

English edition

## Legislation

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## I

(Acts whose publication is obligatory)

**COMMISSION REGULATION (EC) No 127/2003**  
**of 24 January 2003**  
**establishing the standard import values for determining the entry price of certain fruit and vegetables**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

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

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

HAS ADOPTED THIS REGULATION:

*Article 1*

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

*Article 2*

This Regulation shall enter into force on 25 January 2003.

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

Done at Brussels, 24 January 2003.

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

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

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

## ANNEX

**to the Commission Regulation of 24 January 2003 establishing the standard import values for determining the entry price of certain fruit and vegetables**

(EUR/100 kg)

CN code	Third country code <sup>(1)</sup>	Standard import value
0702 00 00	052	100,3
	204	56,5
	212	102,0
	999	86,3
0707 00 05	052	123,1
	628	151,4
	999	137,3
0709 10 00	220	137,7
	999	137,7
0709 90 70	052	127,1
	204	164,3
	999	145,7
0805 10 10, 0805 10 30, 0805 10 50	052	44,3
	204	53,6
	212	45,1
	220	43,7
	624	80,1
	999	53,4
0805 20 10	204	70,3
	999	70,3
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	052	44,4
	204	57,0
	220	89,2
	464	138,3
	600	78,5
	624	81,0
	999	81,4
0805 50 10	052	59,8
	600	72,9
	999	66,3
0808 10 20, 0808 10 50, 0808 10 90	052	131,9
	060	43,3
	400	93,1
	404	104,6
	720	114,5
	999	97,5
0808 20 50	388	104,5
	400	111,2
	720	50,1
	999	88,6

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

## COMMISSION REGULATION (EC) No 128/2003

of 24 January 2003

**concerning the opening of tariff quotas applicable to the importation into the European Community of certain processed agricultural products originating in Switzerland and in Liechtenstein**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3448/93 of 6 December 1993 laying down the trade arrangements applicable to certain goods resulting from the processing of agricultural products<sup>(1)</sup>, as last amended by Regulation (EC) No 2580/2000<sup>(2)</sup>, and in particular Article 7(2) thereof,

Having regard to Council Decision 2000/239/EC of 13 March 2000 concerning the conclusion of an Agreement in the form of an Exchange of Letters between the European Community, of the one part, and the Swiss Confederation, of the other part, on Protocol 2 to the Agreement between the European Economic Community and the Swiss Confederation<sup>(3)</sup>, and in particular Article 2 thereof,

Whereas:

(1) The annual tariff quotas for certain processed agricultural products provided for in the Agreement in the form of an Exchange of Letters between the European Community, of the one part, and the Swiss Confederation, of the other part, on Protocol 2 to the Agreement between the European Economic Community and the Swiss Confederation, hereinafter 'the Agreement', should be opened for 2003.

(2) The annual quota for goods classified under CN codes 2202 10 00 and ex 2202 90 10, laid down in the Agreement, has been exhausted. In accordance with the Agreement it should in consequence be increased by 10 % for 2003.

(3) The preferences provided for in the Free Trade Agreement between the European Economic Community and Switzerland of 22 July 1972 have been extended to the Principality of Liechtenstein by an additional agreement approved by Council Regulation (EEC) No 2840/72<sup>(4)</sup>. The measures laid down in this Regulation should therefore also be applicable to goods originating in Liechtenstein.

(4) Commission Regulation (EEC) No 2454/93 of 2 July 1993 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code<sup>(5)</sup>, as last amended by Regulation (EC) No 1602/2000<sup>(6)</sup>, lays down rules for the management of tariff quotas. It is appropriate to provide that the tariff quotas opened by this Regulation are to be managed in accordance with those rules.

(5) The measures provided for in this Regulation are in accordance with the opinion of the management committee on horizontal questions concerning trade in processed agricultural products not listed in Annex I,

HAS ADOPTED THIS REGULATION:

*Article 1*

The Community tariff quotas for imports of the processed agricultural products originating in Switzerland and in Liechtenstein listed in the Annex shall be opened duty-exempt from 1 January to 31 December 2003.

For imports of goods listed in table 2 of the Annex which exceed the duty exempt quota, a duty of 9,1 % shall be applied.

*Article 2*

The Community tariff quotas referred to in Article 1 shall be managed by the Commission in accordance with Articles 308a, 308b and 308c of Regulation (EEC) No 2454/93.

*Article 3*

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

It shall apply with effect from 1 January 2003.

<sup>(1)</sup> OJ L 318, 20.12.1993, p. 18.

<sup>(2)</sup> OJ L 298, 25.11.2000, p. 5.

<sup>(3)</sup> OJ L 76, 25.3.2000, p. 11.

<sup>(4)</sup> OJ L 300, 31.12.1972, p. 188.

<sup>(5)</sup> OJ L 253, 11.10.1993, p. 1.

<sup>(6)</sup> OJ L 188, 26.7.2000, p. 1.

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

Done at Brussels, 24 January 2003.

*For the Commission*  
Erkki LIIKANEN  
*Member of the Commission*

ANNEX

Serial No	CN code	Description	Quantities for 2003	Applicable rate of duty
09.0911	1302 20 10	Pectic substances, pectinates and pectates: dry	660	Exempt
09.0912	2101 11 11	Extracts, essences and concentrates with a coffee-based dry matter content of 95% or more by weight	2 040	Exempt
09.0913	2101 20 20	Extracts, essences and concentrates of tea or maté	144	Exempt
09.0914	2106 90 92	Food preparations/other containing no milk fats, sucrose, isoglucose, glucose or starch or containing, by weight, less than 1,5% milk fat, 5% sucrose or isoglucose, 5% glucose or starch	1 020	Exempt

Serial No	CN code	Description	Volume (litres)	Rate of duty applicable within the quota	Rate of duty applicable outside the quota
09.0916	2202 10 00 ex 2202 90 10 (Taric code 10)	Waters, including mineral waters and aerated waters, containing added sugar or other sweetening matter or flavoured Other non-alcoholic beverages, containing sugar	99 825 000	Exempt	9,1 %

**COMMISSION REGULATION (EC) No 129/2003**  
**of 24 January 2003**

**laying down detailed rules for determining the mesh size and thickness of twine of fishing nets**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Community,

CHAPTER I

**GENERAL PROVISIONS**

Having regard to Council Regulation (EC) No 850/98 of 30 March 1998 for the conservation of fishery resources through technical measures for the protection of juveniles of marine organisms <sup>(1)</sup>, as last amended by Regulation (EC) No 973/2001 <sup>(2)</sup>, and in particular Article 48 thereof,

*Article 1*

**Definitions**

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

Whereas:

- (a) 'active gear': trawls, Danish seines and similar towed nets;
- (b) 'passive gear': gill nets, entangling nets, trammel nets, which may consist of one or more separate nets which are rigged with top, bottom and connecting ropes, and may be equipped with anchoring floating and navigational gear.

(1) Regulation (EEC) No 2108/84 of 23 July 1984 laying down detailed rules for determining the mesh size of fishing nets <sup>(3)</sup>, as amended by Regulation (EC) No 2550/97, has been substantially amended and since further amendments are to be made, it should be replaced by this Regulation in the interests of clarity and rationalisation.

CHAPTER II

**MESH SIZE OF ACTIVE GEAR**

(2) In order to ensure compliance with technical measures for the conservation of fishery resources, it is necessary to lay down detailed rules for determining the mesh size and the thickness of twine of fishing nets.

*Article 2*

**Gauge for determining mesh sizes**

(3) For the purpose of the control procedure it is necessary to specify the types of gauge to be used how they are to be used, how the meshes to be measured are to be chosen, the method by which each of them is to be measured, how the mesh size of the net is to be calculated, the procedure for the selection of twines of meshes for the assessment of thickness of twine, and to describe the sequence of the inspection procedure.

1. Gauges to be used for determining mesh sizes shall be 2 mm thick, flat, of durable material and capable of retaining their shape. They shall have either a series of parallel-edged sides connected by intermediate tapering edges with a taper of one to eight on each side, or only tapering edges with the taper of one to eight on each side. They shall have a hole at the narrowest extremity.

(4) It is necessary to lay down the conditions whereby the control procedure determines that the thickness of twine of fishing nets exceeds the maximum thickness permitted.

2. The gauges shall be marked 'EC gauge'. Each gauge shall be inscribed on its face with the width in millimetres both on the parallel-side section, if any, and on the tapering section. In the case of the latter the width shall be inscribed at every 1 mm interval and the indication of the width shall appear at regular intervals. A model of the gauges is shown in Annex I.

(5) Where the master of a vessel disputes the result of a measurement in the course of an inspection, provision should be made for a further and final measurement.

*Article 3*

**Use of the gauge in diamond mesh**

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

1. In the case of diamond mesh panels, the net shall be stretched in the direction of the long diagonal of the meshes as shown in Annex II.

2. A gauge as described in Article 2 shall be inserted by its narrowest extremity into the mesh opening in a direction perpendicular to the plane of the net.

3. The gauge shall be inserted into the mesh opening using either manual force or using a weight or dynamometer, until it is stopped at the tapering edges by the resistance of the mesh.

<sup>(1)</sup> OJ L 125, 27.4.1998, p. 1.

<sup>(2)</sup> OJ L 137, 19.5.2001, p. 1.

<sup>(3)</sup> OJ L 194, 24.7.1984, p. 22.

*Article 4***Use of the gauge in square meshes**

1. In the case of square mesh panels, the net shall be stretched first in one diagonal direction and then in the other diagonal direction of the meshes as shown in Annex II.
2. The procedure laid down in Article 3(2) and (3) shall apply to the measurement of each diagonal direction of the square mesh.

*Article 5***Selection of meshes**

1. Meshes to be measured shall form a series of 20 consecutive meshes chosen in the direction of the long axis of the net.
2. Except in square mesh panels, meshes less than 50 cm from lacings, ropes or codline shall not be measured. This distance shall be measured perpendicular to the lacings, ropes or codline with the net stretched in the direction of that measurement. Nor shall any mesh be measured which has been mended or broken or has attachments to the net fixed at that mesh.
3. By way of derogation from paragraph 1, the meshes to be measured need not be consecutive if the application of paragraph 2 prevents it.

*Article 6***Measurement of each mesh**

1. Nets shall be measured only when wet and unfrozen.
2. The size of each diamond mesh shall be the width of the gauge at the point where the gauge is stopped, when using this gauge in accordance with Article 3.
3. The size of each square mesh shall be the width of the gauge at the point where the gauge is stopped when measuring both diagonals in accordance with Article 4.

Where there is a difference in measurement between the diagonals of an individual mesh, the size of the largest diagonal shall be used when calculating mesh size of the square mesh netting.

*Article 7***Determination of the mesh size**

The mesh size of the net shall be the arithmetical mean in millimetres of the measurements of the total number of meshes selected and measured as provided for in Articles 5 and 6, the arithmetical mean being rounded up to the next millimetre.

*Article 8***Inspection procedure**

1. The inspector shall measure one series of 20 meshes, selected in accordance with Article 5, inserting the gauge manually without using a weight or dynamometer.

The mesh size of the net shall then be determined in accordance with Article 7.

2. If the calculation of the mesh size shows that the mesh size does not appear to comply with the rules in force, then two additional series of 20 meshes selected in accordance with Article 5 shall be measured.

The mesh size shall then be recalculated in accordance with Article 7, taking into account all 60 meshes already measured. Without prejudice to Article 9, this shall be the mesh size of the net.

*Article 9***Measurement in case of disputes**

1. If the master of the vessel disputes the mesh size determined in accordance with Article 8, such measurement shall not be considered for the determination of the mesh size and the net shall be re-measured.

2. A weight or dynamometer attached to the gauge shall be used for re-measurement.

The choice of weight or dynamometer shall be at the discretion of the inspector.

The weight shall be fixed to the hole in the narrowest extremity of the gauge using a hook. The dynamometer may either be fixed to the hole in the narrowest extremity of the gauge or be applied at the largest extremity of the gauge.

The accuracy of the weight or dynamometer shall be certified by the appropriate national authority.

3. For nets of a mesh size of 35 mm or less as determined in accordance with Article 8, a force of 19,61 newtons (equivalent to a mass of 2 kilograms) shall be applied and for other nets a force of 49,03 newtons (equivalent to a mass of 5 kilograms).

4. For the purposes of determining the mesh size in accordance with Article 7 when using a weight or dynamometer, one series of 20 meshes only shall be measured.

5. The result of this measurement shall be final.

## CHAPTER III

**MESH SIZE OF PASSIVE GEAR***Article 10***Gauge for determining mesh sizes**

1. The mesh gauge shall be of durable material and capable of retaining its shape. A model of the gauge is shown in Annex III.

2. When extended, the mesh gauge shall be capable of measuring mesh sizes up to 300 mm. The scale shall be graduated in intervals of 1, and 5 and 10 millimetres.

3. Mesh gauges which conform to paragraphs 1 and 2 shall be marked 'EC gauge'.

4. The jaws of the mesh gauge measuring the opening of the mesh shall be at least 1 millimetre thick but no more than 3 millimetres and shall have rounded edges.

5. No force other than manually extending the gauge, shall be used measuring a stretched mesh.

#### Article 11

##### Selection of meshes

1. The inspector shall select twenty meshes from the net. In the case of trammel nets, the meshes shall be selected from the part of the net having the smallest meshes.

2. The selection shall in no circumstances include the following meshes:

- (a) meshes at the top or bottom of a net selvage attached to a length of rope or a support frame, or other attachments;
- (b) meshes within two meshes of lacings and ropes;
- (c) meshes that have been broken or repaired.

#### Article 12

##### Measurement of each mesh

1. Nets shall be measured when unfrozen.

2. The inspector shall measure the opening of each mesh by inserting the gauge in a mesh, in either direction whichever is the longer, and the mesh shall be stretched manually until the sides of the mesh are straight and taut.

#### Article 13

##### Determination of the mesh size

The mesh size shall be the arithmetical mean in millimetres, rounded up to the next millimetre, of the sum of the results of the measurement of each of the meshes selected and measured.

#### Article 14

##### Inspection procedures

The inspector shall measure one series of 20 meshes selected in accordance with Article 11. The mesh size of the net shall then be determined in accordance with Article 13.

#### Article 15

##### Measurement in case of disputes

If the master disputes the result of the measurement, the inspector shall again select and measure 20 meshes in another part of the net in conformity with the provisions of Articles 11 to 14. The mesh size shall then be recalculated in accordance with Article 13, taking into account all 40 meshes measured. The result of this measurement shall be final.

#### CHAPTER IV

##### TWINE THICKNESS

#### Article 16

##### Gauge for determining twine thickness

1. Gauges for determining the thickness of twine shall be made of durable, non-corrosive material. A model of the gauge is shown in Annex IV.

2. When the jaws are closed the circular hole shall have the diameter, in millimetres, marked on one of the jaws, adjacent to the hole. The jaws are closed when the surface of both internal sides of the jaws touch each other and are flush.

3. Mesh gauges which conform to paragraphs 1 and 2 shall be marked 'EC gauge'.

#### Article 17

##### Selection of twines to be assessed

1. The inspector shall select meshes from any part of the net which is subject to a maximum permitted twine thickness.

2. Twines within a mesh that are broken or have been repaired shall not be selected.

3. Where any of the meshes selected are found to have been repaired or are broken, an inspector may select meshes elsewhere in the net.

#### Article 18

##### Assessment of twines

1. Twines shall be assessed when unfrozen.

2. Twines in diamond mesh netting shall be assessed, as shown in Annex II, as follows:

- (a) in the case of single twine netting, the twine on opposite sides of 10 meshes selected shall be assessed;
- (b) in the case of double twine netting, each strand of twine on opposite sides of five meshes selected shall be assessed.

3. Twines in square mesh netting shall be assessed, as shown in Annex II, as follows:

- (a) in the case of single twine netting, the twine on only one side of 20 meshes selected shall be assessed, with the same side being selected in each mesh;
- (b) in the case of double twine netting, each strand of twine on only one side of 10 meshes selected shall be assessed, with the same side being selected in each mesh.

*Article 19***Inspection procedure for the determination of twine thickness**

1. A gauge with a circular hole with a diameter equal to the maximum twine thickness permitted shall be used by the inspector. When the thickness of the twine prevents the closure of the jaws of the gauge or, the twine does not pass easily through the hole when the jaws are closed, the assessment of the thickness of a twine shall be noted by the inspector as a negative assessment (-).
2. If more than five negative assessments (-) of the 20 twines assessed are found, an inspector, shall again select and assess a further 20 twines in accordance with the provisions of Articles 17 and 18.
3. If more than 10 negative assessments (-) of the total 40 twines assessed are found, the twine thickness determined exceeds the maximum twine thickness permitted for that part of the net.

*Article 20***The determination of twine thickness in case of disputes**

If the master of the vessel disputes the result of the assessment determined in accordance with Article 19, such assessment shall not be considered for the determination of twine thickness.

For the purpose of determining the twine thickness the inspector shall again select and measure 20 different twines in the same part of the net and if more than five negative assessments (-) of the total 20 twines assessed are found, the twine thickness determined exceeds the maximum twine thickness permitted for that part of the net. The result of this determination shall be final.

## CHAPTER V

**FINAL PROVISIONS***Article 21***Repeal**

Regulation (EEC) No 2108/84 is hereby repealed.

Reference to the repealed Regulation shall be construed as reference to this Regulation and shall be read in accordance with the correlation table set out in Annex V.

*Article 22***Entry into force**

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

Articles 17 to 20 shall apply from 1 July 2003.

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

Done at Brussels, 24 January 2003.

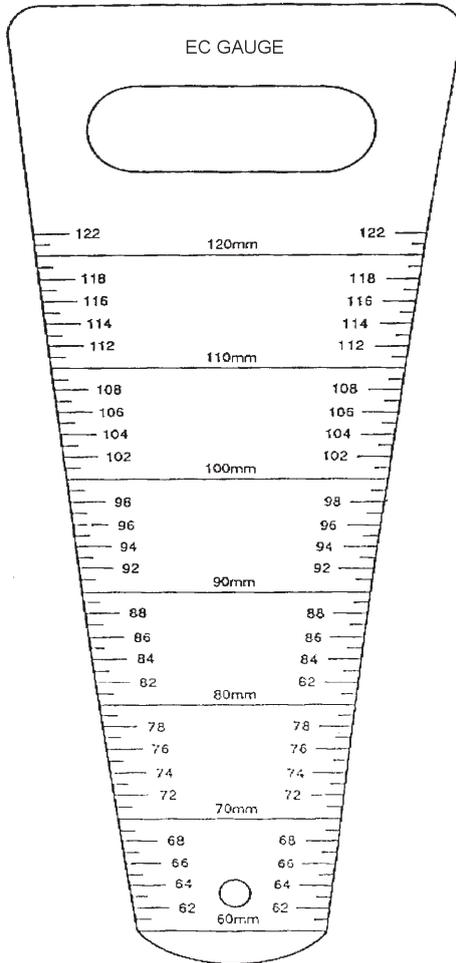
*For the Commission*

Franz FISCHLER

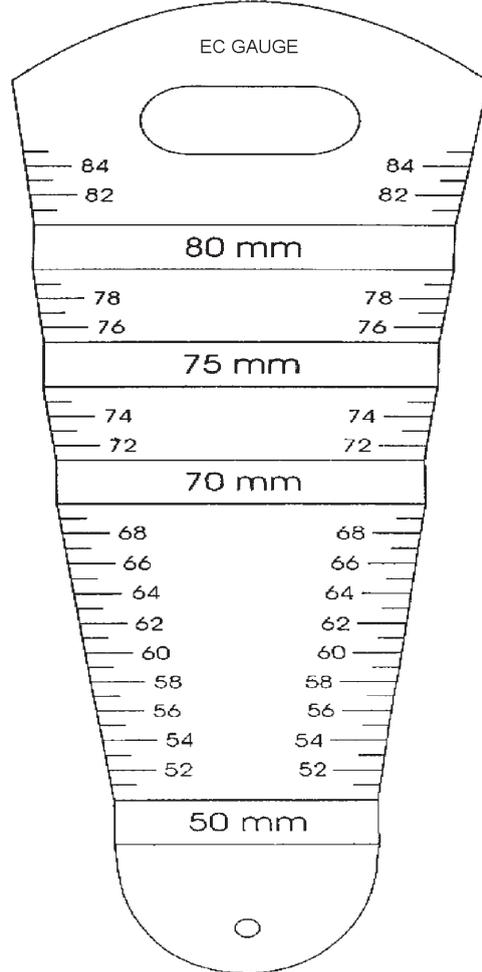
*Member of the Commission*

ANNEX I

EC GAUGE  
WITH TAPERING EDGES



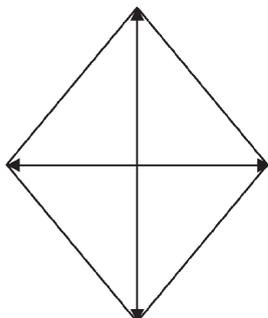
EC GAUGE  
WITH PARALLEL EDGES



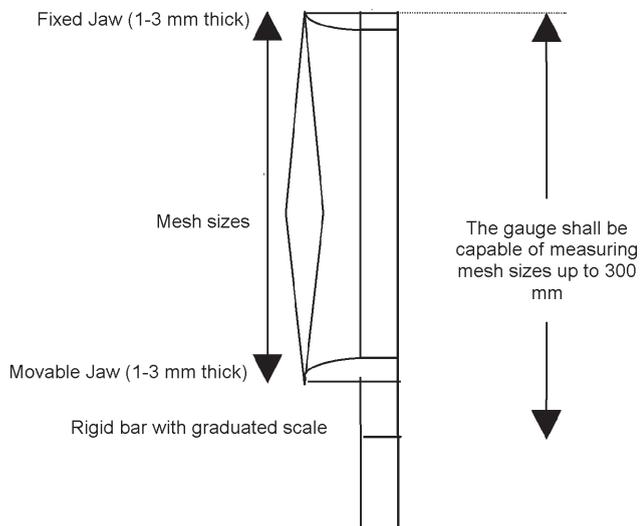


ANNEX III

**Knot and knotless meshes**  
OPEN MESH

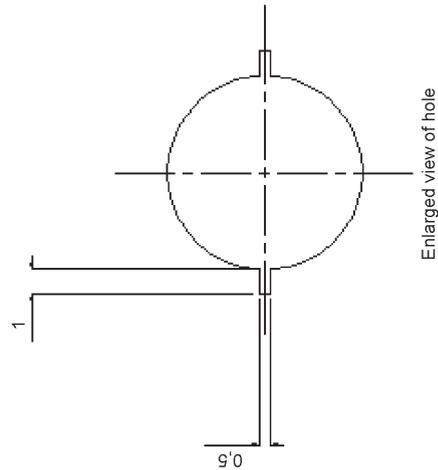
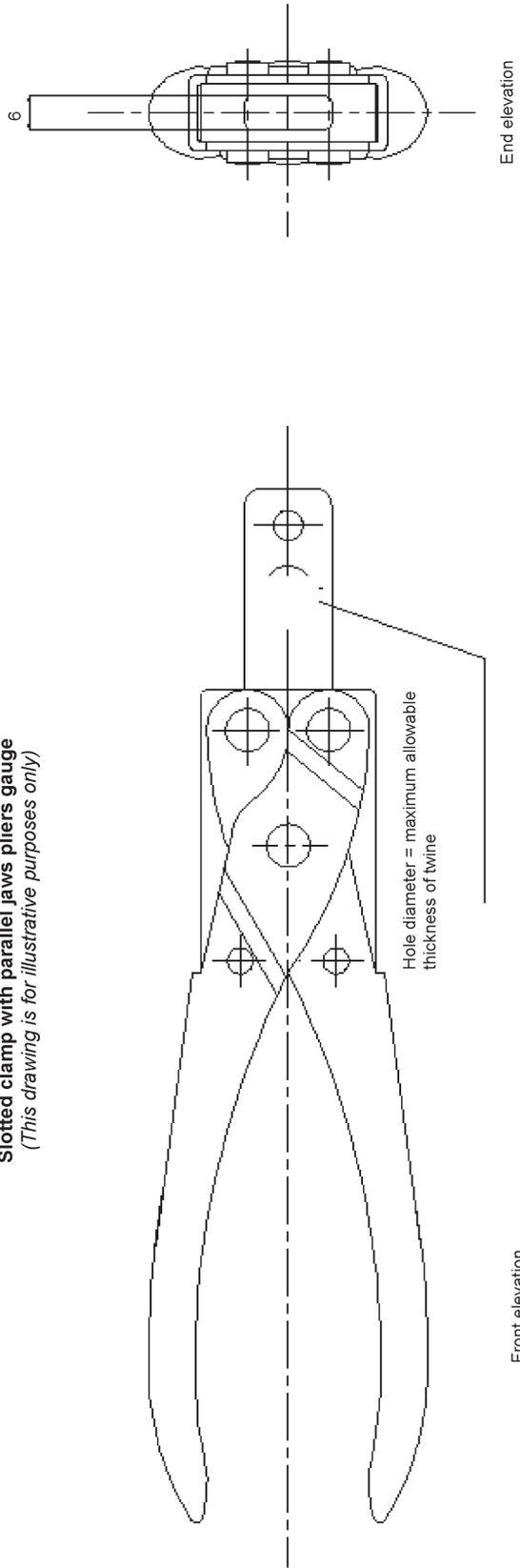


**Mesh gauge**  
STRETCHED MESH



ANNEX IV

**Slotted clamp with parallel jaws pliers gauge**  
*(This drawing is for illustrative purposes only)*



The edges around the circumference on each side of the hole shall be rounded off. The inside faces of the jaws are milled, at the point where both internal sides of the jaws of the hole touch each other, for a distance of no more than 1 millimetre to give clearance of no more than 0.5 millimetres between the faces.

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## ANNEX V

## Correlation table

Regulation (EEC) No 2108/84	This Regulation
Article 1(1)	Article 2(1) ) except for the last part of the second sentence
Article 1(2)	Article 2(2) except for last sentence
Article 2(1)	Article 3(1) except for first part of sentence
Article 2(2)	Article 3(2)
Article 2(3)	Article 3(3)
—	Article 4(1)
—	Article 4(2)
Article 3(1)	Article 5(1)
Article 3(2)	Article 5(2) except for first part of first sentence
Article 3(3)	Article 5(3)
Article 3(4)	Article 6(1)
Article 4	Article 6(2) except for first part of first sentence in the first subparagraph and the second subparagraph
—	Article 6(3)
Article 5	Article 7 except for the last sentence
Article 6(1)	Article 8(1)
—	Article 8(2) except for first part of first sentence
Article 6(2)	Article 9(1) except for the last word of the last sentence
—	Article 9(2)
—	Article 9(3)
—	Article 9(4)
Article 6a	Article 1(b)
—	Article 1(a)
Article 6b(1)	Article 10(1) except for the last sentence
Article 6b(2)	Article 10(2)
Article 6b(3)	Article 10(3)
Article 6b(4)	Article 10(4)
Article 6b(5)	Article 10(5)
Article 6c(1)	Article 12(1) and Article 11(1) except for the second part of the second sentence
Article 6c(2)	Article 12(2)
Article 6c(3)	Article 13
Article 6c(4)	Article 11(2) a); b); c) except for first part of first sentence
—	Article 14
Article 6d	Article 15 except for the last part of the first sentence
—	Article 16(1)
—	Article 16(2)
—	Article 16(3)
—	Article 17(1)
—	Article 17(2)
—	Article 17(3)
—	Article 18(1)

Regulation (EEC) No 2108/84	This Regulation
—	Article 18(2)(a) and (b)
—	Article 18(3)(a) and (b)
—	Article 19(1)
—	Article 19(2)
—	Article 19(3)
—	Article 20
—	Article 21
Article 7	Article 22 except for second sentence
—	Annex I
—	Annex II
Annex	Annex III
—	Annex IV
—	Annex V

**COMMISSION REGULATION (EC) No 130/2003****of 24 January 2003****fixing the aid for tomatoes for processing for the 2003/04 marketing year under Council Regulation (EC) No 2201/96**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2201/96 of 28 October 1996 on the common organisation of the markets in processed fruit and vegetable products <sup>(1)</sup>, as last amended by Commission Regulation (EC) No 453/2002 <sup>(2)</sup>, and in particular Article 6(1) thereof,

Whereas:

- (1) Article 2(3) of Commission Regulation (EC) No 449/2001 of 2 March 2001 laying down detailed rules for the implementation of Regulation (EC) No 2201/96 as regards the aid scheme for products processed from fruit and vegetables <sup>(3)</sup>, as last amended by Regulation (EC) No 1426/2002 <sup>(4)</sup>, stipulates that the Commission is to publish the amount of the aid for tomatoes after verifying that the thresholds fixed in Annex III to Regulation (EC) No 2201/96 have been complied with.
- (2) Article 5(3)(c) of Regulation (EC) No 2201/96 provides that for the 2003/04 marketing year the overrun of the processing threshold is to be calculated on the basis of the average quantity supplied for processing with aid during the 2001/02 and 2002/03 years.

- (3) The average quantities of tomatoes delivered for processing with aid during the 2001/02 and 2002/03 marketing years as notified by the Member States under Article 23(2)(a) of Regulation (EC) No 449/2001 are below the Community threshold. Since the threshold has not been overrun, the aid for the 2003/04 marketing year should be kept at the level fixed in Article 4(2) of Regulation (EC) No 2201/96.
- (4) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Products Processed from Fruit and Vegetables,

HAS ADOPTED THIS REGULATION:

*Article 1*

For the 2003/04 marketing year the aid for tomatoes referred to in Article 2 of Regulation (EC) No 2201/96 shall be EUR 34,50/tonne.

*Article 2*

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

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

Done at Brussels, 24 January 2003.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ L 297, 21.11.1996, p. 29.

<sup>(2)</sup> OJ L 72, 14.3.2002, p. 9.

<sup>(3)</sup> OJ L 64, 6.3.2001, p. 16.

<sup>(4)</sup> OJ L 206, 3.8.2002, p. 4.

**COMMISSION REGULATION (EC) No 131/2003**  
**of 24 January 2003**

**fixing the maximum export refund on wholly milled long grain B rice to certain third countries in connection with the invitation to tender issued in Regulation (EC) No 1898/2002**

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 <sup>(1)</sup>, as last amended by Commission Regulation (EC) No 411/2002 <sup>(2)</sup>, 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 1898/2002 <sup>(3)</sup>.

(2) Article 5 of Commission Regulation (EEC) No 584/75 <sup>(4)</sup>, as last amended by Regulation (EC) No 1948/2002 <sup>(5)</sup>, 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 long grain B rice to be exported to certain third countries pursuant to the invitation to tender issued in Regulation (EC) No 1898/2002 is hereby fixed on the basis of the tenders submitted from 20 to 23 January 2003 at 275,00 EUR/t.

*Article 2*

This Regulation shall enter into force on 25 January 2003.

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

Done at Brussels, 24 January 2003.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ L 329, 30.12.1995, p. 18.

<sup>(2)</sup> OJ L 62, 5.3.2002, p. 27.

<sup>(3)</sup> OJ L 287, 25.10.2002, p. 11.

<sup>(4)</sup> OJ L 61, 7.3.1975, p. 25.

<sup>(5)</sup> OJ L 299, 1.11.2002, p. 18.

**COMMISSION REGULATION (EC) No 132/2003****of 24 January 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 1896/2002**

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 <sup>(1)</sup>, as last amended by Commission Regulation (EC) No 411/2002 <sup>(2)</sup>, 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 1896/2002 <sup>(3)</sup>.

(2) Article 5 of Commission Regulation (EEC) No 584/75 <sup>(4)</sup>, as last amended by Regulation (EC) No 1948/2002 <sup>(5)</sup>, 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 1896/2002 is hereby fixed on the basis of the tenders submitted from 20 to 23 January 2003 at 156,00 EUR/t.

*Article 2*

This Regulation shall enter into force on 25 January 2003.

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

Done at Brussels, 24 January 2003.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ L 329, 30.12.1995, p. 18.

<sup>(2)</sup> OJ L 62, 5.3.2002, p. 27.

<sup>(3)</sup> OJ L 287, 25.10.2002, p. 5.

<sup>(4)</sup> OJ L 61, 7.3.1975, p. 25.

<sup>(5)</sup> OJ L 299, 1.11.2002, p. 18.

**COMMISSION REGULATION (EC) No 133/2003**  
**of 24 January 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 1897/2002**

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 <sup>(1)</sup>, as last amended by Commission Regulation (EC) No 411/2002 <sup>(2)</sup>, 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 1897/2002 <sup>(3)</sup>.
- (2) Article 5 of Commission Regulation (EEC) No 584/75 <sup>(4)</sup>, as last amended by Regulation (EC) No 1948/2002 <sup>(5)</sup>, 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 1897/2002 is hereby fixed on the basis of the tenders submitted from 20 to 23 January 2003 at 162,00 EUR/t.

*Article 2*

This Regulation shall enter into force on 25 January 2003.

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

Done at Brussels, 24 January 2003.

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

<sup>(1)</sup> OJ L 329, 30.12.1995, p. 18.

<sup>(2)</sup> OJ L 62, 5.3.2002, p. 27.

<sup>(3)</sup> OJ L 287, 25.10.2002, p. 8.

<sup>(4)</sup> OJ L 61, 7.3.1975, p. 25.

<sup>(5)</sup> OJ L 299, 1.11.2002, p. 18.

**COMMISSION REGULATION (EC) No 134/2003**  
**of 24 January 2003**  
**on the issuing of A1 export licences for 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 1961/2001 of 8 October 2001 on detailed rules for implementing Council Regulation (EC) No 2200/96 as regards export refunds on fruit and vegetables <sup>(1)</sup>, as amended by Regulation (EC) No 1176/2002 <sup>(2)</sup>, and in particular Article 2(3) thereof,

Whereas:

- (1) Commission Regulation (EC) No 2200/2002 <sup>(3)</sup> sets the quantities for which A1 export licences, other than those requested in the context of food aid, may be issued.
- (2) Article 2 of Regulation (EC) No 1961/2001 sets the conditions under which special measures may be taken by the Commission with a view to avoiding an overrun of the quantities for which A1 licences may be issued.
- (3) The Commission has received information which indicates that those quantities, reduced or increased by the quantities referred to in Article 2(3) of Regulation (EC) No 1961/2001, would be exceeded if A1 licences were

issued without restriction for hazelnuts in shell in response to applications submitted since 21 January 2003. Therefore, one percentage should be fixed for the issuing of licences for quantities applied for on 21 January 2003 and applications for A1 licences submitted later in that application period should be rejected,

HAS ADOPTED THIS REGULATION:

*Article 1*

A1 export licences for hazelnuts in shell for which applications were submitted on 21 January 2003 pursuant to Article 1 of Regulation (EC) No 2200/2002 shall be issued for 58,1 % of the quantities applied for.

Applications for A1 export licences submitted after 21 January 2003 and before 24 June 2003 for this product shall be rejected.

*Article 2*

This Regulation shall enter into force on 25 January 2003.

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

Done at Brussels, 24 January 2003.

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

<sup>(1)</sup> OJ L 268, 9.10.2001, p. 8.

<sup>(2)</sup> OJ L 170, 29.6.2002, p. 69.

<sup>(3)</sup> OJ L 335, 12.12.2002, p. 8.

**COMMISSION REGULATION (EC) No 135/2003**  
**of 24 January 2003**

**determining the extent to which the applications for import licences submitted in July 2002 for certain dairy products under certain tariff quotas opened by Regulation (EC) No 2535/2001 can be accepted**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1255/1999 of 17 May 1999 on the common organisation of the market in milk and milk products <sup>(1)</sup>, as last amended by Commission Regulation (EC) No 509/2002 <sup>(2)</sup>,

Having regard to Commission Regulation (EC) No 2535/2001 of 14 December 2001 laying down detailed rules for applying Council Regulation (EC) No 1255/1999 as regards the import arrangements for milk and milk products and opening tariff quotas <sup>(3)</sup>, as last amended by Regulation (EC) No 2332/2002 <sup>(4)</sup>, and in particular Article 16(2) thereof,

Whereas:

Applications lodged in January 2003 for certain products referred to in Annex I to Regulation (EC) No 2535/2001 concern quantities greater than those available; therefore, the allocation factors should be fixed for the quantities applied for,

HAS ADOPTED THIS REGULATION:

*Article 1*

The allocation coefficients set out in the Annex to this Regulation shall be applied to the quantities for which import licences have been sought for the period 1 January to 30 June 2003 in respect of products falling within the quotas referred to in Annex I to Regulation (EC) No 2535/2001.

*Article 2*

This Regulation shall enter into force on 25 January 2003.

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

Done at Brussels, 24 January 2003.

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

<sup>(1)</sup> OJ L 160, 26.6.1999, p. 48.

<sup>(2)</sup> OJ L 79, 22.3.2002, p. 15.

<sup>(3)</sup> OJ L 341, 22.12.2001, p. 29.

<sup>(4)</sup> OJ L 349, 24.12.2002, p. 20.

## ANNEX

**Quantities available for the period 1 January 2003 to 30 June 2003**

## ANNEX I. A

Quota number	Allocation coefficient
09.4590	1,0000
09.4599	0,0088
09.4591	1,0000
09.4592	—
09.4593	1,0000
09.4594	1,0000
09.4595	0,0087
09.4596	0,0156

## ANNEX I. B

## 1. Products originating in Poland

Quota number	Allocation coefficient
09.4813	0,0089
09.4814	0,0089
09.4815	0,0092

## 2. Products originating in the Czech Republic

Quota number	Allocation coefficient
09.4611	0,0091
09.4612	0,0091
09.4613	1,0000

## 3. Products originating in the Slovak Republic

Quota number	Allocation coefficient
09.4611	0,0090
09.4612	0,0092
09.4613	1,0000

## 4. Products originating in Hungary

Quota number	Allocation coefficient
09.4775	0,0097
09.4776	—
09.4777	0,0100
09.4778	0,0120
09.4733	1,0000

## 5. Products originating in Romania

Quota number	Allocation coefficient
09.4758	0,6233

## 6. Products originating in Bulgaria

Quota number	Allocation coefficient
09.4660	1,0000

## 7. Products originating in Estonia

Quota number	Allocation coefficient
09.4578	0,0413
09.4546	0,0095
09.4579	—
09.4580	1,0000
09.4547	0,0088
09.4581	0,0105
09.4582	0,0127

## 8. Products originating in Latvia

Quota number	Allocation coefficient
09.4872	—
09.4873	1,0000
09.4874	—
09.4551	0,0096
09.4552	0,2857

## 9. Products originating in Lithuania

Quota number	Allocation coefficient
09.4862	0,0390
09.4863	1,0000
09.4864	—
09.4865	1,0000
09.4866	0,0090
09.4557	0,0092

## 10. Products originating in Slovenia

Quota number	Allocation coefficient
09.4086	0,4347
09.4087	—
09.4088	0,0431

## ANNEX I. C

Quota number	Allocation coefficient
09.4026	—
09.4027	—

## ANNEX I. D

Quota number	Allocation coefficient
09.4101	1,0000

## ANNEX I. E

Quota number	Allocation coefficient
09.4151	—

## ANNEX I. F

Quota number	Allocation coefficient
09.4155	1,0000
09.4156	1,0000

## ANNEX I. G

Quota number	Allocation coefficient
09.4159	—

**COMMISSION REGULATION (EC) No 136/2003**  
**of 24 January 2003**  
**on the issue of system B export licences in the fruit and vegetables sector**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 1961/2001 of 8 October 2001 on detailed rules for implementing Council Regulation (EC) No 2200/96 as regards export refunds on fruit and vegetables <sup>(1)</sup>, as last amended by Regulation (EC) No 1176/2002 <sup>(2)</sup>, and in particular Article 6(6) thereof,

Whereas:

- (1) Commission Regulation (EC) No 2201/2002 <sup>(3)</sup> fixes the indicative quantities for system B export licences other than those sought in the context of food aid.
- (2) In the light of the information available to the Commission today, there is a risk that the indicative quantities laid down for the current export period for tomatoes will shortly be exceeded. This overrun will prejudice the proper working of the export refund scheme in the fruit and vegetables sector.

- (3) To avoid this situation, applications for system B licences for tomatoes after 24 January 2003 should be rejected until the end of the current export period,

HAS ADOPTED THIS REGULATION:

*Article 1*

Applications for system B export licences for tomatoes submitted pursuant to Article 1 of Regulation (EC) No 2201/2002, export declarations for which are accepted after 24 January 2003 and before 15 March 2003, are hereby rejected.

*Article 2*

This Regulation shall enter into force on 25 January 2003.

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

Done at Brussels, 24 January 2003.

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

<sup>(1)</sup> OJ L 268, 9.10.2001, p. 8.

<sup>(2)</sup> OJ L 170, 29.6.2002, p. 69.

<sup>(3)</sup> OJ L 286, 24.10.2002, p. 3.

**COMMISSION REGULATION (EC) No 137/2003**  
**of 24 January 2003**  
**amending the import duties in the cereals sector**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organisation of the market in cereals <sup>(1)</sup>, as last amended by Regulation (EC) No 1666/2000 <sup>(2)</sup>,

Having regard to Commission Regulation (EC) No 1249/96 of 28 June 1996 laying down detailed rules for the application of Council Regulation (EEC) No 1766/92 as regards import duties in the cereals sector <sup>(3)</sup>, as last amended by Regulation (EC) No 1900/2002 <sup>(4)</sup>, and in particular Article 2(1) thereof,

Whereas:

- (1) The import duties in the cereals sector are fixed by Commission Regulation (EC) No 63/2003 <sup>(5)</sup>.

- (2) Article 2(1) of Regulation (EC) No 1249/96 provides that if during the period of application, the average import duty calculated differs by EUR 5 per tonne from the duty fixed, a corresponding adjustment is to be made. Such a difference has arisen. It is therefore necessary to adjust the import duties fixed in Regulation (EC) No 63/2003,

HAS ADOPTED THIS REGULATION:

*Article 1*

Annexes I and II to Regulation (EC) No 63/2003 are hereby replaced by Annexes I and II to this Regulation.

*Article 2*

This Regulation shall enter into force on 25 January 2003.

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

Done at Brussels, 24 January 2003.

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

<sup>(1)</sup> OJ L 181, 1.7.1992, p. 21.

<sup>(2)</sup> OJ L 193, 29.7.2000, p. 1.

<sup>(3)</sup> OJ L 161, 29.6.1996, p. 125.

<sup>(4)</sup> OJ L 287, 25.10.2002, p. 15.

<sup>(5)</sup> OJ L 11, 16.1.2003, p. 19.

## ANNEX I

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

CN code	Description	Import duty <sup>(1)</sup> (EUR/tonne)
1001 10 00	Durum wheat high quality	0,00
	medium quality	0,00
	low quality	0,00
1001 90 91	Common wheat seed	0,00
1001 90 99	Common high quality wheat other than for sowing <sup>(2)</sup>	0,00
1002 00 00	Rye	27,21
1005 10 90	Maize seed other than hybrid	42,69
1005 90 00	Maize other than seed <sup>(3)</sup>	42,69
1007 00 90	Grain sorghum other than hybrids for sowing	27,21

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

- EUR 3 per tonne, where the port of unloading is on the Mediterranean Sea, or
- EUR 2 per tonne, where the port of unloading is in Ireland, the United Kingdom, Denmark, Sweden, Finland or the Atlantic coasts of the Iberian peninsula.

<sup>(2)</sup> Importers are entitled to a flat-rate reduction of EUR 14 per tonne.

<sup>(3)</sup> The importer may benefit from a flat-rate reduction of EUR 24 per tonne, where the conditions laid down in Article 2(5) of Regulation (EC) No 1249/96 are met.

## ANNEX II

**Factors for calculating duties**

(period from 15 January 2003 to 24 January 2003)

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

Exchange quotations	Minneapolis	Chicago	Minneapolis	Minneapolis	Minneapolis	Minneapolis
Product (% proteins at 12 % humidity)	HRS2. 14 %	YC3	HAD2	Medium quality (*)	Low quality (**)	US barley 2
Quotation (EUR/t)	132,53	89,10	218,31 (***)	208,31 (***)	188,31 (***)	119,24 (***)
Gulf premium (EUR/t)	36,27	14,82	—	—	—	—
Great Lakes premium (EUR/t)	—	—	—	—	—	—

(\*) A discount of 10 EUR/t (Article 4(1) of Regulation (EC) No 1249/96).

(\*\*) A discount of 30 EUR/t (Article 3 of Regulation (EC) No 2378/2002).

(\*\*\*) Fob Gulf.

## 2. Freight/cost: Gulf of Mexico–Rotterdam: 14,90 EUR/t; Great Lakes–Rotterdam: 23,16 EUR/t.

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

**COMMISSION DIRECTIVE 2003/7/EC**  
**of 24 January 2003**  
**amending the conditions for authorisation of canthaxanthin in feedingstuffs in accordance with**  
**Council Directive 70/524/EEC**  
**(Text with EEA relevance)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS DIRECTIVE:

Having regard to the Treaty establishing the European Community,

*Article 1*

The conditions for authorising canthaxanthin (E 161g) in feedingstuffs are amended in accordance with the entries in the Annex to this Directive.

Having regard to Council Directive 70/524/EEC of 23 November 1970 concerning additives in feedingstuffs <sup>(1)</sup>, as last amended by Regulation (EC) No 1756/2002 <sup>(2)</sup>, and in particular Article 9r thereof,

*Article 2*

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 1 September 2003 at the latest. They shall forthwith inform the Commission thereof.

Whereas:

They shall apply those provisions from 1 December 2003.

- (1) Under Directive 70/524/EEC the additive canthaxanthin is authorised under certain conditions.
- (2) In 1997 the Scientific Committee on Food (SCF) concluded the acceptable daily intake (ADI) of canthaxanthin for humans could be set at 0,03 mg/kg of body weight.
- (3) In the light of the SCF's revision of the ADI, the Scientific Committee on Animal Nutrition (SCAN) reviewed levels of canthaxanthin in feed for salmonids, broilers and laying hens to ensure consumer safety. SCAN has stated that consumer safety would be assured by setting maximum canthaxanthin concentrations of 25 mg/kg of feed for salmonids and broilers and at 8 mg/kg of feed for laying hens.
- (4) The current canthaxanthin authorisations need to be amended to provide greater protection for consumers' health.
- (5) The measures provided for in this Directive are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

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 procedure for making such reference shall be adopted by Member States.

Member States shall communicate to the Commission the texts of the 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 Communities*.

Done at Brussels, 24 January 2003.

*For the Commission*

David BYRNE

*Member of the Commission*

<sup>(1)</sup> OJ L 270, 14.12.1970, p. 1.

<sup>(2)</sup> OJ L 265, 3.10.2002, p. 1.

## ANNEX

EC No	Additive	Chemical formula, description	Species or category of animal	Maximum age	Minimum content	Maximum content	Other provisions	End of period of authorisation
					mg/kg of complete feedingstuff			
<b>Colourants including pigments</b>								
<b>1. Carotenoids and xanthophylls</b>								
E 161 g	Canthaxanthin	C <sub>40</sub> H <sub>52</sub> O <sub>2</sub>	Poultry other than laying hens	—	—	25	The mixture of canthaxanthin with other carotenoids and xanthophylls is allowed provided that the total concentration of the mixture does not exceed 80 mg/kg in the complete feedingstuff	Without a time limit
			Laying hens			8	The mixture of canthaxanthin with other carotenoids and xanthophylls is allowed provided that the total concentration of the mixture does not exceed 80 mg/kg in the complete feedingstuff	Without a time limit
			Salmon, trout	—	—	25	Use permitted from the age of 6 months onwards The mixture of canthaxanthin with asthaxanthin is allowed provided that the total concentration of the mixture does not exceed 100 mg/kg in the complete feedingstuff	Without a time limit
			Dogs, cats and ornamental fish	—	—	—	—	Without a time limit
3.	Colouring agents authorised for colouring foodstuffs by Community rules, other than Patent blue V, Acid brilliant green BS, and Canthaxanthin	—	All species or categories of animals with the exception of dogs and cats	—	—	—	Permitted in animal feedingstuffs only in products processed from: (i) waste products of foodstuffs, or (ii) other base substances, with the exception of cereals and manioc flour, denatured by means of these agents or coloured during technical preparation to ensure the necessary identification during manufacture	Without a time limit
			Dogs	—	—	—	—	Without a time limit
			Cats	—	—	—	—	Without a time limit

EC No	Additive	Chemical formula, description	Species or category of animal	Maximum age	Minimum content	Maximum content	Other provisions	End of period of authorisation
					mg/kg of complete feedingstuff			
3.1	Canthaxanthin authorised for colouring foodstuffs by Community rules		All species or categories of animals other than poultry, salmon, trout, dogs and cats	—	—	—	Permitted in animal feedingstuffs only in products processed from: (i) waste products of foodstuffs, or (ii) other base substances, with the exception of cereals and manioc flour, denatured by means of these agents or coloured during technical preparation to ensure the necessary identification during manufacture	Without a time limit
			Dogs	—	—	—	—	Without a time limit
			Cats	—	—	—	—	Without a time limit
			Poultry other than laying hens, salmon, trout			25	Permitted in animal feedingstuffs only in products processed from: (i) waste products of foodstuffs, or (ii) other base substances, with the exception of cereals and manioc flour, denatured by means of these agents or coloured during technical preparation to ensure the necessary identification during manufacture	Without a time limit
			Laying hens			8	Permitted in animal feedingstuffs only in products processed from: (i) waste products of foodstuffs, or (ii) other base substances, with the exception of cereals and manioc flour, denatured by means of these agents or coloured during technical preparation to ensure the necessary identification during manufacture	Without a time limit

## II

(Acts whose publication is not obligatory)

## COUNCIL

## COUNCIL RECOMMENDATION

of 2 December 2002

on the prevention of smoking and on initiatives to improve tobacco control

(2003/54/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 152(4), second subparagraph thereof,

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

Whereas:

- (1) Article 152 of the Treaty stipulates that Community action, which shall complement national policies, shall be directed towards improving public health, preventing human illness and diseases, and obviating sources of danger to human health.
- (2) The resolution of the Council and the Ministers for Health of the Member States, meeting within the Council of 18 July 1989 on banning smoking in places open to the public <sup>(2)</sup>, provided guidelines to the Member States for the protection of non-smokers from environmental tobacco smoke. Following a Report from the Commission on the response from the Member States to this initiative <sup>(3)</sup>, the present recommendation reinforces such protection and identifies particularly vulnerable groups.
- (3) The Council Resolution of 26 November 1996 on the reduction of smoking in the European Community <sup>(4)</sup> recognised the need for the development of an effective strategy on combating tobacco consumption, which includes certain of the elements contained in this recommendation.
- (4) The Council Conclusions of 18 November 1999 on combating tobacco consumption <sup>(5)</sup> underlined the necessity for developing an overall strategy, which

includes some of the measures outlined in the present recommendation for the protection of minors (rules for selling conditions, sales through electronic means and vending machines).

- (5) The Council Resolution of 29 June 2000 on action on health determinants <sup>(6)</sup> took note of the results of the debates held at the European Conference on health determinants in the European Union held at Evora on 15 and 16 March 2000, which placed particular emphasis, *inter alia*, on tobacco and which recommended a series of practical and targeted steps to address the challenges in these areas.
- (6) The recommended actions are necessary against a background of 500 000 smoking related deaths annually in the European Community and a worrying increase in the number of children and adolescents who take up smoking. Smoking is damaging human health, as smokers become addicted to nicotine and suffer fatal and disabling diseases such as cancers of the lung and other organs, ischaemic heart disease and other circulatory diseases, and respiratory diseases such as emphysema.
- (7) Smoking prevention and tobacco control are already priority objectives in the public health policies of Member States and the European Community. Nevertheless, smoking remains the biggest form of preventable death in the European Union, and progress in reducing tobacco consumption and smoking incidence is still disappointing. Moreover, the advertising, marketing, and promotion strategies used by the tobacco industry foster

<sup>(1)</sup> Proposal of 18 June 2002 (not yet published in the Official Journal).

<sup>(2)</sup> OJ C 189, 26.7.1989, p. 1.

<sup>(3)</sup> COM(96) 573 final.

<sup>(4)</sup> OJ C 374, 11.12.1996, p. 4.

<sup>(5)</sup> OJ C 86, 24.3.2000, p. 4.

<sup>(6)</sup> OJ C 218, 31.7.2000, p. 8.

- tobacco consumption, thereby increasing the already high mortality and morbidity caused by the use of tobacco products. Some of these strategies appear to be targeting young people in their educational years, in order to replace the large number of smokers who die annually. It is in fact established that 60 % of smokers start the habit before 13 years of age, and 90 % before 18.
- (8) Through the Europe Against Cancer programme <sup>(1)</sup>, the European Community has set as one of its objectives a contribution to the improvement of the health of its citizens by reducing the number of cases of cancer and other diseases related to smoking.
- (9) Directive 2001/37/EC of the European Parliament and of the Council of 5 June 2001 on the manufacture, presentation and sale of tobacco products <sup>(2)</sup> and the proposal for a Directive on advertising and sponsorship of tobacco products <sup>(3)</sup> deal with tobacco control in the context of the completion and consolidation of the internal market and the abolition of obstacles to its smooth operation, while taking as a basis a high level of public health protection.
- (10) Certain measures that should be part of a comprehensive tobacco control policy, such as a prohibition of billboard and poster advertising, or of advertising in cinemas, cannot presently be subject to harmonisation under the Community internal market rules in a separate tobacco measure.
- (11) All the above facts highlight the need for a comprehensive approach towards tobacco control, with a view to reducing the incidence of smoking-induced diseases in the Community.
- (12) In the context of a comprehensive tobacco control policy, it is essential to adopt measures aimed particularly at reducing demand for tobacco products by children and adolescents. Such measures may include actions aimed at reducing the supply of tobacco to children and adolescents, and at prohibiting certain kinds of advertising, marketing and promotion strategies for tobacco products, taking into account that such strategies impact indiscriminately on young people and other age groups.
- (13) Certain forms of sales and distribution of tobacco products facilitate the access by children and adolescents to these products, and should therefore be regulated by Member States.
- (14) Given that vending machines are visible to consumers and non-consumers alike, they should not carry advertising other than what is strictly necessary for indicating the products sold.
- (15) Two other important measures at European Community level address the advertising and the sponsorship of tobacco products. The 1989 Television Without Frontiers Directive <sup>(4)</sup> bans all forms of television advertising for tobacco products and provides that television programmes may not be sponsored by natural or legal persons whose principal activity is the manufacture or sale of tobacco products. The current proposal for a Directive on advertising and sponsorship of tobacco products foresees a ban of tobacco advertising in the press and in other printed publications, in the radio and through information society services. This proposal also foresees a ban on sponsorship by tobacco companies of radio programmes, and of events involving or taking place in several Member States or otherwise having cross-border effects.
- (16) This recommendation addresses other types of advertising, marketing and promotion practices used by the industry to promote tobacco consumption, which can indiscriminately reach children and adolescents. Such practices include the use of tobacco brand names on non-tobacco products or services (brand-stretching) and/or clothes (merchandising), the use of promotional items (such as ordinary objects like ashtrays, lighters, parasols and other similar objects) and of tobacco samples, the use and communication of sales promotion (such as a discount, a free gift, a premium or an opportunity to participate in a promotional contest or game), the use of billboards, posters and other indoor or outdoor advertising techniques (such as advertising on tobacco vending machines), the use of tobacco advertising in cinemas, as well as any other forms of advertising, sponsorship or practices directly or indirectly addressed to promote tobacco products. In fact, Member States authorities should adopt appropriate legislative and/or administrative measures specifically to prohibit, in accordance with national constitutions or constitutional principles, such activities, which constitute means of promoting tobacco products while circumventing bans on direct tobacco advertising already in force for certain media.
- (17) The World Health Organisation and the World Bank recommend that countries prohibit all forms of tobacco advertising and promotion. In cases where only certain forms of direct tobacco advertising are prohibited, the tobacco industry frequently shifts its advertising expenditure to other marketing, sponsorship and promotion strategies, using creative and indirect ways to promote tobacco products, especially with young people. In this way, the effect of partial advertising bans on tobacco consumption may be limited. Moreover, the World Bank has concluded that advertising increases cigarette consumption and that legislation banning advertising would reduce consumption provided that it is comprehensive, covering all media and uses of brand names and

<sup>(1)</sup> OJ L 95, 16.4.1996, p. 9.

<sup>(2)</sup> OJ L 194, 18.7.2001, p. 26.

<sup>(3)</sup> OJ C 270, 25.9.2001, p. 97.

<sup>(4)</sup> OJ L 298, 17.10.1989, p. 23.

logos. Such a reduction in cigarette consumption would have immediate short-term and long-term benefits for public health. Information on the global expenditure of the tobacco industry on the promotion of tobacco products is therefore an important prerequisite for monitoring the effectiveness of tobacco control policies from a public health perspective. Such information makes it possible to determine whether restrictions imposed are being circumvented, particularly by the diversion of budgets towards new or unrestricted forms of promotion. Regular declaration of such expenditure should be required of the tobacco industry.

- (18) Given the health risks associated with passive smoking, Member States should aim to protect smokers and non-smokers from environmental tobacco smoke.
- (19) Member States should continue developing strategies and measures to reduce the prevalence of smoking, such as strengthening health education programmes to improve understanding of the risks of smoking as well as other prevention programmes to discourage smoking.
- (20) The World Health Organisation's Framework Convention on Tobacco Control, which is currently being negotiated, addresses many of the issues dealt with in the present recommendation. It is therefore important to ensure that the measures contained in this recommendation are consistent with the draft elements of the FCTC presently under discussion,

HEREBY RECOMMENDS THAT MEMBER STATES:

1. adopt appropriate legislative and/or administrative measures in accordance with national practices and conditions to prevent tobacco sales to children and adolescents, including, *inter alia*:
  - (a) requiring vendors of tobacco products to establish that tobacco purchasers have reached the age for purchase of such products required in national law, where such an age limit exists,
  - (b) removing tobacco products from self-service displays in retail outlets,
  - (c) restricting the access to tobacco vending machines to locations accessible to persons over the age set for purchase of tobacco products in national law, where such an age limit exists, or otherwise regulating the access to the products sold through such machines in an equally effective way,
  - (d) restricting tobacco distance sales for general retail, such as sales via the Internet, to adults by using adequate technical means,
  - (e) prohibiting the sale of sweets and toys intended for children and manufactured with the clear intention that the product and/or packaging would resemble in appearance a type of tobacco product,
  - (f) prohibiting the sale of cigarettes individually or in packets of fewer than 19 cigarettes;
2. adopt appropriate legislative and/or administrative measures to prohibit, in accordance with national constitutions or constitutional principles, the following forms of advertising and promotion:
  - (a) the use of tobacco brand names on non-tobacco products or services,
  - (b) the use of promotional items (ashtrays, lighters, parasols, etc.) and tobacco samples,
  - (c) the use and communication of sales promotion, such as a discount, a free gift, a premium or an opportunity to participate in a promotional contest or game,
  - (d) the use of billboards, posters and other indoor or outdoor advertising techniques (such as advertising on tobacco vending machines),
  - (e) the use of advertising in cinemas, and
  - (f) any other forms of advertising, sponsorship or practices directly or indirectly addressed to promote tobacco products;
3. adopt appropriate measures, by introducing legislation or by other methods in accordance with national practices and conditions, in order to require manufacturers, importers and large-scale traders in tobacco products and in products and services bearing the same trademark as tobacco products to provide Member States with information concerning the expenditure they incur on advertising, marketing, sponsorship and promotion campaigns not prohibited under national or Community legislation;
4. implement legislation and/or other effective measures in accordance with national practices and conditions at the appropriate governmental or non-governmental level that provide protection from exposure to environmental tobacco smoke in indoor workplaces, enclosed public places, and public transport. Priority consideration should be given to, *inter alia*, educational establishments, health care facilities and places providing services to children;

5. continue developing strategies and measures to reduce the prevalence of smoking, such as strengthening overall health education, particularly in schools, and general programmes to discourage the initial use of tobacco products and to overcome tobacco addiction;
6. make full use of young people's contributions to youth health-related policies and actions, especially in the field of information, and encourage specific activities which are initiated, planned, implemented and evaluated by young people;
7. adopt and implement appropriate price measures on tobacco products so as to discourage tobacco consumption;
8. implement all necessary and appropriate procedures to verify compliance with the measures set out in this recommendation;
9. inform the Commission every two years of action taken in response to this recommendation,

HEREBY INVITES THE COMMISSION:

1. to monitor and assess the developments and the measures undertaken in the Member States and at Community level;
2. to report on the implementation of the proposed measures, on the basis of the information provided by Member States, not later than one year after receipt of Member States' information submitted in accordance with this recommendation;
3. to consider the extent to which the measures set out in this recommendation are working effectively, and to consider the need for further action, particularly if internal market disparities are identified in the areas covered by this recommendation.

Done at Brussels, 2 December 2002.

*For the Council*

*The President*

B. BENDTSEN

**Information relating to the entry into force of the Agreement between the European Community and New Zealand on sanitary measures applicable to trade in live animals and animal products**

The exchange of instruments of notification of completion of the procedures necessary for the entry into force of the Agreement between the European Community and New Zealand on sanitary measures applicable to trade in live animals and animal products <sup>(1)</sup>, signed in Brussels on 17 December 1996, having taken place on 24 January 2003, this Agreement, as amended by exchanges of letters of 26 October 1999 <sup>(2)</sup> and 28 November 2002 <sup>(3)</sup>, will enter into force on 1 February 2003 in accordance with Article 18(1) thereof.

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<sup>(1)</sup> OJ L 57, 26.2.1997, p. 5.

<sup>(2)</sup> OJ L 332, 23.12.1999, p. 3.

<sup>(3)</sup> OJ L 333, 10.12.2002, p. 15.

# COMMISSION

## COMMISSION DECISION of 30 October 2002

### on the State aid granted by Italy to Industrie Navali Meccaniche Affini SpA (INMA)

(notified under document number C(2002) 4039)

(Only the Italian text is authentic)

(Text with EEA relevance)

(2003/55/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community, and in particular the first subparagraph of Article 88(2),

Having regard to the Agreement on the European Economic Area, and in particular Article 62(1)(a) thereof,

Having called on interested parties to submit their comments pursuant to the provisions cited above <sup>(1)</sup>,

Whereas:

#### I. PROCEDURE

(1) On 20 July 1999 the Commission closed, with a negative final decision requiring repayment of the aid <sup>(2)</sup>, the proceeding it had initiated under Article 88(2) of the EC Treaty on 19 January 1999 in respect of the aid granted by Italy to the shipyard Industrie Navali Meccaniche Affini SpA (hereinafter 'INMA'). On appeal by the recipient, the Commission decision was annulled by the Court of First Instance on 26 February 2002 <sup>(3)</sup>. By letter of 31 July 2002 Italy supplied further information.

#### II. DESCRIPTION

(2) INMA, located in La Spezia, initially received from Italy financial aid in the form of guarantees and compensation for losses through the public holding company Italia Investimenti SpA (hereinafter 'Itainvest'), which is also INMA's sole shareholder.

(3) Between 1987 and 1988 INMA received a number of aid grants from the Ministry for the Merchant Navy and subsequently the Ministry for Transport and Navigation

under Laws Nos 599/82, 111/85, 234/89 and 132/94. Between 1996 and 1998 Itainvest granted several guarantees to INMA, especially for vessels ordered by the shipowners Stolt Nielsen, Tirrenia, Pugliola and Corsica Ferries. By the end of 1996 INMA's losses totalled ITL 21,4 billion. The shareholders' meeting on 13 November 1997 decided to cover the losses, on the one hand with ITL 4,68 billion of the firm's reserves and on the other with a capital contribution from Itainvest of ITL 16,7 billion. The shareholders' meeting of 24 March 1998 found that INMA's accounts, closed at 30 November 1997, already showed losses of ITL 81,89 billion. These were covered by Itainvest. At the shareholders' meeting of 23 June 1998 INMA's accounts revealed total losses for 1997 of ITL 103,7 billion. Itainvest covered the losses not yet provided for, i.e. ITL 21,81 billion.

(4) On 6 November 1998 INMA went into liquidation and the liquidator was authorised to complete orders underway in the yard. The orders were thus finished and the vessels delivered to their owners. No new orders have been placed with the yard since it entered into liquidation which is why, once the last vessel was delivered, the yard ceased to engage in any economic activity.

(5) The State aid which the Commission decided was unlawful by negative decision of 20 July 1999 formed part of the firm's residual assets. Apart from the administrative costs connected with the winding-up, Itainvest, which had initially granted the aid, is the sole creditor in the liquidation.

<sup>(1)</sup> OJ C 63, 5.3.1999, p. 2.

<sup>(2)</sup> OJ L 83, 4.4.2000, p. 21.

<sup>(3)</sup> Judgment of the Court of First Instance of 26 February 2002, Case T-323/99: *Industrie Navali Meccaniche Affini SpA (INMA) and Italia Investimenti SpA v Commission of the European Communities*, ([2002] ECR II-545).

(6) On 12 October 1999, following the publication of a call for expressions of interest in the acquisition of the shipyard in five national newspapers and in the European trade press, including Lloyds List, the liquidator sold INMA to the group Rimorchiatori Panfilo&C Srl (San Marco yard), which had put in the highest bid. The price paid for INMA was EUR 8 million, far more than the EUR 1,1 million estimated by an independent expert. On 17 November 2000, INMA was removed from the public register of shipbuilders.

### III. CONCLUSIONS

- (7) The Commission notes that the aid recipient has ceased operating. Furthermore, during the winding-up procedure, in which the granting body, Itainvest, was the debtor's only real creditor and its sole shareholder, a request was made for the recovery of all potentially incompatible State aid.
- (8) The Commission therefore concludes that all the potential distortions of competition due to the aid granted by Italy to INMA have been removed.

(9) The formal investigation initiated under Article 88(2) of the Treaty in respect of the measure in question thus no longer serves any purpose,

HAS ADOPTED THIS DECISION:

#### *Article 1*

The proceeding initiated under Article 88(2) of the Treaty on 19 January 1999 in respect of Industrie Navali Meccaniche Affini SpA is hereby closed.

#### *Article 2*

This Decision is addressed to the Italian Republic.

Done at Brussels, 30 October 2002.

*For the Commission*

Mario MONTI

*Member of the Commission*

## COMMISSION DECISION

of 24 January 2003

**on health certificates for the importation of live animals and animal products from New Zealand***(notified under document number C(2003) 326)***(Text with EEA relevance)**

(2003/56/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Decision 97/132/EC of 17 December 1996 on the conclusion of the Agreement between the European Community and New Zealand on sanitary measures applicable to trade in live animals and animal products <sup>(1)</sup>, as last amended by Decision 2002/957/EC <sup>(2)</sup>, and in particular Article 4 thereof,

Having regard to Council Directive 72/462/EEC of 12 December 1972 on health and veterinary inspection problems upon the importation of bovine, ovine and caprine animals and swine, fresh meat or meat products from third countries <sup>(3)</sup>, as last amended by Council Regulation (EC) No 1452/2001 <sup>(4)</sup>, and in particular Article 11(2) and Article 22(2) thereof, and the corresponding provisions of the other Directives establishing sanitary conditions and models of certificates for the importation of live animals and animal products from third countries,

Whereas:

- (1) Council Decision 97/132/EC provides for the adoption of guarantees for the importation of fresh meat and meat based products from New Zealand equivalent to those laid down in Council Directive 72/462/EEC.
- (2) Annex V to the Agreement between the European Community and New Zealand on sanitary measures applicable to trade in live animals and animal products (the Agreement) establishes the public health and animal health measures for fresh meat and meat based products and for certain other animal products from New Zealand for which equivalence has been determined.
- (3) By its Decision 2002/957/EC amending Annexes V and VII to the Agreement, the Council has determined the equivalence of certification systems for fresh meat and meat based products and for certain other animal products from New Zealand. Such equivalence should be

implemented by laying down the models of the official health certificates to allow the importation of those products on that basis.

- (4) Under Annex VII to the Agreement, the full equivalence of measures is the equivalence of animal health and/or public health measures as appropriate and of certification systems, without prejudice to certification requirements not covered by the Agreement.
- (5) Annex VII to the Agreement provides for model health attestations to be included in the official health certificate for live animals and animal products for which full equivalence of measures has been agreed.
- (6) Full equivalence has been determined for certain animal products with respect to animal health and public health and for certification systems. However, full equivalence for other animal products has been determined only for either animal or for public health measures and for certification systems. Therefore, it is necessary to maintain several models of official health certificates. These official health certificates should replace those laid down in accordance with Community legislation for the importation of the relevant animal products from New Zealand.
- (7) For other animal products and for live animals full equivalence has not been determined. For those animal products and for live animals, the importation should be allowed on the basis of official health certificates in accordance with existing Community legislation or prevailing national health conditions of the Member States pending adoption of harmonised import conditions.
- (8) As provided for in Annex V to the Agreement, the additional guarantees for the importation of certain animal products intended for certain Member States, should be provided by New Zealand in the form of a declaration to be included in the official health certificate. The additional declaration concerning transmissible spongiform encephalopathies should also be provided by New Zealand for certain products of animal origin.

<sup>(1)</sup> OJ L 57, 26.2.1997, p. 4.

<sup>(2)</sup> OJ L 333, 10.12.2002, p. 13.

<sup>(3)</sup> OJ L 302, 31.12.1972, p. 24.

<sup>(4)</sup> OJ L 198, 21.7.2001, p. 11.

- (9) As provided for in Annex VII to the Agreement, the certification for consignments of commodities for which full equivalence has been agreed may be issued after departure of the consignment from New Zealand under certain conditions.
- (10) As provided for in Annex VII to the Agreement the official health certificate should be issued in English as well as in one of the languages of the Member State of arrival.
- (11) It is also appropriate to establish for New Zealand certain other additional certification requirements.
- (12) Animal products imported into New Zealand and subsequently exported to the Community after storage or re-processing in New Zealand, should comply with Community rules relating to those products. An official health certificate should therefore be established for those products.
- (13) Council Directive 93/119/EC of 22 December 1993 on the protection of animals at the time of slaughter or killing<sup>(1)</sup> provides for official health certificates for meat to be supplemented by an attestation certifying that certain animals referred to in that Directive have been slaughtered under conditions which offer guarantees of humane treatment at least equivalent to those provided for in that Directive. This attestation should be included in the corresponding models of the official health certificates.
- (14) Council Decision 97/131/CE of 17 December 1996 on the conclusion of an Agreement in the form of an Exchange of Letters concerning the provisional application of the Agreement between the European Community and New Zealand on sanitary measures applicable to trade in live animals and animal products<sup>(2)</sup> approved an agreement in the form of an exchange of letters concerning the provisional application of the Agreement, whereby, until the entry into force of the Agree-

ment, the certification conditions applicable as at 31 December 1996 should continue to apply. It is therefore necessary to repeal Decision 80/805/EC of 25 July 1980 concerning animal health conditions and veterinary certification for the importation of fresh meat from New Zealand<sup>(3)</sup>, and to ensure that the date of application of this Decision corresponds with the date on which the Agreement enters into force.

- (15) To facilitate a smooth changeover from the existing official health certificates, provision should be made for a transitional period.
- (16) 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

1. The Member States shall authorise the importation from New Zealand of the live animals and animal products, set out in Annex I, provided that they meet the certification requirements referred to in that Annex, and where required, are accompanied by an official health certificate issued before departure of the consignment from New Zealand, in accordance with one of the following models:

- (a) where equivalence has been established, the model referred to in Annex I as set out in Annexes II to V;
- (b) in other cases, the models set out in the Annexes to the acts referred to in Annex I.

2. The official health certificate(s) for the live animals and animal products referred to in Annex VI shall bear the additional declaration(s) referred to in that Annex where the Member State of destination of the consignment is Finland or Sweden.

3. By way of derogation from the provisions of paragraph 1, official health certificates issued in accordance with the models set out in Annexes II to V may be issued after departure of the consignment from New Zealand provided that:

- (a) they are available at arrival in the border inspection post; and
- (b) the certifying officer has declared in writing to have certified the consignment on the basis of the New Zealand eligibility document(s), which were ascertained by him or her and which were issued prior to the departure of the consignment.

4. Pending the adoption of harmonised importation rules the national health requirements prevailing in Member States shall remain applicable for animals and animal products where it is so mentioned in Annex I.

#### Article 2

Where the consignment is presented for veterinary inspection, the official health certificate shall be provided in the English language as well as in one of the official languages of the Member State in which the border inspection post where the consignment is presented is situated.

<sup>(1)</sup> OJ L 340, 31.12.1993, p. 21.

<sup>(2)</sup> OJ L 57, 26.2.1997, p. 1.

<sup>(3)</sup> OJ L 236, 9.9.1980, p. 28.

*Article 3*

The official health certificate(s) for the animal products listed in Annex I shall bear the additional declaration(s) described in Annex VI where they have been imported from a third country into New Zealand and are subsequently exported to the Community.

*Article 4*

For a transitional period not exceeding 90 days from the date of application of this decision, Member States shall authorise the importation of live animals and animal products set out in Annex I under the models of certificates previously applicable.

*Article 5*

Commission Decision 80/805/EEC is repealed.

*Article 6*

This Decision shall apply from 1 February 2003.

*Article 7*

This Decision is addressed to the Member States.

Done at Brussels, 24 January 2003.

*For the Commission*

David BYRNE

*Member of the Commission*

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## ANNEX I

## CERTIFICATES, DECLARATIONS AND ADDITIONAL GUARANTEES

## Glossary

<b>AN</b>	Assigned Number (a number which is arbitrarily assigned to a particular commodity and, as such, will appear on the certificate)
<b>Channelling</b>	As described in Article 8(4) of Council Directive 97/78/EC <sup>(1)</sup>
<b>N/A</b>	Not applicable
<b>Other products</b>	As defined in Article 2(b) of Council Directive 77/99/EEC <sup>(2)</sup>
<b>PNHC</b>	Prevailing national health conditions of the Member State(s) in accordance with EC law <sup>(3)</sup>

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<sup>(1)</sup> OJ L 24, 30.1.1998, p. 9.

<sup>(2)</sup> OJ L 26, 31.1.197, p. 1.

<sup>(3)</sup> Pending the adoption of Community rules, national rules shall continue to apply subject to compliance with the general provisions of the Treaty.

Commodity	Derived from/Species <sup>(1)</sup> /Form <sup>(2)</sup>	AN	Certification <sup>(3)</sup>		
			Animal health	Public health	Special conditions
1. Live animals	Equidae				
	— Temporary admission	1.1	Commission Decision 92/260/EEC	N/A	See footnote 1
	— Re-entry	1.2	Commission Decision 93/195/EEC	N/A	See footnote 1
	— For slaughter	1.3	Commission Decision 93/196/EEC	N/A	See footnote 1
	— Permanent importation of registered <i>equidae</i> and <i>equidae</i> for breeding and production	1.4	Commission Decision 93/197/EEC	N/A	See footnote 1
	— Transit	1.5	Commission Decision 94/467/EC	N/A	See footnote 1
	Cattle	1.6	Commission Decision 2002/199/EC	N/A	See footnote 1
	Sheep/goats	1.7	Commission Decision 93/198/EEC	N/A	
	Deer	1.8	PNHC (Council Directive 92/65/EEC)	N/A	
	Swine covered by Directive 64/432/EEC	1.9	Commission Decision 2002/199/EC	N/A	See footnote 1
	Dogs and cats	1.10	PNHC (Council Directive 92/65/EEC)	N/A	See footnote 1
	Ferrets, minks and foxes	1.11	PNHC (Council Directive 92/65/EEC)	N/A	
	Hares and rabbits	1.12	PNHC Council Directive 92/65/EEC)	N/A	
	Aquaculture animals (e.g. fishes) and gametes	1.13	PNHC (Council Directive 91/67/EEC	N/A	
	Bees	1.14	Commission Decision 2000/462/EC	N/A	
	Apes	1.15	PNHC (Council Directive 92/65/EEC)	N/A	
	<i>Psittacidae</i> and other birds	1.16	Commission Decision 2000/666/EC		
Animals for zoos, exhibitions	1.17	PNHC (Council Directive 92/65/EEC)	N/A		

Commodity	Derived from/Species <sup>(1)</sup> /Form <sup>(2)</sup>	AN	Certification <sup>(3)</sup>		
			Animal health	Public health	Special conditions
<b>2. Live poultry and hatching eggs</b>	As in Council Directive 90/539/EEC	2.1	Commission Decision 96/482/EC	N/A	See footnote 1
	Ratites	2.2	Commission Decision 2001/751/EC	N/A	
	SPF eggs	2.3	Commission Decision 2001/393/EC	N/A	
<b>3. Semen</b>	Cattle	3.1	Commission Decision 94/577/EC	N/A	Special conditions
	Sheep/goats	3.2	PNHC (Council Directive 92/65/EEC)	N/A	
	Pigs	3.3	Commission Decision 2002/613/EC	N/A	
	Dogs	3.4	PNHC (Council Directive 92/65/EEC)	N/A	
	Deer	3.5	PNHC (Council Directive 92/65/EEC)	N/A	
<b>4. Equine semen, embryos and ova</b>	Equine semen	4.1	Commission Decision 96/539/EC	N/A	
	Equine embryos and ova	4.2	Commission Decision 96/540/EC	N/A	
<b>5. Embryos</b>	Cattle	5.1	Commission Decision 92/471/EEC	N/A	See footnote 1
	Sheep/goats	5.2	PNHC (Council Directive 92/65/EEC)	N/A	
	Pigs	5.3	PNHC (Council Directive 92/65/EEC)	N/A	
	Deer	5.4	PNHC (Council Directive 92/65/EEC)	N/A	

Commodity	Derived from/Species <sup>(1)</sup> /Form <sup>(2)</sup>		AN	Certification <sup>(3)</sup>		
				Animal health	Public health	Special conditions
<b>6. Fresh meat</b> including unprocessed (fresh) blood/bones/fat for human consumption, meat preparations and minced meat derived from fresh meat	Fresh meat including unprocessed (fresh) blood/bones/fat for human consumption Ruminants, <i>Equidae</i> , pigs		6.1	Annex II	Annex II	Annex VII (for consignments to Sweden/Finland) Additional TSE declaration Regulation (EC) No 1999/2001 as amended
	Meat preparations, minced meat derived from fresh meat Ruminants, <i>Equidae</i> , pigs		6.2	Annex II	Annex II	Frozen only Additional TSE declaration Regulation (EC) No 270/2002 and (EC) No 1494/2002
<b>7. Fresh poultrymeat</b>	As in Council Directive 71/118/EEC		7.1	Commission Decision 94/984/EC	Commission Decision 96/712/EC	Annex VII (for consignments to Sweden/Finland)
	Meat preparations		7.2	Commission Decision 2000/572/EC	Commission Decision 2000/572/EC	
<b>8. Meat products</b>	Fresh meat — red meat (ruminants/horses), pigs		8.1	Annex II	Annex II	Additional TSE declaration Regulation (EC) No 270/2002 and (EC) No 1494/2002
	Fresh meat — Poultry		8.2	Commission Decision 97/221/EC	Commission Decision 97/41/EC	
	Farmed, wild game meat					
	— Pigs, deer, rabbits		8.3	Annex II	Annex II	
	— Other land mammals		8.4	Commission Decision 97/221/EC	Annex V	
— Feathered		8.5	Commission Decision 97/221/EC	Commission Decision 97/41/EC		
<b>9. Farmed game meat</b>	Ruminants, rabbits, pigs	Fresh meat	9.1.1	Annex II	Annex II	
		Meat preparations	9.1.2	Annex II	Annex II	Frozen only
	Other land mammals	Fresh meat	9.2.1	Annex II	Annex II	
		Meat preparations	9.2.2	Commission Decision 2000/572/EC	Annex V	Frozen only
	Feathered	Fresh meat	9.3.1	Commission Decision 2000/585/EC	Commission Decision 2000/572/EC	
		Meat preparations	9.3.2	Commission Decision 2000/572/EC	Commission Decision 2000/572/EC	

Commodity	Derived from/Species <sup>(1)</sup> /Form <sup>(2)</sup>		AN	Certification <sup>(3)</sup>			
				Animal health	Public health	Special conditions	
10. <b>Wild game meat</b>	Ruminants, rabbits, pigs	Fresh meat, excluding offal	10.1.1	Annex II	Annex II	Pentagonal stamp for wild game By plane or skinned and eviscerated	
		Meat preparations	10.1.2	Annex II	Annex II	Frozen only	
	Other wild land mammals	Fresh meat, excluding offal	10.2.1	Commission Decision 2000/585/EC	Annex V	Pentagonal stamp for wild game	
		Meat preparations	10.2.2	Commission Decision 2000/572/EC	Annex V	Frozen only	
	Feathered	Fresh meat, excluding offal	10.3.1	Commission Decision 2000/585/EC	Commission Decision 2000/585/EC		
		Meat preparations	10.3.2	Commission Decision 2000/572/EC	Commission Decision 2000/572/EC		
	11. <b>Fishery products for human consumption (excluding live)</b>	Wild marine, aquaculture products, wild freshwater					
		— Finfish		11.1	N/A	Commission Decision 94/448/EC	See footnote 1 (aquaculture)
— Bivalve molluscs (grown above the sea floor)			11.2	N/A	Commission Decision 94/448/EC	See footnote 1 (aquaculture)	
— Bivalve molluscs (grown on the sea floor)			11.3	N/A	Commission Decision 94/448/EC	See footnote 1 (aquaculture)	
— Other molluscs			11.4	N/A	Commission Decision 94/448/EC	See footnote 1 (aquaculture)	
— Echinoderms, tunicates, gastropods			11.5	N/A	Commission Decision 94/448/EC	See footnote 1 (aquaculture)	
— Crustaceans			11.6	N/A	Commission Decision 94/448/EC	See footnote 1 (aquaculture and wild fresh water)	
— Eggs/Roes			11.7	N/A	Commission Decision 94/448/EC		

Commodity	Derived from/Species <sup>(1)</sup> /Form <sup>(2)</sup>	AN	Certification <sup>(3)</sup>		
			Animal health	Public health	Special conditions
12. <b>Live fish, molluscs, crustaceans, including eggs and gametes</b>	For consumption				
	— Bivalve molluscs (grown above the sea floor)	12.1	PNHC (Council Directive 91/67/EEC)	Commission Decision 96/333/EC	
	— Bivalve molluscs (grown on the sea floor)	12.2	PNHC (Council Directive 91/67/EEC)	Commission Decision 96/333/EC	
	— Other molluscs	12.3	PNHC (Council Directive 91/67/EEC)	Commission Decision 96/333/EC	
	— Echinoderms, tunicates, marine gastropods	12.4	PNHC (Council Directive 91/67/EEC)	Commission Decision 96/333/EC	
	— Live crustacea, finfish and other aquatic animals	12.5	PNHC (Council Directive 91/67/EEC)	Commission Decision 96/333/EC	
	For breeding, farming, rearing, relaying (molluscs)				
	— <i>Crassostrea gigas</i>	12.6	Commission Decision 95/352/EC	N/A	
	— Other species	12.7	PNHC (Council Directive 91/67/EEC)	N/A	
13. <b>Milk and milk products for human consumption — other products as defined in Directive 77/99/EEC</b>	Pasteurised (cattle including buffalo, sheep, goats)	13.1	Commission Decision 95/343/EC	Commission Decision 95/333/EC	
	Not pasteurised (cattle including buffalo, sheep, goats) - thermised only i.e. 62 °C	13.2	Commission Decision 95/343/EC	Commission Decision 95/333/EC	
	Raw milk (cattle including buffalo, sheep, goats)	13.3	Commission Decision 95/343/EC	Commission Decision 95/333/EC	
14. <b>Milk and milk products not for human consumption</b>	Pasteurised, UHT or sterilised (cattle including buffalo, sheep, goats)	14.1	Commission Decision 95/341/EC	N/A	
	Unpasteurised colostrum and milk for pharmaceutical use (cattle including buffalo, sheep, goats)	14.2	PNHC Commission Decision 92/118/EEC	N/A	
15. <b>Animal casings for human consumption</b>	Cattle, sheep, goats, pigs	15	Annex II	Annex II	Additional TSE declaration Regulation (EC) No 270/2002 and (EC) No 1494/2002

Commodity	Derived from/Species <sup>(1)</sup> /Form <sup>(2)</sup>	AN	Certification <sup>(3)</sup>		
			Animal health	Public health	Special conditions
16. <b>Animal casings not for human consumption</b>	Cattle, sheep, goats, pigs	16	Annex IV	N/A	
17. <b>Hides and skins</b>	Ungulates	17.1	Commission Decision 97/168/EC	N/A	
	Other mammals	17.2	PNHC	N/A	
	Ratite (ostrich, emu, rhea)	17.3	PNHC	N/A	
18. <b>Wool, fibre/hair</b>	Sheep, ruminants and pigs, other	18	PNHC Council Directive 92/118/EEC	N/A	
19.A. <b>Petfood (includes processed) containing only low risk material</b>	Article 5 of Council Directive 90/667/EEC and 92/118/EEC				
	— Processed petfood (mammalian/non-mammalian)	19A.1	94/309/EC	N/A	Additional TSE declaration Regulation (EC) No 270/2002 and (EC) No 1494/2002
	— Raw petfood for direct consumption	19A.2	PNHC	N/A	Additional TSE declaration Regulation (EC) No 270/2002 and (EC) No 1494/2002
19.B. <b>Processed petfood containing processed animal protein derived from high risk animal waste</b>	Article 3 of Council Directive 90/667/EEC and 92/118/EEC (mammalian/non-mammalian)	19B	Commission Decisions 94/344/EC and 97/198/EC	N/A	See footnote 1 Additional TSE declaration Regulation (EC) No 270/2002 and (EC) No 1494/2002
20. <b>Bones and bone products for human consumption — other products as defined in Directive 77/99/EEC</b>	Land mammals				
	— fresh meat, farmed and wild game (pigs, deer)	20.1	Annex II	Annex II	Pentagonal stamp (wild game) Additional TSE declaration Regulation (EC) No 270/2002 and (EC) No 1494/2002
	— other	20.2	PNHC	Annex V	Pentagonal stamp (wild game)
	Fresh meat poultry, feathered farmed and wild game	20.3	PNHC	PNHC	

Commodity	Derived from/Species <sup>(1)</sup> /Form <sup>(2)</sup>	AN	Certification <sup>(3)</sup>		
			Animal health	Public health	Special conditions
21. <b>Processed bones and bone products not for human or animal consumption</b>  (Rendered bones for animal meals refer processed proteins for animal feedingstuffs)	As in Council Directive 92/118/EEC	21	Commission Decision 94/446/EC	N/A	Channelling Additional TSE declaration Regulation (EC) No 270/2002 and (EC) No 1494/2002
22. <b>Processed animal protein for human consumption — other products as defined in Directive 77/99/EEC</b>	Land mammals				
	— fresh meat, farmed and wild game (pigs, deer)	22.1	Annex II	Annex II	Pentagonal stamp (wild game) Additional TSE declaration Regulation (EC) No 270/2002 and (EC) No 1494/2002 (fresh meat)
	— other	22.2	PNHC	Annex V	
	Fresh and poultry, feathered farmed and wild game	22.3	PNHC	PNHC (Council Directive 72/462/EEC)	
23. <b>Processed (rendered) animal protein for feedingstuffs</b>	PAP derived from high risk animal waste (mammalian/non-mammalian)	23.1	Commission Decision 94/344/EC Commission Decision 97/198/EC	N/A	See footnote 1 Additional TSE declaration Regulation (EC) No 270/2002 and (EC) No 1494/2002
	PAP derived from low risk animal waste (mammalian/non-mammalian)	23.2	Commission Decision 93/344/EC	N/A	Additional TSE declaration Regulation (EC) No 270/2002 and (EC) No 1494/2002
24. <b>Serum from Equidae</b>	As in Council Directive 92/118/EEC	24	Commission Decision 94/143/EC	N/A	
25. <b>Blood and blood products for human consumption — other products as defined in Directive 77/99/EEC</b>	Land mammals				
	— Fresh meat, farmed and wild game	25.1	Annex II	Annex II	Pentagonal stamp (for wild game blood) Additional TSE declaration Regulation (EC) No 270/2002 and (EC) No 1494/2002
	— Other	25.2	PNHC	Annex V	
	Fresh meat poultry, feathered farmed and wild game	25.3	PNHC	PNHC (Council Directive 72/462/EEC)	

Commodity	Derived from/Species <sup>(1)</sup> /Form <sup>(2)</sup>	AN	Certification <sup>(3)</sup>		
			Animal health	Public health	Special conditions
26. <b>Processed blood and blood products (excluding serum from equidae) for pharmaceutical or technical use</b>	Fresh meat				
	— bovine, ovine, caprine, porcine	26.1	PNHC (Council Directive 92/118/EEC)	N/A	
	— <i>Equidae</i> , avian	26.2	PNHC (Council Directive 92/118/EEC)	N/A	
27. <b>Lard and rendered fats for human consumption — other products as defined in Directive 77/99/EEC</b>	Land mammals				
	— Fresh meat, farmed and wild game	27.1	Annex II	Annex II	Pentagonal stamp (for wild game lard) Additional TSE declaration Regulation (EC) No 270/2002 and (EC) No 1494/2002 (fresh meat)
	— Other	27.2	PNHC	Annex V	
	Fresh meat poultry, feathered farmed and wild game	27.3	PNHC	PNHC (Council Directive 72/462/EEC)	
28. <b>Lard and rendered fats not for human consumption</b>	Council Directive 90/667/EEC				
	— Low risk material (Article 5)	28.1	PNHC (Council Directive 92/118/EEC)	N/A	Additional TSE — declaration Regulation (EC) No 270/2002 and (EC) No 1494/2002
	— High risk (Article 3)	28.2	PNHC (Council Directive 92/118/EEC)	N/A	Additional TSE — declaration Regulation (EC) No 270/2002 and (EC) No 1494/2002
29. <b>Raw materials for feedingstuffs, pharmaceutical or technical use — low risk only</b>	ungulates	29.1	Commission decision 80/805/EEC	N/A	Channelling Additional TSE — declaration Regulation (EC) No 270/2002 and (EC) No 1494/2002
	others	29.2	PNHC (Council Directive 92/118/EEC)	N/A	Channelling Additional TSE — declaration Regulation (EC) No 270/2002 and (EC) No 1494/2002

Commodity	Derived from/Species <sup>(1)</sup> /Form <sup>(2)</sup>	AN	Certification <sup>(3)</sup>		
			Animal health	Public health	Special conditions
30. <b>Apiculture products — not for human consumption</b>	As in Council Directive 92/118/EEC	30	Commission Decision 94/860/EC	N/A	
31. <b>Game trophies</b>	Ungulates Avian	31	Commission Decision 96/500/EC	N/A	
32. <b>Treated manure</b>	As in Council Directive 92/118/EEC	32	PNHC (Council Directive 92/118/EEC)	N/A	
33. <b>Honey</b>	As in Council Directive 92/118/EEC	33	PNHC	PNHC	
34. <b>Frogs' legs</b>	As in Council Directive 92/118/EEC	34	N/A	Council Directive 92/118/EEC	
35. <b>Snails for human consumption</b>	As in Council Directive 92/118/EEC	35	N/A	Council Directive 92/118/EEC	
36. <b>Egg products</b>	As in Council Directives 92/118/EEC and 90/539/EEC	36	PNHC	Commission Decision 97/38/EC	Annex VII
37. <b>Gelatines for human consumption</b>	As in Council Directive 92/118/EEC	37	N/A	Commission Decision 2000/20/EC	Additional TSE declaration Regulation (EC) No 270/2002 and (EC) No 1494/2002
38. <b>Gelatines for technical use</b>	As in Council Directive 92/118/EEC	38	N/A	PNHC	
39. <b>Raw material for gelatine for human consumption</b>	As in Council Directive 92/118/EEC	39	N/A	PNHC	

<sup>(1)</sup> This table must be read in conjunction with Annex V of the Agreement, with particular regard to the special conditions referred to therein, attached to Council Decision 97/132/EC.

<sup>(2)</sup> In the case of live animals.

<sup>(3)</sup> The formation in which the product is introduced (featured).

<sup>(4)</sup> Reference to legislation includes all subsequent amendments.

ANNEX II

Animal and Public Health Certificate <sup>(1)</sup>

..... <sup>(2)</sup>

Note to the importer: This health certificate is for veterinary purposes only. The official health certificate must accompany the consignment until it reaches the border inspection post or when the official certificate is issued after departure of the consignment, it must be available in the border inspection post at arrival and the statement VI must be completed.

Certificate reference number: .....

Exporting country: New Zealand

Competent authority: New Zealand .....

I. Identification of product

Number of packages: .....

Nature of packaging: .....

Nature of the goods: .....

Species: .....

Net weight in kg: .....

Number of the container (s) and container seal number(s) <sup>(3)</sup>: .....

Production date(s): .....

II. Origin of product

Name(s) and official approval number(s) of establishment(s): .....

.....

III. Destination of product

The product is dispatched

from: .....  
(Place of loading)

to .....  
(Country and place of destination)

by the following means of transport <sup>(4)</sup>: .....

Name and address of consignor: .....

.....

.....

<sup>(1)</sup> The official health certificate must be issued in English and in one of the languages of the Member State in which the border inspection post is situated.

<sup>(2)</sup> Insert the relevant animal product in English and the assigned number noted in Annex I of Commission Decision 2003/56/EC.

<sup>(3)</sup> If appropriate.

<sup>(4)</sup> For products: air or sea.

Name and address of consignee: .....  
.....  
.....

IV. **Health attestation**

The animal products herein described, comply with the relevant New Zealand animal health/public health standards and requirements which have been recognised as equivalent to the European Community standards and requirements as prescribed in Council Decision 97/132/EC. Specifically, in accordance with the Meat Act 1981 and/or Animal Products Act 1999.

V. **Welfare declaration** <sup>(5)</sup>

The products are derived from animals that were held and slaughtered or killed under conditions at least equivalent to the provisions of Council Directive 93/119/EC.

VI. <sup>(6)</sup> The undersigned officer certifies this consignment on the basis of eligibility documents <sup>(7)</sup> ED

.....  
Issued on <sup>(8)</sup>, ....., which were ascertained by him or her and were issued prior to departure of the consignment.

Done at ....., on .....

Signature and seal of Official Veterinarian <sup>(9)</sup>

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<sup>(5)</sup> This declaration is only required for products from animals which are covered by Directive 93/119/EC.  
<sup>(6)</sup> This declaration is only required to be completed when the official health certificate is issued after departure of the consignment. If not required the statement must be deleted.  
<sup>(7)</sup> Specify reference to the appropriate Eligibility Document(s).  
<sup>(8)</sup> Insert date.  
<sup>(9)</sup> The signature and official seal must be in a colour different to that of the printing.

ANNEX III

Animal and Public Health Certificate <sup>(1)</sup>

..... <sup>(2)</sup>

Note to the importer: This health certificate is for veterinary purposes only. The official health certificate must accompany the consignment until it reaches the border inspection post or when the official certificate is issued after departure of the consignment, it must be available in the border inspection post at arrival and the statement V must be completed.

Certificate reference number: .....

Exporting country: New Zealand

Competent authority: New Zealand .....

I. Identification of product

Number of packages: .....

Nature of packaging: .....

Nature of the goods: .....

Species: .....

Net weight in kg: .....

Number of the container (s) and container seal number(s) <sup>(3)</sup>: .....

Production date(s): .....

II. Origin of product

Name(s) and official approval number(s) of establishment(s): .....

.....

III. Destination of product

The product is dispatched

from: .....  
(Place of loading)

to: .....  
(Country and place of destination)

by the following means of transport <sup>(4)</sup>: .....

Name and address of consignor: .....

.....

.....

<sup>(1)</sup> The official health certificate must be issued in English and in one of the languages of the Member State in which the border inspection post is situated.

<sup>(2)</sup> Insert the relevant animal product in English and the assigned number noted in Annex I of Commission Decision 2003/56/EC.

<sup>(3)</sup> If appropriate.

<sup>(4)</sup> Air or sea.

Name and address of consignee: .....  
.....  
.....

IV. **Health attestation**

I the undersigned hereby certify that:

The animal products herein described, comply with the relevant New Zealand animal health/public health standards and requirements which have been recognised as equivalent to the European Community standards and requirements as prescribed in Council Decision 97/132/EC, specifically, in accordance with the Dairy Industry Act 1952, Food Act 1981 and Biosecurity Act 1993.

V. <sup>(5)</sup> The undersigned officer certifies this consignment on the basis of eligibility documents <sup>(6)</sup>: ED .....  
Issued on <sup>(7)</sup>, ....., which were ascertained by him or her and were issued prior to departure of the consignment.

Done at ....., on .....

**For animal health:**

Signature and seal of Official Veterinarian <sup>(8)</sup>

**For public health:**

Signature and seal of Official Inspector <sup>(8)</sup>

\_\_\_\_\_

<sup>(5)</sup> This declaration is only required to be completed when the official health certificate is issued after departure of the consignment. If not required the statement must be deleted.

<sup>(6)</sup> Specify reference to the appropriate Eligibility Document(s).

<sup>(7)</sup> Insert date.

<sup>(8)</sup> The signature and official seal must be in a colour different to that of the printing.

ANNEX IV

Animal Health Certificate <sup>(1)</sup>

..... <sup>(2)</sup>

*Note to the importer:* This health certificate is for veterinary purposes only. The official health certificate must accompany the consignment until it reaches the border inspection post or when the official certificate is issued after departure of the consignment, it must be available in the border inspection post at arrival and the statement V must be completed.

Certificate reference number: .....

Exporting country: New Zealand

Competent authority: New Zealand .....

I. Identification of product

Number of packages: .....

Nature of packaging: .....

Nature of the goods: .....

Species: .....

Net weight in kg: .....

Number of the container (s) and container seal number(s) <sup>(3)</sup>: .....

Production date(s): .....

II. Origin of product

Name(s) and official approval number(s) of establishment(s): .....

.....

III. Destination of product

The product is dispatched

from: .....  
(Place of loading)

to: .....  
(Country and place of destination)

by the following means of transport <sup>(4)</sup>: .....

Name and address of consignor: .....

.....

.....

<sup>(1)</sup> The official health certificate must be issued in English and in one of the languages of the Member State in which the border inspection post is situated.

<sup>(2)</sup> Insert the relevant animal product in English and the assigned number noted in Annex I of Commission Decision 2003/56/EC.

<sup>(3)</sup> If appropriate.

<sup>(4)</sup> Air or sea.

Name and address of consignee: .....  
.....  
.....

IV. **Health attestation**

The animal products herein described, comply with the relevant New Zealand animal health standards and requirements which have been recognised as equivalent to the European Community standards and requirements as prescribed in Council Decision 97/132/EC, specifically, in accordance with the Meat Act 1981 and/or Animal Products Act 1999.

V. <sup>(5)</sup> The undersigned officer certifies this consignment on the basis of eligibility documents <sup>(6)</sup> .....  
issued on <sup>(7)</sup>, ..... , which were ascertained by him and were issued prior to departure of the consignment.

Done at ..... , on .....

Signature and seal of Official Veterinarian <sup>(8)</sup>

\_\_\_\_\_

<sup>(5)</sup> This declaration is only required to be completed when the official health certificate is issued after departure of the consignment. If not required the statement must be deleted.  
<sup>(6)</sup> Specify reference to the appropriate Eligibility Document(s).  
<sup>(7)</sup> Insert date.  
<sup>(8)</sup> The signature and official seal must be in a colour different to that of the printing.

ANNEX V

Health Certificate <sup>(1)</sup>

..... <sup>(2)</sup>

*Note to the importer:* This health certificate is for veterinary purposes only. The official health certificate must accompany the consignment until it reaches the border inspection post or when the official certificate is issued after departure of the consignment, it must be available in the border inspection post at arrival and the statement V must be completed.

Certificate reference number: .....

Exporting country: New Zealand

Competent authority: New Zealand .....

I. Identification of product

Number of packages: .....

Nature of packaging: .....

Nature of the goods: .....

Species: .....

Net weight in kg: .....

Number of the container (s) and container seal number(s) <sup>(3)</sup>: .....

Production date(s): .....

II. Origin of product

Name(s) and official approval number(s) of establishment(s): .....

.....

III. Destination of product

The product is dispatched

from: .....  
(Place of loading)

to: .....  
(Country and place of destination)

by the following means of transport <sup>(4)</sup>: .....

Name and address of consignor: .....

.....

.....

<sup>(1)</sup> The official health certificate must be issued in English and in one of the languages of the Member State in which the border inspection post is situated.

<sup>(2)</sup> Insert the relevant animal product in English and the assigned number noted in Annex I of Commission Decision 2003/56/EC.

<sup>(3)</sup> If appropriate.

<sup>(4)</sup> Air or sea.

Name and address of consignee: .....  
.....  
.....

IV. **Health attestation**

I the undersigned hereby certify that:

The animal products herein described, comply with the relevant New Zealand public health standards and requirements which have been recognised as equivalent to the European Community standards and requirements as prescribed in Council Decision 97/132/EC, specifically, in accordance with the Meat Act 1981 and/or Animal Products Act 1999.

V. <sup>(5)</sup> The undersigned officer certifies this consignment on the basis of eligibility documents <sup>(6)</sup>  
.....  
issued on <sup>(7)</sup>, ....., which were ascertained by him or her and were issued prior to departure of the consignment.

Done at ....., on .....

Signature and seal of Official Veterinarian <sup>(8)</sup>

\_\_\_\_\_

<sup>(5)</sup> This declaration is only required to be completed when the official health certificate is issued after departure of the consignment. If not required the statement must be deleted.  
<sup>(6)</sup> Specify reference to the appropriate Eligibility Document(s).  
<sup>(7)</sup> Insert date.  
<sup>(8)</sup> The signature and official seal must be in a colour different to that of the printing.

## ANNEX VI

**Exports of Imported Animal Products**

In each case, the product shall:

- have originated from a third country eligible to export the item to the European Community,
- have been derived from establishments eligible to export to the European Community, and
- be eligible to be exported to the European Community.

A copy of the import certificate is to be attached to the signed New Zealand health certificate; this copy is to be endorsed 'certified copy of original', and be signed by the certifying officer.

The original or a certified copy of the import certificate shall be retained by the certifying officer.

**The following additional declaration(s) shall appear on the model certificates prescribed in Annex I. The declarations shall appear in the languages referred to in Article 2 of Commission Decision 2003/56/EC.**

**1. Mixed origin**

For animal products which have been imported into New Zealand, and have been stored and processed in EC-listed establishments with product of New Zealand origin (i.e., the consignment is of mixed origin), the following declaration is to appear on the appropriate model certificates noted in Annex I:

'The final product described herein was partly derived from raw material and/or product which:

- (i) was imported into New Zealand from

.....  
Country of origin (\*)

- (ii) and was further stored, handled, processed, wrapped and/or packaged in EC-listed New Zealand export establishment(s).

The product originated in a third country/third countries and establishment(s) listed by the European Community and is eligible for export to the European Community.

(\*) Insert the name of the country of origin in English.'

**2. Country of origin maintained, not mixed with New Zealand origin product.**

For animal products which have been imported into New Zealand and have been stored and processed in New Zealand EC-listed export establishments but not mixed with product of New Zealand origin, the following declaration is to appear on the model certificates noted in Annex I:

'The final product described herein was derived from raw material and/or product which:

- (i) was imported into New Zealand from

.....  
Country of origin (\*)

- (ii) and was further stored, handled, processed, wrapped and/or packaged in EC-listed New Zealand export establishment(s).

The product originated in a third country/third countries and establishment(s) listed by the European Community and is eligible for export to the European Community.

(\*) Insert the name of the country of origin in English.'

## ANNEX VII

**Additional guarantees relating to live animals and animal products provided for in Annex V to Council Decision 97/132/EC**

The health certificate(s) for live animals and animal products listed in this Annex, shall bear the appropriate declaration set out in the corresponding legislation if they are imported for consignment to either Sweden or Finland:

Live animals and animal products	Declaration
<b>Live poultry</b> — Live poultry for slaughter — Breeding poultry — Day-old chicks — Laying hens	Annex A to Council Decision 95/410/EC Annex II to Council Decision 95/160/EC Annex III to Council Decision 95/160/EC Annex II to Council Decision 95/161/EC
<b>Fresh meat:</b> Veal, beef and pig meat but excluding fresh meat intended for the purposes of pasteurisation, sterilisation or for treatment having an equivalent effect	'The fresh meat has been subject to microbiological testing for salmonella as provided for in Council Decision 95/409/EC by sampling in the establishment of origin of this meat'
<b>Fresh poultry meat</b>	'The fresh meat has been subject to microbiological testing for salmonella as provided for in Council Decision 95/411/EC by sampling in the establishment of origin of this meat'
<b>Table eggs for human consumption</b>	Commission Decision 95/168/EC