾.

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

HAS ADOPTED THIS REGULATION:

CHAPTER I

GENERAL PROVISIONS

Article 1

Subject matter

This Regulation lays down detailed rules for the operation by Member States of a satellite-based Vessel Monitoring System (VMS), as provided for in Article 22(1)(b) and Article 23(3) of Regulation (EC) No 2371/2002.

Article 2

Scope

1. This Regulation shall apply to:

- (a) fishing vessels exceeding 18 metres overall length, as from 1 January 2004; and
- (b) fishing vessels exceeding 15 metres overall length as from 1 January 2005.

2. This Regulation shall not apply to fishing vessels used exclusively for exploitation of aquaculture and operating exclusively inside the baselines of Member States.

Article 3

Fisheries monitoring centres

1. Member States shall operate Fisheries Monitoring Centres (FMC).

⁽¹⁾ OJ L 358, 31.12.2002, p. 59.

⁽²⁾ OJ L 202, 30.7.1997, p. 18. Regulation as last amended by Regulation (EC) No 2445/1999 (OJ L 298, 19.11.1999, p. 5).

2. The FMC of a Member State shall monitor:
 - (a) the fishing vessels flying the flag of that Member State, regardless of the waters or the port they are in;
 - (b) Community fishing vessels flying the flag of other Member States; and
 - (c) third country fishing vessels during the time they are in the waters under the sovereignty or the jurisdiction of that Member State.
3. Member States may operate a joint FMC.

CHAPTER II

SATELLITE-BASED MONITORING OF COMMUNITY FISHING VESSELS

Article 4

Requirement of satellite-tracking devices on Community fishing vessels

A Community fishing vessel subject to VMS is not allowed to leave a port without an operational satellite-tracking device installed on board.

Article 5

Characteristics of satellite tracking devices

1. The satellite-tracking devices installed on board Community fishing vessels shall ensure the automatic transmission to the FMC of the flag Member State, at all times, of data relating to:
 - (a) the fishing vessel identification;
 - (b) the most recent geographical position of the fishing vessel, with a position error which shall be less than 500 metres, with a confidence interval of 99 %;
 - (c) the date and time (expressed in Universal Time Coordinated (UTC)) of the fixing of the said position of the fishing vessel; and
 - (d) with effect from 1 January 2006 at the latest, the speed and course of the fishing vessel.
2. Member States shall adopt the appropriate measures to ensure that the satellite-tracking devices do not permit the input or output of false positions and are not capable of being manually over-ridden.

Article 6

Responsibilities concerning the satellite-tracking devices

1. The master of a Community fishing vessel shall ensure that the satellite-tracking devices are fully operational at all times and that the data referred to in Article 5(1) are transmitted.

2. In particular, the master of a Community fishing vessel shall ensure that:

- (a) the data are not altered in any way;
- (b) the antenna or the antennas connected to the satellite tracking devices are not obstructed in any way;
- (c) the power supply of the satellite tracking devices is not interrupted in any way; and
- (d) the satellite tracking devices are not removed from the fishing vessel.

3. It shall be prohibited to destroy, damage, render inoperative or otherwise interfere with the satellite tracking device.

Article 7

Control measures to be adopted by flag Member States

Each flag Member State shall ensure the regular monitoring of the accuracy of the data referred to in Article 5(1) and shall act promptly whenever data are found to be inaccurate.

Article 8

Frequency of data transmission

1. Each Member State shall ensure that its FMC receives, at least once an hour, through the VMS the information referred to in Article 5(1) concerning the fishing vessels flying its flag and registered in the Community. The FMC may decide to require the information at shorter time intervals.
2. Notwithstanding paragraph 1, the frequency of data transmission may be at least once every two hours, if the FMC has the possibility of polling the actual position of the fishing vessels.
3. When a fishing vessel is in port, the satellite tracking device may be switched off, subject to prior notification to the FMC of the flag Member State and the FMC of the coastal Member State and providing that the next report shows that the fishing vessel has not changed its position in relation to the previous report.

Article 9

Monitoring of entry into and exit from specific areas

Each Member State shall ensure that, through the VMS, its FMC monitors, as regards fishing vessels flying its flag and registered in the Community, the date and time of the entry into and the exit from:

- (a) any maritime areas where specific rules on access to waters and resources apply;

- (b) the regulatory areas of the regional fisheries organisations to which the Community or certain Member States are a party;
- (c) the waters of a third country.

Article 10

Transmission of data to the coastal Member State

1. The VMS established by each Member State shall ensure the automatic transmission to the FMC of a coastal Member State of the data to be provided in accordance with Article 5 concerning the fishing vessels flying its flag and registered in the Community, during the time they are in the waters of the coastal Member State.

That data transmission shall be simultaneous with transmission to the FMC of the flag Member State and shall be in conformity with the format set out in Annex I.

2. Each Member State shall transmit to the other Member States a comprehensive list of latitude and longitude coordinates which delimit its exclusive economic zone or exclusive fishery zone.

3. Coastal Member States monitoring jointly an area may specify a common destination for the transmission of the data to be provided in accordance with Article 5. They shall inform the Commission and the other Member States thereof.

4. Member States shall ensure coordination between their competent authorities regarding the establishment and operation of the procedures for transmission to the FMC of a coastal Member State.

5. On request Member States shall communicate to other Member States the list of vessels flying their flag subject to VMS. The list shall contain the internal fleet register number, the external identification, the name and the international radio call sign of each vessel.

Article 11

Technical failure or non-functioning of the satellite tracking device

1. In the event of a technical failure or non-functioning of the satellite-tracking device fitted on board a Community fishing vessel, the master or the owner of the vessel or their representative shall communicate every four hours, starting from the time that event was detected or from the time that he was informed in accordance with paragraph 3 or Article 12(1), the up to date current geographical position of the vessel by e-mail, by telex, by fax, by telephone message or by radio, via a radio station approved under the Community legislation for the reception of such reports, to the FMC of the flag Member State and the FMC of the coastal Member State.

2. A Community fishing vessel shall not leave a port, following a technical failure or non-functioning, before the satellite tracking device fitted on board is functioning to the satisfaction of the competent authorities or before it is otherwise authorised to leave by the competent authorities.

3. Member States shall seek to inform the master or the owner of the vessel or their representative when the satellite tracking device fitted on board a Community fishing vessel appears to be defective or not to be functioning.

4. The flag Member State may authorise the satellite-tracking device to be replaced by a functioning device which complies with Article 5.

Article 12

Non-receipt of data

1. When the FMC of a flag Member State has not received data transmissions in accordance with Articles 8 or 11 for 12 hours it shall notify the master or the owner of the vessel or their representative thereof as soon as possible. If, in respect of a particular vessel, this situation occurs more than three times within a period of one year, the flag Member State shall ensure that the satellite tracking device of the vessel in question is checked. The Member State concerned shall investigate the matter in order to establish whether the equipment has been tampered with. By way of derogation from Article 6(2)(d) this may entail the removal of such equipment for examination.

2. When the FMC of a flag Member State has not received data transmissions in accordance with Article 8 or Article 11(1) for 12 hours and the last received position was from within the waters of a coastal Member State it shall notify the FMC of that coastal Member State thereof as soon as possible.

3. When the competent authorities of a coastal Member State observe a fishing vessel in its waters and have not received data in accordance with Article 10(1) or Article 11(1) they shall notify the master of the vessel and the FMC of the flag Member State thereof.

Article 13

Monitoring of the fishing activities

1. Member States shall use the data received pursuant to Article 8, Article 10(1) and Article 11(1) for the effective monitoring of the fishing activities of vessels.

2. Flag Member States shall ensure that the data received from fishing vessels flying their flag or registered in them are recorded in computer-readable form for a period of three years.

3. Coastal Member States shall ensure that the data received from fishing vessels flying the flag of another Member State, are recorded in computer-readable form for a period of three years.

CHAPTER III

ACCESS TO DATA AND REPORTS*Article 14***Access to data**

1. Member States shall ensure that the Commission has, on specific request, remote access by online sessions to the computer files containing the data recorded by their FMC.
2. The data received in the framework of this Regulation shall be treated in a confidential manner.

*Article 15***Information concerning the competent authorities**

1. The name, address, telephone number, telex number, fax number, as well as the X.25 and any other addresses used for electronic data transmission, of the competent authority responsible for a FMC are listed in Annex II.
2. Any changes to information referred to in paragraph 1 shall be communicated to the Commission and to the other Member States within one week from the date of any such change.

*Article 16***Half-yearly reports by Member States**

1. Member States shall report half-yearly to the Commission, by 1 May and by 1 November, on the functioning of their VMS during the previous half year.
2. In particular, they shall notify the Commission of the following data:
 - (a) the number of fishing vessels flying the flag of or registered in the Member State concerned subject to VMS during the previous half year;
 - (b) the list of fishing vessels whose satellite-tracking devices have repeatedly experienced technical failure or have repeatedly failed to function during the previous half year;
 - (c) the number of position reports received by the FMC during the previous half year, broken down by flag State; and
 - (d) the aggregated time spent in maritime zones identified by FAO sub-areas, during the previous half year, by the fishing vessels flying the flag of or registered in the Member State concerned subject to VMS.
3. The format for notifying the information referred to in paragraph 2 may be laid down in consultation with the Member States and the Commission.

CHAPTER IV

SATELLITE-BASED MONITORING OF THIRD-COUNTRY FISHING VESSELS OPERATING IN COMMUNITY WATERS*Article 17***Requirement of satellite-tracking device on board**

A third-country fishing vessel subject to VMS shall have an operational satellite-tracking device installed on board when it is in Community waters.

*Article 18***Characteristics of satellite tracking devices**

1. The satellite-tracking devices installed on board third-country fishing vessels shall ensure the automatic transmission, at all times at which those vessels are in Community waters, of the following data:
 - (a) the fishing vessel identification;
 - (b) the most recent geographical position of the fishing vessel, with a position error which shall be less than 500 metres, with a confidence interval of 99 %;
 - (c) the date and time (expressed in Universal Time Coordinated (UTC)) of the fixing of the position of the fishing vessel; and
 - (d) with effect from 1 January 2006 at the latest, the speed and course of the fishing vessel.
2. The satellite-tracking devices shall not permit the input or output of false positions and shall not be capable of being manually over-ridden.

*Article 19***Responsibilities concerning the satellite-tracking devices**

1. The masters of third-country fishing vessels subject to VMS shall ensure that the satellite-tracking devices are at fully operational at all times and that the data referred to in Article 18(1) are transmitted.
2. In particular, the masters of the third-country fishing vessels shall ensure that:
 - (a) the data are not altered in any way;
 - (b) the antenna or the antennas connected to the satellite tracking devices are not obstructed in any way;
 - (c) the power supply of the satellite tracking devices is not interrupted in any way; and
 - (d) the satellite tracking devices are not removed from the fishing vessels.
3. It shall be prohibited to destroy, damage, render inoperative or otherwise interfere with the satellite tracking device.

*Article 20***Frequency of data transmission**

The frequency of the automatic data transmission shall be at least once every hour. However, it may be at least once every two hours, if the FMC of the flag State has the possibility of polling the actual position of the fishing vessel.

*Article 21***Forwarding to the coastal Member State**

The position monitoring information referred to in Article 18(1) shall be forwarded to the FMC of the coastal Member State in conformity with the format defined in Annex I.

*Article 22***Cooperation between Member States and third countries**

1. Each Member State shall transmit to the competent authorities of the third countries concerned a comprehensive list of latitude and longitude coordinates which delimit its exclusive economic zone or exclusive fishery zone, in a format compatible with the World Geodetic System 1984 (WGS 84).

2. Coastal Member States shall ensure coordination with the competent authorities of the third countries concerned regarding the establishment and operation of the procedures for automatic transmission to their FMC.

*Article 23***Technical failure or non-function of the satellite-tracking device**

1. In the event of a technical failure of non-functioning of the satellite-tracking device fitted on board a third-country fishing vessel during the time it is in Community waters, the master or the owner of the vessel or their representative shall communicate every two hours, and each time the vessel moves from one ICES division to another, the up-to-date current geographical position of the vessel by e-mail, by telex, by fax, by telephone messages or by radio.

2. That information shall be transmitted to the FMC of the Coastal Member State.

3. A third-country vessel operating in Community waters shall not leave a port of a Member State, following a technical failure or non-functioning, before the satellite tracking device

fitted on board is functioning to the satisfaction of the competent authorities or before it is otherwise authorised to leave by the competent authorities.

4. Coastal Member States shall inform the master or the owner of a vessel or their representative when the satellite-tracking device fitted on board the vessel appears to be defective or not to be functioning.

*Article 24***Monitoring and reports of the fishing activities**

1. Member States shall use the data received pursuant to Article 18 and Article 23(1) for the effective monitoring of the fishing activities of the third-country fishing vessels.

2. Member States shall ensure that the data received from third-country fishing vessels are recorded in computer-readable form for a period of three years.

3. Member States shall inform the Commission immediately when a vessel does not comply with the rules contained in this Chapter.

CHAPTER V

FINAL PROVISIONS

*Article 25***Repeal**

Regulation (EC) No 1489/97 is repealed with effect from 1 January 2004.

References to the repealed Regulation shall be construed as references to this Regulation and shall be read in accordance with the correlation table in Annex III.

*Article 26***Entry into force and applicability**

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

It shall apply from 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

ANNEX I

Electronic data exchange format for transmission of data to the coastal Member State

A. Content of position report

Data element	Field code	Mandatory/optional	Remarks
Start record	SR	M	System detail; indicates start of record
Address	AD	M	Message detail; destination; Coastal Member State Alpha-3 ISO country code
Type of message	TM	M	Message detail; message type, 'POS'
Radio call sign	RC	M	Vessel registration detail
Trip No	TN	O	Activity detail; fishing trip serial number in current year
Vessel name	NA	O	Vessel registration detail
Internal reference No	IR	O ⁽¹⁾	Vessel registration detail. Unique vessel number as flag state Alpha-3 ISO country code followed by number
External registration No	XR	O	Vessel registration detail; the side number of the vessel
Latitude (decimal)	LT	M	Activity detail; position at time of transmission
Longitude (decimal)	LG	M	Activity detail; position at time of transmission
Speed	SP	M ⁽²⁾	Vessel speed in tenths of knots
Course	CO	M ⁽²⁾	Vessel course 360° scale
Date	DA	M	Message detail; date of transmission
Time	TI	M	Message detail; date of transmission
End of record	ER	M	System detail; indicates end of record

⁽¹⁾ Mandatory for Community fishing vessels.

⁽²⁾ Optional until 31 December 2005.

B. Structure of the position report

Each data transmission is structured as follows:

- double slash (//) and the characters 'SR' indicate the start of a message,
- a double slash (//) and field code indicate the start of a data element,
- a single slash (/) separates the field code and the data,
- pairs of data are separated by space,
- the characters 'ER' and a double slash (//) indicate the end of a record.

C. Definition of the data elements

Category	Data element	Field code	Type	Contents	Definitions
System details	Start record	SR			Indicates start of the record
	End record	ER			Indicates end of the record
Message details	Address destination	AD	Char*3	ISO-3166 Address	Address of the party receiving the message
	Type of message	TM	Char*3	Code	First three letters of the message type
	Date	DA	Num*8	YYYYMMDD	Year, month and date
	Time	TI	Num*4	HHMM	Hours and minutes in UTC
Vessel registration details	Radio call sign	RC	Char*7	IRCS Code	International radio call sign of the vessel
	Vessel name	NA	Char*30	ISO 8859,1	Name of the vessel
	External registration	XR	Char*14	ISO 8859,1	Side No of the vessel
	Internal reference No	IR	Char*3 Num*9	ISO-3166 + max.9N	Unique vessel No attributed by the flag State pursuant to registration
Activity details	Latitude (decimal)	LT	Char*7	+/-DD.ddd	Value negative if latitude is in the southern hemisphere ⁽¹⁾ (WGS84)
	Longitude (decimal)	LG	Char*8	+/-DDD.ddd	Value negative if longitude is on the western hemisphere ⁽¹⁾ (WGS84)
	Speed	SP	Num*3	Knots*10	e.g.//SP/105 = 10,5 knots
	Course	CO	Num*3	360 degree scale	e.g.//CO/270 = 270°
	Trip No	TN	Num*3	001-999	No of the fishing trip in current year

⁽¹⁾ The plus sign (+) does not need to be transmitted, leading zeros can be omitted.

ANNEX II

Competent authorities

BELGIË/BELGIQUE

Name: Dienst voor de Zeevisserij
Administratief Centrum

Address: Vrijhavenstraat 5
B-8400 Oostende

Phone: (32-59) 50 89 66 — 51 29 94

Fax: (32-59) 51 45 57 — 51 45 57

Telex: 81075 dzvst

X.25: 206 259 020 63

E-mail: Dienst.Zeevisserij@ewbl.vlaanderen.be
VMS.Oostende@wol.be

DANMARK

Name: Fiskeridirektoratet

Address: Stormgade 2
DK-1470 København K

Phone: (45) 33 96 36 09

Fax: (45) 33 96 39 00

Telex: 16144 fm dk

X.25: 238 201 023 8535 (til Fiskeridirektoratet)
238 201 023 853 (fra Fiskeridirektoratet)

E-mail: sat@fd.dk

DEUTSCHLAND

Name: Bundesanstalt für Landwirtschaft und Ernährung

Address: Palmaille 9
D-22767 Hamburg

Phone: (49-40) 38905-173/38905-180

Fax: (49-40) 38905-128/38905-160

Telex: 0214/763

X.25: 0 262 45 4001 20221

E-mail: bettina.gromke@ble.de

ΕΛΛΑΣ

Name: Υπουργείο Εμπορικής Ναυτιλίας/Διεύθυνση Λιμενικής Αστυνομίας Γ (Αλιείας)

Address: Γρ. Λαμπράκη 150
EL-18518 Πειραιάς

Phone: (30-210) 4519901 — 4191308 — 4513657

Fax: (30-210) 4191561 — 4285466

Telex: 212239 — 212273

X.25: 02023 — 22100047

E-mail: vms@mail.yen.gr,
demos@yen.gr

ESPAÑA

Name: Secretaría General de Pesca Marítima

Address: Paseo de la Castellana nº 112
ES-28046 Madrid

Phone: (34) 913 47 17 50

Fax: (34) 913 47 15 44

X.25: 21453150315802

E-mail: csp@mapya.es

FRANCE

Name: Cross Atlantique

Address: Château de la Garenne
Avenue Louis Bougo
F-56410 Etel

Phone: (33) 297 55 35 35

Fax: (33) 297 55 49 34

Telex: 95 05 19

IRELAND

Name: Fisheries Monitoring Centre
Naval Base

Address: Haulbowline
Co. Cork
Ireland

Phone: (353-21) 486 48 30 — 486 48 31 — 486 49 66 —
486 49 70 — 437 87 52 (24 hr)

Fax: (353-21) 437 80 96

X.25: 272 440 520 023

E-mail: nscstaff@eircom.net or
fmcvmsst@eircom.net

ITALIA

Name: Comando generale del Corpo delle capitanerie di porto —
Guardia costiera

Address: Viale dell'Arte n. 16
I-00144 Roma

Phone: (39) 06 59 23 569 — 59 24 145 — 59 08 45 27

Fax: (39) 06 59 22 737 — 59 08 47 93

Telex: (39) 06 61 41 56 — 61 41 03 — 61 11 72

E-mail: cogecap3@flashnet.it

NEDERLAND

Name: Algemene Inspectiedienst

Address: Poststraat 15
Postbus 234
6461 AW Kerkrade
Nederland

Phone: (31-45) 546 62 22
(31-45) 546 62 30

Fax: (31-45) 546 10 11

X.25: 0204 14444605

E-mail: meldkamer@minLnv.nl

PORTUGAL

Name: Direcção-Geral das Pescas e Aquicultura
Address: Av. de Brasília
P-1400-038 Lisboa
Phone: (351-21) 302 51 00/302 51 90
Fax: (351-21) 302 51 01
X.25: 268096110344

SUOMI/FINLAND

Name: Maa- ja metsätalousministeriö, kala- ja riistaosasto
Address: Mariankatu 23
FI-00170 Helsinki
Phone: (358-9) 16001
Fax: (358-9) 16052640
X.25: (0) 244 20100131
E-mail: ali.lindahl@mmm.fi
markku.nousiainen@mmm.fi

SVERIGE

Name: Fiskeriverket
Address: Box 423
S-401 26 Göteborg
Phone: (46-31) 743 03 00
Fax: (46-31) 743 04 44
X.25: 2043 7 201034
E-mail: fiskeriverket@fiskeriverket.se

UNITED KINGDOM

Name: Ministry of Agriculture, Fisheries and Food
Fisheries IV Division
Address: Nobel House, 17, Smith Square
London SW1P 3JR
United Kingdom
Phone: (44-207) 270 8337 — Scotland: (44-131) 244 6078
Fax: (44-207) 238 6566
Telex: 21274
X.25: 237 859 010 201
E-mail: r.crooks@fish.maff.gov.uk (not for data transmission)

ANNEX III

CORRELATION TABLE

Regulation (EC) No 1489/97	Present Regulation
Article 1	Article 1
—	Article 2
—	Article 3
Article 2	—
—	Article 4
Article 3, paragraph 1	Article 5, paragraph 1
—	Article 5, paragraph 2
—	Article 6
Article 3, paragraph 2	Article 7
Article 3, paragraph 3	Article 8, paragraph 1
—	Article 8, paragraph 2
Annex I	Article 8, paragraph 3
Article 3, paragraph 4	Article 9
Article 4, paragraph 1	Article 10, paragraph 1
Article 4, paragraph 2	Article 10, paragraph 2
Article 4, paragraph 3	Article 10, paragraph 3
Article 4, paragraph 4	Article 10, paragraph 4
—	Article 10, paragraph 5
Article 5	—
Article 6, paragraph 1	Article 11, paragraph 1
Article 6, paragraph 2	Article 11, paragraphs 2 and 4
Article 6, paragraph 3	Article 11, paragraph 3
—	Article 12, paragraph 1
—	Article 12, paragraph 2
—	Article 12, paragraph 3
—	Article 13, paragraph 1
—	Article 13, paragraph 2
—	Article 13, paragraph 3
Article 7	Article 14, paragraph 1
—	Article 14, paragraph 2
Article 8	Article 15
Article 9	—
Article 10	Article 16
—	Article 17
—	Article 18
—	Article 19
—	Article 20
—	Article 21
—	Article 22
—	Article 23
—	Article 24
—	Article 25

Regulation (EC) No 1489/97	Present Regulation
Article 11	Article 26
Annex I	—
Annex II	Annex I
Annex III	Annex II
—	Annex III

**COMMISSION REGULATION (EC) No 2245/2003
of 19 December 2003**

amending Annex III to Regulation (EC) No 999/2001 of the European Parliament and of the Council as regards monitoring of transmissible spongiform encephalopathies in ovine and caprine animals

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Regulation (EC) No 999/2001 of the European Parliament and of the Council of 22 May 2001 laying down rules for the prevention, control and eradication of certain transmissible spongiform encephalopathies ⁽¹⁾, and in particular the first paragraph of Article 23 thereof,

Whereas:

- (1) Regulation (EC) No 999/2001 lays down rules for the monitoring of transmissible spongiform encephalopathy (TSE) in ovine and caprine animals.
- (2) Separate sample sizes should be set for ovine and caprine animals to make it easier to interpret results of testing for TSEs.
- (3) Monitoring of large numbers of ovine animals slaughtered for human consumption in Member States with large sheep populations has made it possible to estimate the prevalence of TSEs in those populations. The level of monitoring in large sheep populations should therefore be reduced. Monitoring of ovine animals slaughtered for human consumption in Member States with small sheep populations provides limited information and should therefore no longer be compulsory.
- (4) Monitoring of sufficiently large numbers of caprine animals slaughtered for human consumption to detect the likely prevalence of TSEs in this group is difficult or impractical in most Member States. Monitoring in that group should therefore no longer be compulsory.

- (5) Monitoring of dead-on-farm stock in both ovine and caprine animals should be increased, to provide information on prevalence of TSE and to aid eradication of the disease. Member States should take measures to ensure that infected animals are not diverted away from sampling.
- (6) Regulation (EC) No 999/2001 should therefore be amended accordingly. For practical reasons, it is appropriate to replace the amended Annex III as a whole.
- (7) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS REGULATION:

Article 1

Annex III to Regulation (EC) No 999/2001 is amended in accordance with the Annex to this Regulation.

Article 2

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

It shall apply from 1 January 2004.

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

Done at Brussels, 19 December 2003.

For the Commission

David BYRNE

Member of the Commission

⁽¹⁾ OJ L 147, 31.5.2001, p. 1; Regulation as last amended by Commission Regulation (EC) No 1915/2003 (OJ L 283, 31.10.2003, p. 29).

ANNEX

Annex III to Regulation (EC) No 999/2001 is replaced by the following:

'ANNEX III

MONITORING SYSTEM

CHAPTER A

I. MONITORING IN BOVINE ANIMALS

1. **General**

Monitoring in bovine animals shall be carried out in accordance with the laboratory methods laid down in Annex X, Chapter C, point 3(1)(b).

2. **Monitoring in animals slaughtered for human consumption**

2.1. All bovine animals over 24 months of age:

- subject to "special emergency slaughtering" as defined in Article 2(n) of Council Directive 64/433/EEC ⁽¹⁾, or
- slaughtered in accordance with Annex I, Chapter VI, point 28(c), to Directive 64/433/EEC, except animals without clinical signs of disease slaughtered in the context of a disease eradication campaign,

shall be tested for BSE.

2.2. All bovine animals over 30 months of age:

- subject to normal slaughter for human consumption, or
- slaughtered in the context of a disease eradication campaign in accordance with Annex I, Chapter VI, point 28(c), to Directive 64/433/EEC, but showing no clinical signs of disease,

shall be tested for BSE.

2.3. By way of derogation from point 2.2, and with regard to bovine animals born, reared and slaughtered on its territory, Sweden may decide to examine only a random sample. The sample shall comprise at least 10 000 animals per year.

3. **Monitoring in animals not slaughtered for human consumption**

3.1. All bovine animals over 24 months of age which have died or been killed but which were not:

- killed for destruction pursuant to Commission Regulation (EC) No 716/96 ⁽²⁾,
- killed in the framework of an epidemic, such as foot-and-mouth disease,
- slaughtered for human consumption,

shall be tested for BSE.

3.2. Member States may decide to derogate from the provisions of point 3.1 in remote areas with a low animal density, where no collection of dead animals is organised. Member States making use of this derogation shall inform the Commission thereof, and submit a list of the derogated areas. The derogation shall not cover more than 10 % of the bovine population in the Member State.

⁽¹⁾ OJ L21, 29.7.1964, p. 2012/64.

⁽²⁾ OJ L 99, 20.4.1996, p. 14.

4. **Monitoring in animals purchased for destruction pursuant to Regulation (EC) No 716/96**

- 4.1. All animals subject to casualty slaughter or found sick at ante mortem inspection shall be tested for BSE.
- 4.2. All animals over 42 months of age born after 1 August 1996 shall be tested for BSE.
- 4.3. A random sample comprising at least 10 000 animals annually of animals not covered by point 4.1 or 4.2 shall be tested for BSE.

5. **Monitoring in other animals**

In addition to the testing referred to in points 2 to 4, Member States may on a voluntary basis decide to test other bovine animals on their territory, in particular where those animals originate from countries with indigenous BSE, have consumed potentially contaminated feedingstuffs or were born or derived from BSE infected dams.

6. **Measures following testing**

- 6.1. Where an animal slaughtered for human consumption has been selected for testing for BSE, the health marking provided for in Chapter XI of Annex I to Directive 64/433/EEC shall not be carried out on the carcase of that animal until a negative result to the rapid test has been obtained.
- 6.2. Member States may derogate from the provisions of point 6.1 where an official system is in place in the slaughterhouse ensuring that no parts of examined animals bearing the health mark leave the slaughterhouse until a negative result to the rapid test has been obtained.
- 6.3. All parts of the body of an animal tested for BSE including the hide shall be retained under official control until a negative result to the rapid test has been obtained, unless they are disposed of in accordance with Article 4(2)(a) and (b) of Regulation (EC) No 1774/2002 of the European Parliament and of the Council ⁽¹⁾.
- 6.4. All parts of the body of an animal found positive to the rapid test including the hide shall be disposed of in accordance with Article 4(2)(a) and (b) of Regulation (EC) No 1774/2002, apart from material to be retained in conjunction with the records provided for in Chapter B(III).
- 6.5. Where an animal slaughtered for human consumption is found positive to the rapid test, at least the carcase immediately preceding the test-positive carcase and two carcasses immediately following the test-positive carcase on the same slaughterline shall be destroyed in accordance with point 6.4, in addition to the test-positive carcase.
- 6.6. Member States may derogate from the provisions of point 6.5 where a system is in place in the slaughterhouse preventing contamination between carcase.

II. MONITORING IN OVINE AND CAPRINE ANIMALS

1. **General**

Monitoring in ovine and caprine animals shall be carried out in accordance with the laboratory methods laid down in Annex X, Chapter C, point 3.2(b).

2. **Monitoring in ovine animals slaughtered for human consumption**

Member States in which the population of ewes and ewe lambs put to the ram exceeds 750 000 animals shall test a minimum annual sample of 10 000 ovine animals which are slaughtered for human consumption ⁽²⁾. The animals shall be over 18 months of age or have more than two permanent incisors erupted through the gum. The sampling shall be representative for each region and season. The sample selection shall be designed with a view to avoiding the over-representation of any group as regards the origin, age, breed, production type or any other characteristic. The age of the animals shall be estimated based on dentition, obvious signs of maturity or other reliable information. Multiple sampling in the same flock shall be avoided, where possible.

⁽¹⁾ OJ L 273, 10.10.2002, p. 1.

⁽²⁾ The sample size has been calculated to detect a prevalence of 0,03 % with a 95 % confidence in slaughtered animals. The sample is restricted to Member States with a large sheep population.

3. Monitoring in ovine and caprine animals not slaughtered for human consumption

Ovine and caprine animals over 18 months of age or which have more than two permanent incisors erupted through the gum which have died or been killed, but which were not:

- killed in the framework of a disease eradication campaign,
- slaughtered for human consumption,

shall be tested in accordance with the sample sizes indicated in table A and table B respectively. The sampling shall be representative for each region and season. The sample selection shall be designed with a view to avoiding the over-representation of any group as regards the origin, age, breed, production type or any other characteristic. The age of the animal shall be estimated based on dentition, obvious signs of maturity or other reliable information. Multiple sampling in the same flock shall be avoided, where possible. The Member State shall put in place a system to check, on a targeted or other basis, that animals are not being diverted from sampling

Member States may decide to exclude remote areas with a low animal density, where no collection of dead animals is organised, from the sampling. Member States making use of this derogation shall inform the Commission thereof, and submit a list of the derogated areas. The derogation shall not cover more than 10 % of the ovine and caprine population in the Member State.

Table A

Member State population of ewes and ewe lambs put to the ram	Minimum sample size of dead ovine animals ⁽¹⁾
> 750 000	10 000
100 000-750 000	1 500
40 000-100 000	500
< 40 000	100

⁽¹⁾ Sample sizes are set to take account of the size of the ovine populations in the individual Member States and are intended to provide achievable targets. The sample sizes of 10 000, 1 500, 500 and 100 animals will allow the detection of a prevalence of 0,03%, 0,2 %, 0,6 % and 3 % respectively with a 95 % confidence.

Table B

Member State population of goats which have already kidded and goats mated	Minimum sample size of dead caprine animals ⁽¹⁾
> 750 000	5 000
250 000-750 000	1 500
40 000-250 000	500
< 40 000	50

⁽¹⁾ Sample sizes are set to take account of the size of the caprine populations in the individual Member States and are intended to provide achievable targets. The sample sizes of 5 000, 1 500, 500 and 50 animals will allow the detection of a prevalence of 0,06 %, 0,2 %, 0,6 % and 6 % respectively with a 95 % confidence. Where a Member State experiences difficulty in collecting sufficient numbers of dead caprine animals to reach its allotted sample size, it may choose to supplement its sample by testing caprine animals slaughtered for human consumption over the age of 18 months at the ratio of three caprine animals slaughtered for human consumption to one dead caprine animal.

4. Monitoring in infected flocks

From 1 October 2003, animals over 12 months or which have a permanent incisor erupted through the gum, which are killed in accordance with the provisions of Annex VII, point 2(b)(i) or (ii) or point 2(c), shall be tested based on the selection of a simple random sample, in accordance with the sample size indicated in the table

Number of culled animals over 12 months in the herd or flock	Minimum sample size ⁽¹⁾
70 or less	All eligible animals
80	68
90	73
100	78
120	86
140	92
160	97
180	101
200	105
250	112
300	117
350	121
400	124
450	127
500 or more	150

⁽¹⁾ The sample size is calculated to be 95 % certain of including at least one positive if the disease is present at a minimum prevalence of 2 % in the test population.

5. Monitoring in other animals

In addition to the monitoring programmes set out in points 2, 3 and 4, Member States may on a voluntary basis carry out monitoring in other animals, in particular:

- animals used for dairy production,
- animals originating from countries with indigenous TSEs,
- animals which have consumed potentially contaminated feedingstuffs,
- animals born or derived from TSE-infected dams,

6. Measures following testing of ovine and caprine animals

- 6.1. Where an ovine or caprine animal slaughtered for human consumption has been selected for testing for TSE, the health marking provided for in Chapter XI of Annex I to Directive 64/433/EEC shall not be carried out on the carcase of that animal until a negative result to the rapid test has been obtained.
- 6.2. Member States may derogate from point 6.1 where an official system is in place in the slaughterhouse ensuring that no parts of examined animals bearing the health mark leave the slaughterhouse until a negative result to the rapid test has been obtained.
- 6.3. All parts of the body of a tested animal including the hide shall be retained under official control until a negative result to the rapid test has been obtained, unless they are disposed of in accordance with Article 4.2(a) and (b) of Regulation (EC) No 1774/2002.
- 6.4. All parts of the body of an animal found positive to the rapid test including the hide shall be disposed of in accordance with Article 4.(2)(a) and (b) of Regulation (EC) No 1774/2002, apart from material to be retained in conjunction with the records provided for in Chapter B(III).

7. Genotyping

- 7.1. The prion protein genotype shall be determined for each positive TSE case in sheep. TSE cases found in resistant genotypes (sheep of genotypes which encode alanin on both alleles at codon 136, arginin on both alleles at codon 154 and arginin on both alleles at codon 171) shall immediately be reported to the Commission. Where possible, such cases shall be submitted for strain-typing. Where strain-typing of such cases is not possible, the herd of origin and all other herds where the animal has been shall be subjected to enhanced monitoring with a view to find other TSE cases for strain-typing.

- 7.2. In addition to the animals genotyped under the provisions of point 7.1, the prion protein genotype of a sample of ovine animals shall be determined. In the case of Member States with an adult sheep population of more than 750 000 adult animals, this sample shall consist of at least 600 animals. In the case of other Member States the sample shall consist of at least 100 animals. The samples may be chosen from animals slaughtered for human consumption, from animals dead-on farm or from live animals. The sampling should be representative of the entire ovine population.

III. MONITORING IN OTHER ANIMAL SPECIES

Member States may on a voluntary basis carry out monitoring for TSE in animal species other than bovine, ovine and caprine animals.

CHAPTER B

I. INFORMATION TO BE PRESENTED BY MEMBER STATES IN THEIR REPORT

1. The number of suspected cases per animal species placed under movement restrictions in accordance with Article 12(1)
2. The number of suspected cases per animal species subject to laboratory examination in accordance with Article 12(2) and the outcome of the examination
3. The number of flocks where suspected cases in ovine and caprine animals have been reported and investigated pursuant to Article 12(1) and (2)
4. The estimated size of each subpopulation referred to in Chapter A(I)(3) and (4)
5. The number of bovine animals tested within each subpopulation referred to in Chapter A(I)(2) to (5) the method for sample selection and the outcome of the tests.
6. The estimated size of those subpopulations referred to in Chapter A(II)(2) and (3) which have been selected for sampling.
7. The number of ovine and caprine animals and flocks tested within each subpopulation referred to in Chapter A(II)(2) to (5) the method for sample selection and the outcome of the tests.
8. Number, age distribution and geographical distribution of positive cases of BSE and scrapie. The country of origin, if not the same as the reporting country, of positive cases of BSE and scrapie. Number and geographical distribution of scrapie positive flocks. The year and, where possible, month of birth should be given for each BSE case
9. Positive TSE cases confirmed in animals other than bovine, ovine and caprine animals
10. The genotype and where possible breed of each animal sampled within each subpopulation referred to in Chapter A(II)(7.1) and (7.2)

II. INFORMATION TO BE PRESENTED BY THE COMMISSION IN ITS SUMMARY

The summary shall be presented in a tabled format covering at least the information referred to in part I for each Member State.

III. RECORDS

1. The competent authority shall keep, for seven years, records of:
 - the number and types of animals placed under movement restrictions as referred to in Article 12(1),
 - the number and outcome of clinical and epidemiological investigations as referred to in Article 12(1),
 - the number and outcome of laboratory examinations as referred to in Article 12(2),
 - the number, identity and origin of animals sampled in the framework of the monitoring programmes as referred to in Chapter A and, where possible, age, breed and anamnestic information,
 - the prion protein genotype of positive TSE cases in sheep.
2. The investigating laboratory shall keep, for seven years, all records of testing, in particular laboratory workbooks and, where appropriate, paraffin blocks and photographs of western blots.

COMMISSION REGULATION (EC) No 2246/2003
of 19 December 2003
on special conditions for the granting of private storage aid for pigmeat

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2759/75 of 29 October 1975 on the common organisation of the market in pigmeat⁽¹⁾, and in particular Article 4(6) and Article 5(4) thereof,

Whereas:

- (1) Intervention measures may be taken in respect of pigmeat if, on the representative markets of the Community, the average price for pig carcasses is less than 103 % of the basic price and is likely to remain below that level.
- (2) Market prices have fallen below that level and, given seasonal and cyclical trends, this situation could persist.

- (3) Intervention measures must be taken. These can be limited to the granting of private storage aid in accordance with Regulation (EEC) No 3444/90 of 27 November 1990 laying down detailed rules for granting private storage aid for pigmeat⁽²⁾.

- (4) Under Article 3 of Council Regulation (EEC) No 2763/75 of 29 October 1975 laying down general rules for granting private storage aid for pigmeat⁽³⁾, the Commission may decide to reduce or extend the storage period. As well as the amounts of aid for specific periods of storage, the amounts to be added or deducted in the event the Commission adopts such a decision should be fixed.

(5) In order to facilitate administrative and control work relating to the conclusion of contracts, minimum quantities should be fixed.

(6) The security should be fixed at a level that will ensure storers fulfil their contractual obligations.

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

HAS ADOPTED THIS REGULATION:

Article 1

1. From 22 December 2003 applications for private storage aid may be lodged in accordance with Regulation (EEC) No 3444/90. The list of products eligible for aid and the relevant amounts are set out in the Annex hereto.

2. Should the Commission extend or reduce the period of storage, the amount of aid shall be adjusted accordingly. The supplements and deductions per month and per day are set out in columns 6 and 7 of the Annex.

Article 2

The minimum quantities per contract and per product shall be:

- (a) 10 tonnes for boned products;
- (b) 15 tonnes for other products.

Article 3

The security shall be 20 % of the amounts of aid set out in the Annex.

Article 4

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

⁽¹⁾ OJ L 282, 1.11.1975, p. 1. Regulation as last amended by Regulation (EC) No 1365/2000 (OJ L 156, 29.6.2000, p. 5).

⁽²⁾ OJ L 333, 30.11.1990, p. 22. Regulation as last amended by Regulation (EC) No 851/2003 (OJ L 123, 17.5.2003, p. 7).

⁽³⁾ OJ L 282, 1.11.1975, p. 19.

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

Done at Brussels, 19 December 2003.

For the Commission
Franz FISCHLER
Member of the Commission

ANNEX

(EUR/tonne)

CN code	Products in respect of which aid is granted	Amount of aid for a storage period of			Supplement or deduction	
		3 months	4 months	5 months	Per month	Per day
1	2	3	4	5	6	7
ex 0203	Meat of domestic swine, fresh or chilled:					
ex 0203 11 10	Half-carcases without the forefoot, tail, kidney, thin skirt and spinal cord ⁽¹⁾	278	315	352	37	1,24
ex 0203 12 11	Hams	337	379	421	42	1,41
ex 0203 12 19	Shoulders	337	379	421	42	1,41
ex 0203 19 11	Fore-ends	337	379	421	42	1,41
ex 0203 19 13	Loins, with or without the neck-end, or neck-ends separately, loins with or without the chump ⁽²⁾ ⁽³⁾	337	379	421	42	1,41
ex 0203 19 15	Bellies, whole or trimmed by rectangular cut	164	197	230	33	1,09
ex 0203 19 55	Bellies, whole or trimmed by rectangular cut, without rind and ribs	164	197	230	33	1,09
ex 0203 19 55	Legs, shoulders, fore-ends, loins with or without the neck-end, or neck-ends separately, loins with or without the chump, boned ⁽²⁾ ⁽³⁾	337	379	421	42	1,41
ex 0203 19 55	Cuts corresponding to 'middles', with or without rind or fat, boned ⁽⁴⁾	255	290	325	35	1,17

⁽¹⁾ The aid may also be granted for half-carcases presented as Wiltshire sides, i.e. without the head, cheek, chap, feet, tail, flare fat, kidney, tenderloin, blade bone, sternum, vertebral column, pelvic bone and diaphragm.

⁽²⁾ Loins and neck-ends may be with or without rind but the adherent layer of fat may not exceed 25 mm in depth.

⁽³⁾ The quantity contracted may cover any combination of the products referred to.

⁽⁴⁾ Same presentation as for products falling within CN code 0210 19 20.

**COMMISSION REGULATION (EC) No 2247/2003
of 19 December 2003**

laying down detailed rules for the application in the beef and veal sector of Council Regulation (EC) No 2286/2002 on the arrangements applicable to agricultural products and goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States (ACP States)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2286/2002 of 10 December 2002 on the arrangements applicable to agricultural products and goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States (ACP States) and repealing Regulation (EC) No 1706/98 ⁽¹⁾, and in particular Article 5 thereof,

Whereas:

- (1) Regulation (EC) No 2286/2002 implements the arrangements for imports from the ACP States made as a result of the ACP-EC Partnership Agreement signed in Cotonou on 23 June 2000 ⁽²⁾ (hereinafter referred to as 'the Cotonou Agreement'). Article 1(3) of that Regulation introduces general arrangements for reducing customs duties on the products listed in Annex I thereto and specific arrangements for reducing customs duties on certain products covered by tariff quotas listed in Annex II thereto. Provision is made for an annual quota of 52 100 tonnes of boneless meat.
- (2) Prior to the Cotonou Agreement, Commission Regulation (EC) No 1918/98 of 9 September 1998 laying down detailed rules for the application in the beef and veal sector of Council Regulation (EC) No 1706/98 on the arrangements applicable to agricultural products and goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States and repealing Regulation (EC) No 589/96 ⁽³⁾ laid down detailed rules for implementing the concessions in the beef and veal sector. For the sake of clarity, Regulation (EC) No 1918/98 should be repealed and replaced by a new Regulation.
- (3) That scheme should be managed using import licences. To this end rules should be set on the submission of applications and the information to be given on applications and licences, by way of derogation, if necessary, from certain provisions of Commission Regulation (EC) No 1291/2000 of 9 June 2000 laying down common detailed rules for application of the system of import

and export licences and advance fixing certificates for agricultural products ⁽⁴⁾, and of Commission Regulation (EC) No 1445/95 of 26 June 1995 on rules of application for import and export licences in the beef and veal sector and repealing Regulation (EEC) No 2377/80 ⁽⁵⁾.

- (4) To allow optimum management of the tariff quotas, this Regulation should apply from 1 January 2004 on a multiannual basis.
- (5) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Beef and Veal,

HAS ADOPTED THIS REGULATION:

Article 1

1. Import licences shall be issued for the products listed in the Annex originating in Botswana, Kenya, Madagascar, Swaziland, Zimbabwe and Namibia under the conditions laid down in this Regulation and within the limits of the quantities, expressed in tonnes of boneless meat, fixed in Annex II to Regulation (EC) No 2286/2002. The country by country allocation, expressed in boneless meat, is as follows: Botswana: 18 916 tonnes, Kenya: 142 tonnes, Madagascar: 7 579 tonnes, Swaziland: 3 363 tonnes, Zimbabwe 9 100 tonnes and Namibia: 13 000 tonnes.

The annual quantities from the countries referred to in the first subparagraph shall bear the following serial numbers: the quota for Botswana: 09.4052; for Kenya: 09.4054; for Madagascar: 09.4051; for Swaziland: 09.4053; for Zimbabwe: 09.4055 and for Namibia: 09.4056.

2. For the purposes of calculating the quantities referred to in Article 1(1), 100 kilograms of boneless beef shall be equal to:

- 130 kilograms of bone-in beef,
- 260 kilograms of live bovine animals,
- 100 kilograms of products falling within CN codes 0206, 0210 and 1602.

⁽¹⁾ OJ L 348, 21.12.2002, p. 5.

⁽²⁾ OJ L 317, 15.12.2000, p. 3.

⁽³⁾ OJ L 250, 10.9.1998, p. 16.

⁽⁴⁾ OJ L 152, 24.6.2000, p. 1. Regulation as last amended by Regulation (EC) No 325/2003 (OJ L 47, 21.2.2003, p. 21).

⁽⁵⁾ OJ L 143, 27.6.1995, p. 35. Regulation as last amended by Regulation (EC) No 852/2003 (OJ L 123, 17.5.2003, p. 9).

Article 2

1. Within the limits of the quota, the specific amounts of customs duty fixed in the common customs tariff shall be reduced by 92 % and the *ad valorem* duty by 100 %, for products referred to in the Annex and being imported pursuant to the present Regulation.

2. Notwithstanding Article 8(4) of Regulation (EC) No 1291/2000, the reduction referred to in paragraph 1 shall not apply on quantities exceeding those indicated in the import licence.

Article 3

Except as otherwise provided for in this Regulation, Regulations (EC) No 1291/2000 and (EC) No 1445/95 shall apply.

Article 4

1. Applications for import licences and import licences for products qualifying for a reduction of the specific rate of customs duties fixed in the Common Customs Tariff in accordance with Article 1(3) of Regulation (EC) No 2286/2002 shall contain:

- (a) under the heading 'notes' and in section 20 respectively, one of the following:
- Productos ACP — Reglamentos (CE) n.º 2286/2002 y (CE) n.º 2247/2003
 - AVS-produkt — forordning (EF) nr. 2286/2002 og (EF) nr. 2247/2003
 - AKP-Erzeugnis — Verordnungen (EG) Nr. 2286/2002 und (EG) Nr. 2247/2003
 - Προϊόν ΑΚΕ — Κανονισμοί (ΕΚ) αριθ. 2286/2002 και (ΕΚ) αριθ. 2247/2003
 - ACP product — Regulations (EC) No 2286/2002 and (EC) No 2247/2003
 - Produit ACP — règlements (CE) n.º 2286/2002 et (CE) n.º 2247/2003
 - Prodotto ACP — regolamenti (CE) n. 2286/2002 e (CE) n. 2247/2003
 - ACS-product — Verordeningen (EG) nr. 2286/2002 en (EG) nr. 2247/2003
 - Produto ACP — Regulamentos (CE) n.º 2286/2002 e (CE) n.º 2247/2003
 - AKT-tuote — asetukset (EY) N:o 2286/2002 ja (EY) N:o 2247/2003
 - AVS-produkt — förordningarna (EG) nr 2286/2002 och (EG) nr 2247/2003
- (b) in Section 8, the name of the country in which the product originates; the licence shall carry with it an obligation to import from that country;
- (c) in Section 17, in addition to the number of animals, their live weight.
2. Applications for licences may be lodged only during the first 10 days of each month.

3. Member States shall send the applications by fax or electronic mail to the Commission no later than the third working day following the end of the period for the submission of applications.

Such communications shall include the quantities applied for in respect of each third country concerned, broken down by CN code or group of CN codes, as necessary.

4. Where no valid applications have been lodged, Member States shall so notify the Commission by fax or electronic mail within the deadline referred to in paragraph 3.

Article 5

1. The Commission shall decide for each third country concerned to what extent applications can be accepted. If the quantities of products originating in a third country for which licences are requested exceed the quantity available for that country, the Commission shall reduce the quantities requested by a fixed percentage.

If the total quantity requested in applications relating to a given third country is lower than is available for that country, the Commission shall calculate the remaining balance.

2. Subject to the Commission's decision to accept applications, licences shall be issued on the 21st day of each month.

Article 6

Importation under the arrangements for a reduction in import duties provided for in this Regulation may take place only if the origin of the products concerned is certified by the competent authorities of the exporting countries in accordance with the rules of origin applicable to the products in question pursuant to Protocol 1 of Annex V to the Cotonou Agreement.

Article 7

1. The import licences issued in accordance with this Regulation shall be valid for 90 days from their actual date of issue within the meaning of Article 23(2) of Regulation (EC) No 1291/2000. However, no licence shall be valid beyond 31 December following the date of its issue.

2. The licences shall be valid throughout the Community.

Article 8

Regulation (EC) No 1918/98 is repealed.

Article 9

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

It shall apply from 1 January 2004.

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

Done at Brussels, 19 December 2003.

For the Commission
Franz FISCHLER
Member of the Commission

ANNEX

Products referred to in Annex II to Regulation (EC) No 2286/2002

	Código NC KN-kode KN-Code Κωδικός ΣΟ CN code Code NC Codice NC GN code Código NC CN-koodi KN-nummer
	0102 90 05
	0102 90 21
	0102 90 29
	0102 90 41
	0102 90 49
	0102 90 51
	0102 90 59
	0102 90 61
	0102 90 69
	0102 90 71
	0102 90 79
	0201 10 00
	0201 20 20
	0201 20 30
	0201 20 50
	0201 20 90
	0201 30 00
	0202 10 00
	0202 20 10
	0202 20 30
	0202 20 50
	0202 20 90
	0202 30 10
	0202 30 50
	0202 30 90
	0206 10 95
	0206 29 91
	0210 20 10
	0210 20 90
	0210 99 51
	0210 99 90
	1602 50 10
	1602 90 61

- Nota:* Los códigos NC, incluidas las notas a pie de página, se definen en el Reglamento (CEE) nº 2658/87 del Consejo, modificado (DO L 256 de 7.9.1987, p. 1).
- NB:* KN-koderne, herunder henvisninger til fodnoter, er fastsat i Rådets ændrede forordning (EØF) nr. 2658/87 (EFT L 256 af 7.9.1987, s. 1).
- NB:* Die KN-Codes sowie die Verweisungen und Fußnoten sind durch die geänderte Verordnung (EWG) Nr. 2658/87 des Rates bestimmt (ABl. L 256 vom 7.9.1987, S. 1).
- Σημείωση:* Οι κωδικοί της συνδυασμένης ονοματολογίας, συμπεριλαμβανομένων των υποσημειώσεων, καθορίζονται στον τροποποιημένο κανονισμό (ΕΟΚ) αριθ. 2658/87 του Συμβουλίου (ΕΕ L 256 της 7.9.1987, σ. 1).
- NB:* The CN codes and the footnotes are defined in amended Council Regulation (EEC) No 2658/87 (OJ L 256, 7.9.1987, p. 1).
- NB:* Les codes NC ainsi que les renvois en bas de page sont définis au règlement (CEE) nº 2658/87 du Conseil, modifié (JO L 256 du 7.9.1987, p. 1).
- NB:* I codici NC e i relativi richiami in calce sono definiti dal regolamento (CEE) n. 2658/87 del Consiglio, modificato (GU L 256 del 7.9.1987, pag. 1).
- NB:* GN-codes en voetnoten: zie de gewijzigde Verordening (EEG) nr. 2658/87 van de Raad (PB L 256 van 7.9.1987, blz. 1).
- NB:* Os códigos NC, incluindo as notas de pé-de-página, são definidos no Regulamento (CEE) nº 2658/87 do Conselho, alterado (JO L 256 de 7.9.1987, p. 1).
- HUOM.:* Tuotekoodit ja niihin liittyvät alaviitteet määritellään neuvoston asetuksessa (ETY) N:o 2658/87 (EYVL L 256, 7.9.1987, s. 1).
- Ann.:* KN-numren och fotnoterna definieras i rådets ändrade förordning (EEG) nr 2658/87 (EGT L 256, 7.9.1987, s. 1).

COMMISSION REGULATION (EC) No 2248/2003
of 19 December 2003
prohibiting fishing for plaice by vessels flying the flag of Belgium

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2847/93 of 12 October 1993 establishing a control system applicable to the common fisheries policy ⁽¹⁾, as last amended by Regulation (EC) No 806/2003 ⁽²⁾, and in particular Article 21(3) thereof,

Whereas:

- (1) Council Regulation (EC) No 2341/2002 of 20 December 2002 fixing for 2003 the fishing opportunities and associated conditions for certain fish stocks and groups of fish stocks, applicable in Community waters and, for Community vessels, in waters where limitations in catch are required ⁽³⁾, as last amended by Commission Regulation (EC) No 1754/2003 ⁽⁴⁾, lays down quotas for plaice for 2003.
- (2) In order to ensure compliance with the provisions relating to the quantity limits on catches of stocks subject to quotas, the Commission must fix the date by which catches made by vessels flying the flag of a Member State are deemed to have exhausted the quota allocated.
- (3) According to the information received by the Commission, catches of plaice in the waters of ICES division VIIa, by vessels flying the flag of Belgium or registered in

Belgium have exhausted the quota allocated for 2003. Belgium has prohibited fishing for this stock from 6 December 2003. This date should be adopted in this Regulation also,

HAS ADOPTED THIS REGULATION:

Article 1

Catches of plaice in the waters of ICES division VIIa, by vessels flying the flag of Belgium or registered in Belgium are hereby deemed to have exhausted the quota allocated to Belgium for 2003.

Fishing for plaice in the waters of ICES division VIIa, by vessels flying the flag of Belgium or registered in Belgium is hereby prohibited, as are the retention on board, transshipment and landing of this stock caught by the above vessels after the date of application of this Regulation.

Article 2

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

It shall apply from 6 December 2003.

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

Done at Brussels, 19 December 2003.

For the Commission
Jörgen HOLMQUIST
Director-General for Fisheries

⁽¹⁾ OJ L 261, 20.10.1993, p. 1.

⁽²⁾ OJ L 122, 16.5.2003, p. 1.

⁽³⁾ OJ L 356, 31.12.2002, p. 12.

⁽⁴⁾ OJ L 252, 4.10.2003, p. 1.

**COMMISSION REGULATION (EC) No 2249/2003
of 19 December 2003**

**fixing the maximum export refund on wholly milled and parboiled long grain B rice to certain
third countries in connection with the invitation to tender issued in Regulation (EC) No 1877/
2003**

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 Article 13(3) thereof,

Whereas:

- (1) An invitation to tender for the export refund on rice was issued pursuant to Commission Regulation (EC) No 1877/2003 ⁽³⁾.
- (2) Article 5 of Commission Regulation (EEC) No 584/75 ⁽⁴⁾, as last amended by Regulation (EC) No 1948/2002 ⁽⁵⁾, allows the Commission to fix, in accordance with the procedure laid down in Article 22 of Regulation (EC) No 3072/95 and on the basis of the tenders submitted, a maximum export refund. In fixing this maximum, the criteria provided for in Article 13 of Regulation (EC) No 3072/95 must be taken into account. A contract is awarded to any tenderer whose tender is equal to or less than the maximum export refund.

(3) The application of the abovementioned criteria to the current market situation for the rice 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

The maximum export refund on wholly milled and parboiled long grain B rice to be exported to certain third countries pursuant to the invitation to tender issued in Regulation (EC) No 1877/2003 is hereby fixed on the basis of the tenders submitted from 15 to 18 December 2003 at 287,00 EUR/t.

Article 2

This Regulation shall enter into force on 20 December 2003.

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

Done at Brussels, 19 December 2003.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 329, 30.12.1995, p. 18.

⁽²⁾ OJ L 62, 5.3.2002, p. 27.

⁽³⁾ OJ L 275, 25.10.2003, p. 20.

⁽⁴⁾ OJ L 61, 7.3.1975, p. 25.

⁽⁵⁾ OJ L 299, 1.11.2002, p. 18.

COMMISSION REGULATION (EC) No 2250/2003
of 19 December 2003
concerning tenders submitted in response to the invitation to tender for the export of husked long grain B rice to the island of Réunion referred to in Regulation (EC) No 1878/2003

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 Article 10(1) thereof,

Having regard to Commission Regulation (EEC) No 2692/89 of 6 September 1989 laying down detailed rules for exports of rice to Réunion ⁽³⁾, as amended by Regulation (EC) No 1453/1999 ⁽⁴⁾, and in particular Article 9(1) thereof,

Whereas:

- (1) Commission Regulation (EC) No 1878/2003 ⁽⁵⁾ opens an invitation to tender for the subsidy on rice exported to Réunion.
- (2) Article 9 of Regulation (EEC) No 2692/89 allows the Commission to decide, in accordance with the procedure laid down in Article 22 of Regulation (EC) No 3072/95 and on the basis of the tenders submitted, to make no award.

(3) On the basis of the criteria laid down in Articles 2 and 3 of Regulation (EEC) No 2692/89, a maximum subsidy should not be fixed.

(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

No action shall be taken on the tenders submitted from 15 to 18 December 2003 in response to the invitation to tender referred to in Regulation (EC) No 1878/2003 for the subsidy on exports to Réunion of husked long grain B rice falling within CN code 1006 20 98.

Article 2

This Regulation shall enter into force on 20 December 2003.

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

Done at Brussels, 19 December 2003.

For the Commission
Franz FISCHLER
Member of the Commission

⁽¹⁾ OJ L 329, 30.12.1995, p. 18.

⁽²⁾ OJ L 62, 5.3.2002, p. 27.

⁽³⁾ OJ L 261, 7.9.1989, p. 8.

⁽⁴⁾ OJ L 167, 2.7.1999, p. 19.

⁽⁵⁾ OJ L 275, 25.10.2003, p. 23.

**COMMISSION REGULATION (EC) No 2251/2003
of 19 December 2003**

**fixing the maximum export refund on wholly milled round grain rice to certain third countries in
connection with the invitation to tender issued in Regulation (EC) No 1875/2003**

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 Article 13(3) thereof,

Whereas:

(1) An invitation to tender for the export refund on rice was issued pursuant to Commission Regulation (EC) No 1875/2003 ⁽³⁾.

(2) Article 5 of Commission Regulation (EEC) No 584/75 ⁽⁴⁾, as last amended by Regulation (EC) No 1948/2002 ⁽⁵⁾, allows the Commission to fix, in accordance with the procedure laid down in Article 22 of Regulation (EC) No 3072/95 and on the basis of the tenders submitted, a maximum export refund. In fixing this maximum, the criteria provided for in Article 13 of Regulation (EC) No 3072/95 must be taken into account. A contract is awarded to any tenderer whose tender is equal to or less than the maximum export refund.

(3) The application of the abovementioned criteria to the current market situation for the rice 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

The maximum export refund on wholly milled round grain rice to be exported to certain third countries pursuant to the invitation to tender issued in Regulation (EC) No 1875/2003 is hereby fixed on the basis of the tenders submitted from 15 to 18 December 2003 at 148,00 EUR/t.

Article 2

This Regulation shall enter into force on 20 December 2003.

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

Done at Brussels, 19 December 2003.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 329, 30.12.1995, p. 18.

⁽²⁾ OJ L 62, 5.3.2002, p. 27.

⁽³⁾ OJ L 275, 25.10.2003, p. 14.

⁽⁴⁾ OJ L 61, 7.3.1975, p. 25.

⁽⁵⁾ OJ L 299, 1.11.2002, p. 18.

**COMMISSION REGULATION (EC) No 2252/2003
of 19 December 2003**

fixing the maximum export refund on wholly milled round grain, medium grain and long grain A rice to be exported to certain third countries in connection with the invitation to tender issued in Regulation (EC) No 1876/2003

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 Article 13(3) thereof,

Whereas:

- (1) An invitation to tender for the export refund on rice was issued pursuant to Commission Regulation (EC) No 1876/2003 ⁽³⁾.
- (2) Article 5 of Commission Regulation (EEC) No 584/75 ⁽⁴⁾, as last amended by Regulation (EC) No 1948/2002 ⁽⁵⁾, allows the Commission to fix, in accordance with the procedure laid down in Article 22 of Regulation (EC) No 3072/95 and on the basis of the tenders submitted, a maximum export refund. In fixing this maximum, the criteria provided for in Article 13 of Regulation (EC) No 3072/95 must be taken into account. A contract is awarded to any tenderer whose tender is equal to or less than the maximum export refund.

- (3) The application of the abovementioned criteria to the current market situation for the rice 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

The maximum export refund on wholly milled grain, medium grain and long grain A rice to be exported to certain third countries pursuant to the invitation to tender issued in Regulation (EC) No 1876/2003 is hereby fixed on the basis of the tenders submitted from 15 to 18 December 2003 at 148,10 EUR/t.

Article 2

This Regulation shall enter into force on 20 December 2003.

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

Done at Brussels, 19 December 2003.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 329, 30.12.1995, p. 18.

⁽²⁾ OJ L 62, 5.3.2002, p. 27.

⁽³⁾ OJ L 275, 25.10.2003, p. 17.

⁽⁴⁾ OJ L 61, 7.3.1975, p. 25.

⁽⁵⁾ OJ L 299, 1.11.2002, p. 18.

COMMISSION REGULATION (EC) No 2253/2003
of 19 December 2003
fixing the production refund for olive oil used in the manufacture of certain preserved foods

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organisation of the market in oils and fats ⁽¹⁾, as last amended by Regulation (EC) No 1513/2001 ⁽²⁾, and in particular Article 20a thereof,

Whereas:

- (1) Article 20a of Regulation No 136/66/EEC provides for the granting of a production refund for olive oil used in the preserving industry. Pursuant to paragraph 6 of that Article, and without prejudice to paragraph 3 thereof, the Commission shall fix this refund every two months.
- (2) By virtue of Article 20a(2) of the abovementioned Regulation, the production refund must be fixed on the basis of the gap between prices on the world market and on the Community market, taking account of the import charge applicable to olive oil falling within CN

subheading 1509 90 00 and the factors used for fixing the export refunds for those olive oils during the reference period. It is appropriate to take as a reference period the two-month period preceding the beginning of the term of validity of the production refund.

- (3) The application of the above criteria results in the refund being fixed as shown below,

HAS ADOPTED THIS REGULATION:

Article 1

For the months of January and February 2004, the amount of the production refund referred to in Article 20a(2) of Regulation No 136/66/EEC shall be EUR 44,00/100 kg.

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, 19 December 2003.

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

⁽¹⁾ OJ L 72, 30.9.1966, p. 3025/66.

⁽²⁾ OJ L 201, 26.7.2001, p. 4.

COMMISSION REGULATION (EC) No 2254/2003
of 19 December 2003
determining the world market price for unginned cotton

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

Whereas:

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

The world price for unginned cotton as referred to in Article 4 of Regulation (EC) No 1051/2001 is hereby determined as equalling EUR 29,599/100 kg.

Article 2

This Regulation shall enter into force on 20 December 2003.

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

Done at Brussels, 19 December 2003.

For the Commission

J. M. SILVA RODRÍGUEZ

Agriculture Director-General

⁽¹⁾ OJ L 148, 1.6.2001, p. 1.

⁽²⁾ OJ L 148, 1.6.2001, p. 3.

⁽³⁾ OJ L 210, 3.8.2001, p. 10.

⁽⁴⁾ OJ L 223, 20.8.2002, p. 3.

COMMISSION REGULATION (EC) No 2255/2003
of 19 December 2003
prohibiting fishing for common sole by vessels flying the flag of Belgium

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2847/93 of 12 October 1993 establishing a control system applicable to the common fisheries policy ⁽¹⁾, as last amended by Regulation (EC) No 806/2003 ⁽²⁾, and in particular Article 21(3) thereof,

Whereas:

- (1) Council Regulation (EC) No 2341/2002 of 20 December 2002 fixing for 2003 the fishing opportunities and associated conditions for certain fish stocks and groups of fish stocks, applicable in Community waters and, for Community vessels, in waters where limitations in catch are required ⁽³⁾, as last amended by Commission Regulation (EC) No 1754/2003 ⁽⁴⁾, lays down quotas for common sole for 2003.
- (2) In order to ensure compliance with the provisions relating to the quantity limits on catches of stocks subject to quotas, the Commission must fix the date by which catches made by vessels flying the flag of a Member State are deemed to have exhausted the quota allocated.
- (3) According to the information received by the Commission, catches of common sole in the waters of ICES division VIIa, by vessels flying the flag of Belgium or regis-

tered in Belgium have exhausted the quota allocated for 2003. Belgium has prohibited fishing for this stock from 6 December 2003. This date should be adopted in this Regulation also,

HAS ADOPTED THIS REGULATION:

Article 1

Catches of common sole in the waters of ICES division VIIa, by vessels flying the flag of Belgium or registered in Belgium are hereby deemed to have exhausted the quota allocated to Belgium for 2003.

Fishing for common sole in the waters of ICES division VIIa, by vessels flying the flag of Belgium or registered in Belgium is hereby prohibited, as are the retention on board, transshipment and landing of this stock caught by the above vessels after the date of application of this Regulation.

Article 2

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

It shall apply from 6 December 2003.

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

Done at Brussels, 19 December 2003.

For the Commission
Jörgen HOLMQUIST
Director-General for Fisheries

⁽¹⁾ OJ L 261, 20.10.1993, p. 1.

⁽²⁾ OJ L 122, 16.5.2003, p. 1.

⁽³⁾ OJ L 356, 31.12.2002, p. 12.

⁽⁴⁾ OJ L 252, 4.10.2003, p. 1.

**COUNCIL DIRECTIVE 2003/117/EC
of 5 December 2003**

amending Directives 92/79/EEC and 92/80/EEC, in order to authorise the French Republic to prolong the application of lower rates of excise duty to tobacco products released for consumption in Corsica

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 93 thereof,

Having regard to the proposal from the Commission,

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

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

Following consultation of the Committee of the Regions,

Whereas:

(1) By the provisions of Council Directive 92/79/EEC of 19 October 1992 on the approximation of taxes on cigarettes ⁽³⁾ and Council Directive 92/80/EEC of 19 October 1992 on the approximation of taxes on manufactured tobacco other than cigarettes ⁽⁴⁾, France was authorised to continue applying up to 31 December 2002 the same rates for cigarettes and tobacco products sold in Corsica as those in force on 31 December 1997.

(2) Taking the view that more time was needed to bring the taxes applied to manufactured tobaccos in Corsica into line with the taxes applicable on the mainland, France requested, in particular, in a memorandum dated 26 July 2000 pleading recognition of Corsica's special position as an island within the European Union ('Pour une reconnaissance de la spécificité insulaire de la Corse dans l'Union européenne'), authorisation to prolong until 31 December 2009 the application of certain tax rules derogating from the Community's requirements regarding the taxation of tobacco products.

(3) The economic activity linked with manufactured tobaccos helps maintain economic and social equilibrium in Corsica. This is because the said activity provides a livelihood for some 350 retailers who employ about the same number of wage earners. Quite a large proportion of these retail outlets are in the sparsely populated mountain areas where they provide a neighbourhood service and thereby help indirectly to keep the population from moving away.

(4) Immediate and complete alignment with the tax rules for tobacco in mainland France would depress economic activity linked to manufactured tobacco in Corsica which, at present, provides the abovementioned jobs.

(5) Therefore, to prevent damage to the island's economic and social equilibrium, it is both essential and justifiable to grant a derogation with effect from 1 January 2003 to 31 December 2009, by which France may apply a rate of excise duty that is lower than the national rate to cigarettes and other manufactured tobaccos released for consumption in Corsica.

(6) By the end of this derogation period the tax rules for manufactured tobaccos released for consumption in Corsica must have been brought fully into line with the rules for mainland France. Nevertheless, too abrupt a change should be avoided and there should therefore be an intermediate increase in the excise duty currently levied on cigarettes in Corsica.

(7) To avoid undermining the smooth functioning of the internal market, the volume of cigarettes eligible for this derogating measure should be limited to an annual quota of 1 200 tonnes.

(8) Directives 92/79/EEC and 92/80/EEC should accordingly be amended,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Article 3(4) of Directive 92/79/EEC is replaced by the following:

'4. By derogation from Article 2, from 1 January 2003 to 31 December 2009 the French Republic may continue to apply a reduced rate of excise duty to cigarettes released for consumption in Corsica. This rate shall apply solely to an annual quota of 1 200 tonnes.

⁽¹⁾ Opinion of 21 October 2003 (not yet published in the Official Journal).

⁽²⁾ OJ C 234, 30.9.2003, p. 49.

⁽³⁾ OJ L 316, 31.10.1992, p. 8; Directive as last amended by Directive 2002/10/EC (OJ L 46, 16.2.2002, p. 26).

⁽⁴⁾ OJ L 316, 31.10.1992, p. 10; Directive as last amended by Directive 2002/10/EC.

From 1 January 2003 to 31 December 2007 the reduced rate must equal at least 35 % of the price for cigarettes in the price category most in demand in Corsica.

From 1 January 2008 to 31 December 2009 the reduced rate must equal at least 44 % of the price for cigarettes in the price category most in demand in Corsica.'

Article 2

Article 3(4) of Directive 92/80/EEC shall be replaced by the following:

'4. By derogation from Article 3(1), from 1 January 2003 to 31 December 2009 the French Republic may continue to apply a reduced rate of excise duty to manufactured tobaccos other than cigarettes released for consumption in Corsica. The reduced rate shall be:

- (a) for cigars and cigarillos, at least 10 % of the retail selling price, inclusive of all taxes, charged in Corsica;
- (b) for fine-cut tobacco intended for the rolling of cigarettes, at least 25 % of the retail selling price, inclusive of all taxes, charged in Corsica;
- (c) for other smoking tobaccos, at least 22 % of the retail selling price, inclusive of all taxes, charged in Corsica.'

Article 3

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive before 1 January 2004. They shall forthwith inform the Commission thereof.

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

Article 4

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

Article 5

This Directive is addressed to the Member States.

Done at Brussels, 5 December 2003.

For the Council

The President

P. LUNARDI

COMMISSION DIRECTIVE 2003/120/EC
of 5 December 2003
amending Directive 90/496/EEC on nutrition labelling for 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 90/496/EEC of 24 September 1990 on nutrition labelling for foodstuffs ⁽¹⁾, and in particular Article 5(2) thereof,

After consulting the Scientific Committee on Food,

Whereas:

- (1) The placing on the market of salatrims as novel food ingredients for use in energy-reduced bakery products and confectionery was authorised by Commission Decision 2003/867 ⁽²⁾, under Regulation (EC) No 258/97 of the European Parliament and of the Council ⁽³⁾, as last amended by Regulation (EC) No 1882/2003 ⁽⁴⁾.
- (2) The Scientific Committee on Food in its opinion on the safety assessment of salatrims for use as reduced calorie fats alternative as a novel food ingredient, expressed on 13 December 2001, noted that the energy provided by salatrims lies between 5 and 6 kcal/gram.
- (3) Under current rules, the energy provided by salatrims, considered to be fats, should be calculated by using the conversion factor for fat, provided for in Article 5(1) of Directive 90/496/EEC, namely 9 kcal/gram. The use of this conversion factor for the declared energy content of a product would misrepresent its reduced energy content achieved by the use of salatrims in its manufacture and would thus result in a failure to fully inform the consumer. Therefore it is necessary to adopt the appropriate conversion factor for salatrims to be used for the calculation of the declared energy value of foodstuffs.
- (4) 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

The following is added at the end of Article 5(1) of Directive 90/496/EEC:

‘— salatrims 6 kcal/g-25kJ/g’

Article 2

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 31 July 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 text of the main provisions of national law which they adopt in the field covered 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, 5 December 2003.

For the Commission

David BYRNE

Member of the Commission

⁽¹⁾ OJ L 276, 6.10.1990, p. 40.

⁽²⁾ OJ L 326, 13.12.2003, p. 32.

⁽³⁾ OJ L 43, 14.2.1997, p. 1.

⁽⁴⁾ OJ L 284, 31.10.2003, p. 1.

II

(Acts whose publication is not obligatory)

EUROPEAN PARLIAMENT

EUROPEAN PARLIAMENT DECISION

of 6 November 2003

on the discharge to the Director of the European Agency for Safety and Health at Work in respect of the implementation of its budget for the financial year 2001

(2003/888/EC)

THE EUROPEAN PARLIAMENT,

- having regard to the Court of Auditors' report on the financial statements of the European Agency for Safety and Health at Work concerning the financial year 2001, together with the Agency's replies ⁽¹⁾ (C5-0102/2003),
 - having regard to the Council's recommendation of 7 March 2003 (C5-0103/2003),
 - having regard to the EC Treaty, and in particular Article 276 thereof,
 - having regard to Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities ⁽²⁾ and in particular Article 185 thereof,
 - having regard to Commission Regulation (EC, Euratom) No 2343/2002 of 23 December 2002 on the framework Financial Regulation for the bodies referred to in Article 185 of Council Regulation (EC, Euratom) No 1605/2002 on the Financial Regulation applicable to the general budget of the European Communities ⁽³⁾ and, in particular, Article 94 thereof,
 - having regard to Rule 93a and Annex V of its Rules of Procedure,
 - having regard to its decision of 8 April 2003 on the postponement of the decision concerning discharge and its resolution containing the comments accompanying that decision ⁽⁴⁾,
 - having regard to the report of the Committee on Budgetary Control and the opinion of the Committee on Employment and Social Affairs (A5-0360/2003),
1. Gives discharge to the Director of the European Agency for Safety and Health at Work, in respect of the implementation of its budget for the financial year 2001;
 2. Records its comments in the accompanying resolution;
 3. Instructs its President to forward this decision and the accompanying resolution to the Director of the European Agency for Safety and Health at Work, the Council, the Commission and the Court of Auditors and to have them published in the *Official Journal of the European Union* (L series).

The Secretary-General
Julian PRIESTLEY

The President
Pat COX

⁽¹⁾ OJ C 326, 27.12.2002, p. 9.

⁽²⁾ OJ L 248, 16.9.2002, p. 1.

⁽³⁾ OJ L 357, 31.12.2002, p. 72.

⁽⁴⁾ OJ L 148, 16.6.2003, pp. 16 and 18.

EUROPEAN PARLIAMENT RESOLUTION**containing the comments accompanying the decision on the discharge to the Director of the European Agency for Safety and Health at Work in respect of the implementation of its budget for the financial year 2001**

THE EUROPEAN PARLIAMENT,

- having regard to the Court of Auditors' report on the financial statements of the European Agency for Safety and Health at Work concerning the financial year 2001, together with the Agency's replies ⁽¹⁾ (C5-0102/2003),
- having regard to the Council's recommendation of 7 March 2003 (C5-0103/2003),
- having regard to the EC Treaty, and in particular Article 276 thereof,
- having regard to Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities ⁽²⁾ and in particular Article 185 thereof,
- having regard to Commission Regulation (EC, Euratom) No 2343/2002 of 23 December 2002 on the framework Financial Regulation for the bodies referred to in Article 185 of Council Regulation (EC, Euratom) No 1605/2002 on the Financial Regulation applicable to the general budget of the European Communities ⁽³⁾ and, in particular, Article 94 thereof,
- having regard to Rule 93a and Annex V of its Rules of Procedure,
- having regard to its decision of 8 April 2003 on the postponement of the decision concerning discharge and its resolution containing the comments accompanying that decision ⁽⁴⁾,
- having regard to the report of the Committee on Budgetary Control and the opinion of the Committee on Employment and Social Affairs (A5-0360/2003),

A. whereas in its abovementioned resolution, Parliament

- welcomed the fact that it is henceforth the competent authority for giving discharge to the Community bodies referred to in Article 185(1) of the new Financial Regulation, and
- stressed that in order to fulfil its new responsibilities in this respect it expected to receive all relevant and necessary information from these bodies in reply to questions that it would have forwarded to them;

B. whereas its competent Committee has received answers to such questions;

C. whereas the Agency's answers to the abovementioned questions, in many respects, provided Parliament with updated information; whereas such information is supplementary to the observations contained in the Court of Auditors' abovementioned report on the financial statements of the European Agency for Safety and Health at Work (OSHA) for 2001 and to the Agency's replies to these observations;

D. whereas the condition that Parliament takes a decision on discharge after it has been adequately informed was thus met;

1. Notes the following figures for the accounts of the European Agency for Safety and Health at Work for the financial years 2001 and 2000;

⁽¹⁾ OJ C 326, 27.12.2002, p. 9.

⁽²⁾ OJ L 248, 16.9.2002, p. 1.

⁽³⁾ OJ L 357, 31.12.2002, p. 72.

⁽⁴⁾ OJ L 148, 16.6.2003, pp. 16 and 18.

Revenue and expenditure account for the financial years 2001 and 2000

(EUR 1 000)

	2001	2000
Revenue collected for the financial year		
Commission subsidies	9 400	6 188
Other subsidies	184	288
Financial revenue	91	97
Total revenue (a)	9 676	6 573
Budgetary expenditure for the financial year		
<i>Staff — Title I of the budget</i>		
Payments	2 654	2 358
Appropriations carried over	168	36
<i>Administration — Title II of the budget</i>		
Payments	846	746
Appropriations carried over	229	204
<i>Operational activities — Title III of the budget</i>		
Payments	1 543	1 339
Appropriations carried over	5 814	1 745
Total expenditure (b)	11 255	6 427
Outturn for the financial year (a-b) ⁽¹⁾	- 1 579	146
Balance carried over from the previous financial year	- 886	- 1 273
Appropriations carried over from the previous financial year and cancelled	242	234
Sums to be reused carried over from the previous financial year	9	—
Exchange-rate differences	2	—
Adjustment entries	27	—
Balance for the financial year	- 2 185	- 886

NB: Any discrepancies in totals are due to the effects of rounding.

Source: The Agency's data — These tables present, in summary form, the data provided by the Agency in its own financial statements.

⁽¹⁾ The negative outturn and own capital balances do not constitute a loss of capital. They result from the application of the Financial Regulation in respect of revenue (collected only) and expenditure (payments made plus appropriations carried over).

Implementation of the budget/SME funding scheme

- Notes that the main cause for the large amount of operating appropriations carried over from 2001 to 2002 was the late approval of the new activity, the SME accident prevention funding scheme, that the Commission entrusted to the Agency;
- Accepts the explanation provided by the Agency on the circumstances that resulted in this important carryover and considers that the Agency's efforts to implement this new activity were, considering the context, appropriate;
- Notes with satisfaction in this respect the good overall assessment of the Agency's performance contained in the external evaluation of the first SME funding scheme (2001 and 2002); requests that the Agency forward to Parliament the external evaluation report for the second scheme, as this is in line with Parliament's wish to be informed on the results of evaluations carried out;

5. Takes the view that appropriate consideration should be given to the Agency's position in favour of a multiannual programme for health and safety issues in SMEs, based on a decentralised approach and aimed at developing a safety culture in SMEs through partnership and developing networks;
6. Recalls, in this respect, that in its resolution of 23 October 2002 ⁽¹⁾ on the Commission's communication on a new Community strategy on health and safety at work 2002 to 2006, Parliament deeply regretted 'that the Commission has still not launched a multiannual SME programme based on the two years of preparatory actions undertaken by the Bilbao Agency on the initiative of the European Parliament ...' (paragraph 25) and welcomed the proposal for the Bilbao Agency to establish a 'Risk Observatory' (paragraph 33);
7. Expects the Commission, in this respect, to explain whether it is preparing a proposal for a specific multiannual programme promoting health and safety at work in SMEs as provided for in the remarks of budget lines B3-4 3 1 4 and B3-4 3 2 1 (in the 2002 and 2003 budget); furthermore, invites the Commission to present the reasons for its proposal, in the context of the 2004 budgetary procedure, that the SME scheme it had entrusted to the Agency be discontinued, against the background of the needs related to the process of integrating the accession countries and while it recognises that the Agency is capable of being the 'driving force' in non-legislative health and safety activities;
8. Expects the Agency to continue its efforts to further improve its internal procedures and the quality of the programming of its activities with a view to enhancing its efficiency in carrying out its tasks and in order substantially to reduce the rate of carryovers for operating appropriations; takes the view that such a reduction in carryovers does not solely depend on the multiannual programming of activities;

Financial statements/Financial provisions

9. Notes the Agency's efforts to update its inventory system and thus ensure that the Commission's valuation and depreciation rules for fixed assets will be applied by the end of the year; also notes that the Agency modified the rules in the system of reimbursement of expenses for experts' meetings in response to criticism from the Court of Auditors;
10. Takes the view that the Agency should improve the programming of its work with regard to the national focal points; considers that an appropriate planning of their tasks and an enhanced monitoring of implementation will help achieve positive results;

Cooperation with the Dublin Foundation (Eurofound)

11. Notes with satisfaction that, further to their Memorandum of Understanding of February 2001, the Agency and the European Foundation for the Improvement of Living and Working Conditions have very recently concluded a specific cooperation agreement in order to improve complementarity and remove any risk of duplication of their work; takes the view, however, that notwithstanding these efforts, a solution should be found, in the context of the upcoming enlargement, with regard to the composition of boards which, as a general rule, are already ponderous;

Cooperation with OLAF

12. Asks the Director to bring the Agency's decision of 18 June 1999 concerning the terms and conditions for internal investigations by the European Anti-fraud Office (OLAF) into line with the Interinstitutional Agreement of 25 May 1999 ⁽²⁾ by introducing a provision allowing Agency staff to report to OLAF directly;

⁽¹⁾ P5_TA(2002)0499.

⁽²⁾ OJ L 136, 31.5.1999, p. 15.

General points concerning the Agencies

Operational tasks

13. Reiterates, in the light of the fact that, in the case of many agencies, administrative expenditure exceeds operational expenditure, there is scope for these agencies to be entrusted with more operational tasks; takes the view that they could for example be entrusted with implementing Community programmes in the field of education or health, thus helping to avoid the unnecessary creation of further executive agencies by the Commission; regrets that the Commission did not comply with Parliament's request ⁽¹⁾ to make proposals in this respect by 30 June 2003; invites the agencies to identify areas where they could take over implementation of Community programmes currently managed by the Commission and to make proposals in this respect by the end of 2003;
14. Welcomes, in this context, the proposal from the European Training Foundation (ETF) to take up possible further tasks; invites the Commission to use the ETF's expertise in a wider geographical area than at present and for providing technical assistance to programmes such as Tempus and Erasmus Mundus;

Adapting the financial rules to the new Financial Regulation

15. Expects the Agencies to complete their procedures for bringing into line their internal financial rules with the requirements of the new framework Financial Regulation as soon as possible and in any event by the end of the year at the latest; recalls that such internal financial rules may not depart from the framework Financial Regulation except where the specific operating needs of an agency so require and with the Commission's prior consent; calls on the agencies once they have completed such a process to inform Parliament's competent committees; asks the Court of Auditors to give an opinion on all financial provisions adopted by the agencies which depart from the framework Financial Regulation;
16. Reiterates its call to the Agencies to ensure a strict segregation of duties between authorising officer(s) and accounting officer(s); recalls the enhanced role of the latter in:
 - (a) laying down and validating the accounting systems;
 - (b) keeping the accounts;
 - (c) validating systems laid down by the authorising officer to supply accounting information;
 - (d) cooperating with the Commission's accounting officer
 - (e) preparing and presenting the financial statements and the reports on implementation of the budget.

Stresses, furthermore, that accounting officers must be appointed by the management boards of the agencies on the grounds of adequate competence and professional experience; also expects computerised systems put in place to guarantee the existence of a complete audit trail for each operation in order to ensure transparency;

17. Reminds the agencies that they should fully respect public procurement procedures as laid down in the Financial Regulation; stresses that open calls for tender must be used as much as possible in order to enhance transparency and to ensure equal treatment of potential tenderers; emphasises that non-respect of public procurement rules is not only potentially detrimental to the financial interests of the agencies but can also be a criminal offence under the law of Member States;

⁽¹⁾ See paragraph 14 of Parliament's resolution containing the comments accompanying the decision concerning discharge to the Management Board of the European Centre for the Development of Vocational Training in respect of the implementation of its budget for the financial year 2001 (OJ L 148 of 16.6.2003, p. 83).

Internal audit and control

18. Recalls that among the important features of the new Financial Regulation are the increased responsibility of authorising officers and the setting-up of internal audit capabilities in order to counter the risk of irregularities and mismanagement; therefore invites:
- the Court of Auditors to increase the number of checks carried out by its auditors,
 - the agencies to thoroughly review their procedures for implementing their budgets in line with the newly created framework,
 - the Commission to cooperate closely with the agencies, especially in the areas of accounting, internal audit and management and control procedures,
- in order for appropriate and harmonised solutions to be put into practice.
19. Invites the Commission to propose a change to Regulation (EC, Euratom) No 2343/2002 on the framework Financial Regulation governing the agencies in order to give the Agencies' respective internal auditors real powers of scrutiny instead of merely an advisory role, as is currently the case;
20. Is extremely concerned that the Commission's Internal Audit Service (IAS) does not carry out any checks on the agencies; stresses that this implies that Articles 71 and 72 of Regulation (EC, Euratom) No 2343/2002 are not being adhered to and that, in practice, an outside control of the quality of management and control systems of the agencies is left to be carried out in the context of the Court of Auditors control; calls, therefore, on the Commission to ensure that the necessary resources are made available so that the IAS is in a position to fulfil its tasks with regard to the internal control systems in the Agencies;

Cooperation with OLAF

21. Invites the Court of Auditors to report by the end of the year on whether the Community bodies duly cooperate with OLAF and apply the corresponding Interinstitutional Agreement of 25 May 1999 unreservedly; also asks the Court of Auditors to evaluate the effectiveness of this cooperation on the basis of the cases processed so far;

Preparing the agencies for enlargement

22. Invites the Commission, with a view to accelerating the efforts towards preparing the integration of the future Member States, to make the appropriate proposals, before the adoption of the 2004 budget, aimed at:
- fostering better functioning of these Community bodies,
 - ensuring better value for money through a cost/benefit analysis,
 - avoiding any unnecessary creation of new agencies;
- stresses that the further expansion, on the occasion of enlargement, of the administrative boards of the agencies, which, as a general rule, are already very ponderous, would not be acceptable, on grounds of both efficiency and cost; considers that enlargement offers a good opportunity to thoroughly reconsider the composition and working methods of these administrative boards;
23. Calls, therefore, on the Commission, in making such proposals, to consider, *inter alia*:
- entrusting the agencies with further operational tasks such as the carrying-out of programmes, where appropriate,
 - setting up joint boards for more agencies, especially for those with similar tasks,
 - the possibility of mergers of agencies where activities overlap;

recalls, with regard to the latter, that the Commission has indicated a possible overlap between the European Centre for the Development of Vocational Training (Cedefop) and the European Training Foundation, and between the Foundation for the Improvement of Living and Working Conditions and the Agency for Safety and Health at Work;

24. Furthermore, invites the Commission, in line with its proposal on European Governance (aimed at concentrating its activity on the core tasks), to include in its action programme for 2004 the appropriate proposals with a view to avoiding duplication of work, either between agencies with similar activities, or between the activities of the agencies and those of the Commission;
 25. Reiterates its call on the Commission to submit a proposal for an amendment to the constituent acts of the agencies to ensure that their directors may in future be appointed only with the assent of Parliament; awaits proposals from the Commission to this effect, to be submitted by 1 December 2003 at the latest.
-

EUROPEAN PARLIAMENT DECISION**of 6 November 2003****on the discharge to the Director of the European Monitoring Centre for Drugs and Drug Addiction in respect of the implementation of its budget for the financial year 2001**

(2003/889/EC)

THE EUROPEAN PARLIAMENT,

- having regard to the Court of Auditors' report on the financial statements of the European Monitoring Centre for Drugs and Drug Addiction for the financial year 2001, together with the Centre's replies ⁽¹⁾ (C5-0096/2003),
 - having regard to the Council's recommendation of 7 March 2003 (C5-0097/2003),
 - having regard to the EC Treaty, and in particular Article 276 thereof,
 - having regard to Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities ⁽²⁾ and in particular Article 185 thereof,
 - having regard to Commission Regulation (EC, Euratom) No 2343/2002 of 23 December 2002 on the framework Financial Regulation for the bodies referred to in Article 185 of Council Regulation (EC, Euratom) No 1605/2002 on the Financial Regulation applicable to the general budget of the European Communities ⁽³⁾ and, in particular, Article 94 thereof,
 - having regard to Rule 93a and Annex V of its Rules of Procedure,
 - having regard to its decision of 8 April 2003 on the postponement of the decision concerning discharge and its resolution containing the comments accompanying that decision ⁽⁴⁾,
 - having regard to the report of the Committee on Budgetary Control (A5-0360/2003),
1. Gives discharge to the Director of the European Monitoring Centre for Drugs and Drug Addiction in respect of the implementation of its budget for the financial year 2001;
 2. Records its comments in the accompanying resolution;
 3. Instructs its President to forward this decision and the accompanying resolution to the Director of the European Monitoring Centre for Drugs and Drug Addiction, the Council, the Commission and the Court of Auditors and to have them published in the *Official Journal of the European Union* (L series).

The Secretary-General

Julian PRIESTLEY

The President

Pat COX

⁽¹⁾ OJ C 326, 27.12.2002, p. 64.⁽²⁾ OJ L 248, 16.9.2002, p. 1.⁽³⁾ OJ L 357, 31.12.2002, p. 72.⁽⁴⁾ OJ L 148, 16.6.2003, pp. 16 and 18.

EUROPEAN PARLIAMENT RESOLUTION**containing the comments accompanying the decision on the discharge to the Director of the European Monitoring Centre for Drugs and Drug Addiction in respect of the implementation of its budget for the financial year 2001**

THE EUROPEAN PARLIAMENT,

- having regard to the Court of Auditors' report on the financial statements of the European Monitoring Centre for Drugs and Drug Addiction for the financial year 2001, together with the Centre's replies ⁽¹⁾ (C5-0096/2003),
- having regard to the Council's recommendation of 7 March 2003 (C5-0097/2003),
- having regard to the EC Treaty, and in particular Article 276 thereof,
- having regard to Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities ⁽²⁾ and in particular Article 185 thereof,
- having regard to Commission Regulation (EC, Euratom) No 2343/2002 of 23 December 2002 on the framework Financial Regulation for the bodies referred to in Article 185 of Council Regulation (EC, Euratom) No 1605/2002 on the Financial Regulation applicable to the general budget of the European Communities ⁽³⁾ and, in particular, Article 94 thereof,
- having regard to Rule 93a and Annex V of its Rules of Procedure,
- having regard to its decision of 8 April 2003 on the postponement of the decision concerning discharge and its resolution containing the comments accompanying that decision ⁽⁴⁾,
- having regard to the report of the Committee on Budgetary Control and the opinion of the Committee on Employment and Social Affairs (A5-0360/2003),

A. whereas in its abovementioned resolution, Parliament

- welcomed the fact that it is henceforth the competent authority for giving discharge to the Community bodies referred to in Article 185(1) of the new Financial Regulation, and
- stressed that in order to fulfil its new responsibilities in this respect it expected to receive all relevant and necessary information from these bodies in reply to questions that it would have forwarded to them;

B. whereas its competent committee has received answers to such questions;

C. whereas the Agency's answers to the abovementioned questions, in many respects, provided Parliament with updated information; such information is supplementary to the observations contained in the Court of Auditors' report on the financial statements of the European Monitoring Centre for Drugs and Drug Addiction (EMCDDA) for 2001 and to the Agency's replies to these observations;

D. whereas the condition that Parliament takes a decision on discharge after it has been adequately informed was thus met;

1. Notes the following figures for the accounts of the European Monitoring Centre for Drugs and Drug Addiction for the financial years 2001 and 2000;

⁽¹⁾ OJ C 326, 27.12.2002, p. 64.

⁽²⁾ OJ L 248, 16.9.2002, p. 1.

⁽³⁾ OJ L 357, 31.12.2002, p. 72.

⁽⁴⁾ OJ L 148, 16.6.2003, pp. 16 and 18.

Revenue and expenditure account for the financial years 2001 and 2000

(EUR 1 000)

	2001	2000
Revenue collected for the financial year		
Commission subsidies	8 750	8 214
Norwegian subsidy	399	
Other subsidies	1 153	
Financial revenue	99	232
Total revenue (a)	10 401	8 446
Budgetary expenditure for the financial year		
<i>Staff — Title I of the budget</i>		
Payments	4 027	3 876
Appropriations carried over	428	189
<i>Administration — Title II of the budget</i>		
Payments	560	682
Appropriations carried over	596	354
<i>Operational activities — Title III of the budget</i>		
Payments	1 883	1 498
Appropriations carried over	1 432	1 651
Payments in respect of appropriations assigned	469	
Carryovers of appropriations assigned	684	
Total expenditure (b)	10 079	8 250
Outturn for the financial year (a-b) ⁽¹⁾	322	196
Balance carried over from the previous financial year	2 076	1 617
Appropriations carried over from the previous financial year for reuse	319	269
Reimbursement of balance to the Commission	- 2 076	—
Depreciation	- 557	—
Exchange differences	- 2	- 6
Balance for the financial year	82	2 076

NB: Any discrepancies in totals are due to the effects of rounding.

Source: Monitoring Centre data. These tables summarise the data provided by the Monitoring Centre in its own financial statements.

(¹) Calculation based on the principles laid down in Article 15 of Council Regulation (EC, Euratom) No 1150/2000 of 22 May 2000 (OJ L 130, 31.5.2000, p. 8).

Implementation of the budget

- Notes with satisfaction the measures introduced by the Centre in line with an integrated planning of activities and allocation of budgetary resources aimed at ensuring better monitoring, implementing, reporting on and assessment of its activities; expects such measures to have a positive impact on budget implementation and to result, in particular, in a reduction in appropriations carried over;
- Encourages the Centre to continue its efforts to follow its operational activities closely, especially as regards its relation with the Reitox focal points; considers that the recommendations of the external evaluation on the financing of the Reitox network should be taken up with a view to clarifying and further adapting the contractual relationship of the Centre with such focal points; notes that such problems are 'systemic' in nature;

4. Takes the view that there is scope for developing a harmonised approach between agencies in dealing with such problems; expects the Centre to intensify its contacts with other agencies faced with similar problems in their relations with networks of national points in order for a 'best practice approach' to be developed and applied;

Application of financial provisions

5. Notes the measures introduced by the Centre with a view to putting its contract database into operation and, more generally, measures aiming to achieve better cooperation between its operational and administrative departments;

Purchases of goods and services/tendering procedures

6. Welcomes the Centre's reply on steps taken in order to secure improvements in this field, including better definition of evaluation criteria, ensuring comparability of tenders and equal treatment for tenderers;
7. Expects the Centre to take further steps to enhance interinstitutional cooperation, based on a best practice approach, while allowing for the specific interests of and constraints upon Agencies to be taken duly into consideration;

Buildings policy

8. Reiterates the concerns expressed by the Commission in the Management Board of the Centre and the negative opinion of Parliament under Article 179 of the Financial Regulation concerning the Centre's current building requirements; expects the Centre to find an appropriate solution in accordance with Parliament's recommendations, and will follow up the issue in the forthcoming discharge procedure;

General points concerning the Agencies

Operational tasks

9. Reiterates, in the light of the fact that, in the case of many agencies, administrative expenditure exceeds operational expenditure, there is scope for these agencies to be entrusted with more operational tasks; takes the view that they could for example be entrusted with implementing Community programmes in the field of education or health, thus helping to avoid the unnecessary creation of further executive agencies by the Commission; regrets that the Commission did not comply with Parliament's request ⁽¹⁾ to make proposals in this respect by 30 June 2003; invites the agencies to identify areas where they could take over implementation of Community programmes currently managed by the Commission and to make proposals in this respect by the end of 2003;
10. Welcomes, in this context, the proposal from the European Training Foundation (ETF) to take up possible further tasks; invites the Commission to use the ETF's expertise in a wider geographical area than at present and for providing technical assistance to programmes such as Tempus and Erasmus Mundus;

Adapting the financial rules to the new Financial Regulation

11. Expects the agencies to complete their procedures for bringing into line their internal financial rules with the requirements of the new framework Financial Regulation as soon as possible and in any event by the end of the year at the latest; recalls that such internal financial rules may not depart from the framework Financial Regulation except where the specific operating needs of an agency so require and with the Commission's prior consent; calls on the agencies once they have completed such a process to inform Parliament's competent committees; asks the Court of Auditors to give an opinion on all financial provisions adopted by the agencies which depart from the framework Financial Regulation;

⁽¹⁾ See paragraph 14 of Parliament's resolution containing the comments accompanying the decision concerning discharge to the Management Board of the European Centre for the Development of Vocational Training in respect of the implementation of its budget for the financial year 2001 (OJ L 148, 16.6.2003, p. 83).

12. Reiterates its call to the agencies to ensure a strict segregation of duties between authorising officer(s) and accounting officer(s); recalls the enhanced role of the latter in:
- (a) laying down and validating the accounting systems;
 - (b) keeping the accounts;
 - (c) validating systems laid down by the authorising officer to supply accounting information;
 - (d) cooperating with the Commission's accounting officer;
 - (e) preparing and presenting the financial statements and the reports on implementation of the budget;

Stresses, furthermore, that accounting officers must be appointed by the management boards of the agencies on the grounds of adequate competence and professional experience; also expects computerised systems put in place to guarantee the existence of a complete audit trail for each operation in order to ensure transparency;

13. Reminds the agencies that they should fully respect public procurement procedures as laid down in the Financial Regulation; stresses that open calls for tender must be used as much as possible in order to enhance transparency and to ensure equal treatment of potential tenderers; emphasises that non-respect of public procurement rules is not only potentially detrimental to the financial interests of the agencies but can also be a criminal offence under the law of Member States;

Internal audit and control

14. Recalls that among the important features of the new Financial Regulation are the increased responsibility of authorising officers and the setting-up of internal audit capabilities in order to counter the risk of irregularities and mismanagement; therefore invites:
- the Court of Auditors to increase the number of checks carried out by its auditors,
 - the agencies to thoroughly review their procedures for implementing their budgets in line with the newly created framework,
 - the Commission to cooperate closely with the agencies, especially in the areas of accounting, internal audit and management and control procedures,
- in order for appropriate and harmonised solutions to be put into practice;
15. Invites the Commission to propose a change to Regulation (EC, Euratom) No 2343/2002 on the framework Financial Regulation governing the agencies in order to give the agencies' respective internal auditors real powers of scrutiny instead of merely an advisory role, as is currently the case;
16. Is extremely concerned that the Commission's Internal Audit Service (IAS) does not carry out any checks on the agencies; stresses that this implies that Articles 71 and 72 of Regulation (EC, Euratom) No 2343/2002 are not being adhered to and that, in practice, an outside control of the quality of management and control systems of the agencies is left to be carried out in the context of the Court of Auditors control; calls, therefore, on the Commission to ensure that the necessary resources are made available so that the IAS is in a position to fulfil its tasks with regard to the internal control systems in the agencies;

Cooperation with OLAF

17. Invites the Court of Auditors to report by the end of the year on whether the Community bodies duly cooperate with the European Anti-fraud Office (OLAF) and apply the corresponding Interinstitutional Agreement of 25 May 1999 ⁽¹⁾ unreservedly; also asks the Court of Auditors to evaluate the effectiveness of this cooperation on the basis of the cases processed so far;

⁽¹⁾ OJ L 136, 31.5.1999, p. 15.

Preparing the Agencies for enlargement

18. Invites the Commission, with a view to accelerating the efforts towards preparing the integration of the future Member States, to make the appropriate proposals, before the adoption of the 2004 budget, aimed at:

- fostering better functioning of these Community bodies,
- ensuring better value for money through a cost/benefit analysis,
- avoiding any unnecessary creation of new agencies;

stresses that the further expansion, on the occasion of enlargement, of the administrative boards of the agencies, which, as a general rule, are already very ponderous, would not be acceptable, on grounds of both efficiency and cost; considers that enlargement offers a good opportunity to thoroughly reconsider the composition and working methods of these administrative boards;

19. Calls, therefore, on the Commission, in making such proposals, to consider, *inter alia*:

- entrusting the agencies with further operational tasks such as the carrying out of programmes, where appropriate,
- setting up joint boards for more Agencies, especially for those with similar tasks,
- the possibility of mergers of Agencies in case of overlapping of activities.

Recalls, with regard to the latter, that the Commission has indicated a possible overlap between the European Centre for the Development of Vocational Training (Cedefop) and the European Training Foundation, and between the Foundation for the Improvement of Living and Working Conditions and the Agency for Safety and Health at Work;

20. Furthermore, invites the Commission, in line with its proposal on European Governance (aimed at concentrating its activity on the core tasks), to include in its action programme for 2004 the appropriate proposals with a view to avoiding the duplication of work, either between Agencies with similar activities, or between the activities of the agencies and those of the Commission;

21. Reiterates its call on the Commission to submit a proposal for an amendment to the constituent acts of the agencies to ensure that their directors may in future be appointed only with the assent of Parliament; awaits proposals from the Commission to this effect, to be submitted by 1 December 2003 at the latest.

EUROPEAN PARLIAMENT DECISION**of 6 November 2003****on the discharge to the Director of the Translation Centre for the bodies of the European Union
in respect of the implementation of its budget for the financial year 2001**

(2003/890/EC)

THE EUROPEAN PARLIAMENT,

- having regard to the Court of Auditors' report on the financial statements of the Translation Centre for the bodies of the European Union for the financial year 2001, together with the Centre's replies ⁽¹⁾ (C5-0100/2003),
 - having regard to the Council's recommendation of 7 March 2003 (C5-0101/2003),
 - having regard to the EC Treaty, and in particular Article 276 thereof,
 - having regard to Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities ⁽²⁾ and in particular Article 185 thereof,
 - having regard to Commission Regulation (EC, Euratom) No 2343/2002 of 23 December 2002 on the framework Financial Regulation for the bodies referred to in Article 185 of Council Regulation (EC, Euratom) No 1605/2002 on the Financial Regulation applicable to the general budget of the European Communities ⁽³⁾ and, in particular, Article 94 thereof,
 - having regard to Rule 93a and Annex V of its Rules of Procedure,
 - having regard to its decision of 8 April 2003 on the postponement of the decision concerning discharge and its resolution containing the comments accompanying that decision ⁽⁴⁾,
 - having regard to the report of the Committee on Budgetary Control (A5-0360/2003),
1. Gives discharge to the Director of the Translation Centre for the bodies of the European Union in respect of the implementation of its budget for the financial year 2001;
 2. Records its comments in the accompanying resolution;
 3. Instructs its President to forward this decision and the accompanying resolution to the Director of the Translation Centre for the bodies of the European Union, the Council, the Commission and the Court of Auditors and to have them published in the *Official Journal of the European Union* (L series).

The Secretary-General
Julian PRIESTLEY

The President
Pat COX

⁽¹⁾ OJ C 326, 27.12.2002, p. 35.

⁽²⁾ OJ L 248, 16.9.2002, p. 1.

⁽³⁾ OJ L 357, 31.12.2002, p. 72.

⁽⁴⁾ OJ L 148, 16.6.2003, pp. 16 and 18.

EUROPEAN PARLIAMENT RESOLUTION**containing the comments accompanying the decision on the discharge to the Director of the Translation Centre for the bodies of the European Union in respect of the implementation of its budget for the financial year 2001**

THE EUROPEAN PARLIAMENT,

- having regard to the Court of Auditors' report on the financial statements of the Translation Centre for the bodies of the European Union for the financial year 2001, together with the Centre's replies ⁽¹⁾ (C5-0100/2003),
- having regard to the Council's recommendation of 7 March 2003 (C5-0101/2003),
- having regard to the EC Treaty, and in particular Article 276 thereof,
- having regard to Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities ⁽²⁾ and in particular Article 185 thereof,
- having regard to Commission Regulation (EC, Euratom) No 2343/2002 of 23 December 2002 on the framework Financial Regulation for the bodies referred to in Article 185 of Council Regulation (EC, Euratom) No 1605/2002 on the Financial Regulation applicable to the general budget of the European Communities ⁽³⁾ and, in particular, Article 94 thereof,
- having regard to Rule 93a and Annex V of its Rules of Procedure,
- having regard to its decision of 8 April 2003 on the postponement of the decision concerning discharge and its resolution containing the comments accompanying that decision ⁽⁴⁾,
- having regard to the report of the Committee on Budgetary Control (A5-0360/2003),

A. whereas in its abovementioned resolution, Parliament

- welcomed the fact that it is henceforth the competent authority for giving discharge to the Community bodies referred to in Article 185(1) of the new Financial Regulation, and
- stressed that in order to fulfil its new responsibilities in this respect it expected to receive all relevant and necessary information from these bodies in reply to questions that it would have forwarded to them;

B. whereas its competent committee has received answers to such questions,

C. whereas the Agency's answers to the abovementioned questions, in many respects, provided Parliament with updated information; such information is supplementary to the observations contained in the Court of Auditors' report on the financial statements of the Translation Centre for the bodies of the European Union (CdT) for 2001 and to the Agency's replies to these observations;

D. whereas the condition that Parliament takes a decision on discharge after it has been adequately informed was thus met;

1. Notes the following figures for the accounts of the Translation Centre for the bodies of the European Union for the financial years 2001 and 2000;

⁽¹⁾ OJ C 326, 27.12.2002, p. 35.

⁽²⁾ OJ L 248, 16.9.2002, p. 1.

⁽³⁾ OJ L 357, 31.12.2002, p. 72.

⁽⁴⁾ OJ L 148, 16.6.2003, pp. 16 and 18.

Revenue and expenditure account for the financial years 2001 and 2000

	(EUR 1 000)	
	2001	2000
Revenue collected for the financial year		
Commission subsidies	20 182	21 264
Miscellaneous revenue	5	263
Financial revenue	458	
Total revenue (a)	20 646	21 527
Budgetary expenditure for the financial year		
<i>Staff — Title I of the budget</i>		
Payments	13 861	12 640
Appropriations carried over	891	881
<i>Operational activities — Title II of the budget</i>		
Payments	1 090	849
Appropriations carried over	929	1 512
Total expenditure (b)	16 772	15 882
Outturn for the financial year (a-b) ⁽¹⁾	3 873	5 645
Balance carried over from the previous financial year	4 977	1 854
Appropriations carried over from the previous financial year which lapsed	240	358
Refund to Europol	—	- 217
Contingency reserve	- 1 221	- 2 653
Exchange-rate differences	6	- 10
Balance for the financial year	7 875	4 977

NB: Any discrepancies in totals are due to the effects of rounding.

Source: Data compiled by the Centre — These tables summarise the data provided by the Centre in its own financial statements.

⁽¹⁾ Calculation based on the principles laid down in Article 15 of Council Regulation (EC, Euratom No 1150/2000 of 22 May 2000 (OJ L 130, 31.5.2000, p. 8).

Financial statements/CdT premises

2. Acknowledges the efforts made by the Centre, in line with the Court of Auditors' observations, in seeking a suitable solution with regard to the premises it occupies, which were made available by the Luxembourg authorities pending a permanent solution;
3. Recalls that the Court of Auditors has made repeated comments with regard to the issue of premises; notes that in general, as regards buildings policy, and based on a cost/benefit analysis, the institutions see purchase as a better solution than renting;
4. Calls on the Centre to step up, together with the Luxembourg authorities, its efforts with a view to finding a permanent solution to the problem of premises which suit its needs;
5. Recalls that with respect to any building project likely to have significant financial implications for the Centre's budget, Article 179 of the new Financial Regulation applies; therefore invites the Centre, if such a project is planned, to submit to the budgetary authority, before Parliament's second reading of the 2004 budget, an analysis of the different options available as regards finding a solution to the problem concerning its premises;

Evaluation of tenders

6. Takes the view that, concerning the evaluation of tenders for the purchase of goods and services other than external translations, there is scope for further improvement in the definition and application by the Centre of quality assessment criteria with a view to enhancing comparability of tenders and ensuring better management;

Cooperation with the Institutions and other Community bodies

7. Notes the Centre's active participation in the Interinstitutional Translation and Interpretation Committee, which seeks to define and apply evaluation rules and criteria, laid down jointly by the institutions, on the quality of translation work;
8. Encourages the Centre to continue such action ensuring better cooperation between institutions, especially with a view to finding the best way to meet the needs in this field in the light of the forthcoming enlargement;

General points concerning the Agencies

Operational tasks

9. Reiterates, in the light of the fact that, in the case of many agencies, administrative expenditure exceeds operational expenditure, there is scope for these agencies to be entrusted with more operational tasks; takes the view that they could, for example, be entrusted with implementing Community programmes in the field of education or health, thus helping to avoid the unnecessary creation of further executive agencies by the Commission; regrets that the Commission did not comply with Parliament's request ⁽¹⁾ to make proposals in this respect by 30 June 2003; invites the agencies to identify areas where they could take over implementation of Community programmes currently managed by the Commission and to make proposals in this respect by the end of 2003;
10. Welcomes, in this context, the proposal from the European Training Foundation (ETF) to take up possible further tasks; invites the Commission to use the ETF's expertise in a wider geographical area than at present and for providing technical assistance to programmes such as Tempus and Erasmus Mundus;

Adapting the financial rules to the new Financial Regulation

11. Expects the agencies to complete their procedures for bringing into line their internal financial rules with the requirements of the new framework Financial Regulation as soon as possible and in any event by the end of the year at the latest; recalls that such internal financial rules may not depart from the framework Financial Regulation except where the specific operating needs of an agency so require and with the Commission's prior consent; calls on the agencies once they have completed such a process to inform Parliament's competent committees; asks the Court of Auditors to give an opinion on all financial provisions adopted by the agencies which depart from the framework Financial Regulation;
12. Reiterates its call to the agencies to ensure a strict segregation of duties between authorising officer(s) and accounting officer(s); recalls the enhanced role of the latter in
 - (a) laying down and validating the accounting systems;
 - (b) keeping the accounts;
 - (c) validating systems laid down by the authorising officer to supply accounting information;
 - (d) cooperating with the Commission's accounting officer;
 - (e) preparing and presenting the financial statements and the reports on implementation of the budget.

⁽¹⁾ See paragraph 14 of Parliament's resolution containing the comments accompanying the decision concerning discharge to the Management Board of the European Centre for the Development of Vocational Training for in respect of the implementation of its budget for the financial year 2001 (OJ L 148 of 16.6.2003, p. 83).

Stresses, furthermore, that accounting officers must be appointed by the management boards of the agencies on the grounds of adequate competence and professional experience; also expects computerised systems put in place to guarantee the existence of a complete audit trail for each operation in order to ensure transparency;

13. Reminds the agencies that they should fully respect public procurement procedures as laid down in the Financial Regulation; stresses that open calls for tender must be used as much as possible in order to enhance transparency and to ensure equal treatment of potential tenderers; emphasises that non-respect of public procurement rules is not only potentially detrimental to the financial interests of the agencies but can also be a criminal offence under the law of Member States;

Internal audit and control

14. Recalls that among the important features of the new Financial Regulation are the increased responsibility of authorising officers and the setting-up of the internal audit capabilities in order to counter the risk of irregularities and mismanagement; therefore invites:

- the Court of Auditors to increase the number of checks carried out by its auditors,
- the agencies to thoroughly review their procedures for implementing their budgets in line with the newly created framework,
- the Commission to cooperate closely with the agencies, especially in the areas of accounting, internal audit and management and control procedures,

in order for appropriate and harmonised solutions to be put into practice.

15. Invites the Commission to propose a change to Regulation (EC, Euratom) No 2343/2002 on the framework Financial Regulation governing the Agencies in order to give the agencies' respective internal auditors real powers of scrutiny instead of merely an advisory role, as is currently the case;
16. Is extremely concerned that the Commission's Internal Audit Service (IAS) does not carry out any checks on the agencies; stresses that this implies that Articles 71 and 72 of Regulation (EC, Euratom) No 2343/2002 are not being adhered to and that, in practice, an outside control of the quality of management and control systems of the agencies is left to be carried out in the context of the Court of Auditors control; calls, therefore, on the Commission to ensure that the necessary resources are made available so that the IAS is in a position to fulfil its tasks with regard to the internal control systems in the agencies;

Cooperation with OLAF

17. Invites the Court of Auditors to report by the end of the year on whether the Community bodies duly cooperate with the European Anti-fraud Office (OLAF) and apply the corresponding Interinstitutional Agreement of 25 May 1999 ⁽¹⁾ unreservedly; also asks the Court of Auditors to evaluate the effectiveness of this cooperation on the basis of the cases processed so far;

Preparing the Agencies for enlargement

18. Invites the Commission, with a view to accelerating the efforts towards preparing the integration of the future Member States, to make the appropriate proposals, before the adoption of the 2004 budget, aimed at:

- fostering better functioning of these Community bodies,
- ensuring better value for money through a cost/benefit analysis,
- avoiding any unnecessary creation of new agencies.

Stresses that the further expansion, on the occasion of enlargement, of the administrative boards of the Agencies, which, as a general rule, are already very ponderous, would not be acceptable, on grounds of both efficiency and cost; considers that enlargement offers a good opportunity to thoroughly reconsider the composition and working methods of these administrative boards;

⁽¹⁾ OJ L 136, 31.5.1999, p. 15.

19. Calls, therefore, on the Commission, in making such proposals, to consider, *inter alia*:
 - entrusting the agencies with further operational tasks such as the carrying out of programmes, where appropriate;
 - setting up joint boards for more agencies, especially for those with similar tasks;
 - the possibility of mergers of agencies in case of overlapping of activities;recalls, with regard to the latter, that the Commission has indicated a possible overlap between the European Centre for the Development of Vocational Training (Cedefop) and the European Training Foundation, and between the Foundation for the Improvement of Living and Working Conditions and the Agency for Safety and Health at Work;
 20. Furthermore, invites the Commission, in line with its proposal on European Governance (aimed at concentrating its activity on the core tasks), to include in its action programme for 2004 the appropriate proposals with a view to avoiding the duplication of work, either between agencies with similar activities, or between the activities of the agencies and those of the Commission;
 21. Reiterates its call on the Commission to submit a proposal for an amendment to the constituent acts of the agencies to ensure that their directors may in future be appointed only with the assent of Parliament; awaits proposals from the Commission to this effect, to be submitted by 1 December 2003 at the latest.
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EUROPEAN PARLIAMENT DECISION**of 6 November 2003****on the discharge to the Director of the European Environment Agency in respect of the implementation of its budget for the financial year 2001**

(2003/891/EC)

THE EUROPEAN PARLIAMENT,

- having regard to the Court of Auditors' report on the financial statements of the European Environment Agency for the financial year 2001, together with the Agency's replies ⁽¹⁾ (C5-0098/2003),
 - having regard to the Council's recommendation of 7 March 2003 (C5-0099/2003),
 - having regard to the EC Treaty, and in particular Article 276 thereof,
 - having regard to Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities ⁽²⁾ and in particular Article 185 thereof,
 - having regard to Commission Regulation (EC, Euratom) No 2343/2002 of 23 December 2002 on the framework Financial Regulation for the bodies referred to in Article 185 of Council Regulation (EC, Euratom) No 1605/2002 on the Financial Regulation applicable to the general budget of the European Communities ⁽³⁾ and, in particular, Article 94 thereof,
 - having regard to Rule 93a and Annex V of its Rules of Procedure,
 - having regard to its decision of 8 April 2003 on the postponement of the decision concerning discharge and its resolution containing the comments accompanying that decision ⁽⁴⁾,
 - having regard to the report of the Committee on Budgetary Control (A5-0360/2003),
1. Gives discharge to the Director of the European Environment Agency, in respect of the implementation of its budget for the financial year 2001;
 2. Records its comments in the accompanying resolution;
 3. Instructs its President to forward this decision and the accompanying resolution to the Director of the European Environment Agency, the Council, the Commission and the Court of Auditors and to have them published in the *Official Journal of the European Union* (L series).

The Secretary-General
Julian PRIESTLEY

The President
Pat COX

⁽¹⁾ OJ C 326, 27.12.2002, p. 17.

⁽²⁾ OJ L 248, 16.9.2002, p. 1.

⁽³⁾ OJ L 357, 31.12.2002, p. 72.

⁽⁴⁾ OJ L 148, 16.6.2003, pp. 16 and 18.

EUROPEAN PARLIAMENT RESOLUTION**containing the comments accompanying the decision on the discharge to the Director of the European Environment Agency in respect of the implementation of its budget for the financial year 2001**

THE EUROPEAN PARLIAMENT,

- having regard to the Court of Auditors' report on the financial statements of the European Environment Agency for the financial year 2001, together with the Agency's replies ⁽¹⁾ (C5-0098/2003),
- having regard to the Council's recommendation of 7 March 2003 (C5-0099/2003),
- having regard to the EC Treaty, and in particular Article 276 thereof,
- having regard to Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities ⁽²⁾ and in particular Article 185 thereof,
- having regard to Commission Regulation (EC, Euratom) No 2343/2002 of 23 December 2002 on the framework Financial Regulation for the bodies referred to in Article 185 of Council Regulation (EC, Euratom) No 1605/2002 on the Financial Regulation applicable to the general budget of the European Communities ⁽³⁾ and, in particular, Article 94 thereof,
- having regard to Rule 93a and Annex V of its Rules of Procedure,
- having regard to its decision of 8 April 2003 on the postponement of the decision concerning discharge and its resolution containing the comments accompanying that decision ⁽⁴⁾,
- having regard to the report of the Committee on Budgetary Control (A5-0360/2003),

A. whereas in its abovementioned resolution, Parliament

- welcomed the fact that it is henceforth the competent authority for giving discharge to the Community bodies referred to in Article 185(1) of the new Financial Regulation, and
- stressed that in order to fulfil its new responsibilities in this respect it expected to receive all relevant and necessary information from these bodies in reply to questions that it would have forwarded to them;

B. whereas, its competent Committee has received answers to such questions;

C. whereas the Agency's answers to the abovementioned questions, in many respects, provided Parliament with updated information; whereas such information is supplementary to the observations contained in the Court of Auditors' report on the financial statements of the European Environment Agency (EEA) for 2001 and to the Agency's replies to these observations;

D. whereas the condition that Parliament takes a decision on discharge after it has been adequately informed was thus met;

⁽¹⁾ OJ C 326, 27.12.2002, p. 17.

⁽²⁾ OJ L 248, 16.9.2002, p. 1.

⁽³⁾ OJ L 357, 31.12.2002, p. 72.

⁽⁴⁾ OJ L 148, 16.6.2003, pp. 16 and 18.

1. Notes the following figures for the accounts of the European Environment Agency for the financial years 2001 and 2000;

Revenue and expenditure account for the financial years 2001 and 2000

	<i>(1 000 EUR)</i>	
	2001	2000
Revenue collected for the financial year		
Commission subsidies	18 342	17 816
Miscellaneous revenue	1 493	67
Financial revenue	369	423
Total revenue (a)	20 204	18 306
Budgetary expenditure for the financial year		
<i>Staff — Title I of the budget</i>		
Payments	8 126	7 137
Appropriations carried over	735	456
<i>Administration — Title II of the budget</i>		
Payments	1 423	1 570
Appropriations carried over	521	517
<i>Operating activities — Title III of the budget</i>		
Payments	3 738	4 505
Appropriations carried over	6 856	4 432
Total expenditure (b)	21 399	18 617
Outturn for the financial year (a-b) ⁽¹⁾	- 1 195	- 310
Balance carried over from the previous financial year	- 3 117	- 3 517
Appropriations carried over from the previous financial year which lapse	939	628
Reused revenue from the previous financial year which lapses	86	84
Exchange-rate differences	13	- 2
Balance for the financial year	- 3 274	- 3 117

NB: Any discrepancies in totals are due to the effects of rounding.

Source: Data compiled by the Agency — These tables summarise the data provided by the Agency in its own financial statements.

⁽¹⁾ The negative out-turn and own capital balances do not constitute a loss of capital. They result from the application of the Financial Regulation in respect of revenue (collected only) and expenditure (payments plus appropriations carried over).

Implementation of the budget

2. Notes the measures taken by the Agency aimed at 'tightening' the schedule of its expenditure in the administrative area, related to infrastructures, non-urgent purchases and to the postponement of the fitting-out of its premises; takes the view that such measures are in line with the recommendations of the Court of Auditors;

3. Welcomes the Agency's efforts to improve the operational planning of its activities, and the fact that these efforts have led to a reduction in the amount of appropriations the Agency carries over; notes, however, that the Agency stated that in implementing grant agreements concerning multiannual projects, a certain level of automatic carryover 'is difficult to avoid'; considers this problem to be 'systemic' in nature as it mainly concerns the relationship with the European Topic Centres which are under contract with the Agency;
4. Takes the view that as projects carried out by such centres account for almost half of the Agency's operational budget, it should intensify its efforts to ensure that, in implementing such projects, these centres operate within a time frame that reflects the 'annuality principle' of the budget; considers that such efforts would result in a reduction in carryovers;
5. Also takes the view that there is scope for developing a harmonised approach between agencies when dealing with 'systematic' problems; expects the Agency to intensify its contacts with other agencies faced with similar problems in their contractual relations with such centres or national points in order for a 'best practice approach' to be developed and applied;

Financial statements

6. Welcomes the fact that the Agency has achieved the necessary coordination between its relevant departments so as to ensure that the rules concerning depreciation of fixed assets are correctly applied;

Management of cashflow

7. Encourages the Agency to further improve its record with regard to data reconciliation between its bank accounts and general accounts in line with the Court of Auditors' recommendations; expects the Agency to report on progress made on this matter in the context of the next discharge procedure;

Implementation of financial provisions

8. Expects the Agency to implement as soon as possible the IT developments made concerning the electronic document repository, in the context of its project on filing and archiving; furthermore, expects it to take all necessary steps in order for the financial files to contain the necessary supporting documents so as to comply with the Court of Auditors' recommendations;

Purchasing of goods and services/Cooperation with the institutions

9. Looks forward to the Agency achieving better results in its efforts to improve its planning for purchases within the context of its multiannual work programme; welcomes the Agency's efforts to improve procedures and criteria for the evaluation of tenders; expects the Agency to intensify its efforts with a view to enhancing interinstitutional cooperation in the field of procurement, based on a best practice approach including evaluation criteria and comparability of tenders; expects it also to take part, as frequently as possible in the light of the specific constraints under which it operates, in interinstitutional invitations to tender;
10. Takes note of the fact that the Agency had several contracts with firms involved in the Eurostat case; invites the Agency to transmit all documents related to these contracts to the Commission's Internal Audit Service (IAS) so that they may be taken into account during the current audit of Eurostat contracts by the IAS;

General points concerning the Agencies

Operational tasks

11. Reiterates, in the light of the fact that, in the case of many agencies, administrative expenditure exceeds operational expenditure, that there is scope for these agencies to be entrusted with more operational tasks; takes the view that they could, for example, be entrusted with implementing Community programmes in the field of education or health, thus helping to avoid the unnecessary creation of further executive agencies by the Commission; regrets that the Commission did not comply with Parliament's request ⁽¹⁾ to make proposals in this respect by 30 June 2003; invites the agencies to identify areas where they could take over implementation of Community programmes currently managed by the Commission and to make proposals in this respect by the end of 2003;
12. Welcomes, in this context, the proposal from the European Training Foundation (ETF) to take up possible further tasks; invites the Commission to use the ETF's expertise in a wider geographical area than at present and for providing technical assistance to programmes such as Tempus and Erasmus Mundus;

Adapting the financial rules to the new Financial Regulation

13. Expects the Agencies to complete their procedures for bringing into line their internal financial rules with the requirements of the new framework Financial Regulation as soon as possible and in any event by the end of the year at the latest; recalls that such internal financial rules may not depart from the framework Financial Regulation except where the specific operating needs of an agency so require and with the Commission's prior consent; calls on the agencies once they have completed such a process to inform Parliament's competent committees; asks the Court of Auditors to give an opinion on all financial provisions adopted by the Agencies which depart from the framework Financial Regulation;
14. Reiterates its call to the agencies to ensure a strict segregation of duties between authorising officer(s) and accounting officer(s); recalls the enhanced role of the latter in:
 - (a) laying down and validating the accounting systems;
 - (b) keeping the accounts;
 - (c) validating systems laid down by the authorising officer to supply accounting information;
 - (d) cooperating with the Commission's accounting officer;
 - (e) preparing and presenting the financial statements and the reports on implementation of the budget.

Stresses, furthermore, that accounting officers must be appointed by the management boards of the agencies on the grounds of adequate competence and professional experience; also expects computerised systems put in place to guarantee the existence of a complete audit trail for each operation in order to ensure transparency;

15. Reminds the agencies that they should fully respect public procurement procedures as laid down in the Financial Regulation; stresses that open calls for tender must be used as much as possible in order to enhance transparency and to ensure equal treatment of potential tenderers; emphasises that non-respect of public procurement rules is not only potentially detrimental to the financial interests of the agencies but can also be a criminal offence under the law of Member States;

⁽¹⁾ See paragraph 14 of Parliament's resolution containing the comments accompanying the decision concerning discharge to the Management Board of the European Centre for the Development of Vocational Training in respect of the implementation of its budget for the financial year 2001 (OJ L 148 of 16.6.2003, p. 83).

Internal audit and control

16. Recalls that among the important features of the new Financial Regulation are the increased responsibility of authorising officers and the setting-up of internal audit capabilities in order to counter the risk of irregularities and mismanagement; therefore invites:
- the Court of Auditors to increase the number of checks carried out by its auditors,
 - the agencies to thoroughly review their procedures for implementing their budgets in line with the newly created framework,
 - the Commission to cooperate closely with the agencies, especially in the areas of accounting, internal audit and management and control procedures,
- in order for appropriate and harmonised solutions to be put into practice.
17. Invites the Commission to propose a change to Regulation (EC, Euratom) No 2343/2002 on the framework Financial Regulation governing the Agencies in order to give the agencies' respective internal auditors real powers of scrutiny instead of merely an advisory role, as is currently the case;
18. Is extremely concerned that the Commission's Internal Audit Service (IAS) does not carry out any checks on the agencies; stresses that this implies that Articles 71 and 72 of Regulation (EC, Euratom) No 2343/2002 are not being adhered to and that, in practice, an outside control of the quality of management and control systems of the agencies is left to be carried out in the context of the Court of Auditors control; calls, therefore, on the Commission to ensure that the necessary resources are made available so that the IAS is in a position to fulfil its tasks with regard to the internal control systems in the agencies;

Cooperation with OLAF

19. Invites the Court of Auditors to report by the end of the year on whether the Community bodies duly cooperate with the European Anti-fraud Office (OLAF) and apply the corresponding Interinstitutional Agreement of 25 May 1999 ⁽¹⁾ unreservedly; also asks the Court of Auditors to evaluate the effectiveness of this cooperation on the basis of the cases processed so far;

Preparing the Agencies for enlargement

20. Invites the Commission, with a view to accelerating the efforts towards preparing the integration of the future Member States, to make the appropriate proposals, before the adoption of the 2004 budget, aimed at:
- fostering better functioning of these Community bodies,
 - ensuring better value for money through a cost/benefit analysis,
 - avoiding any unnecessary creation of new agencies.

Stresses that the further expansion, on the occasion of enlargement, of the administrative boards of the agencies, which, as a general rule, are already very ponderous, would not be acceptable, on grounds of both efficiency and cost; considers that enlargement offers a good opportunity to thoroughly reconsider the composition and working methods of these administrative boards;

21. Calls, therefore, on the Commission, in making such proposals, to consider, *inter alia*:
- entrusting the agencies with further operational tasks such as the carrying out of programmes, where appropriate;

⁽¹⁾ OJ L 136, 31.5.1999, p. 15.

- setting up joint boards for more agencies, especially for those with similar tasks;
- the possibility of mergers of agencies where activities overlap.

Recalls, with regard to the latter, that the Commission has indicated a possible overlap between the European Centre for the Development of Vocational Training (Cedefop) and the European Training Foundation, and between the Foundation for the Improvement of Living and Working Conditions and the Agency for Safety and Health at Work;

22. Furthermore, invites the Commission, in line with its proposal on European Governance (aimed at concentrating its activity on the core tasks), to include in its action programme for 2004 the appropriate proposals with a view to avoiding the duplication of work, either between agencies with similar activities, or between the activities of the agencies and those of the Commission;
 23. Reiterates its call on the Commission to submit a proposal for an amendment to the constituent acts of the agencies to ensure that their directors may in future be appointed only with the assent of Parliament; awaits proposals from the Commission to this effect, to be submitted by 1 December 2003 at the latest.
-

EUROPEAN PARLIAMENT DECISION

of 6 November 2003

on the discharge to the Director of the European Monitoring Centre on Racism and Xenophobia in respect of the implementation of its budget for the financial year 2001

(2003/892/EC)

THE EUROPEAN PARLIAMENT,

- having regard to the Court of Auditors' report on the financial statements of the European Monitoring Centre on Racism and Xenophobia for the financial year 2001, together with the Centre's replies ⁽¹⁾ (C5-0094/2003),
 - having regard to the Council's recommendation of 7 March 2003 (C5-0095/2003),
 - having regard to the EC Treaty, and in particular Article 276 thereof,
 - having regard to Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities ⁽²⁾ and in particular Article 185 thereof,
 - having regard to Commission Regulation (EC, Euratom) No 2343/2002 of 23 December 2002 on the framework Financial Regulation for the bodies referred to in Article 185 of Council Regulation (EC, Euratom) No 1605/2002 on the Financial Regulation applicable to the general budget of the European Communities ⁽³⁾ and, in particular, Article 94 thereof,
 - having regard to Rule 93a and Annex V of its Rules of Procedure,
 - having regard to its decision of 8 April 2003 on the postponement of the decision concerning discharge and its resolution containing the comments accompanying that decision ⁽⁴⁾,
 - having regard to the report of the Committee on Budgetary Control (A5-0360/2003),
1. Gives discharge to the Director of the European Monitoring Centre on Racism and Xenophobia in respect of the implementation of its budget for the financial year 2001;
 2. Records its comments in the accompanying resolution;
 3. Instructs its President to forward this decision and the accompanying resolution to the Director of the European Monitoring Centre on Racism and Xenophobia, the Council, the Commission and the Court of Auditors and to have them published in the *Official Journal of the European Union* (L series).

The Secretary-General
Julian PRIESTLEY

The President
Pat COX

⁽¹⁾ OJ C 326, 27.12.2002, p. 72.

⁽²⁾ OJ L 248, 16.9.2002, p. 1.

⁽³⁾ OJ L 357, 31.12.2002, p. 72.

⁽⁴⁾ OJ L 148, 16.6.2003, pp. 16 and 18.

EUROPEAN PARLIAMENT RESOLUTION**containing the comments accompanying the decision on the discharge to the Director of the European Monitoring Centre on Racism and Xenophobia in respect of the implementation of its budget for the financial year 2001**

THE EUROPEAN PARLIAMENT,

- having regard to the Court of Auditors' report on the financial statements of the European Monitoring Centre on Racism and Xenophobia for the financial year 2001, together with the Centre's replies ⁽¹⁾ (C5-0094/2003),
- having regard to the Council's recommendation of 7 March 2003 (C5-0095/2003),
- having regard to the EC Treaty, and in particular Article 276 thereof,
- having regard to Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities ⁽²⁾ and in particular Article 185 thereof,
- having regard to Commission Regulation (EC, Euratom) No 2343/2002 of 23 December 2002 on the framework Financial Regulation for the bodies referred to in Article 185 of Council Regulation (EC, Euratom) No 1605/2002 on the Financial Regulation applicable to the general budget of the European Communities ⁽³⁾ and, in particular, Article 94 thereof,
- having regard to Rule 93a and Annex V of its Rules of Procedure,
- having regard to its decision of 8 April 2003 on the postponement of the decision concerning discharge and its resolution containing the comments accompanying that decision ⁽⁴⁾,
- having regard to the report of the Committee on Budgetary Control (A5-0360/2003),

A. whereas in its abovementioned resolution, Parliament

- welcomed the fact that it is henceforth the competent authority for giving discharge to the Community bodies referred to in Article 185(1) of the new Financial Regulation, and
- stressed that in order to fulfil its new responsibilities in this respect it expected to receive all relevant and necessary information from these bodies in reply to questions that it would have forwarded to them;

B. whereas its competent Committee has received answers to such questions;

C. whereas the Agency's answers to the abovementioned questions, in many respects, provided Parliament with updated information; such information is supplementary to the observations contained in the Court of Auditors' report on the financial statement of the European Monitoring Centre on Racism and Xenophobia (EUMC) for 2001 and to the Agency's replies to these observations;

D. whereas the condition that Parliament takes a decision on discharge after it has been adequately informed was thus met;

1. Notes the following figures for the accounts of the European Monitoring Centre on Racism and Xenophobia for the financial years 2001 and 2000;

⁽¹⁾ OJ C 326, 27.12.2002, p. 72.

⁽²⁾ OJ L 248, 16.9.2002, p. 1.

⁽³⁾ OJ L 357, 31.12.2002, p. 72.

⁽⁴⁾ OJ L 148, 16.6.2003, pp. 16 and 18.

Revenue and expenditure account for the financial years 2001 and 2000

(1 000 EUR)

	2001	2000
Revenue collected for the financial year		
Commission subsidies	5 000	4 250
Financial revenue	46	61
Total revenue (a)	5 046	4 311
Budgetary expenditure for the financial year		
<i>Staff — Title I of the budget</i>		
Payments	2 072	1 935
Appropriations carried over	67	84
<i>Administration — Title II of the budget</i>		
Payments	662	987
Appropriations carried over	151	106
<i>Operational activities — Title III of the budget</i>		
Payments	990	898
Appropriations carried over	1 181	643
Total expenditure (b)	5 123	4 653
Outturn for the financial year (a-b) ⁽¹⁾	- 77	- 342
Balance carried over from the previous financial year	179	737
Appropriations carried over from the previous financial year which lapse	75	310
Appropriations for reuse from the financial year 2000, not utilised	—	5
Repayments to the Commission	- 174	- 533
Exchange-rate differences	- 11	2
Balance for the financial year	- 8	179

NB: Any discrepancies in totals are due to the effects of rounding.

Source: European Monitoring Centre on Racism and Xenophobia.

(¹) The negative outturn and own capital balances do not constitute a loss of capital. They result from the application of the Financial Regulation in respect of revenue.

Budgetary implementation/recurrent problems

- Notes the Centre's efforts to prepare its work programme at an earlier stage and the measures taken in order to introduce tighter monitoring of the implementation of appropriations and the work programme;
- Expects the positive results of such measures to be confirmed during the subsequent financial year and looks forward to being fully informed by the Centre on this matter in the context of the next discharge procedure;
- Encourages the Centre to continue its efforts to follow its operational activities closely and to make further efforts to resolve recurrent problems in its relations with the Raxen network; notes in this respect that such problems are 'systemic' in nature;

5. Takes the view that there is scope for developing a harmonised approach between agencies in dealing with such problems; expects the Centre to intensify its contacts with other agencies faced with similar problems in their relations with networks of national points in order for a 'best practice approach' to be developed and applied;

Application of financial provisions

6. Notes the Centre's efforts with a view to facilitating the correct application of the new Financial Regulation; expects such efforts to be continued, especially in the areas of internal audit/control with a view to further improving its financial management;

General points concerning the agencies

Operational tasks

7. Reiterates, in the light of the fact that, in the case of many agencies, administrative expenditure exceeds operational expenditure, there is scope for these agencies to be entrusted with more operational tasks; takes the view that they could for example be entrusted with implementing Community programmes in the field of education or health, thus helping to avoid the unnecessary creation of further executive agencies by the Commission; regrets that the Commission did not comply with Parliament's request ⁽¹⁾ to make proposals in this respect by 30 June 2003; invites the agencies to identify areas where they could take over implementation of Community programmes currently managed by the Commission and to make proposals in this respect by the end of 2003;
8. Welcomes, in this context, the proposal from the European Training Foundation (ETF) to take up possible further tasks; invites the Commission to use the ETF's expertise in a wider geographical area than at present and for providing technical assistance to programmes such as Tempus and Erasmus Mundus;

Adapting the financial rules to the new Financial Regulation

9. Expects the agencies to complete their procedures for bringing into line their internal financial rules with the requirements of the new framework Financial Regulation as soon as possible and in any event by the end of the year at the latest; recalls that such internal financial rules may not depart from the framework Financial Regulation except where the specific operating needs of an agency so require and with the Commission's prior consent; calls on the agencies once they have completed such a process to inform Parliament's competent committees; asks the Court of Auditors to give an opinion on all financial provisions adopted by the agencies which depart from the framework Financial Regulation;
10. Reiterates its call to the agencies to ensure a strict segregation of duties between authorising officer(s) and accounting officer(s); recalls the enhanced role of the latter in:
 - (a) laying down and validating the accounting systems;
 - (b) keeping the accounts;
 - (c) validating systems laid down by the authorising officer to supply accounting information;
 - (d) cooperating with the Commission's accounting officer;
 - (e) preparing and presenting the financial statements and the reports on implementation of the budget;

Stresses, furthermore, that accounting officers must be appointed by the management boards of the agencies on the grounds of adequate competence and professional experience; also expects that computerised systems put in place to guarantee the existence of a complete audit trail for each operation in order to ensure transparency;

⁽¹⁾ See paragraph 14 of Parliament's resolution containing the comments accompanying the decision concerning discharge to the Management Board of the European Centre for the Development of Vocational Training in respect of the implementation of its budget for the financial year 2001 (OJ L 148, 16.6.2003, p. 83).

11. Reminds the agencies that they should fully respect public procurement procedures as laid down in the Financial Regulation; stresses that open calls for tender must be used as much as possible in order to enhance transparency and to ensure equal treatment of potential tenderers; emphasises that non-respect of public procurement rules is not only potentially detrimental to the financial interests of the agencies but can also be a criminal offence under the law of Member States;

Internal audit and control

12. Recalls that among the important features of the new Financial Regulation are the increased responsibility of authorising officers and the setting-up of internal audit capabilities in order to counter the risk of irregularities and mismanagement; therefore invites:
 - the Court of Auditors to increase the number of checks carried out by its auditors,
 - the agencies to thoroughly review their procedures for implementing their budgets in line with the newly created framework,
 - the Commission to cooperate closely with the agencies, especially in the areas of accounting, internal audit and management and control procedures,in order for appropriate and harmonised solutions to be put into practice;
13. Invites the Commission to propose a change to Regulation (EC, Euratom) No 2343/2002 on the framework Financial Regulation governing the agencies in order to give the agencies' respective internal auditors real powers of scrutiny instead of merely an advisory role, as is currently the case;
14. Is extremely concerned that the Commission's Internal Audit Service (IAS) does not carry out any checks on the agencies; stresses that this implies that Articles 71 and 72 of Regulation (EC, Euratom) No 2343/2002 are not being adhered to and that, in practice, an outside control of the quality of management and control systems of the agencies is left to be carried out in the context of the Court of Auditors control; calls, therefore, on the Commission to ensure that the necessary resources are made available so that the IAS is in a position to fulfil its tasks with regard to the internal control systems in the agencies;

Cooperation with OLAF

15. Invites the Court of Auditors to report by the end of the year on whether the Community bodies duly cooperate with the European Anti-fraud Office (OLAF) and apply the corresponding Interinstitutional Agreement of 25 May 1999 ⁽¹⁾ unreservedly; also asks the Court of Auditors to evaluate the effectiveness of this cooperation on the basis of the cases processed so far;

Preparing the agencies for enlargement

16. Invites the Commission, with a view to accelerating the efforts towards preparing the integration of the future Member States, to make the appropriate proposals, before the adoption of the 2004 budget, aimed at:
 - fostering better functioning of these Community bodies,
 - ensuring better value for money through a cost/benefit analysis,
 - avoiding any unnecessary creation of new agencies.

Stresses that the further expansion, on the occasion of enlargement, of the administrative boards of the agencies, which, as a general rule, are already very ponderous, would not be acceptable, on grounds of both efficiency and cost; considers that enlargement offers a good opportunity to thoroughly reconsider the composition and working methods of these administrative boards;

17. Calls, therefore, on the Commission, in making such proposals, to consider, *inter alia*:
 - entrusting the agencies with further operational tasks such as the carrying out of programmes, where appropriate,

⁽¹⁾ OJ L 136, 31.5.1999, p. 15.

- setting up joint boards for more agencies, especially for those with similar tasks,
- the possibility of mergers of agencies in case of overlapping of activities.

Recalls with regard to the latter, that the Commission has indicated a possible overlap between the European Centre for the Development of Vocational Training (Cedefop) and the European Training Foundation, and between the Foundation for the Improvement of Living and Working Conditions and the Agency for Safety and Health at Work;

18. Furthermore, invites the Commission, in line with its proposal on European Governance (aimed at concentrating its activity on the core tasks), to include in its action programme for 2004 the appropriate proposals with a view to avoiding the duplication of work, either between agencies with similar activities, or between the activities of the agencies and those of the Commission;
 19. Reiterates its call on the Commission to submit a proposal for an amendment to the constituent acts of the agencies to ensure that their directors may in future be appointed only with the assent of Parliament; awaits proposals from the Commission to this effect, to be submitted by 1 December 2003 at the latest.
-

COUNCIL

COUNCIL DECISION of 15 December 2003

on trade in certain steel products between the European Community and Ukraine

(2003/893/EC)

THE COUNCIL OF THE EUROPEAN UNION,

HAS DECIDED AS FOLLOWS:

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

Article 1

Having regard to the proposal from the Commission,

During the period 1 January to 31 December 2004, imports into the Community of steel products referred to in Annex I originating in Ukraine shall be subject to licensing.

Whereas:

(1) The Partnership and Cooperation Agreement between the European Communities and their Member States, of the one part, and Ukraine, of the other part ⁽¹⁾, provides in Article 22(1) thereof, that trade in some steel products is to be the subject of a specific agreement.

Article 2

Imports shall be authorised, for each product group and for the whole of the Community, up to the quantitative limits indicated in Annex II.

(2) The previous bilateral agreement between the European Coal and Steel Community (ECSC) and the Government of Ukraine on trade for certain steel products expired on 31 December 2001.

Licences shall be issued only within these limits.

(3) The European Community has taken over the international obligations of the ECSC since the expiry of the ECSC Treaty, and measures relating to trade in steel products with third countries now fall under the competence of the Community in the field of trade policy.

Article 3

The rules for issuing licences and other relevant provisions shall be published in the *Official Journal of the European Union*.

(4) The Parties agreed to conclude a new agreement and the negotiations of this new agreement have not yet been completed.

Member States shall issue licences according to those rules and inform the Commission thereof immediately. The Commission shall keep the Member States regularly informed of the extent to which the quantities have been used up.

(5) Pending the signature and the entry into force of the new agreement, quantitative limits for the year 2004 should be established; these limits should be reviewed in the light of accession of new Member States to the Community on 1 May 2004.

The Member States and the Commission shall confer in order to ensure that these quantities are not exceeded.

(6) Given that the tax of EUR 30/tonne on exports of ferrous scrap applied as of 1 January 2003 has not been lifted nor diminished, it is appropriate to set the quantitative limits for the year 2004 at the same level as for the year 2003,

Article 4

The provisions of the agreement on trade in certain steel products together with any measures to give effect to it, shall as from the date of entry into force of the said agreement replace the provisions of this Decision.

⁽¹⁾ OJ L 49, 19.2.1998, p. 3.

Article 5

This Decision shall take effect on the day of its publication in the *Official Journal of the European Union*.

Done at Brussels, 15 December 2003.

For the Council

The President

A. MARZANO

ANNEX I

PRODUCTS REFERRED TO IN ARTICLE 1

SA Flat-rolled products	7209 16 90	7219 33 90	7214 30 00
	7209 17 10	7219 34 10	7214 91 10
	7209 17 90	7219 34 90	7214 91 90
SA1 (Coils)	7209 18 10	7219 35 10	7214 99 10
	7209 18 91	7219 35 90	7214 99 31
7208 10 00	7209 18 99		7214 99 39
7208 25 00	7209 25 00	7225 40 80	7214 99 50
7208 26 00	7209 26 10		7214 99 61
7208 27 00	7209 26 90		7214 99 69
7208 36 00	7209 27 10	SB Longs	7214 99 80
7208 37 10	7209 27 90		7214 99 90
7208 37 90	7209 28 10	SB1 (Beams)	
7208 38 10	7209 28 90		7215 90 10
7208 38 90	7209 28 90	7207 19 31	
7208 39 10	7209 30 10	7207 20 71	
7208 39 90			7216 10 00
	7210 11 10		7216 21 00
7211 14 10	7210 12 11	7216 31 11	7216 22 00
7211 19 20	7210 12 19	7216 31 19	7216 40 10
	7210 20 10	7216 31 91	7216 40 90
7219 11 00	7210 30 10	7216 31 99	7216 50 10
7219 12 10	7210 41 10	7216 32 11	7216 50 91
7219 12 90	7210 49 10	7216 32 19	7216 50 99
7219 13 10	7210 50 10	7216 32 91	7216 99 10
7219 13 90	7210 61 10	7216 32 99	
7219 14 10	7210 69 10	7216 33 10	7218 99 20
7219 14 90	7210 70 31	7216 33 90	
	7210 70 39		7222 11 11
7225 20 20	7210 90 31		7222 11 19
7225 30 00	7210 90 33	SB2 (Wire rod)	7222 11 21
	7210 90 38		7222 11 29
		7213 10 00	7222 11 91
SA2 (Heavy plate)		7213 20 00	7222 11 99
	7211 14 90	7213 91 10	7222 11 99
7208 40 10	7211 19 90	7213 91 20	7222 19 10
7208 51 10	7211 23 10	7213 91 41	7222 19 90
7208 51 30	7211 23 51	7213 91 49	7222 30 10
7208 51 50	7211 29 20	7213 91 70	7222 40 10
7208 51 91	7211 90 11	7213 91 90	7222 40 30
7208 51 99		7213 99 10	
7208 52 10		7213 99 90	7224 90 31
7208 52 91	7212 10 10		7224 90 39
7208 52 99	7212 10 91		
7208 53 10	7212 20 11	7221 00 10	
	7212 30 11	7221 00 90	7228 10 10
	7212 40 10		7228 10 30
7211 13 00	7212 40 91	7227 10 00	7228 20 11
	7212 40 91	7227 20 00	7228 20 19
7225 40 20	7212 50 31	7227 90 10	7228 20 30
7225 40 50	7212 50 51	7227 90 50	7228 30 20
7225 99 10	7212 60 11	7227 90 95	7228 30 41
	7212 60 91		7228 30 49
			7228 30 61
SA3 (Other flat rolled products)	7219 21 10	SB3 (Other longs)	7228 30 69
	7219 21 90		7228 30 70
7208 40 90	7219 22 10	7207 19 11	7228 30 89
7208 53 90	7219 22 90	7207 19 14	7228 60 10
7208 54 10	7219 23 00	7207 19 16	7228 70 10
7208 54 90	7219 24 00	7207 20 51	7228 70 31
7208 90 10	7219 31 00	7207 20 55	7228 80 10
	7219 32 10	7207 20 57	7228 80 90
7209 15 00	7219 32 90		
7209 16 10	7219 33 10	7214 20 00	7301 10 00

ANNEX II

QUANTITATIVE LIMITS REFERRED TO IN ARTICLE 2

Products	Tonnes
<i>SA Flat products</i>	
SA1 (Coils)	19 190
SA2 (Heavy plate)	73 444
SA3 (Other flat products)	5 926
<i>SB Long products</i>	
SB1 (Beams)	2 583
SB2 (Wire rod)	36 904
SB3 (Other long products)	46 499

COMMISSION

COMMISSION DECISION of 11 December 2003

setting out the arrangements for Community comparative trials and tests on propagating and planting material of *Prunus persica* (L) Batsch, *Malus Mill.* and *Rubus idaeus* L. pursuant to Council Directive 92/34/EEC

(notified under document number C(2003) 4628)

(2003/894/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 92/34/EEC of 28 April 1992 on the marketing of fruit plant propagating material and fruit plants intended for fruit production ⁽¹⁾, as last amended by Commission Directive 2003/111/EC ⁽²⁾, and in particular Article 20(4), (5) and (6) thereof,

Whereas:

- (1) Directive 92/34/EEC provides for the necessary arrangements to be made by the Commission for Community comparative trials and tests of propagating and planting material.
- (2) The technical arrangements for the carrying-out of the trials and tests have been made within the Standing Committee on Propagating Material and Plants of Fruit Genera and Species.
- (3) A call for projects (2003/C 159/08) ⁽³⁾ was published for the carrying-out of the above trials and tests.
- (4) The proposals have been assessed according to the selection and awarding criteria set out in the above call for projects. The projects, the bodies responsible for the carrying-out of tests and trials and the eligible costs as well as the maximum Community financial contribution, corresponding to 80 % of the eligible costs, should be established.
- (5) Community comparative trials and tests should be carried out from the year 2004 to 2008 on propagating and planting material harvested in 2003, and the details of such trials and tests, the eligible costs as well as the maximum Community financial contribution should also be set out yearly by an agreement signed by the authorised officer of the Commission and the body responsible for carrying out of trials.

- (6) For Community comparative trials and tests lasting more than one year, the parts of the trials and tests following the first year should be authorised by the Commission without further reference to the Standing Committee on Propagating Material and Plants of Fruit Genera and Species, on condition that the necessary appropriations are available.
- (7) Adequate representativity of the samples included in the trials and tests should be ensured, at least for certain selected plants.
- (8) Member States should participate in the Community comparative trials and tests, in so far as propagating and planting material of the plants concerned are usually reproduced or marketed in their territories, in order to ensure that proper conclusions may be drawn therefrom.
- (9) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Propagating Material and Plants of Fruit Genera and Species,

HAS ADOPTED THIS DECISION:

Article 1

Community comparative trials and tests shall be carried out from 2004 to 2008 on propagating and planting material of the plants listed in the Annex.

The eligible costs as well as the maximum Community financial contribution for the trials and tests for 2004 shall be as set out in the Annex.

The details of the trials and tests are set out in the Annex.

⁽¹⁾ OJ L 157, 10.6.1992, p. 10.

⁽²⁾ OJ L 311, 27.11.2003, p. 12.

⁽³⁾ OJ C 159, 8.7.2003, p. 19.

Article 2

In so far as propagating and planting material of the plants listed in the Annex is usually reproduced or marketed in their territories, the Member States shall take samples of this material and make it available to the Commission. The Member States shall cooperate for technical aspects such as the sampling and inspections related to the carrying-out.

Article 3

Subject to budgetary availability, the Commission may decide to continue the trials and tests set out in the Annex in the years 2005 to 2008.

The maximum Community financial contribution corresponding to 80 % of the eligible costs of a trial or test continued on this basis shall not exceed the amount specified in the Annex.

Article 4

This Decision is addressed to the Member States.

Done at Brussels, 11 December 2003.

For the Commission

David BYRNE

Member of the Commission

ANNEX

Trials and tests to be carried out in 2004

(euro)

Species	Number of samples	Conditions to be assessed	Responsible body	Eligible costs	Maximum Community financial contribution (equivalent to 80 % of the eligible costs)
<i>Prunus persica</i> (L.) Batsch (*)	50	Varietal identity and purity and plant health (field) Plant health (laboratory)	ISPV Rome (I)	21 100	16 880
	50	Varietal identity and purity and plant health (field) Plant health (laboratory)	GA-CEPV Zaragoza (E)	34 240	27 392
<i>Malus</i> Mill. (*)	50	Varietal identity and purity and plant health (field) Plant health (laboratory)	NAKT Roelofar-endsveen (NL)	26 652	21 322
	50	Varietal identity and purity and plant health (field) Plant health (laboratory)	CTIFL Paris (F)	23 450	18 760
<i>Rubus idaeus</i> L. (*)	60	Varietal identity and purity and plant health (field) Plant health (laboratory)	NAKT Roelofar-endsveen (NL)	23 453	18 763
Total Community financial contribution				103 117	

Trials and tests to be carried out in 2005

(EUR)

Species	Number of samples	Conditions to be assessed	Responsible body	Eligible costs	Maximum Community financial contribution (equivalent to 80 % of the eligible costs)
<i>Prunus persica</i> (L.) Batsch (*)	50	Varietal identity and purity and plant health (field) Plant health (laboratory)	ISPV Rome (I)	31 000	24 800
	50	Varietal identity and purity and plant health (field) Plant health (laboratory)	GA-CEPV Zaragoza (E)	34 925	27 940
<i>Malus</i> Mill. (*)	50	Varietal identity and purity and plant health (field) Plant health (laboratory)	NAKT Roelofar-endsveen (NL)	13 604	10 883
	50	Varietal identity and purity and plant health (field) Plant health (laboratory)	CTIFL Paris (F)	18 125	14 500
<i>Rubus idaeus</i> L. (*)	60	Varietal identity and purity and plant health (field) Plant health (laboratory)	NAKT Roelofar-endsveen (NL)	9 942	7 953
Total Community financial contribution				86 076	

Trials and tests to be carried out in 2006

(EUR)

Species	Number of samples	Conditions to be assessed	Responsible body	Eligible costs	Maximum Community financial contribution (equivalent to 80 % of the eligible costs)
<i>Prunus persica</i> (L.) Batsch (*)	50	Varietal identity and purity and plant health (field) Plant health (laboratory)	ISPV Rome (I)	33 000	26 400
	50	Varietal identity and purity and plant health (field) Plant health (laboratory)	GA- CEPV Zaragoza (E)	35 624	28 499
<i>Malus</i> Mill. (*)	50	Varietal identity and purity and plant health (field) Plant health (laboratory)	NAKT Roelofar-endsveen (NL)	17 765	14 212
	50	Varietal identity and purity and plant health (field) Plant health (laboratory)	CTIFL Paris (F)	28 773	23 018
<i>Rubus idaeus</i> L. (*)	60	Varietal identity and purity and plant health (field) Plant health (laboratory)	NAKT Roelofar-endsveen (NL)	25 351	20 281
Total Community financial contribution				112 410	

Trials and tests to be carried out in 2007

(EUR)

Species	Number of samples	Conditions to be assessed	Responsible body	Eligible costs	Maximum Community financial contribution (equivalent to 80 % of the eligible costs)
<i>Malus</i> Mill. (*)	50	Varietal identity and purity and plant health (field) Plant health (laboratory)	NAKT Roelofar-endsveen (NL)	18 013	14 410
Total Community financial contribution				14 410	

Trials and tests to be carried out in 2008

(EUR)

Species	Number of samples	Conditions to be assessed	Responsible body	Eligible costs	Maximum Community financial contribution (equivalent to 80 % of the eligible costs)
<i>Malus</i> Mill. (*)	50	Varietal identity and purity and plant health (field) Plant health (laboratory)	NAKT Roelofar-endsveen (NL)	39 501	31 601
Total Community financial contribution				31 601	

(*) Trial and tests lasting more than one year.

**COMMISSION DECISION
of 19 December 2003**

amending Decision 2002/251/EC to revoke the protective measures with regard to certain consignments of poultrymeat imported from Thailand

(notified under document number C(2003) 4846)

(Text with EEA relevance)

(2003/895/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety ⁽¹⁾, and in particular Article 53(1) thereof,

Having regard to Council Directive 97/78/EC of 18 December 1997 laying down the principles governing the organisation of veterinary checks on products entering the Community from third countries ⁽²⁾, and in particular Article 22(1) thereof,

Whereas:

- (1) Commission Decision 2002/251/EC of 27 March 2002 concerning certain protective measures with regard to poultrymeat and certain fishery and aquaculture products intended for human consumption and imported from Thailand ⁽³⁾ was adopted because of the presence of nitrofurans in poultrymeat and shrimps imported from Thailand.
- (2) Decision 2002/251/EC was amended by Decision 2003/477/EC ⁽⁴⁾ to revoke the systematic checks imposed on shrimp consignments certified after 21 September 2002 and by Decision 2003/559/EC to reduce the systematic checks imposed on consignments of poultrymeat certified after 21 September 2002. Those amendments were based on the results of the tests carried out by the Member States and on the guarantees provided by the competent authority in Thailand.
- (3) The results of the reinforced checks carried out by Member States in poultrymeat imported from Thailand continue to be favourable. Therefore, the reinforced

checks imposed by Decision 2002/251/EC, as amended by Decision 2003/559/EC, should no longer be applied to those consignments certified by the Thai authority after the date of 21 September 2002 as having been submitted to a systematic pre-shipment check. Systematic checks should only be maintained for consignments certified prior to that date.

- (4) Decision 2002/251/EC should therefore be amended accordingly.
- (5) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS DECISION:

Article 1

Decision 2002/251/EC is amended as follows:

Article 2(1) is replaced by the following:

'1. Member States shall, using appropriate sampling plans and detection methods, subject each consignment of shrimps and poultrymeat imported from Thailand and accompanied by a health certificate issued before the date of 21 September 2002, to a chemical test in order to ensure that the products concerned do not present a danger to human health. The test must be carried out, in particular, with a view to detecting the presence of antimicrobial substances and in particular nitrofurans and their metabolites.'

Article 2

This Decision shall apply from 23 December 2003.

⁽¹⁾ OJ L 31, 1.2.2002, p. 1. Regulation as amended by Regulation (EC) No 1642/2003 (OJ L 245, 29.9.2003, p. 4).

⁽²⁾ OJ L 24, 30.1.1998, p. 9. Directive as amended by the Act of Accession of 2003.

⁽³⁾ OJ L 84, 28.3.2002, p. 77. Decision as last amended by Decision 2003/559/EC (OJ L 189, 29.7.2003, p. 52).

⁽⁴⁾ OJ L 158, 27.6.2003, p. 61.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 19 December 2003.

For the Commission
David BYRNE
Member of the Commission

COMMISSION DECISION

of 19 December 2003

allowing Member States to extend provisional authorisations granted for the new active substances thiacloprid, thiametoxam, quinoxyfen, flazasulfuron, *Spodoptera exigua* nuclear polyhedrosis virus, spinosad, *Gliocladium catenulatum*, *Pseudomonas chlororaphis* and indoxacarb

(notified under document number C(2003) 4851)

(Text with EEA relevance)

(2003/896/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 91/414/EEC of 15 July 1991 concerning the placing of plant protection products on the market ⁽¹⁾, as last amended by Commission Directive 2003/84/EC ⁽²⁾ and in particular the fourth subparagraph of Article 8(1) thereof,

Whereas:

- (1) In accordance with Article 6(2) of Directive 91/414/EEC, in September 1998 the United Kingdom received an application from Bayer AG (now Bayer CropScience) for the inclusion of the active thiacloprid in Annex I to Directive 91/414/EEC. Commission Decision 2000/181/EC ⁽³⁾ confirmed that the dossier was complete and could be considered as satisfying, in principle, the data and information requirements of Annex II and Annex III to the Directive.
- (2) The authorities of Spain received a similar application in March 1999 from Novartis Crop Protection AG (now Bayer CropScience) concerning thiametoxam. This dossier was declared complete by Commission Decision 2000/181/EC.
- (3) The authorities of the United Kingdom received a similar application in August 1995 from Dow Elanco Europe (now Dow AgroSciences) concerning quinoxyfen. This dossier was declared complete by Commission Decision 96/457/EC ⁽⁴⁾.
- (4) The authorities of Spain received a similar application in December 1996 from ISK Biosciences Europe SA concerning flazasulfuron. This dossier was declared complete by Commission Decision 97/865/EC ⁽⁵⁾.
- (5) The authorities of the Netherlands received a similar application in July 1996 from Biosys concerning *Spodoptera exigua* nuclear polyhedrosis virus. This dossier was declared complete by Decision 97/865/EC.

- (6) The authorities of the Netherlands received a similar application in July 1999 from Dow AgroSciences concerning spinosad. This dossier was declared complete by Decision Commission 2000/210/EC ⁽⁶⁾.
- (7) The authorities of Finland received a similar application in May 1998 from Kemira Agro Oy concerning *Gliocladium catenulatum*. This dossier was declared complete by Commission Decision 1999/392/EC ⁽⁷⁾.
- (8) The authorities of Sweden received a similar application in December 1994 from Bio Agri AB concerning *Pseudomonas chlororaphis*. This dossier was declared complete by Commission Decision 97/248/EC ⁽⁸⁾.
- (9) The authorities of the Netherlands received a similar application in October 1997 from Du Pont de Nemours France SA concerning indoxacarb. This dossier was declared complete by Commission Decision 98/398/EC ⁽⁹⁾.
- (10) Confirmation of the completeness of the dossiers was necessary in order to allow them to be examined in detail and to allow Member States the possibility of granting provisional authorisations, for periods up to three years, for plant protection products containing the active substances concerned, while complying with the conditions laid down in Article 8(1) of Directive 91/414/EEC and, in particular, the condition relating to the detailed assessment of the active substance and the plant protection product in the light of the requirements laid down by the Directive.
- (11) For these active substances, the effects on human health and the environment have been assessed, in accordance with the provisions of Article 6(2) and (4) of Directive 91/414/EEC, for the uses proposed by the respective applicants. The rapporteur Member States submitted the draft assessment reports to the Commission on 29 November 2000 (thiacloprid), 20 January 2002 (thiametoxam), 11 October 1996 (quinoxyfen), 1 August 1999 (flazasulfuron), 19 November 1999 (*Spodoptera exigua* nuclear polyhedrosis virus), 1 February 2001 (spinosad), 16 May 2001 (*Gliocladium catenulatum*), 7 April 1998 (*Pseudomonas chlororaphis*) and 7 February 2000 (indoxacarb).

⁽¹⁾ OJ L 230, 19.8.1991, p. 1.⁽²⁾ OJ L 247, 30.9.2003, p. 20.⁽³⁾ OJ L 57, 2.3.2000, p. 35.⁽⁴⁾ OJ L 189, 30.7.1996, p. 112.⁽⁵⁾ OJ L 351, 23.12.1997, p. 67.⁽⁶⁾ OJ L 64, 11.3.2000, p. 24.⁽⁷⁾ OJ L 148, 15.6.1999, p. 44.⁽⁸⁾ OJ L 98, 15.4.1997, p. 15.⁽⁹⁾ OJ L 176, 20.6.1998, p. 34.

- (12) The examination of the dossiers is still ongoing after submission of the draft assessment reports by the respective rapporteur Member States and it will not be possible to complete the evaluation within the timeframe foreseen by Council Directive 91/414/EEC.
- (13) As the evaluation so far has not identified any reason for immediate concern, Member States should be given the possibility of prolonging provisional authorisations granted for plant protection products containing the active substances concerned for a period of 24 months in accordance with the provisions of Article 8 of Directive 91/414/EEC so as to enable the examination of the dossiers to continue. It is expected that the evaluation and decision-making process with respect to a decision on possible Annex I inclusion for each of the active substances concerned will have been completed within 24 months.
- (14) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS DECISION:

Article 1

Member States may extend provisional authorisations for plant protection products containing thiacloprid, thiametoxam, quinoxyfen, flazasulfuron, *Spodoptera exigua* nuclear polyhedrosis virus, spinosad, *Giocladium catenulatum*, *Pseudomonas chlororaphis* or indoxacarb for a period not exceeding 24 months from the date of adoption of this Decision.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 19 December 2003.

For the Commission

David BYRNE

Member of the Commission

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

COMMON STRATEGY 2003/897/CFSP OF THE EUROPEAN COUNCIL
of 12 December 2003
amending Common Strategy 1999/877/CFSP on Ukraine in order to extend the period of its application

THE EUROPEAN COUNCIL,

HAS ADOPTED THIS COMMON STRATEGY:

Having regard to the Treaty on European Union, in particular Article 13(2) thereof,

Having regard to the recommendation of the Council,

Whereas:

- (1) Common Strategy 1999/877/CFSP of the European Union of 11 December 1999 on Ukraine ⁽¹⁾ expires on 23 December 2003.
- (2) It is considered necessary to amend Common Strategy 1999/877/CFSP in order to extend the period of its application,

Sole Article

In Part IV of Common Strategy 1999/877/CFSP, the first point entitled 'Duration' shall be replaced by the following:

'67. This Common Strategy shall apply until 23 December 2004. It may be prolonged, reviewed and, if necessary, adapted by the European Council on the recommendation of the Council.'

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

Done at Brussels, 12 December 2003.

For the Council
The President
S. BERLUSCONI

⁽¹⁾ OJ L 331, 23.12.1999, p. 1.