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Price: EUR 18

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I

(Acts whose publication is obligatory)

**COUNCIL REGULATION (EC) No 669/2003
of 8 April 2003
amending Regulation (EC) No 1035/2001 establishing a catch documentation scheme for *Dissostichus* spp.**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 37 thereof,

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

Having regard to the opinion of the European Parliament ⁽²⁾,

Whereas:

- (1) Council Regulation (EC) No 1035/2001 of 22 May establishing a catch documentation scheme for *Dissostichus* spp. ⁽³⁾ implements the catch documentation scheme adopted by the Commission for the Conservation of Antarctic Marine Living Resources, hereinafter referred to as 'CCAMLR', at its 18th annual meeting in November 1999.
- (2) At its 20th annual meeting in November 2001 and its 21st annual meeting in November 2002, CCAMLR adopted a number of amendments to the scheme in order to, *inter alia*, combat misreporting and improve export control and introduced a procedure to deal with the sale or disposal of seized and confiscated catches.
- (3) Regulation (EC) No 1035/2001 therefore should be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 1035/2001 is hereby amended as follows:

1. Article 2 shall be replaced by the following:

'Article 2

Scope

1. This Regulation shall apply to all *Dissostichus* spp. falling within TARIC codes 0302 69 88 00, 0303 79 88 10, 0303 79 88 90, 0304 20 88 10 and 0304 20 88 00:

- (a) landed or transhipped by Community fishing vessels;
or

(b) imported into, or exported or re-exported from the Community.

2. This Regulation shall not apply to by-catches of *Dissostichus* spp. taken by trawlers fishing on the high seas outside the CCAMLR area.

For the purpose of this paragraph, a by-catch of *Dissostichus* spp. means a quantity of *Dissostichus* spp. representing no more than 5 % of the total catch of all species and no more than 50 tonnes for an entire fishing trip by a vessel.

3. The second subparagraph of paragraph 2 may be amended to apply CCAMLR conservation measures which become obligatory for the Community, in accordance with the procedure laid down in Article 25(3).⁴

2. Article 9(1) shall be replaced by the following:

'1. After having verified, by the use of data reports obtained through an automated tamper-proof satellite linked vessel monitoring system (VMS), that the area fished and the catch to be landed or transhipped as reported by its vessel is accurately recorded and consistent with its authorisation to fish, the Flag Member State shall convey a confirmation number to the master by the most rapid electronic means.

The master shall enter the confirmation number on the catch document⁵;

3. Article 13 shall be replaced by the following:

'Article 13

1. Member States shall take the measures necessary to identify the origin of all *Dissostichus* spp. imported into or exported from their territory and to determine whether the *Dissostichus* spp. harvested in the CCAMLR area was caught in a manner consistent with the CCAMLR conservation measures.

2. If a Member State has reasons to believe that landings or imports of *Dissostichus* spp. declared as having been caught on the high seas outside the CCAMLR area consist in actual fact of *Dissostichus* spp. caught in the CCAMLR area, the Member State shall request the Flag State to carry out an additional verification of the catch document by the use of, *inter alia*, data reports provided through an automated satellite-linked VMS.

⁽¹⁾ OJ C 291 E, 26.11.2002, p. 217.

⁽²⁾ Opinion delivered on 12 February 2003 (not yet published in the Official Journal).

⁽³⁾ OJ L 145, 31.5.2001, p. 1.

If the Flag State despite this request fails to demonstrate that the catch document was verified with the use of VMS data, the catch document shall be considered as void *ab initio* and the importation and exportation of the *Dissostichus* spp. shall be prohibited.

3. Member States shall, without delay, inform the Commission and the other Member States of any instance where the results of the additional verification referred to in paragraph 2 indicate that the catches were not caught in a manner consistent with the CCAMLR conservation measures and of the measures taken by the Member State in this regard.;

4. Article 15 shall be replaced by the following:

'Article 15

1. Member States shall take all necessary measures to ensure that each shipment of *Dissostichus* spp. imported into or exported from their territory is accompanied by the export-validated or re-export-validated catch document or documents corresponding to the total quantity of *Dissostichus* spp. contained in the shipment.

2. Member States shall ensure that their customs authorities or other competent official agents request and examine the documentation of each shipment of *Dissostichus* spp. imported into or exported from their territory in order to verify that it includes the export-validated or re-export-validated catch document or the documents corresponding to the total quantity of *Dissostichus* spp. contained in the shipment. These authorities or agents may also examine the content of any shipment in order to verify the information contained in the catch document or documents.

3. Member States shall inform the Commission of any instance where the results of the verifications referred to in paragraphs 1 and 2 indicate that the documentation requirements set out in this Regulation have not been met.

4. An export-validated *Dissostichus* spp. catch document is one that:

- (a) includes all the information specified in Annex I and all the necessary signatures; and
- (b) includes a certificate signed and stamped by an official agent of the exporting State, attesting to the accuracy of the information contained in the document.;

5. Article 17 shall be replaced by the following:

'Article 17

The importation and exportation of *Dissostichus* spp. is prohibited if the batch concerned is not accompanied by a catch document.;

6. Article 20 shall be replaced by the following:

'Article 20

1. The Flag Member State shall convey immediately to the CCAMLR Secretariat, by the most rapid electronic means available, and with a copy to the Commission, the copies referred to in Articles 10 and 12.

2. Member States shall immediately transmit to the Secretariat, by the most rapid electronic means available, and with a copy to the Commission, a copy of the export validated or re-export-validated catch documents as well as the documents referred to in Article 22a.;

7. Article 22 shall be replaced by the following:

'Article 22

By 15 March, 15 June, 15 September and 15 December of each year Member States shall report to the Commission data drawn from the catch documents on the origin, destination and quantity of *Dissostichus* spp. imported into or exported from their territory.

Each year the Commission shall forward the data concerning the origin and the quantity to the CCAMLR Secretariat.;

8. The following Chapter VIa shall be inserted:

'CHAPTER VIa

Sale of seized or confiscated fish

Article 22a

If a Member State has cause to sell or dispose of seized or confiscated *Dissostichus* spp., it shall issue a specially validated catch document. This catch document shall include a statement specifying the reasons for that validation and describe the circumstances under which the seized or confiscated fish are moving into trade. To the extent practicable, Member States shall ensure that no financial benefit from the sale or disposal of this fish accrue to the perpetrators of the illegal fishing activities.;

9. in Article 24, the first subparagraph shall be replaced by the following:

'The measures necessary for the implementation of Article 8(2)(d), Article 9, Article 10(3), Article 11, Article 12(3), Article 13(2) and Article 15 shall be adopted in accordance with the procedure referred to in Article 25(2).;

10. Annex II shall be replaced by the Annex to this Regulation.

Article 2

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

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

Done at Luxembourg, 8 April 2003.

For the Council

The President

G. DRYS

ANNEX

ANNEX II

<i>DISSOSTICHUS</i> CATCH DOCUMENT						V 1.4
Dokument No:				Flag State confirmation No:		
PRODUCTION SECTION						
1. Issuing authority of document						
Name		Address			Tel. Fax	
2. Fishing vessel name		Home port and registration No		Call sign		IMO/Lloyd's No (if issued)
3. Licence No (if issued)				Fishing dates for catch under this document		
				4. from:		5. to:
6. Description of fish (landed/transhipped)				7. Description of Fish Sold		
Species	Type	Estimated weight to be landed (kg)	Area caught (*)	Verified weight landed (kg)	Net weight sold (kg)	Recipient's name; address, telephone, fax and signature
						Recipient's name:
						Signature:
						Address:
						Tel.
						Fax
Species: TOP <i>Dissostichus eleginoides</i> , TOA <i>Dissostichus mawsoni</i>						
Type: WHO whole; HAG headed and gutted; HAT headed and tailed; FLT filet; HGT headed, gutted, tailed; OTH other (specify)						
8. Landing/Transshipment information: I certify that the above information is complete, true and correct. Any <i>Dissostichus</i> spp. was taken in the Convention area. I certify that if was taken in a manner consistent with CCAMLR conservation measures.						
Master of fishing vessel or authorised representative (print in block letters)			Signature and date		Landing/Transshipment port and country/area	Date of landing/transshipment
9. Certificate of transshipments: I certify that the above information is complete, true and correct to the best of my knowledge.						
Master of receiving vessel		Signature		Vessel name	Call sign	IMO/Lloyds No (if issued)
Transshipment within a port area: countersignature by port authority if appropriate.						
Name		Authority		Signature		Seal (Stamp)

10. Certificate of landing: I certify that the above information is complete, true and correct to the best of my knowledge.							
Name	Authority	Signature	Address	Tel.	Port of landing	Date of landing	Seal (Stamp)
11. EXPORT SECTION			12. Exporter declaration: I certify that the above information is complete, true and correct to the best of my knowledge.				
Description of fish			Name	Address	Signature	Export licence (if issued)	
Species	Product type	Net weight					
			13. Export government authority validation: I certify that the above information is complete, true and correct to the best of my knowledge.				
			Name/Title	Signature	Date	Seal (Stamp)	
			Country of export			Export reference No	
14. IMPORT SECTION							
Name of importer:			Address:				
Point of unloading:			City:	State/Province:	Country:		

(*) Report FAO statistical area/subarea/division where the catch was taken and indicate whether the catch was taken on the high seas or within an EEZ.'

**COUNCIL REGULATION (EC) No 670/2003
of 8 April 2003**

laying down specific measures concerning the market in ethyl alcohol of agricultural origin

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Articles 36 and 37 thereof,

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

Having regard to the opinion of the European Parliament ⁽²⁾,

Having regard to the opinion of the European Economic and Social Committee ⁽³⁾,

Whereas:

- (1) The operation and development of the common market in agricultural products should be accompanied by the establishment of a common agricultural policy to include in particular appropriate measures, which may take various forms depending on the product.
- (2) The aim of the common agricultural policy is to achieve the objectives set out in Article 33 of the Treaty. This can be accomplished through the introduction of tools to improve monitoring of developments both on the internal market and in trade with third countries.
- (3) The processing of certain agricultural raw materials into ethyl alcohol is closely linked with the economy of those raw materials. It can contribute in large measure to enhancing their value and may be of particular economic and social importance for the economy of certain regions of the Community or may be a significant source of income for the producers of the raw materials concerned. It also permits the disposal of products of unsatisfactory quality and short-term surpluses that may cause temporary problems in certain sectors.
- (4) It is necessary to establish a framework of specific measures for ethyl alcohol of agricultural origin so that economic data can be collected and statistical information analysed for the purpose of monitoring the market; in so far as the market in ethyl alcohol of agricultural origin is linked to the market in ethyl alcohol in general, information also needs to be made available concerning the market in ethyl alcohol of non-agricultural origin.
- (5) For the purpose of monitoring developments on the market in ethyl alcohol, Member States should send the Commission the information necessary to draw up a balance for that market.
- (6) The marketing of ethyl alcohol from agricultural alcohol-producing products which have been the subject of intervention measures or other specific measures is covered by special procedures under the regulations relating to those products in order to ensure adequate competition and to prevent any disturbance of the traditional alcohol market.
- (7) The introduction of specific measures for the Community in the sector of ethyl alcohol of agricultural origin requires the establishment of trade arrangements at the Community's external borders. Trade arrangements involving a system of import duties should, in principle, stabilise the Community market. Those trade arrangements should be based on the agreements concluded during the Uruguay Round of multilateral trade negotiations.
- (8) In order to be able to monitor trade movements on a permanent basis, provision should be made for an import and export licence scheme with the lodging of a security to ensure that the transactions for which such licences are requested are actually carried out. These arrangements should also be extended to products in bulk form based on ethyl alcohol of agricultural origin imported under certain CN 2208 codes and presenting all the characteristics of ethyl alcohol of agricultural origin, for the purposes of effective control of imports of such products.
- (9) It is appropriate to confer on the Commission the power to open and administer tariff quotas resulting from international agreements concluded in accordance with the Treaty or from other legislative acts of the Council.
- (10) In addition to the system described above, and to the extent necessary for its proper working, provision should be made for regulating the use of inward processing arrangements or, when the situation on the market so requires, prohibiting the use of such arrangements.
- (11) The system of customs duties makes it possible to dispense with all other protective measures at the Community's external borders. However, the internal market and duty mechanism could, in exceptional circumstances, prove defective. In such cases, so as not to leave the Community market without defence against disturbances that might ensue, the Community should be able to take all necessary measures without delay. All such measures should comply with the obligations arising from the World Trade Organisation Agreements.

⁽¹⁾ OJ C 180 E, 26.6.2001, S. 146.

⁽²⁾ Opinion delivered on 13 June 2002 (not yet published in the Official Journal).

⁽³⁾ OJ C 260, 17.9.2001, p. 33.

(12) The achievement of a single market would be jeopardised by the granting of certain types of aid. The Treaty provisions governing the appraisal of aid granted by Member States and the prohibition of aid incompatible with the common market should be extended to ethyl alcohol of agricultural origin. Given the particular situation in Germany, where national support is currently granted to a large number of smaller producers of such alcohol under the specific conditions of the German alcohol monopoly, it is necessary to permit, during a limited period of time, the continuation of the granting of such support. It is also necessary to foresee a report on the functioning of this derogation, at the end of that period, accompanied with appropriate proposals.

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

(14) The measures laid down by this Regulation should take proper and simultaneous account of the objectives set out in Articles 33 and 131 of the Treaty.

(15) The measures laid down by this Regulation should also comply with the agreements concluded in accordance with Article 300(2) of the Treaty, in particular those forming part of the Agreement establishing the World Trade Organisation and more specifically the Agreement on Technical Barriers to Trade.

(16) In order to guarantee the smooth operation of the arrangements, the Commission should be permitted to adopt transitional measures. The Commission should also be authorised to resolve specific practical problems on a temporary and exceptional basis.

(17) The measures for applying this Regulation should not lead to any discrimination between ethyl alcohol of agricultural and non-agricultural origin,

HAS ADOPTED THIS REGULATION:

Article 1

Scope

1. Specific measures in the sector of ethyl alcohol of agricultural origin covering the following products are hereby established:

CN code	Description
ex 2207 10 00	Undenatured ethyl alcohol of an alcoholic strength by volume of 80 % vol. or higher, obtained from the agricultural products listed in Annex I to the Treaty
ex 2207 20 00	Ethyl alcohol and other spirits, denatured, of any strength, obtained from the agricultural products listed in Annex I to the Treaty

CN code	Description
ex 2208 90 91 and ex 2208 90 99	Undenatured ethyl alcohol of an alcoholic strength by volume of less than 80 % vol., obtained from the agricultural products listed in Annex I to the Treaty

2. Article 4 shall apply also to products based on ethyl alcohol of agricultural origin falling within CN code 2208 put up in containers of more than two litres and presenting all the characteristics of ethyl alcohol as described in paragraph 1.

Article 2

Method of production

The method of production and the characteristics of an ethyl alcohol obtained from a specific agricultural product listed in Annex I to the Treaty may be laid down in accordance with the procedure referred to in Article 12(2).

Article 3

Information

1. The Member States shall communicate to the Commission the following information:

- the production of ethyl alcohol of agricultural origin expressed as hectolitres of pure alcohol, broken down by alcohol-producing product used,
- the volume of ethyl alcohol of agricultural origin disposed of, expressed as hectolitres of pure alcohol, broken down by sector of destination,
- the stocks of ethyl alcohol of agricultural origin available in the Member State at the end of the previous year,
- forecast production for the current year.

Rules for communicating this information and, in particular, the frequency of communication and the definition of the sectors of destination shall be adopted in accordance with the procedure referred to in Article 12(2).

2. On the basis of this information and any other information available, the Commission shall draw up a Community balance for the market in ethyl alcohol of agricultural origin for the previous year and an estimated balance for the current year.

3. The Community balance shall also contain information on ethyl alcohol of non-agricultural origin. The precise content and means of collecting such information shall be laid down in accordance with the procedure referred to in Article 12(2).

'Ethyl alcohol of non-agricultural origin' means products falling within CN codes 2207, 2208 90 91 and 2208 90 99 not obtained from a specific agricultural product listed in Annex I to the Treaty.

4. The Commission shall notify the Member States of the balances in question.

⁽¹⁾ OJ L 184, 17.7.1999, p. 23.

Article 4

Import and export licences

1. All imports into the Community of the products referred to in Article 1 may be subject to the presentation of an import licence. All exports of those products may be subject to the presentation of an export licence.

2. Member States shall issue licences to all applicants, irrespective of their place of establishment within the Community, without prejudice to the provisions adopted for the application of Article 6. Licences shall be valid throughout the Community.

3. Licences shall be issued subject to the lodging of a security guaranteeing that the products are imported or exported during the period of validity of the licence and, save in cases of *force majeure*, the security shall be forfeited in whole or in part if import or export is not carried out, or is only carried out partially, within that period.

4. The period of validity of the licences and other detailed rules for the application of this Article shall be laid down in accordance with the procedure referred to in Article 12(2).

Article 5

Application of Common Customs Tariff duties

Save as otherwise provided in this Regulation, the rates of duty in the Common Customs Tariff shall apply to the products listed in Article 1.

Article 6

Tariff quotas

1. Tariff quotas for the products listed in Article 1 resulting from agreements concluded in accordance with Article 300 of the Treaty, or from any other act of the Council, shall be opened and administered by the Commission in accordance with detailed rules adopted in accordance with the procedure referred to in Article 12(2).

2. Tariff quotas may be administered using one of the following methods or a combination thereof:

- (a) a method based on the chronological order in which applications are lodged (the first come, first served method);
- (b) a method of distribution in proportion to the quantities requested when the applications are lodged (the simultaneous examination method);
- (c) a method taking traditional trade patterns into account (the traditional importers/new arrivals method).

Other suitable methods may be used. Such methods must avoid any discrimination among the traders concerned.

3. Where necessary, the method of administration shall take account of the supply needs of the Community market and of the need to preserve its equilibrium and may be based on methods used in the past for quotas similar to those referred to in paragraph 1, without prejudice to rights arising under the agreements concluded during the Uruguay Round of multilateral trade negotiations.

4. The detailed rules referred to in paragraph 1 shall provide for annual quotas, if necessary suitably phased over the year, and shall determine the administrative method to be used and where appropriate include provisions on:

- (a) the guarantees covering the nature, provenance and origin of the product;
- (b) the recognition of the document used for verifying the guarantees referred to in (a);
- (c) the terms and conditions on which import licences are to be issued and their period of validity.

Article 7

Inward processing arrangements

To the extent necessary for the proper working of the market in ethyl alcohol of agricultural origin, the Commission, in accordance with the procedure referred to in Article 12(2), may prohibit in whole or in part the use of inward processing arrangements for the products listed in Article 1.

Article 8

Interpretation of the combined nomenclature

1. The general rules for the interpretation of the combined nomenclature and the detailed rules for its application shall apply to the tariff classification of products covered by this Regulation; the tariff nomenclature resulting from the application of this Regulation is incorporated in the Common Customs Tariff.

2. Save as otherwise provided for in this Regulation or in provisions adopted pursuant hereto, the following shall be prohibited in trade with third countries:

- (a) the levying of any charge having equivalent effect to a customs duty;
- (b) the application of any quantitative restriction or measure having equivalent effect.

Article 9

Emergency measures

1. If, by reason of imports or exports, the Community market in one or more of the products listed in Article 1 is affected by, or is threatened with, serious disturbance likely to jeopardise the achievement of the objectives set out in Article 33 of the Treaty, appropriate measures may be applied in trade with third countries until such disturbance or threat of disturbance has ceased.

In deciding whether the situation warrants the application of such measures, account shall be taken, in particular, of the quantities for which import licences have been issued or applied for and the figures given in the balance for the marketing year concerned.

The Council, acting in accordance with the procedure laid down in Article 37(2) of the Treaty, shall adopt general rules for the application of this paragraph and shall define the circumstances and limits within which Member States may adopt protective measures.

2. If the situation referred to in paragraph 1 arises, the Commission shall, at the request of a Member State or on its own initiative, decide upon the necessary measures, which shall be communicated to the Member States and be immediately applicable. The Commission shall take decisions on requests from Member States within three working days of their receipt.

3. Measures decided upon by the Commission may be referred to the Council by any Member State within three working days of their communication. The Council shall meet immediately. It may, acting by a qualified majority, confirm, amend or repeal the measure in question within one month of the date of referral.

4. This Article shall be applied having regard to the obligations arising from agreements concluded in accordance with Article 300(2) of the Treaty.

Article 10

National aid

1. Articles 87, 88 and 89 of the Treaty shall apply to production of and trade in the products covered by this Regulation.

2. Without prejudice to Regulation (EEC) No 26/62 applying certain rules of competition to production of and trade in agricultural products ⁽¹⁾, paragraph 1 does not apply to aid granted, until 31 December 2010, by Germany in the framework of the German Alcohol Monopoly for products marketed, after further transformation, by the Monopoly, as ethyl alcohol of agricultural origin listed in Annex I to the Treaty. The total amount of this aid must not exceed EUR 110 million per year.

3. Germany shall present each year, before 30 June, a report to the Commission on the functioning of the system. Before 31 December 2009, the Commission shall present a report to the European Parliament and the Council on the application of the derogation, including an evaluation of the aids granted in the framework of the German Alcohol Monopoly, together with any appropriate proposals.

Article 11

Exchange of information

The Member States and the Commission shall exchange all information necessary for the application of this Regulation. Detailed rules for the communication of such information, including the nature and presentation of that information, the deadlines for transmission and the distribution of the information received, shall be adopted in accordance with the procedure referred to in Article 12(2).

⁽¹⁾ OJ C No 30, 20.4.1962, p. 993/62.

Article 12

Committee procedure

1. The Commission shall be assisted by the Management Committee for Wine (hereafter referred to as the Committee), established by Article 74 of Regulation (EC) No 1493/1999 ⁽²⁾.

2. Where reference is made to this Article, Articles 4 and 7 of Decision 1999/468/EC shall apply.

The period provided for in Article 4(3) of Decision 1999/468/EC shall be set at one month.

3. The Committee shall adopt its Rules of Procedure.

Article 13

The Committee may consider any other question referred to it by its Chairman either on his or her own initiative or at the request of the representative of a Member State.

Article 14

Compliance with the Treaty and international agreements

This Regulation shall be applied taking proper and simultaneous account of the objectives set out in Articles 33 and 131 of the Treaty.

Article 15

Transitional measures

The Commission shall adopt, in accordance with the procedure referred to in Article 12(2):

- (a) measures required to facilitate the transition to the arrangements established by this Regulation;
- (b) measures which are both necessary and duly justified to resolve, in an emergency, practical, specific and unforeseeable problems.

Article 16

Entry into force

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

It shall apply from 1 January 2004.

⁽²⁾ Council Regulation (EC) No 1493/1999 of 17 May 1999 on the common organisation of the market in wine (OJ L 179, 14.7.1999, p. 1). Regulation as last amended by Regulation (EC) No 2585/2001 (OJ L 345, 29.12.2001, p. 10).

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

Done at Luxembourg, 8 April 2003.

For the Council

The President

G. DRYG

**COUNCIL REGULATION (EC) No 671/2003
of 10 April 2003**

amending Regulation (EC) No 2341/2002 fixing for 2003 the fishing opportunities and associated conditions for certain fish stocks and groups of fish stocks, applicable in Community waters and, for Community vessels, in waters where catch limitations are required

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

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

Having regard to the proposal from the Commission,

Whereas:

- (1) Annex XVII of Regulation (EC) No 2341/2002 ⁽²⁾ lays down a temporary scheme of effort management applicable to all fisheries likely to catch cod in the North Sea and the West of Scotland.
- (2) The implementation of that Annex XVII has shown that certain of its provisions need to be either clarified or made more flexible, in order to improve its applicability and effectiveness.
- (3) It is necessary to ensure that any change to the scheme does not result in a lesser conservation value for the measures in question.

(4) These measures should be adopted urgently in order to ensure the effectiveness of the system. For this reason it is imperative to grant an exception to the six-week period mentioned in paragraph I(3) of the Protocol on the role of national parliaments in the European Union, annexed to the Treaty on European Union and to the Treaties establishing the European Communities.

(5) Regulation (EC) No 2341/2002 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Annex XVII to Regulation (EC) No 2341/2002 shall be replaced by the text in the Annex to this Regulation.

Article 2

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

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

Done at Brussels, 10 April 2003.

For the Council
The President
G. PAPANDREOU

⁽¹⁾ OJ L 358, 31.12.2002, p. 59.

⁽²⁾ OJ L 356, 31.12.2002, p. 12.

ANNEX

'ANNEX XVII

FISHING EFFORT AND ADDITIONAL CONDITIONS FOR MONITORING, INSPECTION AND SURVEILLANCE IN THE CONTEXT OF RECOVERY OF CERTAIN COD STOCKS

FISHING EFFORT

1. From 1 February 2003 to 31 December 2003, the conditions laid down in this Annex shall apply to Community fishing vessels of length overall equal to or greater than 10 metres.
2. For the purposes of this Annex, the following definitions of geographical areas shall apply:
 - (a) that part of ICES Division IIIa bounded on the north by a line drawn from the Skagen lighthouse to the Tistlarna lighthouse and from this point to the nearest point on the Swedish coast and on the south by a line drawn from Hasenøre to Gribens Spids, from Korshage to Spodsbjerg and from Gilbjerg Hoved to Kullen;
 - (b) that part of Division IIIa not covered by the area specified in subparagraph (a) and ICES Sub-area IV excluding the following ICES statistical rectangles:
 - 52E6, 52E7, 52E8, 52E9, 52F0, 52F1, 52F2, 52F3, 52F4
 - 51E6, 51E7, 51E8, 51E9, 51F0, 51F1, 51F2, 51F3, 51F4
 - 50E6, 50E7 ⁽¹⁾, 50E8 ⁽¹⁾, 50F2 ⁽²⁾, 50F3, 50F4
 - 49E6 ⁽¹⁾, 49E7 ⁽¹⁾, 49F3, 49F4
 - 48F3, 48F4
 - 47F3 ⁽²⁾, 47F4, 47F5
 - 46F3 ⁽³⁾, 46F4, 46F5
 - 45F3 ⁽⁴⁾, 45F4 ⁽⁵⁾, 45F5, 45F6
 - 44F4 ⁽⁵⁾, 44F5 ⁽⁵⁾, 44F6;
 - (c) ICES Division VIa excluding that part which lies to the west of a line drawn by sequentially joining with straight lines the following geographical coordinates:
 - 60°00'N, 04°00'W
 - 59°45'N, 05°00'W
 - 59°30'N, 06°00'W
 - 59°00'N, 07°00'W
 - 58°30'N, 08°00'W
 - 58°00'N, 08°00'W
 - 58°00'N, 08°30'W
 - 56°00'N, 08°30'W
 - 56°00'N, 09°00'W
 - 55°00'N, 09°00'W
 - 55°00'N, 10°00'W
 - 54°30'N, 10°00'W.
3. For the purposes of this Annex a day absent from port shall be:
 - (a) the 24-hour period between 00.00 hours of a calendar day and 24.00 hours of the same calendar day or any part of such a time period; or
 - (b) any continuous period of 24 hours from the time of departure from port or any part of any such time period.

A Member State which wishes to employ the definition of a day absent from port laid down under (b) shall notify the Commission of the means of ensuring compliance with these conditions.

⁽¹⁾ North of a straight line drawn between 60°00'N, 04°03'W and 61°00'N, 01°43'W.

⁽²⁾ North of a straight line drawn between 61°00'N, 02°00'E and 60°30'N, 03°00'E.

⁽³⁾ East of a straight line drawn between 59°30'N, 03°00'E and 59°00'N, 03°30'E.

⁽⁴⁾ East of 03°30'E.

⁽⁵⁾ North of a straight line drawn between 58°30'N, 03°30'E and 57°30'N, 05°30'E.

4. For the purpose of this Annex, the following definitions of fishing gears shall apply:
- (a) demersal trawls, seines or similar towed gears of mesh size equal to or greater than 100 mm except beam trawls;
 - (b) beam trawls of mesh size equal to or greater than 80 mm;
 - (c) static demersal nets including gill nets, trammel nets and tangle nets;
 - (d) demersal longlines;
 - (e) demersal trawls, seines or similar towed gears of mesh size between 70 mm and 99 mm except beam trawls;
 - (f) demersal trawls, seines or similar towed gears of mesh size between 16 mm and 31 mm except beam trawls.
5. (a) Each Member State shall ensure that, when carrying on board any of the fishing gears defined in paragraph 4, fishing vessels flying its flag and registered in the Community shall be absent from port and present within the areas specified in paragraph 2 for no more than the number of days specified in paragraph 6 or paragraph 9.
- (b) Days absent from port and spent in areas other than those specified in paragraph 2 shall not be counted against the number of days specified in paragraph 6 or paragraph 9.
- (c) The conditions of paragraph (a) shall not apply to vessels which operate under the conditions laid down in paragraph 7(b).
6. (a) The number of days in each calendar month on which a vessel may be absent from port while carrying on board any of the fishing gears defined in paragraph 4 are:

Gear defined in paragraph:						
	4a	4b	4c	4d	4e	4f
Area defined in paragraph:						
2a	9	0	16	19	25	23
2b	9	15	16	19	25	23
2c	9	15	16	19	25	23

- (b) Additional days to compensate for steaming time between home ports and fishing grounds and to compensate for adjustment to the newly installed effort management scheme may be allocated to the Member States by the Commission.
- (c) An additional number of days on which a vessel may be absent from port while carrying on board any of the gears defined in paragraph 4 may be provisionally allocated to Member States by the Commission on the basis of the achieved results or the expected results of decommissioning programmes in 2002 and 2003 for vessels affected by the provisions of this Annex.
- (d) Member States benefiting from the allocation under paragraph (c) shall report to the Commission before the end of March, May, July, September, and November respectively on the progress made in implementing their decommissioning programmes. On the basis of these reports, the Commission may amend the number of days defined in paragraph (c).
- (e) Notwithstanding the conditions laid down in paragraph (a), a Member State may permit any of its vessels fishing with demersal trawls, seines or similar towed gears of mesh size equal to or greater than 120mm to spend no more than 16 days absent from port provided that:
- (i) the Member State has previously notified the Commission of its intention to do so; and
 - (ii) the Member State has verified from the track record of that vessel that less than 5 % of the landings in live weight by that vessel during 2002 was comprised of cod; and
 - (iii) the Member State verifies that the track record for that vessel for the month terminating two months prior to the start of the current month confirms that its landings in that previous month comprised no more than 5 % of cod.

Vessels benefiting from the provisions laid down in this paragraph shall not be eligible for additional days allocated under paragraph (b).

7. (a) A vessel which is present within any of the areas defined in paragraph 2 and carrying on board any of the fishing gears defined in paragraph 4 may not simultaneously carry on board any of the other gears defined in paragraph 4.

(b) Notwithstanding the conditions of paragraph (a), a vessel present within any of the areas defined in paragraph 2 may carry simultaneously on board more than one of the fishing gears defined in paragraph 4 but may not deploy within any of the areas defined in paragraph 2 any of these fishing gears. While that vessel is within any of the areas defined in paragraph 2, any such fishing gears must be lashed and stowed in accordance with conditions laid down in Article 20(1) of Council Regulation (EEC) No 2847/93 of 12 October 1993 establishing a control system applicable to the common fisheries policy (¹).
8. A vessel which has deployed any one of the defined gears within any one of the specified areas may not deploy the same gear in another specified area on more days than those specified in paragraph 6 for a month or for an alternative period determined under the conditions of paragraph 11 minus the total number of the days on which this gear has already been deployed in any of the other specified areas in that month or alternative time period.
9. During a month or during a two-month period determined under the conditions laid down in paragraph 11 a vessel may deploy only two of the gears defined in paragraph 4. These gears may be deployed only on different days. The total number of days available to such vessels shall be no more than half the sum of the days allocated to each gear according to paragraph 6. Within this total number, it shall not be permitted to deploy any one of the gears concerned for more days than the number of days laid down with respect to that gear in paragraph 6.
10. (a) A Member State may permit any of its fishing vessels to transfer a maximum of 20 % of the days to which it is eligible from a month to the next month or from an alternative time period determined under the conditions of paragraph 11 to the next month or alternative time period. f

(b) A Member State may permit any of its fishing vessels to transfer days to which it is eligible for a given month or an alternative time period determined under the conditions of paragraph 11 to another of its vessels:
 - (i) when the vessel receiving days has an installed engine power equal to or less than that of the vessel contributing days; or
 - (ii) when the installed engine power of the vessel receiving days is greater than that of the vessel contributing days, provided that the product of the days received by a vessel multiplied by the installed engine power in kilowatts of that vessel is equal to or less than the product of the days transferred by the smaller vessel multiplied by the installed engine power in kilowatts of that vessel. The kilowatts of the larger vessel and the smaller vessel shall be those recorded for each vessel in the register of Community fishing vessels.
- (c) The transfer of days defined in paragraph 6 and referred to in paragraph (b) shall not be permitted from any of the gears defined in paragraphs 4(b) to (f) to those defined in paragraph 4(a).
11. A Member State may permit any of its vessels to aggregate days absence from port
 - (a) within any period of no more than two consecutive months; and
 - (b) within any period of no more than four consecutive months when it has been decided that the vessels of that Member State will remain in port during any part of that period to avoid the capture of spawning fish.
12. A Member State shall only permit the transfer of days for a particular gear defined in paragraph 4 in cases where the donor vessel has a record of fishing with that gear in one or more of the areas defined in paragraph 2 in 2000, 2001 or 2002.
13. A Member State shall not count against the days allocated to any of its vessels under paragraph 6 or paragraph 9 any days when the vessel has been absent from port but has been unable to fish due to exceptional circumstances including mechanical breakdown or adverse weather conditions. The Member State concerned shall provide justification to the Commission of any decisions taken on this basis.

MONITORING, INSPECTION AND SURVEILLANCE

14. The provisions of Title IIA of Regulation (EEC) No 2847/93 shall apply in so far as they concern reporting obligations to flag States to vessels of length overall equal to or greater than 10 metres deploying the fishing gears defined in paragraph 4 and operating in the areas defined in paragraph 2. Member States may implement alternative control measures to ensure compliance with this Annex. Such alternative measures shall be notified to and approved by the Commission.

(¹) OJ L 261, 20.10.1993, p. 1. Regulation as last amended by Regulation (EC) No 2846/98 (OJ L 358, 31.12.1998, p. 5).

15. The master of a fishing vessel, or his representative, prior to any entry to port of a Member State with more than one tonne of cod on board his vessel shall inform, at least four hours in advance of such entry, the competent authorities of that Member State of:
 - the port,
 - the estimated time of arrival at that port,
 - the quantities in kilograms live weight of cod retained on board,
 - the quantities in kilograms live weight of cod to be landed.

The competent authorities of a Member State in which a landing of more than one tonne of cod is to be made, may require that the discharge does not commence until authorised by those authorities.
 16. Whenever more than two tonnes of cod are to be landed from a fishing vessel, the master of the vessel shall ensure that such landings are made only at designated ports.
 17. Each Member State shall designate ports into which any landing of cod in excess of two tonnes shall take place.
 18. Each Member State shall transmit to the Commission within 15 days of the date of entry into force of this Regulation the list of designated ports and, within 30 days thereafter, associated inspection and surveillance procedures including the terms and conditions for recording and reporting the quantities of cod within each landing. The Commission shall transmit this information to all Member States.
 19. It shall be prohibited to retain on board a fishing vessel in any individual box or other container any quantity of cod mixed with any other species of marine organism.
 20. The masters of the fishing vessels shall provide the necessary assistance to inspectors of Member States to enable the quantities declared in the logbook and the catches of cod retained on board to be cross-checked for verification purposes.
 21. The competent authorities of a Member State may require that any quantity of cod caught in any of the areas specified in paragraph 2 and first landed in that Member State is weighed before being transported from the port of first landing.
 22. By way of derogation from the conditions laid down in Article 13 of Regulation (EEC) No 2847/93, all quantities of cod caught in any of the areas specified in paragraph 2 which are transported to a place other than that of landing or import shall be accompanied by a copy of one of the declarations provided for in Article 8(1) of Regulation (EEC) No 2847/93 pertaining to the quantities of these species transported. The exemption provided for in Article 13(4)(b) of Regulation (EEC) No 2847/93 shall not apply.
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COMMISSION REGULATION (EC) No 672/2003
of 14 April 2003
establishing the standard import values for determining the entry price of certain fruit and vegetables

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 15 April 2003.

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

Done at Brussels, 14 April 2003.

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

⁽¹⁾ OJ L 337, 24.12.1994, p. 66.

⁽²⁾ OJ L 299, 1.11.2002, p. 17.

ANNEX

to the Commission Regulation of 14 April 2003 establishing the standard import values for determining the entry price of certain fruit and vegetables

<i>(EUR/100 kg)</i>		
CN code	Third country code ⁽¹⁾	Standard import value
0702 00 00	052	96,8
	204	79,3
	212	129,8
	999	102,0
0707 00 05	052	101,5
	064	58,4
	204	41,8
	628	147,3
	999	87,3
0709 10 00	220	190,1
	999	190,1
0709 90 70	052	90,2
	204	60,4
	999	75,3
0805 10 10, 0805 10 30, 0805 10 50	052	67,0
	204	38,5
	212	68,6
	220	45,7
	400	46,8
	600	49,6
	624	67,1
	999	54,8
0808 10 20, 0808 10 50, 0808 10 90	060	64,5
	388	85,4
	400	99,4
	404	112,3
	508	79,4
	512	80,9
	524	61,7
	528	77,6
	720	83,5
	728	54,1
	804	134,6
	999	84,9
	0808 20 50	388
512		78,0
528		64,8
720		46,0
999		66,5

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

COMMISSION REGULATION (EC) No 673/2003
of 14 April 2003

**amending Regulations (EC) No 1143/98, (EC) No 1279/98, (EC) No 1128/1999, (EC) No 1247/1999
and (EC) No 140/2003 as regards certain tariff quotas for beef and veal products from Poland**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1254/1999 of 17 May 1999 on the common organisation of the market in beef and veal ⁽¹⁾, as last amended by Commission Regulation (EC) No 2345/2001 ⁽²⁾, and in particular Article 32(1) thereof,

Whereas:

- (1) The Protocol approved by Council Decision 2003/263/EC of 27 March 2003 concerning the conclusion of a Protocol adjusting the trade aspects of the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republic of Poland, of the other part, to take account of the outcome of negotiations between the Parties on new mutual agricultural concessions ⁽³⁾ provides for new concessions as regards the importation of certain beef and veal products under the tariff quotas opened by that Agreement. They apply from 1 April 2003.
- (2) Commission Regulation (EC) No 1143/98 of 2 June 1998 laying down detailed rules for a tariff quota for cows and heifers of specified mountain breeds originating in various third countries, other than for slaughter, and amending Regulation (EC) No 1012/98 ⁽⁴⁾, as last amended by Regulation (EC) No 1096/2001 ⁽⁵⁾, Commission Regulation (EC) No 1279/98 of 19 June 1998 laying down detailed rules for applying the tariff quotas for beef and veal provided for in Council Regulations (EC) No 2290/2000, (EC) No 2433/2000, (EC) No 2434/2000, (EC) No 2851/2000 and (EC) No 1408/2002 and Council Decision 2003/18/EC for Bulgaria, the Czech Republic, Slovakia, Romania, the Republic of Poland and the Republic of Hungary ⁽⁶⁾, as last amended by Regulation (EC) No 529/2003 ⁽⁷⁾, Commission Regulation (EC) No 1128/1999 of 28 May 1999 laying down detailed rules of application for a tariff quota for calves weighing not more than 80 kilograms originating in certain third countries ⁽⁸⁾, as last amended by Regulation (EC) No 529/2003, Commission Regulation (EC) No 1247/1999 of 16 June 1999 laying down detailed rules for the application of a tariff quota for live bovine animals weighing from 80 to 300 kilograms and originating in certain third countries ⁽⁹⁾, as last amended by Regulation (EC) No 529/2003, and Commission Regulation (EC) No 140/2003 of 27 January 2003 determining the percentage of quantities which may be allowed in respect of import licence applications lodged in January 2003 under tariff quotas for beef and veal provided for in Regulation (EC) No 1279/98 for the Republic of Poland, the Republic of Hungary, the Czech Republic, Slovakia, Bulgaria and Romania ⁽¹⁰⁾, as amended by Regulation (EC) No 529/2003, should therefore be amended with effect from 1 April 2003.
- (3) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Beef and Veal,

⁽¹⁾ OJ L 160, 26.6.1999, p. 21.

⁽²⁾ OJ L 315, 1.12.2001, p. 29.

⁽³⁾ See page 53 of this Official Journal.

⁽⁴⁾ OJ L 159, 3.6.1998, p. 14.

⁽⁵⁾ OJ L 150, 6.6.2001, p. 33.

⁽⁶⁾ OJ L 176, 20.6.1998, p. 12.

⁽⁷⁾ OJ L 78, 25.3.2003, p. 5.

⁽⁸⁾ OJ L 135, 29.5.1999, p. 50.

⁽⁹⁾ OJ L 150, 17.6.1999, p. 18.

⁽¹⁰⁾ OJ L 23, 28.1.2003, p. 6.

HAS ADOPTED THIS REGULATION:

Article 1

In Article 1(1) of Regulation (EC) No 1143/98, the table is replaced by the following table:

Serial No	CN code ⁽¹⁾	Description	Quota volume (head)	Customs duty
09.4563	ex 0102 90 05 ex 0102 90 29 ex 0102 90 49 ex 0102 90 59 ex 0102 90 69	Cows and heifers other than for slaughter of the following mountain breeds: grey, brown, yellow, mottled, Simmental and Pinzgau	7 000	6 % <i>ad valorem</i> ⁽²⁾

⁽¹⁾ For Taric codes: see Annex II.

⁽²⁾ Exemption from the rate applicable to animals originating in Poland.'

Article 2

Regulation (EC) No 1279/98 is amended as follows:

1. the title is replaced by the following:

'Commission Regulation (EC) No 1279/98 of 19 June 1998 laying down detailed rules for applying the tariff quotas for beef and veal provided for in Council Regulations (EC) No 2290/2000, (EC) No 2433/2000, (EC) No 2434/2000 and (EC) No 1408/2002 and Council Decisions 2003/18/EC and 2003/263/EC for Bulgaria, the Czech Republic, Slovakia, Hungary, Romania and Poland.';

2. the first paragraph of Article 1 is replaced by the following:

'Import licences must be presented for imports into the Community of the products listed in Annex I hereto under the quotas provided for in Council Regulations (EC) No 2290/2000 (*), (EC) No 2433/2000 (**), (EC) No 2434/2000 (***) and (EC) No 1408/2002 (****) and Council Decisions 2003/18/EC (*****) and 2003/263/EC (*****).

(*) OJ L 262, 17.10.2000, p. 1.

(**) OJ L 280, 4.11.2000, p. 1.

(***) OJ L 280, 4.11.2000, p. 9.

(****) OJ L 205, 2.8.2002, p. 9.

(*****) OJ L 8, 14.1.2003, p. 18.

(*****') OJ L 97, 15.4.2003, p. 53.';

3. in Article 3(1), the second subparagraph is replaced by the following:

'Group of products within the meaning of point (c) shall mean:

- either products falling within CN codes 0201 or 0202 originating in one of the countries listed in Annex I,
- or products falling within CN codes 0206 10 95, 0206 29 91, 0210 20 10, 0210 20 90, 0210 99 51, 0210 99 59 or 0210 99 90 originating in Hungary,
- or products falling within CN codes 0206 10 95, 0206 29 91, 0210 20 or 0210 99 51 originating in Romania,
- or products falling within CN code 1602 50 10 originating in Poland,
- or products falling within CN code 1602 50 originating in Romania.';

4. Annex I is replaced by the text in the Annex hereto.

Article 3

Article 2(2) of Regulation (EC) No 1128/1999 is replaced by the following:

'2. For the quantity referred to in paragraph 1, the rate of customs duty shall be:

- reduced by 80 % for animals originating in the Czech Republic, Slovakia, Bulgaria, Estonia, Latvia and Lithuania,
- reduced by 90 % for animals originating in Hungary and Romania,
- abolished for animals originating in Poland.'

Article 4

Article 1(2) of Regulation (EC) No 1247/1999 is replaced by the following:

- '2. For the quantity referred to in paragraph 1, the rate of customs duty shall be:
- reduced by 80 % for animals originating in the Czech Republic, Slovakia, Bulgaria, Estonia, Latvia and Lithuania,
 - reduced by 90 % for animals originating in Hungary and Romania,
 - abolished for animals originating in Poland.'

Article 5

In Article 1(2) of Regulation (EC) No 140/2003, point (c) is replaced by the following:

- '(c) 4 800 tonnes for beef and veal falling within CN codes 0201, 0202 and 1602 50 10 originating in Poland.'

Article 6

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

It shall apply from 1 April 2003.

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

Done at Brussels, 14 April 2003.

For the Commission
Franz FISCHLER
Member of the Commission

ANNEX

'ANNEX I

Concessions applicable to imports into the Community of certain products originating in certain countries

(MFN = most favoured nation duty)

Country of origin	Serial No	CN code	Description	Rate of duty applicable (% of MFN)	Annual quantity from 1.7.2002 to 30.6.2003 (tonnes)	Annual quantity from 1.7.2003 to 30.6.2004 (tonnes)	Annual increase from 1.7.2004 (tonnes)
Hungary	09.4707	0201 0202	Meat of bovine animals, fresh, chilled or frozen	Free	13 655	15 020	1 365
	09.4774	0206 10 95	Edible offal of bovine animals, fresh or chilled, thick skirt and thin skirt	Free	1 000	1 100	100
		0206 29 91	Edible offal of bovine animals, frozen, other, thick skirt and thin skirt				
		0210 20 10 0210 20 90	Meat of bovine animals, salted or in brine, dried or smoked				
		0210 99 51	Thin skirt and thick skirt of bovine animals				
		0210 99 59	Other offal of bovine animals				
		0210 99 90	Edible flour and meal of meat or offal				
Poland	09.4824	0201 0202	Meat of bovine animals, fresh, chilled or frozen	Free	19 200	20 800	1 600
		1602 50 10	Other prepared and preserved meat or offal: — of bovine animals — uncooked; mixtures of cooked meat or offal and uncooked meat or offal				
Czech Republic	09.4623	0201 0202	Meat of bovine animals, fresh, chilled or frozen	20	3 500	3 500	0
Slovakia	09.4624	0201 0202	Meat of bovine animals, fresh, chilled or frozen	20	3 500	3 500	0
Romania	09.4753	0201 0202	Meat of bovine animals, fresh, chilled or frozen	Free	3 500	4 000	0
	09.4765	0206 10 95	Edible thick skirt and thin skirt of bovine animals, fresh or chilled	Free	50	100	0
		0206 29 91	Edible thick skirt and thin skirt of bovine animals, frozen				
		0210 20 0210 99 51	Meat of bovine animals, salted or in brine, dried or smoked Thick skirt and thin skirt of bovine animals				
09.4768	1602 50	Prepared or preserved meat or offal of bovine animals	Free	250	500	0	
Bulgaria	09.4651	0201 0202	Meat of bovine animals, fresh, chilled or frozen	20	250	250	0

COMMISSION REGULATION (EC) No 674/2003
of 14 April 2003
on the supply of cereals as food aid

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1292/96 of 27 June 1996 on food-aid policy and food-aid management and special operations in support of food security ⁽¹⁾, as modified by Regulation (EC) No 1726/2001 of the European Parliament and of the Council ⁽²⁾, and in particular Article 24(1)(b) thereof,

Whereas:

- (1) The abovementioned Regulation lays down the list of countries and organisations eligible for Community aid and specifies the general criteria on the transport of food aid beyond the fob stage.
- (2) Following the taking of a number of decisions on the allocation of food aid, the Commission has allocated cereals to certain beneficiaries.
- (3) It is necessary to make these supplies in accordance with the rules laid down by Commission Regulation (EC) No 2519/97 of 16 December 1997 laying down general rules for the mobilisation of products to be supplied

under Council Regulation (EC) No 1292/96 as Community food aid ⁽³⁾. It is necessary to specify the time limits and conditions of supply to determine the resultant costs,

HAS ADOPTED THIS REGULATION:

Article 1

Cereals shall be mobilised in the Community, as Community food aid for supply to the recipient listed in the Annex, in accordance with Regulation (EC) No 2519/97 and under the conditions set out in the Annex.

The tenderer is deemed to have noted and accepted all the general and specific conditions applicable. Any other condition or reservation included in his tender is deemed unwritten.

Article 2

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

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

Done at Brussels, 14 April 2003.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 166, 5.7.1996, p. 1.
⁽²⁾ OJ L 234, 1.9.2001, p. 10.

⁽³⁾ OJ L 346, 17.12.1997, p. 23.

ANNEX

LOT A

1. **Action No:** 93/02
2. **Beneficiary** (?): World Food Programme (WFP), Via Cesare Giulio Viola 68, I-00148 Roma tel. (39-06) 6513 2988; fax 6513 2844/3; telex 626675 WFP I
3. **Beneficiary's representative:** to be designated by the beneficiary
4. **Country of destination:** Israel
5. **Product to be mobilised:** common wheat flour
6. **Total quantity (tonnes net):** 3 000
7. **Number of lots:** 1 in 3 parts (A1: 1 000 tonnes; A2: 1 000 tonnes; A3: 1 000 tonnes)
8. **Characteristics and quality of the product** (?): see OJ C 312, 31.10.2000, p. 1 (A.10)
9. **Packaging** (?): see OJ C 267, 13.9.1996, p. 1 (2.2, A 1.d, 2.d and B.4)
10. **Labelling or marking** (?): see OJ C 114, 29.4.1991, p. 1 (II.B(3))
 - Language to be used for the markings: English
 - Supplementary markings: —
11. **Method of mobilisation of the product:** the Community market
12. **Specified delivery stage:** free at port of shipment
13. **Alternative delivery stage:** —
14. a) **Port of shipment:** —
b) **Loading address:** —
15. **Port of landing:** —
16. **Place of destination:**
 - port or warehouse of transit: —
 - overland transport route: —
17. **Period or deadline of supply at the specified stage:**
 - first deadline: A1: 19.5 to 8.6.2003; A2: 2 to 22.6.2003; A3: 16.6 to 6.7.2003
 - second deadline: A1: 2 to 22.6.2003; A2: 16.6 to 6.7.2003; A3: 30.6 to 20.7.2003
18. **Period or deadline of supply at the alternative stage:**
 - first deadline: —
 - second deadline: —
19. **Deadline for the submission of tenders (at 12 noon, Brussels time):**
 - first deadline: 29.4.2003
 - second deadline: 13.5.2003
20. **Amount of tendering guarantee:** EUR 5 per tonne
21. **Address for submission of tenders and tendering guarantees** (?): M. Vestergaard, Commission européenne, Bureau L130 7/46, B-1049 Brussels; telex 25670 AGREC B; fax (32-2) 296 70 03/296 70 04
22. **Export refund** (?): refund applicable on 9.4.2003, fixed by Commission Regulation (EC) No 566/2003 (OJ L 82, 29.3.2003, p. 9)

Notes

- (1) Supplementary information: Torben Vestergaard (tel. (32-2) 299 30 50; fax (32-2) 296 20 05).
 - (2) The supplier shall contact the beneficiary or its representative as soon as possible to establish which consignment documents are required.
 - (3) The supplier shall deliver to the beneficiary a certificate from an official entity certifying that for the product to be delivered the standards applicable, relative to nuclear radiation, in the Member State concerned, have not been exceeded. The radioactivity certificate must indicate the caesium-134 and -137 and iodine-131 levels.
 - (4) Commission Regulation (EC) No 2298/2001 (OJ L 308, 27.11.2001, p. 16), is applicable as regards the export refund. The date referred to in Article 2 of the said Regulation is that indicated in point 22 of this Annex.
 - (5) The supplier shall supply to the beneficiary or its representative, on delivery, the following document:
 - phytosanitary certificate.
 - (6) Notwithstanding OJ C 114 of 29 April 1991, point II.A(3)(c) or II.B(3)(c) is replaced by the following: 'the words "European Community"'.
 - (7) Since the goods may be rebagged, the supplier must provide 1 % of empty bags of the same quality as those containing the goods, with the marking followed by a capital 'R'.
-

Before the Commission can award the supply contract, it needs various items of information about the tenderer concerned (in particular the bank account to be credited). These details are contained in a form available on the Internet at the following website:

http://europa.eu.int/comm/budget/execution/ftiers_fr.htm.

If these details are missing, the tenderer designated as the supplier may not invoke the time limit for notification referred to in Article 9(4) of Regulation (EC) No 2519/97.

You should therefore include the above form with your bid after filling in the required details.

COMMISSION REGULATION (EC) No 675/2003
of 14 April 2003
on the supply of vegetable oil as food aid

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1292/96 of 27 June 1996 on food-aid policy and food-aid management and special operations in support of food security ⁽¹⁾, as amended by Regulation (EC) No 1726/2001 of the European Parliament and of the Council ⁽²⁾, and in particular Article 24(1)(b) thereof,

Whereas:

- (1) The abovementioned Regulation lays down the list of countries and organisations eligible for Community aid and specifies the general criteria on the transport of food aid beyond the fob stage.
- (2) Following the taking of a number of decisions on the allocation of food aid, the Commission has allocated vegetable oil to certain beneficiaries.
- (3) It is necessary to make these supplies in accordance with the rules laid down by Commission Regulation (EC) No 2519/97 of 16 December 1997 laying down general rules for the mobilisation of products to be supplied under Council Regulation (EC) No 1292/96 as

Community food aid ⁽³⁾. It is necessary to specify the time limits and conditions of supply to determine the resultant costs,

HAS ADOPTED THIS REGULATION:

Article 1

Vegetable oil shall be mobilised in the Community, as Community food aid for supply to the recipient listed in the Annex, in accordance with Regulation (EC) No 2519/97 and under the conditions set out in the Annex.

The supply shall cover the mobilisation of vegetable oil produced in the Community. Mobilisation may not involve a product manufactured and/or packaged under inward processing arrangements.

The tenderer is deemed to have noted and accepted all the general and specific conditions applicable. Any other condition or reservation included in his tender is deemed unwritten.

Article 2

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

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

Done at Brussels, 14 April 2003.

For the Commission
Franz FISCHLER
Member of the Commission

⁽¹⁾ OJ L 166, 5.7.1996, p. 1.
⁽²⁾ OJ L 234, 1.9.2001, p. 10.

⁽³⁾ OJ L 346, 17.12.1997, p. 23.

ANNEX

LOTS A, B, C, D

1. **Action Nos:** 94/02 (A); 95/02 (B); 96/02 (C); 97/02 (D)
2. **Beneficiary** ⁽²⁾: UNRWA, Supply division, Amman Office, PO Box 140157, Amman - Jordan telex 21170 UNRWA JO; tel. (962-6) 586 41 26; fax 586 41 27
3. **Beneficiary's representative:** UNRWA Field Supply and Transport Officer
 - A: PO Box 19149, Jerusalem, Israel tel. (972-2) 589 05 55; telex 26194 UNRWA IL; fax 581 65 64
 - B: PO Box 947, Beirut, Lebanon tel. (961-1) 84 04 61-6; fax 84 04 67
 - C: PO Box 4313, Damascus, Syria tel. (963-11) 613 30 35; telex 412006 UNRWA SY; fax 613 30 47
 - D: PO Box 484, Amman, Jordan tel. (962-6) 474 19 14/477 22 26; telex 23402 UNRWAJFO JO; fax 474 63 61
4. **Country of destination:** A: Israel (Gaza); B: Lebanon; C: Syria; D: Jordan
5. **Product to be mobilised:** refined sunflower oil
6. **Total quantity (tonnes net):** 1 125
7. **Number of lots:** 4 (A: 275 tonnes; B: 315 tonnes; C: 194 tonnes; D: 341 tonnes)
8. **Characteristics and quality of the product** ⁽³⁾ ⁽⁴⁾ ⁽⁷⁾: see OJ C 312, 31.10.2000, p. 1 (D.2)
9. **Packaging** ⁽⁶⁾: see OJ C 267, 13.9.1996, p. 1 (10.1 A, B and C.2)
 - Weight of the empty bottle: 22 g minimum
10. **Labelling or marking** ⁽⁵⁾: see OJ C 114, 29.4.1991, p. 1 (III.A.(3))
 - Language to be used for the markings: English
 - Supplementary markings: NOT FOR SALE
 - lot D: 'Expiry date ...' (date of manufacture plus 2 years)
11. **Method of mobilisation of the product:** the Community market.
 - The mobilisation may not involve a product manufactured and/or packaged under inward-processing arrangements.
12. **Specified delivery stage:** A, C: free at port of landing — container terminal
 - B, D: free at destination
13. **Alternative delivery stage:** free at port of shipment
14. a) **Port of shipment:** —
 - b) **Loading address:** —
15. **Port of landing:** A: Ashdod; C: Lattakia
16. **Place of destination:** UNRWA warehouse in Beirut (B) and Amman (D)
 - port or warehouse of transit: —
 - overland transport route: —
17. **Period or deadline of supply at the specified stage:**
 - first deadline: A, B, C: 15.6.2003; D: 22.6.2003
 - second deadline: A, B, C: 29.6.2003; D: 6.7.2003
18. **Period or deadline of supply at the alternative stage:**
 - first deadline: 19 to 31.5.2003
 - second deadline: 2 to 15.6.2003
19. **Deadline for the submission of tenders (at 12 noon, Brussels time):**
 - first deadline: 29.4.2003
 - second deadline: 13.5.2003
20. **Amount of tendering guarantee:** EUR 15 per tonne
21. **Address for submission of tenders and tendering guarantees** ⁽¹⁾: Mr T. Vestergaard, Commission européenne, Bureau: L130, 7/46, B-1049 Brussels; telex 25670 AGREC B ; fax (32-2) 296 70 03/296 70 04
22. **Export refund:** —

LOT E

1. **Action No:** 03CAB4
2. **Beneficiary** ^(?): EuronAid, PO Box 12, 2501-CA Den Haag Nederland, tel. (31-70) 33 05 757; fax 36 41 701; telex: 30960 EURON NL
3. **Beneficiary's representative:** to be designated by the beneficiary
4. **Country of destination:** Democratic Republic of Congo
5. **Product to be mobilised:** refined sunflower oil
6. **Total quantity (tonnes net):** 18
7. **Number of lots:** 1
8. **Characteristics and quality of the product** ^(?) ⁽⁴⁾: see OJ C 312, 31.10.2000, p. 1 (D.2)
9. **Packaging** ⁽⁸⁾: see OJ C 267, 13.9.1996, p. 1 (10.8 A, B and C.2)
Weight of the empty container: 135 g minimum
10. **Labelling or marking** ^(?): see OJ C 114, 29.4.1991, p. 1 (III.A.(3))
 - Language to be used for the markings: French
 - Supplementary markings: —
 - The containers may be marked by the application of labels
11. **Method of mobilisation of the product:** the Community market
The mobilisation may not involve a product manufactured and/or packaged under inward-processing arrangements.
12. **Specified delivery stage** ⁽⁹⁾: free at port of shipment
13. **Alternative delivery stage:** —
14. a) **Port of shipment:** —
b) **Loading address:** —
15. **Port of landing:** —
16. **Place of destination:**
 - port or warehouse of transit: —
 - overland transport route: —
17. **Period or deadline of supply at the specified stage:**
 - first deadline: 19.5 to 8.6.2003
 - second deadline: 2 to 22.6.2003
18. **Period or deadline of supply at the alternative stage:**
 - first deadline: —
 - second deadline: —
19. **Deadline for the submission of tenders (at 12 noon, Brussels time):**
 - first deadline: 29.4.2003
 - second deadline: 13.5.2003
20. **Amount of tendering guarantee:** EUR 15 per tonne
21. **Address for submission of tenders and tendering guarantees** ⁽¹⁾: M. Vestergaard, European Commission, Bureau: L130 7/46, B-1049 Brussels; telex 25670 AGREC B; fax (32-2) 296 70 03/296 70 04
22. **Export refund:** —

Notes:

- (¹) Supplementary information: Torben Vestergaard (tel. (32-2) 299 30 50; fax (32-2) 296 20 05).
- (²) The supplier shall contact the beneficiary or its representative as soon as possible to establish which consignment documents are required.
- (³) The supplier shall deliver to the beneficiary a certificate from an official entity certifying that for the product to be delivered the standards applicable, relative to nuclear radiation, in the Member State concerned, have not been exceeded. The radioactivity certificate must indicate the caesium-134 and -137 and iodine-131 levels.
- (⁴) The supplier shall supply to the beneficiary or its representative, on delivery, the following document:
— health certificate (including 'production date: ...').
- (⁵) Notwithstanding OJ C 114, point III.A(3)(c) is replaced by the following: 'the words "European Community"'.

(⁶) Shipment to take place in 20-foot containers: Lots A and C: the contracted shipping terms shall be considered full liner terms free port of landing container yard and is understood to cover 15 days — Saturdays, Sundays and official public and religious holidays excluded — free of container detention charges at the port of discharge taken from the day/time of the arrival of the vessel. The 15 day period should be clearly marked on the bill of lading. Bona fide detention charges levied in respect of container detention(s) in excess of the said 15 days as detailed above will be borne by UNRWA. UNRWA shall not pay/not be charged any container deposit fees.

After take-over of the goods at the delivery stage, the recipient will bear all costs of shifting the containers for destuffing outside the port area and of returning them to the container yard.
- (⁷) Lot C: the health certificate and the certificate of origin must be signed and stamped by a Syrian Consulate, including the statement that consular fees and charges have been paid.
- (⁸) Shipment to take place in 20-foot containers, condition FCL/FCL.

The supplier shall be responsible for the cost of making the container available in the stack position at the container terminal at the port of shipment. The beneficiary shall be responsible for all subsequent loading costs, including the cost of moving the containers from the container terminal.

The supplier has to submit to the beneficiary's agent a complete packing list of each container, specifying the number of cans belonging to each action number as specified in the invitation to tender.

The supplier has to seal each container with a numbered locktainer (Oneseal, Sysko, Locktainer 180 or a similar high-security seal) the number of which is to be provided to the beneficiary's representative.
- (⁹) The tenderer's attention is drawn to the second subparagraph of Article 7(6) of Regulation (EC) No 2519/97.

Before the Commission can award the supply contract, it needs various items of information about the tenderer concerned (in particular the bank account to be credited). These details are contained in a form available on the Internet at the following website:

http://europa.eu.int/comm/budget/execution/ftiers_fr.htm.

If these details are missing, the tenderer designated as the supplier may not invoke the time limit for notification referred to in Article 9(4) of Regulation (EC) No 2519/97.

You should therefore include the above form with your bid after filling in the required details.

COMMISSION REGULATION (EC) No 676/2003
of 14 April 2003
amending Regulation (EC) No 1334/2001 concerning the provisional authorisation of a new additive in feedingstuffs
(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 70/524/EEC of 23 November 1970 concerning additives in feedingstuffs ⁽¹⁾, as last amended by Regulation (EC) No 1756/2002 ⁽²⁾, and in particular Articles 3 and 9r thereof,

Whereas:

- (1) Commission Regulation (EC) No 1334/2001 of 2 July 2001 concerning the provisional authorisation of a new additive in feedingstuffs ⁽³⁾, provisionally authorised the use of the additive potassium diformate for use as an additive in animal nutrition subject to the conditions set out in that Regulation.
- (2) Directive 70/524/EEC requires authorisations for growth promoters to be linked to the person responsible for putting them into circulation.
- (3) The Commission has been notified that the person responsible for putting the additive potassium diformate into circulation has changed, and is now BASF Aktiengesellschaft.

- (4) The person responsible for putting that additive into circulation has submitted new data in order to obtain approval for higher maximum concentrations of the additive in feed.
- (5) The Scientific Committee for Animal Nutrition has delivered a favourable opinion with regard to the safety of the additive, under new conditions of use.
- (6) Regulation (EC) No 1334/2001 should therefore be amended accordingly.
- (7) The measures provided for in this Directive are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS REGULATION:

Article 1

The Annex to Regulation (EC) No 1334/2001 is replaced by the text in the Annex to this Regulation.

Article 2

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

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

Done at Brussels, 14 April 2003.

For the Commission
David BYRNE
Member of the Commission

⁽¹⁾ OJ L 270, 14.12.1970, p. 1.

⁽²⁾ OJ L 265, 3.10.2002, p. 1.

⁽³⁾ OJ L 180, 3.7.2001, p. 18.

ANNEX

'ANNEX

Registration Number of Additive	Name and registration number of person responsible for putting additive into circulation	Additive (trade name)	Composition, Chemical formula, description	Species or category of animal	Maximum age	Minimum content	Maximum content	Other provision	End of period of authorisation
						(mg of active ingredient/kg of complete feedingstuff)			
Growth promoters									
1	BASF Aktiengesellschaft a DE RP 1 31401	Potassium diformate (Formi™ LHS)	Additive composition Potassium diformate, solid min. 98 %, Silicate max. 1,5 %, Water max. 0,5 % Active substance: Potassium diformate, solid KH(COOH) ₂ CAS No 20642-05-1	Piglets (weaned)	2 months	6 000	18 000		30.6.2005
				Pigs for fattening	—	6 000	12 000		30.6.2005'

COMMISSION REGULATION (EC) No 677/2003
of 14 April 2003
establishing emergency measures for the recovery of the cod stock in the Baltic Sea

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2371/2002 of 20 December 2002 on the conservation and sustainable exploitation of fisheries resources under the Common Fisheries Policy ⁽¹⁾ and in particular Article 7(1) thereof,

Whereas:

- (1) The International Baltic Sea Fishery Commission at its annual meeting in September 2002 recommended a number of technical measures to minimise the catch of under-sized cod with the overall aim of rebuilding the cod stocks in the Baltic Sea. These measures were implemented by Council Regulation (EC) No 2341/2002 of 20 December 2002 fixing for 2003 the fishing opportunities and associated conditions for certain fish stocks and groups of fish stocks, applicable in Community waters and, for Community vessels, in waters where catch limitations are required ⁽²⁾.
- (2) During the period of application of these measures, further scientific work has been completed and practical experience has been gained which imply that the measures adopted for the trawl fisheries for cod and flatfish do not have the effect foreseen and cod below the minimum size is caught and discarded to an extent that will reduce the cod stock.

- (3) Current fishing practice constitutes a serious threat to the conservation and the rebuilding of the cod stocks in the Baltic Sea and requires immediate action. It is therefore appropriate for the Commission to take, on its own initiative, emergency measures to protect the incoming year-classes of cod in the Baltic. These measures should apply from 15 April 2003 until 31 May 2003 in addition to the ban on fishing for cod between 1 June and 31 August laid down in Regulation (EC) No 2341/2002,

HAS ADOPTED THIS REGULATION:

Article 1

Fishing for cod with trawls, Danish seines and similar nets shall be prohibited from 15 April to 31 May 2003 for Community fishing vessels in ICES Division III b, c and d and fishing vessels flying the flag of Estonia, Latvia and Lithuania in the Community waters of ICES Division III b, c and d.

Fishing for flatfish with trawls, Danish seines and similar nets shall be prohibited from 15 April to 31 May 2003 for Community fishing vessels in ICES Division III b, c and d.

Article 2

This Regulation shall enter into force on 15 April 2003.

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

Done at Brussels, 14 April 2003.

For the Commission
Franz FISCHLER
Member of the Commission

⁽¹⁾ OJ L 358, 31.12.2002, p. 59.

⁽²⁾ OJ L 356, 31.12.2002, p. 12.

**COMMISSION REGULATION (EC) No 678/2003
of 14 April 2003**

**fixing the minimum selling prices for beef put up for sale under the first invitation to tender
referred to in Regulation (EC) No 596/2003**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1254/1999 of 17 May 1999 on the common organisation of the market in beef and veal ⁽¹⁾, as last amended by Commission Regulation (EC) No 2345/2001 ⁽²⁾, and in particular Article 28(2) thereof,

Whereas:

- (1) Tenders have been invited for certain quantities of beef fixed by Commission Regulation (EC) No 596/2003 ⁽³⁾.
- (2) Pursuant to Article 9 of Commission Regulation (EEC) No 2173/79 of 4 October 1979 on detailed rules of application for the disposal of beef bought in by intervention agencies and repealing Regulation (EEC) No 216/69 ⁽⁴⁾, as last amended by Regulation (EC) No 2417/95 ⁽⁵⁾, the minimum selling prices for meat put up for sale by tender should be fixed, taking into account tenders submitted.

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

HAS ADOPTED THIS REGULATION:

Article 1

The minimum selling prices for beef for the first invitation to tender held in accordance with Regulation (EC) No 596/2003 for which the time limit for the submission of tenders was 7 April 2003 are as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 15 April 2003.

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

Done at Brussels, 14 April 2003.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 160, 26.6.1999, p. 21.

⁽²⁾ OJ L 315, 1.12.2001, p. 29.

⁽³⁾ OJ L 85, 2.4.2003, p. 3.

⁽⁴⁾ OJ L 251, 5.10.1979, p. 12.

⁽⁵⁾ OJ L 248, 14.10.1995, p. 39.

ANEXO — BILAG — ANHANG — ΠΑΡΑΡΤΗΜΑ — ANNEX — ANNEXE — ALLEGATO — BIJLAGE — ANEXO — LIITE — BILAGA

Estado miembro	Productos	Precio mínimo Expresado en euros por tonelada
Medlemsstat	Produkter	Mindstepriser i EUR/t
Mitgliedstaat	Erzeugnisse	Mindestpreise Ausgedrückt in EUR/Tonne
Κράτος μέλος	Προϊόντα	Ελάχιστες πωλήσεις εκφραζόμενες σε ευρώ ανά τόνο
Member State	Products	Minimum prices Expressed in EUR per tonne
État membre	Produits	Prix minimaux Exprimés en euros par tonne
Stato membro	Prodotti	Prezzi minimi Espressi in euro per tonnellata
Lidstaat	Producten	Minimumprijzen Uitgedrukt in euro per ton
Estado-Membro	Produtos	Preço mínimo Expresso em euros por tonelada
Jäsenvaltio	Tuotteet	Vähimmäishinnat euroina tonnina kohden ilmaistuna
Medlemsstat	Produkter	Minimipriser i euro per ton

a) **Carne con hueso — Kød, ikke udbenet — Fleisch mit Knochen — Κρέατα με κόκαλα — Bone-in beef — Viande avec os — Carni non disossate — Vlees met been — Carne com osso — Luullinen naudanliha — Kött med ben**

DANMARK	— Forfjerdinger	750
DEUTSCHLAND	— Hinterviertel	1 350
	— Vorderviertel	750
ESPAÑA	— Cuartos traseros	1 350
	— Cuartos delanteros	750
FRANCE	— Quartiers arrière	1 350
	— Quartiers avant	750
ITALIA	— Quarti anteriori	—
ÖSTERREICH	— Vorderviertel	—

b) **Carne deshuesada — Udbenet kød — Fleisch ohne Knochen — Κρέατα χωρίς κόκαλα — Bonelss beef — Viande désossée — Carni senza osso — Vlees zonder been — Carne desossada — Luuton naudanliha — Benfritt kött**

DEUTSCHLAND	— Hinterhese (INT 11)	—
	— Kugel (INT 12)	—
	— Oberschale (INT 13)	—
	— Unterschale (INT 14)	2 490
	— Hüfte (INT 16)	—
	— Roastbeef (INT 17)	—
	— Lappen (INT 18)	731
	— Hochrippe (INT 19)	—
	— Vorderviertel (INT 24)	1 380
ESPAÑA	— Lomo de intervención (INT 17)	—
	— Paleta de intervención (INT 22)	1 280
	— Pecho de intervención (INT 23)	857
	— Cuarto delantero de intervención (INT 24)	1 280

FRANCE	— Tranche grasse d'intervention (INT 12)	2 010
	— Tranche d'intervention (INT 13)	2 605
	— Semelle d'intervention (INT 14)	2 326
	— Rumsteck d'intervention (INT 16)	—
	— Faux-filet d'intervention (INT 17)	5 000
	— Flanchet d'intervention (INT 18)	857
	— Épaule d'intervention (INT 22)	1 281
	— Poitrine d'intervention (INT 23)	871
	— Avant d'intervention (INT 24)	1 331
	IRELAND	— Intervention shoulder (INT 22)
— Intervention forequarter (INT 24)		1 303
ITALIA	— Girello d'intervento (INT 14)	—
	— Filetto d'intervento (INT 15)	—
	— Scamone (INT 16)	—
	— Roastbeef d'intervento (INT 17)	—
NEDERLAND	— Interventieschouder (INT 22)	1 255
	— Interventieborst (INT 23)	857

COMMISSION REGULATION (EC) No 679/2003**of 14 April 2003****fixing the minimum selling prices for beef put up for sale under the first invitation to tender referred to in Regulation (EC) No 598/2003**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1254/1999 of 17 May 1999 on the common organisation of the market in beef and veal ⁽¹⁾, as last amended by Commission Regulation (EC) No 2345/2001 ⁽²⁾, and in particular Article 28(2) thereof,

Whereas:

- (1) Tenders have been invited for certain quantities of beef fixed by Commission Regulation (EC) No 598/2003 ⁽³⁾.
- (2) Pursuant to Article 9 of Commission Regulation (EEC) No 2173/79 of 4 October 1979 on detailed rules of application for the disposal of beef bought in by intervention agencies and repealing Regulation (EEC) No 216/69 ⁽⁴⁾, as last amended by Regulation (EC) No 2417/95 ⁽⁵⁾, the minimum selling prices for meat put up for sale by tender should be fixed, taking into account tenders submitted.

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

HAS ADOPTED THIS REGULATION:

Article 1

The minimum selling prices for beef for the first invitation to tender held in accordance with Regulation (EC) No 598/2003 for which the time limit for the submission of tenders was 7 April 2003 are as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 15 April 2003.

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

Done at Brussels, 14 April 2003.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 160, 26.6.1999, p. 21.

⁽²⁾ OJ L 315, 1.12.2001, p. 29.

⁽³⁾ OJ L 29, 5.2.2003, p. 14.

⁽⁴⁾ OJ L 251, 5.10.1979, p. 12.

⁽⁵⁾ OJ L 248, 14.10.1995, p. 39.

ANEXO — BILAG — ANHANG — ΠΑΡΑΡΤΗΜΑ — ANNEX — ANNEXE — ALLEGATO — BIJLAGE — ANEXO —
LIITE — BILAGA

Estado miembro	Productos	Precio mínimo Expresado en euros por tonelada
Medlemsstat	Produkter	Mindstepriser i EUR/t
Mitgliedstaat	Erzeugnisse	Mindestpreise Ausgedrückt in EUR/Tonne
Κράτος μέλος	Προϊόντα	Ελάχιστες πωλήσεις εκφραζόμενες σε ευρώ ανά τόνο
Member State	Products	Minimum prices Expressed in EUR per tonne
État membre	Produits	Prix minimaux Exprimés en euros par tonne
Stato membro	Prodotti	Prezzi minimi Espressi in euro per tonnellata
Lidstaat	Producten	Minimumprijzen Uitgedrukt in euro per ton
Estado-Membro	Produtos	Preço mínimo Expresso em euros por tonelada
Jäsenvaltio	Tuotteet	Vähimmäishinnat euroina tonnia kohden ilmaistuna
Medlemsstat	Produkter	Minimipriser i euro per ton

**Carne con hueso — Kød, ikke udbenet — Fleisch mit Knochen — Κρέατα με κόκαλα — Bone-in beef — Viande
avec os — Carni non disossate — Vlees met been — Carne com osso — Luullinen naudanliha — Kött med ben**

DEUTSCHLAND	— Hinterviertel	—
	— Vorderviertel	—
ESPAÑA	— Cuartos traseros	1 080
	— Cuartos delanteros	—
FRANCE	— Quartiers arrière	1 350
	— Quartiers avant	—
NEDERLAND	— Achtervoeten	—
	— Voorvoeten	—
ÖSTERREICH	— Hinterviertel	—
	— Vorderviertel	—

COMMISSION REGULATION (EC) No 680/2003**of 14 April 2003****fixing the minimum selling prices for beef put up for sale under the first invitation to tender referred to in Regulation (EC) No 604/2003**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1254/1999 of 17 May 1999 on the common organisation of the market in beef and veal ⁽¹⁾, as last amended by Commission Regulation (EC) No 2345/2001 ⁽²⁾, and in particular Article 28(2) thereof,

Whereas:

- (1) Tenders have been invited for certain quantities of beef fixed by Commission Regulation (EC) No 604/2003 ⁽³⁾.
- (2) Pursuant to Article 9 of Commission Regulation (EEC) No 2173/79 of 4 October 1979 on detailed rules of application for to disposal of beef bought in by intervention agencies and repealing Regulation (EEC) No 216/69 ⁽⁴⁾, as last amended by Regulation (EC) No 2417/95 ⁽⁵⁾, the minimum selling prices for meat put up for sale by tender should be fixed, taking into account tenders submitted.

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

HAS ADOPTED THIS REGULATION:

Article 1

The minimum selling prices for beef for the first invitation to tender held in accordance with Regulation (EC) No 604/2003 for which the time limit for the submission of tenders was 8 April 2003 are as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 15 April 2003.

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

Done at Brussels, 14 April 2003.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 160, 26.6.1999, p. 21.

⁽²⁾ OJ L 315, 1.12.2001, p. 29.

⁽³⁾ OJ L 86, 3.4.2003, p. 7.

⁽⁴⁾ OJ L 251, 5.10.1979, p. 12.

⁽⁵⁾ OJ L 248, 14.10.1995, p. 39.

ANEXO — BILAG — ANHANG — ΠΑΡΑΡΤΗΜΑ — ANNEX — ANNEXE — ALLEGATO — BIJLAGE — ANEXO —
LIITE — BILAGA

Estado miembro	Productos	Precio mínimo Expresado en euros por tonelada
Medlemsstat	Produkter	Mindstepriser i EUR/t
Mitgliedstaat	Erzeugnisse	Mindestpreise Ausgedrückt in EUR/Tonne
Κράτος μέλος	Προϊόντα	Ελάχιστες πωλήσεις εκφραζόμενες σε ευρώ ανά τόνο
Member State	Products	Minimum prices Expressed in EUR per tonne
État membre	Produits	Prix minimaux Exprimés en euros par tonne
Stato membro	Prodotti	Prezzi minimi Espressi in euro per tonnellata
Lidstaat	Producten	Minimumprijzen Uitgedrukt in euro per ton
Estado-Membro	Produtos	Preço mínimo Expresso em euros por tonelada
Jäsenvaltio	Tuotteet	Vähimmäishinnat euroina tonnina kohden ilmaistuna
Medlemsstat	Produkter	Minimipriser i euro per ton

a) **Carne con hueso — Kød, ikke udbenet — Fleisch mit Knochen — Κρέατα με κόκαλα — Bone-in beef —
Viande avec os — Carni non disossate — Vlees met been — Carne com osso — Luullinen naudanliha —
Kött med ben**

DEUTSCHLAND	— Vorderviertel	—
FRANCE	— Quartiers avant	—
ESPAÑA	— Cuartos delanteros	—

b) **Carne deshuesada — Udbenet kød — Fleisch ohne Knochen — Κρέατα χωρίς κόκαλα — Boneless beef —
Viande désossée — Carni senza osso — Vlees zonder been — Carne desossada — Luuton naudanliha —
Benfritt kött**

FRANCE	— Flanchet d'intervention (INT 18)	670
	— Épaule d'intervention (INT 22)	951
	— Avant d'intervention (INT 24)	951

COMMISSION REGULATION (EC) No 681/2003**of 14 April 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 ⁽¹⁾, as last amended by Commission Regulation (EC) No 411/2002 ⁽²⁾, and in particular Article 13(3) thereof,

Whereas:

(1) An invitation to tender for the export refund on rice was issued pursuant to Commission Regulation (EC) No 1898/2002 ⁽³⁾.(2) Article 5 of Commission Regulation (EEC) No 584/75 ⁽⁴⁾, as last amended by Regulation (EC) No 1948/2002 ⁽⁵⁾, allows the Commission to fix, in accordance with the procedure laid down in Article 22 of Regulation (EC) No 3072/95 and on the basis of the tenders submitted, a maximum export refund. In fixing this maximum, the criteria provided for in Article 13 of Regulation (EC) No 3072/95 must be taken into account. A contract is awarded to any tenderer whose tender is equal to or less than the maximum export refund.

(3) The application of the abovementioned criteria to the current market situation for the rice in question results in the maximum export refund being fixed at the amount specified in Article 1.

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

HAS ADOPTED THIS REGULATION:

Article 1

The maximum export refund on wholly milled 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 7 to 10 April 2003 at 295,00 EUR/t.

Article 2

This Regulation shall enter into force on 15 April 2003.

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

Done at Brussels, 14 April 2003.

For the Commission

Franz FISCHLER

Member of the Commission⁽¹⁾ OJ L 329, 30.12.1995, p. 18.⁽²⁾ OJ L 62, 5.3.2002, p. 27.⁽³⁾ OJ L 287, 25.10.2002, p. 11.⁽⁴⁾ OJ L 61, 7.3.1975, p. 25.⁽⁵⁾ OJ L 299, 1.11.2002, p. 18.

**COMMISSION REGULATION (EC) No 682/2003
of 14 April 2003**

**fixing the maximum subsidy on exports of husked long grain rice B to Réunion pursuant to the
invitation to tender referred to in Regulation (EC) No 1895/2002**

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 ⁽¹⁾, as last amended by Commission Regulation (EC) No 411/2002 ⁽²⁾, and in particular Article 10(1) thereof,

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

Whereas:

- (1) Commission Regulation (EC) No 1895/2002 ⁽⁵⁾ opens an invitation to tender for the subsidy on rice exported to Réunion.
- (2) Article 9 of Regulation (EEC) No 2692/89 allows the Commission to 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 subsidy.

(3) The criteria laid down in Articles 2 and 3 of Regulation (EEC) No 2692/89 should be taken into account when fixing this maximum subsidy. Successful tenderers shall be those whose bids are at or below the level of the maximum subsidy.

(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

A maximum subsidy on exports to Réunion of husked long grain rice B falling within CN code 1006 20 98 is hereby set on the basis of the tenders lodged from 7 to 10 April 2003 at 302,00 EUR/t pursuant to the invitation to tender referred to in Regulation (EC) No 1895/2002.

Article 2

This Regulation shall enter into force on 15 April 2003.

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

Done at Brussels, 14 April 2003.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 329, 30.12.1995, p. 18.

⁽²⁾ OJ L 62, 5.3.2002, p. 27.

⁽³⁾ OJ L 261, 7.9.1989, p. 8.

⁽⁴⁾ OJ L 167, 2.7.1999, p. 19.

⁽⁵⁾ OJ L 287, 25.10.2002, p. 3.

COMMISSION REGULATION (EC) No 683/2003
of 14 April 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 ⁽¹⁾, as last amended by Commission Regulation (EC) No 411/2002 ⁽²⁾, and in particular Article 13(3) thereof,

Whereas:

(1) An invitation to tender for the export refund on rice was issued pursuant to Commission Regulation (EC) No 1896/2002 ⁽³⁾.

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

(3) The application of the abovementioned criteria to the current market situation for the rice in question results in the maximum export refund being fixed at the amount specified in Article 1.

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

HAS ADOPTED THIS REGULATION:

Article 1

The maximum export refund on wholly milled round grain rice to be exported to certain third countries pursuant to the invitation to tender issued in Regulation (EC) No 1896/2002 is hereby fixed on the basis of the tenders submitted from 7 to 10 April 2003 at 153,00 EUR/t.

Article 2

This Regulation shall enter into force on 15 April 2003.

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

Done at Brussels, 14 April 2003.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 329, 30.12.1995, p. 18.

⁽²⁾ OJ L 62, 5.3.2002, p. 27.

⁽³⁾ OJ L 287, 25.10.2002, p. 5.

⁽⁴⁾ OJ L 61, 7.3.1975, p. 25.

⁽⁵⁾ OJ L 299, 1.11.2002, p. 18.

COMMISSION REGULATION (EC) No 684/2003
of 14 April 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 ⁽¹⁾, as last amended by Commission Regulation (EC) No 411/2002 ⁽²⁾, and in particular Article 13(3) thereof,

Whereas:

- (1) An invitation to tender for the export refund on rice was issued pursuant to Commission Regulation (EC) No 1897/2002 ⁽³⁾.
- (2) Article 5 of Commission Regulation (EEC) No 584/75 ⁽⁴⁾, as last amended by Regulation (EC) No 1948/2002 ⁽⁵⁾, allows the Commission to fix, in accordance with the procedure laid down in Article 22 of Regulation (EC) No 3072/95 and on the basis of the tenders submitted, a maximum export refund. In fixing this maximum, the criteria provided for in Article 13 of Regulation (EC) No 3072/95 must be taken into account. A contract is awarded to any tenderer whose tender is equal to or less than the maximum export refund.

(3) The application of the abovementioned criteria to the current market situation for the rice in question results in the maximum export refund being fixed at the amount specified in Article 1.

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

HAS ADOPTED THIS REGULATION:

Article 1

The maximum export refund on wholly milled grain, medium grain and long grain A rice to be exported to certain third countries pursuant to the invitation to tender issued in Regulation (EC) No 1897/2002 is hereby fixed on the basis of the tenders submitted from 7 to 10 April 2003 at 153,00 EUR/t.

Article 2

This Regulation shall enter into force on 15 April 2003.

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

Done at Brussels, 14 April 2003.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 329, 30.12.1995, p. 18.

⁽²⁾ OJ L 62, 5.3.2002, p. 27.

⁽³⁾ OJ L 287, 25.10.2002, p. 8.

⁽⁴⁾ OJ L 61, 7.3.1975, p. 25.

⁽⁵⁾ OJ L 299, 1.11.2002, p. 18.

COMMISSION REGULATION (EC) No 685/2003**of 14 April 2003****on the issue of system B export licences in the fruit and vegetables sector (tomatoes)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2200/96 of 28 October 1996 on the common organisation of the market in fruit and vegetables ⁽¹⁾, as last amended by Commission Regulation (EC) No 47/2003 ⁽²⁾,Having regard to Commission Regulation (EC) No 1961/2001 of 8 October 2001 on detailed rules for implementing Council Regulation (EC) No 2200/96 as regards export refunds on fruit and vegetables ⁽³⁾, as last amended by Regulation (EC) No 1176/2002 ⁽⁴⁾, and in particular Article 6(6) thereof,

Whereas:

- (1) Commission Regulation (EC) No 307/2003 ⁽⁵⁾ fixes the indicative quantities for which system B export licences may be issued.
- (2) In the light of the information available to the Commission today, there is a risk that the indicative quantities laid down for the current export period for tomatoes

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

- (3) To avoid this situation, applications for system B licences for tomatoes after 14 April 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 307/2003, export declarations for which are accepted after 14 April 2003 and before 14 May 2003, are hereby rejected.

Article 2

This Regulation shall enter into force on 15 April 2003.

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

Done at Brussels, 14 April 2003.

*For the Commission*J. M. SILVA RODRÍGUEZ
Agriculture Director-General⁽¹⁾ OJ L 297, 21.11.1996, p. 1.⁽²⁾ OJ L 7, 11.1.2003, p. 64.⁽³⁾ OJ L 268, 9.10.2001, p. 8.⁽⁴⁾ OJ L 170, 29.6.2002, p. 69.⁽⁵⁾ OJ L 45, 19.2.2003, p. 4.

COMMISSION REGULATION (EC) No 686/2003
of 14 April 2003

fixing Community producer and import prices for carnations and roses with a view to the application of the arrangements governing imports of certain floricultural products originating in Cyprus, Israel, Jordan, Morocco and the West Bank and the Gaza Strip

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 4088/87 of 21 December 1987 fixing conditions for the application of preferential customs duties on imports of certain flowers originating in Cyprus, Israel, Jordan, Morocco and the West Bank and the Gaza Strip ⁽¹⁾, as last amended by Regulation (EC) No 1300/97 ⁽²⁾, and in particular Article 5(2)(a) thereof,

Whereas:

Pursuant to Article 2(2) and Article 3 of abovementioned Regulation (EEC) No 4088/87, Community import and producer prices are fixed each fortnight for uniflorous (bloom) carnations, multiflorous (spray) carnations, large-flowered roses and small-flowered roses and apply for two-weekly periods. Pursuant to Article 1b of Commission Regulation (EEC) No 700/88 of 17 March 1988 laying down detailed rules for the application of the arrangements for the import into the Community of certain floricultural products originating in Cyprus, Israel, Jordan, Morocco and the West Bank and the

Gaza Strip ⁽³⁾, as last amended by Regulation (EC) No 2062/97 ⁽⁴⁾, those prices are determined for fortnightly periods on the basis of weighted prices provided by the Member States. Those prices should be fixed immediately so the customs duties applicable can be determined. To that end, provision should be made for this Regulation to enter into force immediately,

HAS ADOPTED THIS REGULATION:

Article 1

The Community producer and import prices for uniflorous (bloom) carnations, multiflorous (spray) carnations, large-flowered roses and small-flowered roses as referred to in Article 1b of Regulation (EEC) No 700/88 for a fortnightly period shall be as set out in the Annex.

Article 2

This Regulation shall enter into force on 15 April 2003.

It shall apply from 16 to 29 April 2003.

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

Done at Brussels, 14 April 2003.

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

⁽¹⁾ OJ L 382, 31.12.1987, p. 22.
⁽²⁾ OJ L 177, 5.7.1997, p. 1.

⁽³⁾ OJ L 72, 18.3.1988, p. 16.
⁽⁴⁾ OJ L 289, 22.10.1997, p. 1.

ANNEX

to the Commission Regulation of 14 April 2003 fixing Community producer and import prices for carnations and roses with a view to the application of the arrangements governing imports of certain floricultural products originating in Cyprus, Israel, Jordan, Morocco and the West Bank and the Gaza Strip

(EUR/100 pieces)

Period: from 16 to 29 April 2003

Community producer price	Uniflorous (bloom) carnations	Multiflorous (spray) carnations	Large-flowered roses	Small-flowered roses
	15,04	11,85	22,44	13,29
Community import prices	Uniflorous (bloom) carnations	Multiflorous (spray) carnations	Large-flowered roses	Small-flowered roses
Israel	10,82	16,93	11,20	11,88
Morocco	16,13	15,53	—	—
Cyprus	—	—	—	—
Jordan	—	—	—	—
West Bank and Gaza Strip	8,41	—	—	—

COMMISSION REGULATION (EC) No 687/2003

of 14 April 2003

re-establishing the preferential customs duty on imports of multiflorous (spray) carnations originating in Israel

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

(4) Commission Regulation (EEC) No 700/88 ⁽⁶⁾, as last amended by Regulation (EC) No 2062/97 ⁽⁷⁾, laid down detailed rules for the application of these arrangements.

Having regard to the Treaty establishing the European Community,

(5) The preferential customs duty fixed for multiflorous (spray) carnations originating in Israel by Regulation (EC) No 747/2001 was suspended by Commission Regulation (EC) No 593/2003 ⁽⁸⁾.

Having regard to Council Regulation (EEC) No 4088/87 of 21 December 1987 fixing conditions for the application of preferential customs duties on imports of certain flowers originating in Cyprus, Israel, Jordan and Morocco and the West Bank and the Gaza Strip ⁽¹⁾, as last amended by Regulation (EC) No 1300/97 ⁽²⁾, and in particular Article 5(2)(b) thereof,

(6) On the basis of price recordings made as specified in Regulations (EEC) No 4088/87 and (EEC) No 700/88 it must be concluded that the requirement for reintroduction of the preferential customs duty laid down in Article 2(4) of Regulation (EEC) No 4088/87 is met for multiflorous (spray) carnations originating in Israel. The preferential customs duty should be reintroduced.

Whereas:

(7) In between meetings of the Management Committee for Live Plants and Floriculture Products, the Commission must adopt such measures,

(1) Regulation (EEC) No 4088/87 fixes conditions for the application of a preferential customs duty on large-flowered roses, small-flowered roses, uniflorous (bloom) carnations and multiflorous (spray) carnations within the limit of tariff quotas opened annually for imports of fresh cut flowers into the Community.

HAS ADOPTED THIS REGULATION:

Article 1

(2) Council Regulation (EC) No 747/2001 ⁽³⁾, as amended by Commission Regulation (EC) No 209/2003 ⁽⁴⁾, opens and provides for the administration of Community tariff quotas for cut flowers and flower buds, fresh, originating in Cyprus, Egypt, Israel, Malta, Morocco and the West Bank and the Gaza Strip respectively.

1. For imports of multiflorous (spray) carnations (CN code ex 0603 10 20) originating in Israel the preferential customs duty set by Regulation (EC) No 747/2001 is reintroduced.

2. Regulation (EC) No 593/2003 is hereby repealed.

(3) Commission Regulation (EC) No 686/2003 ⁽⁵⁾ fixed Community producer and import prices for carnations and roses for application of the arrangements for importation from the countries in question.

Article 2

This Regulation shall enter into force on 16 April 2003.

⁽¹⁾ OJ L 382, 31.12.1987, p. 22.

⁽²⁾ OJ L 177, 5.7.1997, p. 1.

⁽³⁾ OJ L 109, 19.4.2001, p. 2.

⁽⁴⁾ OJ L 28, 4.2.2003, p. 30.

⁽⁵⁾ See page 44 of this Official Journal.

⁽⁶⁾ OJ L 72, 18.3.1988, p. 16.

⁽⁷⁾ OJ L 289, 22.10.1997, p. 1.

⁽⁸⁾ OJ L 83, 1.4.2003, p. 62.

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

Done at Brussels, 14 April 2003.

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

DIRECTIVE 2003/18/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL
of 27 March 2003
amending Council Directive 83/477/EEC on the protection of workers from the risks related to
exposure to asbestos at work
(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 137(2) thereof,

Having regard to the proposal from the Commission ⁽¹⁾, drawn up following consultation with social partners and with the Advisory Committee on Safety, Hygiene and Health Protection at Work,

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

Having consulted the Committee of the Regions,

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

Whereas:

- (1) In its Conclusions of 7 April 1998 on the protection of workers against the risks from exposure to asbestos ⁽⁴⁾ the Council invited the Commission to bring forward proposals for amending Directive 83/477/EEC ⁽⁵⁾, considering in particular the merits of refocusing and adapting protective measures for those who are now most at risk, in particular workers who remove asbestos and workers who accidentally come across asbestos at work in the course of servicing and maintenance activities.
- (2) In those Conclusions, the Commission was also invited to submit proposals to amend Directive 83/477/EEC in the light of the more detailed research on limits for exposure to chrysotile and the methods for measuring airborne asbestos undertaken on the basis of the method adopted by the World Health Organisation (WHO). Similar steps should be taken regarding substitute fibres.
- (3) The Economic and Social Committee, in its opinion on asbestos ⁽⁶⁾, called on the Commission to take new measures to reduce the risks to workers.

- (4) The ban on the marketing and use of chrysotile asbestos introduced by Council Directive 76/769/EEC of 27 July 1976 on the approximation of the laws, regulations and administrative provisions of the Member States relating to restrictions on the marketing and use of certain dangerous substances and preparations ⁽⁷⁾ with effect from 1 January 2005, will contribute to a substantial reduction in asbestos exposure of workers.
- (5) All workers should be protected against the risks associated with exposure to asbestos and the derogations applicable to the sea and air sectors should therefore be removed.
- (6) In order to ensure clarity in the definition of the fibres, they should be redefined either in mineralogical terms or with regard to their Chemical Abstract Service (CAS) number.
- (7) Without prejudice to other Community provisions concerning the marketing and use of asbestos, limiting the activities involving exposure to asbestos should play a very important role in preventing the diseases associated with such exposure.
- (8) The notification system for activities involving exposure to asbestos should be adapted to new work situations.
- (9) It is important to eliminate activities which expose workers to asbestos fibres during the extraction of asbestos or the manufacture and processing of asbestos products or the manufacture and processing of products containing intentionally added asbestos fibres, in view of their high and unpredictable level of exposure.
- (10) Taking account of the latest technical expertise, it is necessary to specify more precisely the sampling methodology used to measure the asbestos level in air and the method of counting fibres.
- (11) Even though it has not yet been possible to identify the exposure threshold below which asbestos does not involve a cancer risk, the limit value for occupational exposure to asbestos should be reduced.

⁽¹⁾ OJ C 304 E, 30.10.2001, p. 179 and OJ C 203 E, 27.8.2002, p. 273.

⁽²⁾ OJ C 94, 18.4.2002, p. 40.

⁽³⁾ Opinion of the European Parliament of 11 April 2002 (not yet published in the Official Journal), Council Common Position of 23 September 2002 (OJ C 269 E, 5.11.2002, p. 1) and Decision of the European Parliament of 17 December 2002 (not yet published in the Official Journal). Council Decision of 18 February 2003 (not yet published in the Official Journal).

⁽⁴⁾ OJ C 142, 7.5.1998, p. 1.

⁽⁵⁾ OJ L 263, 24.9.1983, p. 25. Directive as last amended by Directive 98/24/EC (OJ L 131, 5.5.1998, p. 11).

⁽⁶⁾ OJ C 138, 18.5.1999, p. 24.

⁽⁷⁾ OJ L 262, 27.9.1976, p. 201. Directive as last amended by Commission Directive 2001/91/EC (OJ L 286, 30.10.2001, p. 27).

- (12) Employers should be required to record, before the start of any asbestos removal project, the presence or presumed presence of asbestos in buildings or installations and communicate this information to others who may be exposed to asbestos as a result of its use, of maintenance or of other activities in or on the building.
- (13) It should be ensured that demolition or asbestos removal work is carried out by undertakings which are familiar with all the precautions to be taken in order to protect workers.
- (14) Special training for workers exposed or likely to be exposed to asbestos should be provided in order significantly to contribute to reducing the risks related to such exposure.
- (15) The content of the exposure register and medical records provided for in Directive 83/477/EEC should be brought into line with the records referred to in Council Directive 90/394/EEC of 28 June 1990 on the protection of workers from the risks related to exposure to carcinogens at work (Sixth individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC) ⁽¹⁾.
- (16) The practical recommendations on the clinical surveillance of exposed workers should be updated in the light of the latest medical expertise, with a view to the early detection of pathologies linked to asbestos.
- (17) Since the objective of the proposed action, namely improvement in the protection of workers from the risks related to exposure to asbestos at work, cannot be sufficiently achieved by the Member States and can therefore, by reason of the scale and effects of the action, be better achieved at Community level, the Community may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty. In accordance with the principle of proportionality, as set out in that Article, this Directive does not go beyond what is necessary in order to achieve that objective.
- (18) The amendments contained in this Directive constitute a concrete contribution towards creating the social dimension of the internal market.
- (19) These amendments are limited to the minimum in order not to impose an unnecessary burden on the creation and development of small and medium-sized enterprises.
- (20) Directive 83/477/EEC should therefore be amended accordingly,

HAVE ADOPTED THIS DIRECTIVE:

Article 1

Directive 83/477/EEC is hereby amended as follows:

1. in Article 1, paragraph 2 shall be deleted;

⁽¹⁾ OJ L 196, 26.7.1990, p. 1. Directive as last amended by Directive 1999/38/EC (OJ L 138, 1.6.1999, p. 66).

2. Article 2 shall be replaced by the following:

'Article 2

For the purposes of this Directive, "asbestos" means the following fibrous silicates:

- Asbestos actinolite, CAS No 77536-66-4 (*),
- Asbestos grunerite (amosite) CAS No 12172-73-5 (*),
- Asbestos anthophyllite, CAS No 77536-67-5 (*),
- Chrysotile, CAS No 12001-29-5 (*),
- Crocidolite, CAS No 12001-28-4 (*),
- Asbestos tremolite, CAS No 77536-68-6 (*).

(*): Number in the register of the Chemical Abstract Service (CAS).;

3. in Article 3:

- (a) paragraph 3 shall be replaced by the following:

'3. Provided that worker exposure is sporadic and of low intensity, and when it is clear from the results of the risk assessment referred to in paragraph 2 that the exposure limit for asbestos will not be exceeded in the air of the working area, Articles 4, 15 and 16 may be waived where work involves:

- (a) short, non-continuous maintenance activities in which only non-friable materials are handled,
- (b) removal without deterioration of non-degraded materials in which the asbestos fibres are firmly linked in a matrix,
- (c) encapsulation or sealing of asbestos-containing materials which are in good condition,
- (d) air monitoring and control, and the collection of samples to ascertain whether a specific material contains asbestos.'

- (b) the following paragraph shall be inserted:

'3 bis Member States shall, following consultation with social partners in accordance with national law and practice, lay down practical guidelines for the determination of sporadic and low-intensity exposure, as provided for in paragraph 3.'

4. Article 4 shall be amended as follows:

- (a) point 2 shall be replaced by the following:

'2. The notification shall be submitted by the employer to the responsible authority of the Member States, before the work commences, in accordance with national laws, regulations and administrative provisions.

The notification must include at least a brief description of:

- (a) the location of the work site,
- (b) the type and quantities of asbestos used or handled,
- (c) the activities and processes involved,

- (d) the number of workers involved,
- (e) the starting date and duration of the work,
- (f) measures taken to limit the exposure of workers to asbestos.;

(b) point 4 shall be replaced by the following:

- '4. Each time a change in working conditions is likely to result in a significant increase in exposure to dust from asbestos or materials containing asbestos, a new notification must be submitted.;

5. in Article 5 the following paragraph shall be added:

'Without prejudice to the application of other Community provisions on marketing and use of asbestos, activities which expose workers to asbestos fibres during the extraction of asbestos or the manufacture and processing of asbestos products or the manufacture and processing of products containing intentionally added asbestos shall be prohibited, with the exception of the treatment and disposal of products resulting from demolition and asbestos removal.;

6. Article 6 shall be replaced by the following:

'Article 6

For all activities referred to in Article 3(1), the exposure of workers to dust arising from asbestos or materials containing asbestos at the place of work must be reduced to a minimum and in any case below the limit value laid down in Article 8, in particular through the following measures:

1. the number of workers exposed or likely to be exposed to dust arising from asbestos or materials containing asbestos must be limited to the lowest possible figure;
2. work processes must be designed so as not to produce asbestos dust or, if that proves impossible, to avoid the release of asbestos dust into the air;
3. all premises and equipment involved in the treatment of asbestos must be capable of being regularly and effectively cleaned and maintained;
4. asbestos or dust-generating asbestos-containing material must be stored and transported in suitable sealed packing;
5. waste must be collected and removed from the place of work as soon as possible in suitable sealed packing with labels indicating that it contains asbestos. This measure shall not apply to mining activities. Such waste shall then be dealt with in accordance with Council Directive 91/689/EEC of 12 December 1991 on hazardous waste (*).

(*) OJ L 377, 31.12.1991, p. 20. Directive as last amended by Directive 94/31/EC (OJ L 168, 2.7.1994, p. 28).;

7. Article 7 shall be replaced by the following:

'Article 7

1. Depending on the results of the initial risk assessment, and in order to ensure compliance with the limit value laid down in Article 8, measurement of asbestos fibres in the air at the workplace shall be carried out regularly.
2. Sampling must be representative of the personal exposure of the worker to dust arising from asbestos or materials containing asbestos.
3. Sampling shall be carried out after consultation of the workers and/or their representatives in undertakings.
4. Sampling shall be carried out by suitably qualified personnel. The samples taken shall be subsequently analysed, in accordance with paragraph 6, in laboratories equipped for fibre counting.
5. The duration of sampling must be such that representative exposure can be established for an eight-hour reference period (one shift) by means of measurements or time-weighted calculations.
6. Fibre counting shall be carried out wherever possible by PCM (phase-contrast microscope) in accordance with the 1997 WHO (World Health Organisation) recommended method (*) or any other method giving equivalent results.

For the purpose of measuring asbestos in the air, as referred to in the first subparagraph, only fibres with a length of more than five micrometres, a breadth of less than three micrometres and a length/breadth ratio greater than 3:1 shall be taken into consideration.

(*) Determination of airborne fibre concentrations. A recommended method, by phase-contrast optical microscopy (membrane filter method), WHO, Geneva 1997 (ISBN 92 4 154496 1).;

8. Article 8 shall be replaced by the following:

'Article 8

Employers shall ensure that no worker is exposed to an airborne concentration of asbestos in excess of 0,1 fibres per cm³ as an eight-hour time-weighted average (TWA).;

9. in Article 9, paragraph 1 shall be deleted;

10. Article 10 shall be amended as follows:

- (a) in paragraph 1, the first subparagraph shall be replaced by the following:

'Where the limit value laid down in Article 8 is exceeded, the reasons for the limit being exceeded must be identified and appropriate measures to remedy the situation must be taken as soon as possible.'

(b) paragraph 3 shall be replaced by the following:

'3. Where exposure cannot be reduced by other means and where compliance with the limit value makes necessary the wearing of individual protective breathing equipment, this may not be permanent and shall be kept to the strict minimum necessary for each worker. During periods of work which require the use of such equipment, provision shall be made for breaks appropriate to the physical and climatological conditions and, where relevant, in consultation with the workers and/or their representatives, in accordance with national laws and practice.'

11. the following Article shall be inserted:

'Article 10a

Before beginning demolition or maintenance work, employers shall take, if appropriate by obtaining information from the owners of the premises, all necessary steps to identify presumed asbestos-containing materials.

If there is any doubt about the presence of asbestos in a material or construction, the applicable provisions of this Directive shall be observed.'

12. in Article 11, paragraph 1 shall be replaced by the following:

'1. In the case of certain activities such as demolition, removal, repairing and maintenance in respect of which it is foreseeable that the limit value set out in Article 8 will be exceeded despite the use of technical preventive measures for limiting asbestos in air concentrations, the employer shall determine the measures intended to ensure protection of the workers while they are engaged in such activities, in particular the following:

- (a) workers shall be issued with suitable respiratory and other personal protective equipment, which must be worn; and
- (b) warning signs shall be put up indicating that it is foreseeable that the limit value laid down in Article 8 will be exceeded; and
- (c) the spread of dust arising from asbestos or materials containing asbestos outside the premises or site of action shall be prevented.'

13. in Article 12(2), the first two subparagraphs shall be replaced by the following:

'2. The plan referred to in paragraph 1 must prescribe the measures necessary to ensure the safety and health of workers at the place of work.

The plan must in particular specify that:

- asbestos and/or asbestos-containing products are to be removed before demolition techniques are applied, except where this would cause a greater risk to workers than if the asbestos and/or asbestos-containing products had been left in place;

- the personal protective equipment referred to in Article 11(1)(a) shall be provided, where necessary;

- when the asbestos demolition or removal work has been completed, the absence of asbestos exposure risks in the workplace shall be verified in compliance with national legislation and practices.'

14. the following Articles shall be inserted:

'Article 12a

1. Employers shall provide appropriate training for all workers who are, or are likely to be, exposed to asbestos-containing dust. Such training must be provided at regular intervals and at no cost to the workers.

2. The content of the training must be easily understandable for workers. It must enable them to acquire the necessary knowledge and skills in terms of prevention and safety, particularly as regards:

- (a) the properties of asbestos and its effects on health, including the synergistic effect of smoking;
- (b) the types of products or materials likely to contain asbestos;
- (c) the operations that could result in asbestos exposure and the importance of preventive controls to minimise exposure;
- (d) safe work practices, controls and protective equipment;
- (e) the appropriate role, choice, selection, limitations and proper use of respiratory equipment;
- (f) emergency procedures;
- (g) decontamination procedures;
- (h) waste disposal;
- (i) medical examination requirements.

3. Practical guidelines for the training of asbestos removal workers shall be developed at Community level.

Article 12b

Before carrying out asbestos demolition or removal work, firms must provide evidence of their ability in this field. The evidence shall be established in accordance with national laws and/or practice.'

15. in Article 14(2), point (b) shall be replaced by the following:

'(b) if the results exceed the limit value laid down in Article 8 the workers concerned and their representatives in the undertaking or establishment are informed as quickly as possible of the fact and the reasons for it and the workers and/or their representatives in the undertaking or establishment are consulted on the measures to be taken or, in an emergency, are informed of the measures which have been taken.'

16. in Article 15, point (3) shall be replaced by the following:

'3. Information and advice must be given to workers regarding any assessment of their health which they may undergo following the end of exposure.

The doctor or authority responsible for the medical surveillance of workers may indicate that medical surveillance must continue after the end of exposure for as long as they consider it necessary to safeguard the health of the person concerned.

Such continuing surveillance shall be carried out in accordance with the laws and practices of the individual Member States.;

17. in Article 16, point 2 shall be replaced by the following:

'2. The register referred to in point 1 and the medical records referred to in Article 15(1) shall be kept for at least 40 years following the end of exposure, in accordance with national laws and/or practice.;

18. in Article 16 the following point shall be added:

'3. The documents referred to in point 2 shall be made available to the responsible authority in cases where the undertaking ceases trading, in accordance with national laws and/or practice.;

19. The following Article shall be inserted:

'Article 16a

Member States shall provide for adequate sanctions to be applicable in the event of infringement of national legislation adopted pursuant to this Directive. These sanctions must be effective, proportionate and dissuasive.;

20. Annex I shall be deleted;

21. in Annex II, point 3 shall be replaced by the following:

'3. Health examination of workers should be carried out in accordance with the principles and practices of occupational medicine. It should include at least the following measures:

- keeping records of a worker's medical and occupational history,
- a personal interview,

- a general clinical examination, with particular reference to the chest,
- lung function tests (respiratory flow volumes and rates).

The doctor and/or authority responsible for the health surveillance should decide on further examinations, such as sputum cytology tests or a chest X-ray or a tomodensitometry, in the light of the latest occupational health knowledge available.'

Article 2

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 15 April 2006. They shall forthwith inform the Commission thereof.

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

2. Member States shall communicate to the Commission the text 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 date of its publication in the *Official Journal of the European Union*.

Article 4

This Directive is addressed to the Member States.

Done at Brussels, 27 March 2003.

For the European Parliament

P. COX

The President

For the Council

M. STRATAKIS

The President

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 27 March 2003

on the signature and conclusion of a Protocol adjusting the trade aspects of the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republic of Poland, of the other part, to take account of the outcome of negotiations between the parties on new mutual agricultural concessions

(2003/263/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 133, in conjunction with Article 300(2), subparagraph 1, first sentence, thereof,

Having regard to the proposal from the Commission,

Whereas:

- (1) The Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republic of Poland, of the other part ⁽¹⁾ (hereinafter referred to as the Europe Agreement), provides for certain reciprocal trade concessions for certain agricultural products.
- (2) Article 20(5) of the Europe Agreement provides that the Community and Poland shall examine product by product and on an orderly and reciprocal basis the possibilities of granting each other further concessions.
- (3) The first improvements to the preferential arrangements of the Europe Agreement were provided for in the Protocol adjusting trade aspects of the Europe Agreement to take account of the accession of the Republic of Austria, the Republic of Finland and the Kingdom of Sweden to the European Union and the outcome of the Uruguay Round negotiations on agriculture, including improvements to the existing preferential arrangements, approved by Council Decision 2002/63/EC ⁽²⁾.
- (4) Improvements to the preferential arrangements were also provided for as a result of negotiations to liberalise agricultural trade concluded in 2000. On the Community side, these were implemented from 1 January 2001 by Regulation (EC) No 2851/2000 establishing certain concessions in the form of Community tariff quotas for certain agricultural products and providing for an adjustment, as an autonomous and transitional measure, of certain agricultural concessions provided for in the Europe Agreement with Poland ⁽³⁾. This second adjustment of the preferential arrangements has not yet been incorporated in the Europe Agreement in the form of an Additional Protocol.
- (5) Negotiations for further improvements to the preferential arrangements of the Europe Agreement were concluded on 23 December 2002.
- (6) The new Additional Protocol to the Europe Agreement adjusting the trade aspects of the Europe Agreement between the European Communities and their Member States, of the one part, and Poland, of the other part (hereinafter referred to as the Protocol) should be approved with a view to consolidating all concessions in agricultural trade between the two sides, including the results of the negotiations concluded in 2000 and 2002.
- (7) 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 ⁽⁴⁾ has codified the management rules for tariff quotas designed to be used following the chronological order of dates of customs declarations. Certain tariff quotas under this Decision should therefore be administered in accordance with those rules.

⁽¹⁾ OJ L 348, 31.12.1993, p. 2.

⁽²⁾ OJ L 27, 30.1.2002, p. 1.

⁽³⁾ OJ L 332, 28.12.2000, p. 7.

⁽⁴⁾ OJ L 253, 11.10.1993, p. 1. Regulation as last amended by Regulation (EC) No 444/2002 (OJ L 68, 12.3.2002, p. 11).

- (8) The measures necessary for the implementation of this Decision should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission ⁽¹⁾.
- (9) As a result of the aforementioned negotiations, Regulation (EC) No 2851/2000 has effectively lost its substance and should therefore be repealed,

HAS DECIDED AS FOLLOWS:

Article 1

The attached Protocol adjusting the trade aspects of the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republic of Poland, of the other part, to take account of the outcome of negotiations between the parties on new mutual agricultural concessions, is hereby approved on behalf of the Community.

Article 2

The President of the Council is authorised to designate the person empowered to sign the Protocol on behalf of the Community and make the notification of approval provided for in Article 3 of the Protocol.

Article 3

The Commission shall adopt rules for the application of the Protocol in accordance with the procedure referred to in Article 5(2).

Article 4

The order numbers as attributed to the tariff quotas in the Annex to this Decision may be changed by the Commission in accordance with the procedure referred to in Article 5(2). Tariff quotas with an order number above 09.5100 shall be administered by the Commission in accordance with Articles 308a, 308b and 308c of Regulation (EEC) No 2454/93.

Article 5

1. The Commission shall be assisted by the Committee for Sugar instituted by Article 42 of Regulation (EC) No 1260/2001 ⁽²⁾ or, where appropriate, by the committee instituted by the relevant provisions of the other Regulations on the common organisation of agricultural markets.

2. Where reference is made to this paragraph, Articles 4 and 7 of Decision 1999/468/EC shall apply.

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

3. The Committee shall adopt its rules of procedure.

Article 6

Regulation (EC) No 2851/2000 shall be repealed as from the entry into force of the Protocol.

Done at Brussels, 27 March 2003.

For the Council
The President
M. STRATAKIS

⁽¹⁾ OJ L 184, 17.7.1999, p. 23.

⁽²⁾ OJ L 178, 30.6.2001, p. 1. Regulation as amended by Commission Regulation (EC) No 680/2002 (OJ L 104, 20.4.2002, p. 26).

ANNEX

Order numbers for EU tariff quotas for products originating in Poland

(as referred to in Article 4)

Quota order No	CN code	Description
09.4598	0102 90 05	Live bovine animals of domestic species of a live weight not exceeding 80 kg
09.4537	0102 90 21 0102 90 29 0102 90 41 0102 90 49	Live bovine animals of domestic species of a live weight exceeding 80 kg but not exceeding 300 kg
09.4563	ex 0102 90	Heifers and cows not for slaughter of the following mountain breeds: grey, brown, yellow, spotted Simmental and Pinzgau
09.4820	0103 92 19	Live swine, domestic species
09.4824	0201 0202 1602 50 10	Meat of bovines, fresh, chilled or frozen Uncooked; mixture of cooked meat or offal and uncooked meat or offal of bovine animals
09.4809	ex 0203 ex 0210 0210 11 0210 12 0210 19	Meat of domestic swine, fresh, chilled or frozen, Meat of swine: – Ham, shoulders and cuts thereof, with bone in – Bellies and cuts thereof – Other
09.5811	ex 0207	Meat and edible offal, of the poultry of heading No 0105, excluding 0207 34, 0207 36 81, 0207 36 85
09.4813	0402 10 19 0402 21 19 0402 21 99	Skimmed milk powder Whole milk powder Whole milk powder
09.4814	0405 10 11 0405 10 19 0405 10 30 0405 10 50 0405 10 90 0405 20 90	Butter and dairy spreads
09.4815	0406	Cheese and curd
09.5818	0407 00 11 0407 00 19 0407 00 30	Poultry eggs, in shell
09.5819	0408 91 80 0408 99 80	Birds' eggs, dried Other whole eggs, not in shell
09.5101	0701 10 00	Seed potatoes
09.5103	0701 90 90	Potatoes
09.5107	0703 10 11	Sets of onion
09.5109	0703 10 19	Onions
09.5113	0703 20 00	Garlic

Quota order No	CN code	Description
09.5159	0808 10 20 0808 10 50 0808 10 90	Apples
09.5282	0808 20 10	Perry pears, in bulk, 1 August to 31 December
09.4831	ex 1001 90	Wheat and wheat meslin, other than durum wheat excl. CN code 1001 90 10
09.5815	1101 00 1102	Wheat and meslin flour Cereals flours other than of wheat or meslin
09.4804	1108 13 00	Potato starch
09.5816	1210	Hop cones; lupulin
09.5579	1514 11 10 1514 91 10	Crude rapeseed, colza or mustard oil, other than for human consumption
09.4806	ex 1601 10 ex 1602 1602 41 10 1602 42 10 ex 1602 49	Sausages and similar products of meat, meat offal or blood: food preparations based on these products but excl. CN code 1601 00 10 Other prepared or preserved meat, meat offal or blood, of swine: – Domestic swine, hams and cuts thereof – Domestic swine, shoulders and cuts thereof – Domestic swine, other, including mixtures excl. CN code 1602 49 90
09.5817	1602 32 11 1602 39 21	Poultry meat of <i>Gallus domesticus</i> , uncooked, processed Other poultry meat, uncooked, processed
09.5547	1703 90 00	Molasses, other than cane molasses
09.5285	ex 2009 80	Juice of fruit or vegetables, whether or not containing added sugar or other sweetening matter, excluding CN codes 2009 80 19, 2009 80 38, 2009 80 69, 2009 80 95, 2009 80 96, 2009 80 97 and 2009 80 99
09.5813	ex 2302	Bran, sharps and other residues, excl. CN code 2302 50 00

PROTOCOL**adjusting the trade aspects of the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republic of Poland, of the other part, to take account of the outcome of negotiations between the Parties on new mutual agricultural concessions**

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

of the one part, and

THE REPUBLIC OF POLAND,

of the other part,

Whereas:

- (1) The Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republic of Poland, of the other part (hereinafter referred to as 'the Europe Agreement') was signed in Brussels on 16 December 1991 and entered into force on 1 February 1994 ⁽¹⁾.
- (2) Article 20(5) of the Europe Agreement provides that the Community and the Republic of Poland are to examine in the Association Council, product by product and on an orderly and reciprocal basis, the possibility of granting each other additional agricultural concessions. On this basis negotiations have been undertaken and were concluded between the parties.
- (3) For the first time, improvements to the preferential agricultural regime of the Europe Agreement were provided for in the Protocol adjusting trade aspects of the Europe Agreement ⁽²⁾ to take account of the last enlargement of the Community and the outcome of the GATT Uruguay Round.
- (4) Two further rounds of negotiations for improved agricultural trade concessions were concluded on 26 September 2000 and 23 December 2002.
- (5) From the one side, the Council decided, by virtue of Regulation (EC) No 2851/2000 ⁽³⁾, to apply on a provisional basis, as from 1 January 2001, the European Community concessions resulting from the 2000 round of negotiations and from the other side the Government of Poland took legislative provisions to apply, as from the same date of 1 January 2001, the equivalent Polish concessions (Ordinance No 1253/2000, No 1273/2000 and No 1274/2000 ⁽⁴⁾).
- (6) The abovementioned concessions will be supplemented and replaced on the date of entry into force of this Protocol by the concessions provided for herein,

HAVE AGREED AS FOLLOWS:

Article 1

The arrangements for import into the Community applicable to certain agricultural products originating in Poland as set out in Annex A(a) and A(b) and the arrangements for import into Poland applicable to certain agricultural products originating in the Community as set out in Annex B(a) and B(b) to this Protocol shall replace those set out in Annexes VIII and IX as referred to in Article 20(2) and 20(4) to the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and Poland, of the other part.

⁽¹⁾ OJ L 348, 31.12.1993, p. 2.

⁽²⁾ OJ L 27, 30.1.2002, p. 2.

⁽³⁾ OJ L 332, 28.12.2000, p. 7.

⁽⁴⁾ Published in the Polish Official Journals 119/2000, 28.12.2000 and 120/2000, 29.12.2000.

Article 2

The Annexes to this Protocol shall form an integral part thereof. This Protocol shall form an integral part of the Europe Agreement.

Article 3

This Protocol shall be approved by the Community and the Republic of Poland in accordance with their own procedures. The Contracting Parties shall take the necessary measures to implement this Protocol.

The Contracting Parties shall notify each other of the accomplishment of the corresponding procedures according to the first paragraph hereof.

Article 4

This Protocol shall enter into force on the first day of the first month following the Contracting Parties' notification of the accomplishment of the corresponding procedures according to Article 3.

Quantities of goods subject to tariff quotas and released for free circulation as from 1 July 2002 under the concessions provided for in Annex A(b) to Regulation (EC) No 2851/2000 shall be fully counted against the quantities provided for in Annex A(b) to the attached Protocol, except for quantities for which import licences were issued before 1 July 2002.

Similarly, quantities of goods subject to tariff quotas and released for free circulation as from 1 July 2002 or 1 January 2003 under the concessions provided for in Regulation of the Council of Ministers of 24 September 2002 ⁽¹⁾ and Regulation of the Minister of Economy of 17 December 2002 ⁽²⁾ shall be fully counted against the quantities provided for in Annex B(b) to the attached Protocol, except for quantities for which import licences were issued before 1 July 2002 or 1 January 2003.

Article 5

This Protocol shall be drawn up in duplicate in the Danish, Dutch, English, Finnish, French, German, Greek, Italian, Portuguese, Spanish, Swedish and Polish languages, each of these texts being equally authentic.

Hecho en Bruselas, el treinta y uno de marzo del dos mil tres.

Udfærdiget i Bruxelles den enogtredivte marts to tusind og tre.

Geschehen zu Brüssel am einunddreißigsten März zweitausendunddrei.

Έγινε στις Βρυξέλλες, στις τριάντα μία Μαρτίου δύο χιλιάδες τρία.

Done at Brussels on the thirty-first day of March in the year two thousand and three.

Fait à Bruxelles, le trente et un mars deux mille trois.

Fatto a Bruxelles, addì trentuno marzo duemilatre.

Gedaan te Brussel, de eenendertigste maart tweeduizenddrie.

Feito em Bruxelas, em trinta e um de Março de dois mil e três.

Tehty Brysselissä kolmantenakymmenentenäensimmäisenä päivänä maaliskuuta vuonna kaksituhattakolme.

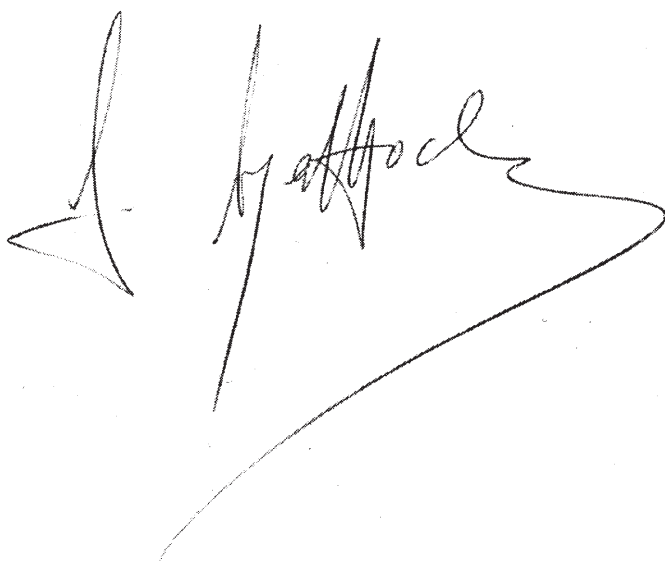
Som skedde i Bryssel den trettioförsta mars tjugohundratre.

Sporządzono w Brukseli dnia trzydziestego pierwszego marca dwa tysiące trzeciego roku.

⁽¹⁾ Published in the Polish Official Journal 157, 24.9.2002, position 1310, p. 10111.

⁽²⁾ Published in the Polish Official Journal 227, 23.12.2002, position 1897, p. 14323 and position 1898, p. 14335.

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



Za Rzeczpospolitą Polską

Marek Gule

ANNEX A(a)

Customs duties on imports applicable in the Community to products originating in Poland and listed below shall be abolished

CN code ⁽¹⁾	CN code ⁽¹⁾	CN code ⁽¹⁾	CN code ⁽¹⁾	CN code ⁽¹⁾	CN code ⁽¹⁾
0101 10 90	0709 52 00	0807 11 00	1108 20 00	1602 90 69	2008 50 99
0101 90 19	0709 59	0807 19 00	1208 10 00	1602 90 98	2008 60 11
0101 90 30	0709 60 10	0808 20 90	1209	1603 00 10	2008 60 31
0101 90 90	0709 60 99	0809 40 90	1211 90 30	2001 10 00	2008 60 39
0106 19 10	0709 70 00	0810 10	1212 10 10	2001 90 20	2008 60 51
0106 39 10	0709 90 10	0810 40 30	1212 10 99	2001 90 50	2008 60 59
0205	0709 90 20	0810 40 50	1214 90 10	2001 90 70	2008 60 61
0206 80 91	0709 90 40	0810 40 90	1302 19 05	2001 90 75	2008 60 69
0206 90 91	0709 90 50	0810 60 00	1501 00 90	2001 90 85	2008 60 71
0208 10 11	0709 90 70	0810 90 95	1503 00 19	2001 90 93	2008 60 79
0208 10 19	0709 90 90	0811 90	1503 00 90	2001 90 96	2008 60 91
0208 20 00	0710 10 00	0812 10 00	1504 10 10	2003	2008 60 99
0208 30 00	0710 21 00	0812 90 10	1504 10 99	2004 10 10	2008 80
0208 40	0710 22 00	0812 90 20	1504 20 10	2004 10 99	2008 99 28
0208 50 00	0710 29 00	0812 90 40	1504 30 10	2004 90 30	2008 99 37
0208 90 10	0710 30 00	0812 90 50	1508 10 90	2004 90 50	2008 99 40
0208 90 55	0710 80 51	0812 90 60	1508 90	2004 90 91	2008 99 45
0208 90 60	0710 80 59	0812 90 99	1511 10 90	2004 90 98	2008 99 49
0208 90 95	0710 80 61	0813 10 00	1511 90	2005 10 00	2008 99 55
0210 91 00	0710 80 69	0813 20 00	1513	2005 20 20	2008 99 68
0210 92 00	0710 80 70	0813 30 00	1515 19	2005 20 80	2008 99 72
0210 93 00	0710 80 80	0813 40 10	1515 21	2005 40 00	2008 99 78
0210 99 10	0710 80 85	0813 40 30	1515 29	2005 51 00	2008 99 99
0210 99 31	0710 80 95	0813 40 95	1515 30 90	2005 59 00	2009 50
0210 99 39	0710 90 00	0813 50 12	1515 50	2005 60 00	2009 71
0210 99 59	0711 30 00	0813 50 15	1515 90	2005 90	2009 79 19
0210 99 79	0711 40 00	0813 50 19	1516 20 95	2006 00 99	2009 79 30
0210 99 80	0711 51 00	0813 50 39	1516 20 96	2007 10 99	2009 79 93
0407 00 90	0711 59 00	0813 50 91	1516 20 98	2007 99 10	2009 79 99
0409 00 00	0711 90 10	0813 50 99	1518 00 31	2007 99 91	2009 80 19
0410 00 00	0711 90 50	0814 00 00	1518 00 39	2007 99 98	2009 80 38
0601 10	0711 90 80	0901 12 00	1522 00 91	2008 40 11	2009 80 69
0601 20 30	0711 90 90	0901 21 00	1601 00 10	2008 40 21	2009 80 95
0601 20 90	0712 20 00	0901 22 00	1602 10 00	2008 40 29	2009 80 96
0602	0712 31 00	0901 90 90	1602 20	2008 40 39	2009 80 97
0604 10 90	0712 32 00	0902 10 00	1602 31	2008 40 51	2009 80 99
0604 91	0712 33 00	0904 12 00	1602 32 19	2008 40 59	2009 90 19
0604 99 90	0712 39 00	0904 20 10	1602 32 30	2008 40 71	2009 90 29
0701 90 10	0712 90 05	0904 20 90	1602 32 90	2008 40 79	2009 90 39
0701 90 50	0712 90 30	0907 00 00	1602 39 29	2008 40 91	2302 50 00
0703 10 90	0712 90 50	0910 40 13	1602 39 40	2008 40 99	2306 90 19
0703 90 00	0712 90 90	0910 40 19	1602 39 80	2008 50 11	2308 00 90
0704	0713 50 00	0910 40 90	1602 41 90	2008 50 31	2309 10 51
0705	0713 90	0910 91 90	1602 42 90	2008 50 39	2309 10 90
0706	0802 21 00	0910 99 99	1602 49 90	2008 50 59	2309 90 10
0707 00 90	0802 22 00	1001 90 10	1602 50 31	2008 50 61	2309 90 31
0708	0802 31 00	1008 10 00	1602 50 39	2008 50 69	2309 90 41
0709 20 00	0802 32 00	1008 20 00	1602 50 80	2008 50 71	2309 90 51
0709 30 00	0802 40 00	1105	1602 90 10	2008 50 79	2309 90 91
0709 40 00	0802 90 85	1106 10 00	1602 90 31	2008 50 92	
0709 51 00	0806 20	1106 30	1602 90 41	2008 50 94	

⁽¹⁾ As defined in Commission Regulation (EC) No 1832/2002 of 1 August 2002, amending Annex I to Council Regulation (EEC) No 2658/87 on the tariff and statistical nomenclature and on the Common Customs Tariff (OJ L 290, 28.10.2002, p. 1).

ANNEX A(b)

Imports into the Community of the following products originating in Poland shall be subject to the concessions set out below

(MFN = Most Favoured Nation duty)

CN code	Description ⁽¹⁾	Applicable duty (% of MFN) ⁽²⁾	Quantity from 1.7.2002 to 30.6.2003 (tonnes)	Annual quantity from 1.7.2003 (tonnes)	Subsequent yearly quota increase (tonnes)	Specific provisions
0102 90 05	Live bovine animals of a live weight not exceeding 80 kg	free	178 000 head	178 000 head		⁽³⁾ ⁽¹⁵⁾
0102 90 21 0102 90 29 0102 90 41 0102 90 49	Live bovine animals of a live weight exceeding 80 kg but not exceeding 300 kg	free	153 000 head	153 000 head		⁽³⁾ ⁽¹⁵⁾
ex 0102 90	Heifers and cows not for slaughter of the following mountain breeds: grey, brown, yellow, spotted Simmental and Pinzgau breed	free	7 000 head	7 000 head		⁽⁴⁾ ⁽¹⁵⁾
0103 92 19	Live swine, domestic species	free	1 750	1 750		⁽¹⁵⁾
0104 10 30 0104 10 80 0104 20 10 0104 20 90 0204 0210 99 21 0210 99 29 0210 99 60 1502 00 90 1602 90 72 1602 90 74 1602 90 76 1602 90 78	Live sheep or goats Meat of sheep or goats, fresh, chilled or frozen Edible meat of sheep and goats, with bone in Edible meat of sheep and goats, boneless Edible meat offal of sheep and goats Fat of bovine animals, sheep or goats Prepared or preserved meat or offal of sheep and goats	free	unlimited	unlimited		⁽⁶⁾
0201 0202 1602 50 10	Meat of bovines, fresh, chilled or frozen Uncooked; mixtures of cooked meat or offal and uncooked meat or offal of bovine animals	free	19 200	20 800	1 600	⁽¹⁵⁾ ⁽¹⁰⁾ ⁽¹⁵⁾
ex 0203 ex 0210 0210 11 0210 12 0210 19	Meat of domestic swine, fresh, chilled or frozen Meat of swine: – Ham, shoulders and cuts thereof, with bone in – Bellies and cuts thereof – Other	free	36 000	39 000	3 000	⁽⁵⁾ ⁽⁶⁾ ⁽¹⁵⁾ ⁽⁶⁾ ⁽¹⁵⁾

CN code	Description ⁽¹⁾	Applicable duty (% of MFN) ⁽²⁾	Quantity from 1.7.2002 to 30.6.2003 (tonnes)	Annual quantity from 1.7.2003 (tonnes)	Subsequent yearly quota increase (tonnes)	Specific provi- sions
0808 20 10	Perry pears, in bulk, from 1 August to 31 December	free	250	250		⁽¹⁵⁾
0808 20 50	Fresh pears	free	unlimited	unlimited		⁽⁸⁾
0809 20	Cherries	free	unlimited	unlimited		⁽⁸⁾ ⁽¹¹⁾
0809 40 05	Plums: – For processing, in immediate containers of a net capacity weight exceeding 250 kg ⁽¹⁴⁾ – Other	free free	unlimited unlimited	unlimited unlimited		⁽⁸⁾ ⁽¹²⁾
0810 20	Raspberries, blackberries, mulberries and loganberries	free	unlimited	unlimited		⁽⁹⁾
0810 30	Black, white or redcurrants and gooseberries					⁽⁹⁾
0811 10	Strawberries, frozen	free	unlimited	unlimited		⁽⁹⁾
0811 20	Raspberries, blackberries, mulberries, loganberries, black-, white- or redcurrants and gooseberries, frozen					⁽⁹⁾
ex 1001 90	Wheat and meslin, other than durum wheat excl. CN code 1001 90 10	free	480 000	520 000	40 000	⁽⁶⁾ ⁽¹⁵⁾
1101 00	Wheat or meslin flour	free	12 000	13 000	1 000	⁽⁶⁾ ⁽¹⁵⁾
1102	Cereals flours other than of wheat or meslin					
1108 13 00	Potato starch	free	9 375	9 375		⁽¹⁵⁾
1210	Hop cones; lupulin	free	250	1 000	100	
1514 11 10	Crude rapeseed, colza or mustard oil, other than for human consumption	free	625	625		⁽¹⁵⁾
1514 91 10						
ex 1601 00	Sausages and similar products of meat, meat offal or blood; food preparations based on these products but excl. CN code 1601 00 10	free	19 200	20 800	1 600	⁽⁶⁾ ⁽¹⁵⁾
ex 1602	Other prepared or preserved meat, meat offal or blood, of swine:					
1602 41 10	– Domestic swine, hams and cuts thereof					
1602 42 10	– Domestic swine, shoulders and cuts thereof					
ex 1602 49	– Domestic swine, other, including mixtures excl. CN code 1602 49 90					

CN code	Description ⁽¹⁾	Applicable duty (% of MFN) ⁽²⁾	Quantity from 1.7.2002 to 30.6.2003 (tonnes)	Annual quantity from 1.7.2003 (tonnes)	Subsequent yearly quota increase (tonnes)	Specific provisions
1602 32 11	Poultry meat of <i>Gallus domesticus</i> , uncooked, processed	free	250	1 000	100	
1602 39 21	Other poultry meat, uncooked, processed					
1703 90 00	Molasses, other than cane molasses	free	300 000	300 000		⁽¹⁵⁾
2007 99 31	Sour cherry jam	free	unlimited	unlimited		⁽⁸⁾
2007 99 33	Strawberry jam					
2007 99 35	Raspberry jam					
2007 99 39	Other preparations with a sugar content exceeding 30 % by weight	free	unlimited	unlimited		⁽⁸⁾
ex 2009 80	Juice of fruit or vegetables, whether or not containing added sugar or other sweetening matter, excluding CN codes 2009 80 19, 2009 80 38, 2009 80 69, 2009 80 95, 2009 80 96, 2009 80 97 and 2009 80 99	free	500	500		⁽¹⁵⁾
ex 2302	Bran, sharps and other residues, excl. CN code 2302 50 00	free	4 800	5 200	400	⁽⁶⁾ ⁽¹⁵⁾

⁽¹⁾ Notwithstanding the rules for the interpretation of the Combined Nomenclature, the wording of the description of the products is to be considered as having no more than indicative value, the preferential scheme being determined, within the context of this Annex, by the coverage of the CN code. Where ex CN codes are indicated, the preferential scheme is to be determined by application to the CN code and corresponding description taken together.

⁽²⁾ In cases where an MFN minimum duty exists, the applicable minimum duty is equal to the MFN minimum duty multiplied by the percentage indicated in this column.

⁽³⁾ The quota for this product is opened for Bulgaria, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania and the Slovak Republic. Where it appears likely that total Community imports of live bovine animals may exceed 500 000 head in a given marketing year the Community may take the management measures needed to protect its market, notwithstanding any other rights given under the Agreement.

⁽⁴⁾ The quota for this product is opened for Bulgaria, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania and the Slovak Republic.

⁽⁵⁾ Excluding tenderloin presented alone.

⁽⁶⁾ Products for which Poland will not grant any export subsidies for all exports to the EU.

⁽⁷⁾ In dried egg equivalent (100 kg liquid egg = 25,7 kg of dried egg).

⁽⁸⁾ The reduction applies only to the *ad valorem* part of the duty.

⁽⁹⁾ Subject to minimum import price arrangements contained in the Appendix to the present Annex.

⁽¹⁰⁾ Co-efficient for conversion to fresh meat = 2,14, providing meat content is > 60 %.

⁽¹¹⁾ In addition to the reduction of the *ad valorem* part of the duty, five additional stages (10 %, 12 %, 14 %, 16 % and 18 %) are herewith introduced which have to be used before the application of the full specific duty as mentioned in the Combined Nomenclature.

⁽¹²⁾ In addition to the reduction of the *ad valorem* part of the duty, three additional stages (10 %, 12 % and 14 %), are herewith introduced which have to be used before the application of the full specific duty as mentioned in the Combined Nomenclature.

⁽¹³⁾ For these CN codes, the following concessions — applicable for apples imported within, as well as outside, the tariff quota — should be applied:

— five additional stages (10 %, 12 %, 14 %, 16 % and 18 %) are herewith introduced for the period 1 January to 14 February, which have to be used before the application of the full specific duty as mentioned in the Combined Nomenclature;

— three additional stages (14 %, 16 % and 18 %) are herewith introduced for the period 15 February to 31 March, which have to be used before the application of the full specific duty as mentioned in the Combined Nomenclature;

— two additional stages (16 % and 18 %) are herewith introduced for the period 1 April to 15 July, which have to be used before the application of the full specific duty as mentioned in the Combined Nomenclature;

— five additional stages (10 %, 12 %, 14 %, 16 % and 18 %) are herewith introduced for the period 16 July to 31 December, which have to be used before the application of the full specific duty as mentioned in the Combined Nomenclature.

⁽¹⁴⁾ Entry under this subheading is subject to conditions laid down in the relevant Community provisions (see Articles 291 to 300 of Commission Regulation (EEC) No 2454/93 (OJ L 253, 11.10.1993, p. 1) and subsequent amendments).

⁽¹⁵⁾ Quantities of goods subject to this existing tariff quota and released for free circulation as from 1 July 2002 before the entry into force of this Protocol shall be fully counted against the quantity provided for in the fourth column.

Appendix to Annex A(b)

Minimum import price arrangement for certain soft fruit for processing

1. Minimum import prices are fixed as follows for the following products for processing originating in Poland:

CN code	Description	Minimum import price (EUR/100 kg net)
ex 0810 20 10	Raspberries, fresh, intended for processing	63,1
ex 0810 30 10	Blackcurrants, fresh, intended for processing	38,5
ex 0810 30 30	Redcurrants, fresh, intended for processing	23,3
ex 0811 10 11	Frozen strawberries containing added sugar or other sweetening matter, with a sugar content exceeding 13 % by weight, whole fruit	75,0
ex 0811 10 11	Frozen strawberries containing added sugar or other sweetening matter, with a sugar content exceeding 13 % by weight, other	57,6
ex 0811 10 19	Frozen strawberries containing added sugar or other sweetening matter, with a sugar content not exceeding 13 % by weight, whole fruit	75,0
ex 0811 10 19	Frozen strawberries containing added sugar or other sweetening matter, with a sugar content not exceeding 13 % by weight, other	57,6
ex 0811 10 90	Frozen strawberries, containing no added sugar or other sweetening matter: whole fruit	75,0
ex 0811 10 90	Frozen strawberries, containing no added sugar or other sweetening matter: other	57,6
ex 0811 20 19	Frozen raspberries, containing added sugar or other sweetening matter, with a sugar content not exceeding 13 % by weight: whole fruit	99,5
ex 0811 20 19	Frozen raspberries, containing added sugar or other sweetening matter, with a sugar content not exceeding 13 % by weight: other	79,6
ex 0811 20 31	Frozen raspberries, containing no added sugar or other sweetening matter: whole fruit	99,5
ex 0811 20 31	Frozen raspberries, containing no added sugar or other sweetening matter: other	79,6
ex 0811 20 39	Frozen blackcurrants, containing no added sugar or other sweetening matter: without stalk	62,8
ex 0811 20 39	Frozen blackcurrants, containing no added sugar or other sweetening matter: other	44,8
ex 0811 20 51	Frozen redcurrants, containing no added sugar or other sweetening matter: without stalk	39,0
ex 0811 20 51	Frozen redcurrants, containing no added sugar or other sweetening matter: other	29,5

2. The minimum import prices, as set out in point 1, will be respected on a consignment by consignment basis. In the case of a customs declaration value being lower than the minimum import price, a countervailing duty will be charged equal to the difference between the minimum import price and the customs declaration value.
3. If the import prices of a given product covered by this Appendix show a trend suggesting that the prices could go below the level of the minimum import prices in the immediate future, the European Commission will inform the Polish authorities in order to enable them to correct the situation.

4. At the request of either the Community or Poland, the Association Committee shall examine the functioning of the system or the revision of the level of the minimum import prices. If appropriate, the Association Committee shall take the necessary decisions.
5. To encourage and promote the development of trade and for the mutual benefit of all parties concerned, a consultation meeting will be organised three months before the beginning of each marketing year in the European Community. This consultation meeting will take place between the European Commission and the interested European producers' organisations for the products concerned, of the one part, and the authorities', producers' and exporters' organisations of all the associated exporting countries, of the other part.

During this consultation meeting, the market situation for soft fruit including, in particular, forecasts for production, stock situation, price evolution and possible market development, as well as possibilities to adapt supply to demand, will be discussed.

ANNEX B(a)

Customs duties on imports applicable in Poland to products originating in the Community and listed below shall be abolished

PCN Code ⁽¹⁾	PCN Code ⁽¹⁾	PCN Code ⁽¹⁾	PCN Code ⁽¹⁾	PCN Code ⁽¹⁾	PCN Code ⁽¹⁾
0101 10 90 0	0709 59 10 0	0812 90 10 0	1201 00	1516 20 96 0	2009 29 99 0
0101 90 11 0	0709 59 30 0	0812 90 20 0	1203 00 00 0	1516 20 98 0	2009 31 19 0
0101 90 19 0	0709 59 90 0	0812 90 30 0	1204 00	1518 00 31 0	2009 31 51 0
0101 90 30 0	0709 60	0812 90 40 0	1206 00	1518 00 39 0	2009 31 59 0
0101 90 90 0	0709 90 31 0	0812 90 50 0	1207 10	1522 00 91 0	2009 31 91 0
0102 90 90 0	0709 90 40 0	0812 90 60 0	1207 20	1522 00 99 0	2009 31 99 0
0103 91 90 0	0709 90 50 0	0812 90 70 0	1207 30 10 0	1602 31	2009 39 19 0
0103 92 90 0	0710 80 10 0	0812 90 99 1	1207 40	1603 00 10 0	2009 39 39 0
0106 19 10 1	0710 80 59 0	0812 90 99 9	1207 50	1603 00 80 0	2009 39 55 0
0106 19 10 9	0711 20 10 0	0813 10 00 0	1207 60	1801 00 00 0	2009 39 59 0
0106 39 10 0	0711 20 90 0	0813 40 10 0	1207 99	1802 00 00 0	2009 39 95 0
0203 11 90 0	0711 30 00 0	0813 40 30 0	1208	2001 90 10 0	2009 39 99 0
0203 12 90 0	0711 59 00 1	0813 40 50 0	1209 21 00 0	2001 90 20 0	2009 41 91 0
0203 19 90 0	0711 59 00 9	0813 40 60 0	1209 22	2001 90 65 0	2009 41 99 0
0203 21 90 0	0711 90 10 0	0813 40 70 0	1209 29 60 0	2001 90 75 0	2009 49 19 0
0203 22 90 0	0711 90 50 0	0813 40 95 0	1209 30 00 0	2001 90 85 0	2009 49 93 0
0203 29 90 0	0711 90 80 0	0813 50	1209 91	2003 20 00 0	2009 49 99 0
0205 00	0712 90 11 0	0814 00 00 0	1209 99	2004 90 30 0	2009 61 10 0
0208	0713	0901 11 00 0	1211	2005 60 00 0	2009 61 90 0
0210 91 00 0	0714 20	0901 12 00 0	1212 10	2005 70	2009 69 11 0
0210 92 00 0	0714 90 90 0	0901 21 00 0	1212 30 00 0	2005 90 10 0	2009 69 19 0
0210 93 00 0	0801	0901 22 00 0	1212 99 80 0	2005 90 30 0	2009 69 51 0
0210 99 10 0	0802	0901 90 10 0	1213 00 00 0	2005 90 50 0	2009 69 59 0
0210 99 31 0	0803 00	0901 90 90 0	1214	2006 00 10 0	2009 69 90 0
0210 99 39 0	0804	0902	1301	2007 91 90 0	2301
0210 99 71 0	0805	0904	1302 11 00 0	2007 99 93 0	2302 50 00 0
0210 99 79 0	0806 10 10 1	0905 00 00 0	1302 19 05 0	2008 11 92 0	2303 10 19 0
0407 00 90 0	0806 10 10 3	0906	1302 19 98 1	2008 11 94 0	2303 10 90 0
0408 91 20 0	0806 10 10 5	0907 00 00 0	1302 19 98 9	2008 11 96 0	2303 20
0408 99 20 0	0806 10 10 7	0908	1302 32 90 0	2008 11 98 0	2303 30 00 0
0410 00 00 0	0806 10 10 9	0909	1302 39 00 0	2008 19 11 0	2304 00 00 0
0511	0806 10 90 0	0910	1501 00 11 0	2008 19 13 0	2305 00 00 0
0601	0806 20	1001 10 00 0	1502 00	2008 19 19 0	2306
0602	0807	1005 10 11 0	1503 00	2008 19 51 0	2307 00 11 0
0604	0808 20 90 0	1005 10 13 0	1508	2008 19 59 0	2307 00 90 0
0701 90 10 0	0809 10 00 0	1005 10 15 0	1509	2008 19 93 0	2308 00 11 0
0703 10 90 0	0809 30 10 0	1005 10 19 0	1510 00	2008 19 95 0	2308 00 40 0
0703 90 00 0	0809 30 90 0	1007 00 10 0	1511	2008 19 99 0	2308 00 90 0
0705 19 00 0	0810 40	1008 20 00 0	1513	2008 99 41 0	2309 10 11 0
0705 21 00 0	0810 50 00 0	1008 30 00 0	1515 19	2008 99 51 0	2309 10 31 0
0705 29 00 0	0810 60 00 0	1008 90 90 0	1515 21	2009 11 19 0	2309 10 51 0
0708 10 00 0	0810 90 30 0	1102 90 90 0	1515 29	2009 11 99 0	2309 10 90 0
0708 90 00 0	0810 90 40 0	1103 19 90 0	1515 30	2009 12 00 0	2309 90 10 0
0709 10 00 0	0810 90 95 0	1103 20 90 0	1515 40 00 0	2009 19 19 0	2309 90 31 9
0709 20 00 0	0811 90 70 0	1106 10 00 0	1515 50	2009 19 98 0	2309 90 41 9
0709 30 00 0	0811 90 85 0	1106 30 10 0	1515 90	2009 21 00 0	2309 90 51 9
0709 52 00 0	0812 10 00 0	1106 30 90 0	1516 20 95 0	2009 29 19 0	

⁽¹⁾ As defined by the Polish Customs Tariff — Annex to Council of Ministers Regulation of 17 December 2002 (Dz.U. No. 226 item 1885, 23 December 2002).

ANNEX B(b)

Imports into Poland of the following products originating in the Community shall be subject to the concessions set out below

(MFN = Most favoured nation duty)

PCN code	Description (1)	Applicable duty (% of MFN)	Quantity from 1.1.2003 to 31.12.2003 (tonnes)	Annual quantity from 1.1.2004 (tonnes)	Subsequent yearly quota increase (tonnes)	Specific provisions	
0102 90 41 0	Live bovine animals	50	unlimited	unlimited		(2)	
0102 90 49 0		50					
0102 90 51 0		50					
0102 90 59 0		50					
ex 0203	Meat of domestic swine, fresh, chilled or frozen	free	37 500	40 500	3 000	(3) (5) (7)	
ex 0210	Meat of swine:						
0210 11	-- Ham, shoulders and cuts thereof, with bone in						
0210 12	-- Bellies and cuts thereof						
0210 19	-- Other						
0104 10 30 0	Live sheep or goats	free	unlimited	unlimited		(5)	
0104 10 80 0							
0104 20 10 0							
0104 20 90 0							
0204							Meat of sheep or goats, fresh, chilled or frozen
0206 80 99 0							Edible offal of sheep and goats, fresh or chilled
0206 90 99 0							
0210 99 21 0							Edible meat of sheep and goats, with bone in
0210 99 29 0							Edible meat of sheep and goats, boneless
0210 99 60 0							Edible meat offal of sheep and goats
1602 90 72 0							Prepared or preserved meat or offal of sheep and goats
1602 90 74 0							
1602 90 76 0							
1602 90 78 0							
0207	Meat and edible offal, of the poultry of heading No 0105	free	25 000	27 000	2 000	(5) (7)	
0403 10 11 0 to 0403 10 39 0	Buttermilk, curdled milk and cream, yoghurt, kephir and other fermented or acidified milk and cream	71	unlimited	unlimited			
0403 90 11 0 to 0403 90 69 0							
0405 10 11 0	Butter and dairy spreads	free	6 250	6 750	500	(5) (7)	
0405 10 19 0							
0405 10 30 0							
0405 10 50 0							
0405 10 90 0							
0405 20 90 0							

PCN code	Description (1)	Applicable duty (% of MFN)	Quantity from 1.1.2003 to 31.12.2003 (tonnes)	Annual quantity from 1.1.2004 (tonnes)	Subsequent yearly quota increase (tonnes)	Specific provisions
0406	Cheese and curd	free	11 250	12 150	900	(5) (7)
0603 10 20 1	Carnations from 1 June to 31 October	free	75	100	10	
0701 10 00 0	Potatoes seed, fresh or chilled	33	unlimited	unlimited		
0704 10 00 1	Cauliflowers and broccoli 1 January — 14 April	free	unlimited	unlimited		
0704 10 00 3	Cauliflowers and broccoli 15 April — 31 May					
ex 0704 20 00 0	Brussels sprouts 1 January — 31 May					
ex 0704 90 90 0	Other 1 January — 31 May					
0707 00 05 1	Cucumbers from 1 October — 30 April	free	5 400	7 200		
0707 00 05 3						
0707 00 05 7						
0707 00 05 8						
0707 00 05 9						
ex 0810 10 00 1	Strawberries from 1 January — 31 May	free	570	760		
ex 0810 10 00 3						
1001 90	Wheat and meslin, other than durum wheat	free	480 000	520 000	40 000	(5) (7) (8)
1101 00	Wheat or meslin flour	free	12 500	13 500	1 000	(5) (7)
1102	Cereal flour other than wheat or meslin					
1006	Rice	free	unlimited	unlimited		
1102 30 00 0	Rice flour					
1103 19 50 0	Rice groats and meal					
1103 20 50 0	Rice pellets					
1107	Malt	free	33 750	45 000	4 500	(5)
1205 10 90 0	Rape or colza seeds	15% <i>ad valorem</i>	32 000	32 000		(7)
1205 90 00 9						
1515 11 00 0	Crude linseed oil	50	unlimited	unlimited		
1601 00	Sausages and similar products of meat, meat offal or blood; food preparations based on these products	free	1 250	1 350	100	(5) (7)
ex 1602	Other prepared or preserved meat, meat offal or blood, of swine					
1602 41	-- Hams and cuts thereof					
1602 42	-- Shoulders and cuts thereof					
1602 49	-- Other, including mixtures					

PCN code	Description ⁽¹⁾	Applicable duty (% of MFN)	Quantity from 1.1.2003 to 31.12.2003 (tonnes)	Annual quantity from 1.1.2004 (tonnes)	Subsequent yearly quota increase (tonnes)	Specific provisions
ex 1602	Other prepared or preserved meat, meat offal or blood, of poultry of heading No 0105:	free	1 250	1 350	100	⁽⁵⁾ ⁽⁷⁾
1602 32	-- Of fowls of the species <i>Gallus domesticus</i>					
1602 39	-- Other					
1701	Sugar	40% <i>ad valorem</i> , minimum EUR 0,17/kg	32 500	32 500		⁽⁶⁾ ⁽⁷⁾
1902 20 30 0	Stuffed pasta, whether or not cooked or otherwise prepared	75	unlimited	unlimited		
2008 70 61 0 to 2008 70 99 9	Peaches, prepared or preserved, not containing added spirit	71	unlimited	unlimited		
2009 11 11 0	Fruit juices (including grape must) and vegetable juices, unfermented and not containing added spirit, whether or not containing added sugar or other sweetening matter	80	unlimited	unlimited		
2009 11 91 0		67				
2009 19 11 0		80				
2009 19 91 0		67				
2009 29 11 0		80				
2009 29 91 0		67				
2009 39 11 0		80				
2009 31 11 0		67				
2009 39 31 0		67				
2009 39 51 0		67				
2009 39 91 0		67				
2009 41 10 0		67				
2009 49 11 0		80				
2009 49 30 0		67				
2009 49 91 0		67				
2009 69 71 0		71				
2009 69 79 0		71				
2009 80 32 0		71				
2009 80 33 0		71				
2009 80 35 0		71				
2009 80 36 0		80				
2009 80 38 0		80				
2009 80 71 0 to 2009 80 99 9		71				
2009 90 41 0 to 2009 90 98 0	71					
ex 2204 10	Wine of fresh grapes, sparkling wine excl. PCN 2204 10 11 9 and 2204 10 19 9	free	337 500 hl	45 000 hl	45 000 hl	⁽⁹⁾
ex 2204 21	Wine of fresh grapes, in containers holding 2 litres or less, excl. PCN 2204 21 10 9 and 2204 21 99 0					
ex 2204 29	Other wine of fresh grapes, excl. PCN 2204 29 10 9 and 2204 29 99 0					

PCN code	Description ⁽¹⁾	Applicable duty (% of MFN)	Quantity from 1.1.2003 to 31.12.2003 (tonnes)	Annual quantity from 1.1.2004 (tonnes)	Subsequent yearly quota increase (tonnes)	Specific provisions
2204 10 2204 21 10 1 2204 21 10 9	Wine of fresh grapes, including fortified wines; grape must be other than of heading No 2009	20 % <i>ad valorem</i> minimum EUR 42/hl	unlimited	unlimited		(4)
2204 21 11 0 to 2204 21 98 0	Wine of fresh grapes, including fortified wines; grape must be other than of heading No. 2009	20 % <i>ad valorem</i> minimum EUR 25/hl	unlimited	unlimited		(4)
2204 21 99 0	Wine of fresh grapes, including fortified wines; grape must be other than that of heading No 2009	25 % <i>ad valorem</i> minimum EUR 25/hl + 1,7%/hl	unlimited	unlimited		(4)
2204 30 10 1 2204 30 10 9 2204 30 92 0 to 2204 30 98 9	Grape must be other than of heading No 2009	78 78 85	unlimited	unlimited		(4)
ex 2302	Bran, sharps and other residues, excl. PCN-code 2302 50 00 0	free	5 000	5 400	400	(5) (7)

(1) Notwithstanding the rules for the interpretation of Polish Combined Nomenclature (PCN), the wording of the description of the products should be regarded as indicative; the applicability of the preferential arrangements is determined, in the context of this Annex, by the coverage of the PCN codes.

(2) Heifers of a weight exceeding 220 kg.

(3) Excluding tenderloin presented alone.

(4) Rate of duty applicable. If the applied MFN duty rate *ad valorem* for this product is reduced, the preferential duty rate *ad valorem* set out in the 3rd column will be reduced by the same proportion. If the applied MFN minimum/specific duty rate is reduced below the preferential minimum/specific duty, the latter will be reduced to the same level.

(5) Products for which the EU will not grant any export refunds for all exports to Poland.

(6) Within the framework of the Polish WTO tariff quota.

(7) Quantities of goods subject to this existing tariff quota and released for free circulation as from 1 January 2003 or as from 1 July 2002 in the case of PCN code 1001 90, before the entry into force of this Protocol shall be fully counted against the quantity provided for in the fourth column.

(8) This quota is managed on a marketing year 1 July to 30 June. Therefore, the quantity indicated in column 4 is available from 1 July 2002 to 30 June 2003. The quantity indicated in column 5 is available from 1 July 2003 to 30 June 2004.

Information relating to the entry into force of the Protocol adjusting the trade aspects of the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republic of Poland, of the other part, to take account of the outcome of negotiations between the Parties on new mutual agricultural concessions

The Protocol adjusting the trade aspects of the Europe Agreement with the Republic of Poland, to take account of the outcome of negotiations between the Parties on new mutual agricultural concessions, which the Council decided to conclude on 27 March 2003, entered into force on 1 April 2003, since notification of the accomplishment of the procedures specified in Article 4 of that Protocol was completed on 31 March 2003.

COMMISSION

COMMISSION DECISION

of 21 December 2000

on the State aid implemented by Germany for Förderanlagen- und Kranbau Köthen GmbH and Kranbau Köthen GmbH

(notified under document number C(2000) 4403)

(Only the German text is authentic)

(Text with EEA relevance)

(2003/264/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

enjoined Germany to submit information by means of an information injunction.

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

- (3) The Commission decision to initiate the procedure was published in the *Official Journal of the European Communities* ^(?). In response to the initiation proceedings, the Commission received comments from interested parties which were forwarded to Germany.

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

- (4) By letters dated 26 and 28 August 1998, Germany informed the Commission of further aid to Kranbau Köthen GmbH. As the decision initiating the formal investigation procedure contained an extension clause, this new aid was also included in the same procedure.

Having called on interested parties to submit their comments pursuant to the provisions cited above ⁽¹⁾ and having regard to their comments,

Whereas:

- (5) The case was discussed with representatives of the German authorities in Berlin on 13 November 1998. Further information was submitted by letter dated 3 March 1999. The case was discussed again with the German authorities during a meeting in Berlin on 29 March 1999, at which the German authorities requested that examination of the case be delayed until further information was submitted to the Commission. This information was received by letter dated 21 May 1999 and by letter dated 26 May 1999.

I. PROCEDURE

- (1) By letter dated 9 December 1997, Germany informed the Commission of aid from the Bundesanstalt für vereinigungsbedingte Sonderaufgaben (BvS) and the *Land* of Saxony-Anhalt for Förderanlagen- und Kranbau Köthen GmbH and Kranbau Köthen GmbH. The aid was registered under No NN 191/97.

- (6) The Commission received further information from Germany on 1 July 1999 and by letters dated 12 July, 10 September, 29 September and 6 October 1999. The case was discussed again with the German authorities in Brussels on 21 October 1999, and the Commission sent Germany a letter outlining the main problems with the case on 26 October 1999. Final information was submitted by Germany on 24 November 1999, 21 March, 27 April, 18 May, 30 June, 26 July and 27 September 2000.

- (2) By letter dated 16 March 1998, the Commission informed Germany that it had decided to initiate the formal investigation procedure in respect of the aid and

⁽¹⁾ OJ C 338, 6.11.1998, p. 4.

^(?) OJ C 338, 6.11.1998, p. 4.

II. DESCRIPTION

Economic development of the recipient undertaking since 1992**The recipient undertaking**

- (7) The aid beneficiary is an economic unit consisting of two legal persons each separately constituted under German company law ⁽¹⁾: Förderanlagen- und Kranbau Köthen GmbH (FKK) and Kranbau Köthen GmbH (Kranbau Köthen or KK).
- (8) FKK is based in Köthen, Saxony-Anhalt. It designed and manufactured cranes and industrial conveyancing systems. FKK was privatised in December 1992 after an open public tender procedure by sale to the Ludwig Willenborg Verwaltungsgesellschaft mbH & Co., KG. This was the first privatisation of the recipient undertaking. FKK filed for bankruptcy proceedings on 22 July 1997 and proceedings were opened on 1 September 1997.
- (9) Kranbau Köthen is based at the same site as FKK. It designs and makes specialist cranes, has 169 employees and [...] (*). It is wholly owned by FKK. Prior to the transfer of business and assets, Kranbau Köthen was a commercially inactive 'shell company' set up on 28 June 1997. Kranbau Köthen took over assets as well as those contracts of FKK which had not yet been started.
- (10) In 1998, Kranbau Köthen was, subject to specific conditions, privatised to the Georgsmarienhütte Group (GMH Group) (described below), which is not an SME. Legal ownership of the shares has remained with FKK. Because of its relation to the GMH Group, any aid to Kranbau Köthen cannot be assessed as aid to an SME ⁽²⁾. Several of the State aid measures implemented for Kranbau Köthen relate to the privatisation to the GMH Group.

The prospective new owner of Kranbau Köthen

- (11) The prospective new owner of Kranbau Köthen is the GMH Group. This group is active in the production, processing and further processing of iron, steel, stainless steel and other raw materials and supplies. The sole shareholder and manager of the group is Dr Jürgen Großmann. The Group has plants in Germany and Austria, two scrap recycling companies as well as several steel works within the Community. According to Germany, it has a workforce of some 5 000 and [...]*. It is not an SME.

⁽¹⁾ The Court of Justice has stated: 'In competition law, the term 'undertaking' must be understood as designating an economic unit... even if that economic unit consists of several persons natural or legal' (Case 170/83 *Hydrotherm v Andreoli* [1984] ECR 2999); similarly Case T-234/95 *DSG Dradenauer Stahlgesellschaft*, judgment of the Court of First Instance of 29 June 2000, at paragraph 124 (not yet reported).

(*) Parts of this text have been edited to ensure that confidential information is not disclosed; those parts are enclosed in square brackets and marked with an asterisk.

⁽²⁾ See Community guidelines on State aid for small and medium-sized enterprises, OJ C 213, 23.7.1996, p. 4.

- (12) Germany states that FKK began experiencing difficulties in 1993 and 1994. The company made continuous losses from 1994 onwards. It suffered from the following problems: mismanagement, overstaffing and involvement in loss-making activities such conveyor systems manufacturing, inadequate financial resources on the part of the investor and inadequate implementation of the restructuring plan. In 1995, these difficulties led to the BvS and the *Land* of Saxony-Anhalt intervening in the restructuring by way of concerted action.
- (13) Germany states that basic preconditions for successfully restructuring FKK were the selection of a new industrial partner and the replacement of the existing management. Negotiations with a Finnish company came to nothing. The shareholder also refused to comply with the demand of the BvS that the management of FKK be replaced. This resulted in 1996 in the target turnover for FKK [...]* not being achieved, but with full overhead costs [...]* being incurred. Steps to reduce the workforce meant financing redundancy measures [...]*. In 1997, FKK went bankrupt.
- (14) In 1997, in the course of FKK's bankruptcy, Kranbau Köthen was set up as a subsidiary of FKK to take over its potentially profitable crane construction operation. According to information submitted by Germany in November 1999, a restructuring plan for the crane construction operation of FKK had already been prepared in 1997 by the administrator in bankruptcy of FKK. The restructuring measures were intended to address the difficulties which were inherent in the ongoing economic operation and which remained despite both the creation of a new legal personality for the undertaking and the settlement of outstanding liabilities. Basic capital was provided to cover acquisition of key assets of the crane construction operation from FKK and to carry out contracts taken over from FKK.
- (15) The main element concerned a holding phase during which the crane operation was removed from the main body of FKK and set up on a stand-alone basis provided with basic capital. Preliminary restructuring measures were also implemented during this period and an industrial partner was sought. Once a suitable industrial partner, i.e. the GMH Group, had been found in August 1998, supplementary steps were introduced to complete the restructuring plan.
- (16) The plan consists of the following steps: Kranbau Köthen is to concentrate on the design and manufacture of specialist non-mobile cranes (i.e. for use on specific sites). This includes the design and construction of entire cranes as well as the manufacture and supply of spare parts and also the provision of associated services such as converting cranes. The restructuring is to last from 1997 to 2001. The key measures include cost reduction, continued reduction of the workforce, building up the necessary financial means for financing contracts, acquisition of the basic assets from FKK to carry on the crane construction operation, acquisition of other industrial property rights to allow Kranbau Köthen to develop and

modernise its product range, and, finally, improving the facilities taken over from FKK which were in part run down and obsolete. In addition, these organisational measures are accompanied by auxiliary financial restructuring such as provision of basic capital and finance to carry out contracts.

- (17) According to the German authorities, KK will also profit from its integration into the GMH Group, which will provide KK with the necessary and crucial experience in production and distribution as well as training.
- (18) The envisaged turnover for 2000 and for 2001 will most likely be reached, in particular in the light of the recent successful acquisition of three large orders [...]*. According to the information submitted in September 2000, there are now enough orders to fully employ the production capacity of KK until mid-2001.
- (19) The costs of the restructuring between 1997 and 2001 are as follows:

Table 1

Costs of restructuring Kranbau Köthen

(in DEM million)

Measure	
[...]*	[...]*
[...]*	[...]*
[...]*	[...]*
[...]*	[...]*
[...]*	[...]*
[...]*	[...]*

- (20) [...]*. The viability of this restructuring plan has in the meantime been further validated by the most recent audited annual report of KK. [...]*.
- (21) The Commission notes that its assessment has to be based on the data available at the time the restructuring measures for KK were implemented, i.e. in 1997. With the subsequent entry of the new investor, the GMH Group, the initial restructuring plan necessarily underwent substantial modifications reflecting this new situation. Therefore the following figures, in so far they are actual ⁽¹⁾, already take note of these changes, whereas the forecast data for the period 2000 to 2002 are still based on the restructuring plan as it stood in 1997. All figures are in DEM million.

⁽¹⁾ The figures for 1998 and 1999 are based on the company records as testified by independent auditors.

Table 2

Financial performance of Kranbau Köthen ⁽¹⁾

(in DEM million)

Restructuring plan	1998 (actual)	1999 (actual)	2000 (planned)	2001 (planned)	2002 (planned)
[...]*	[...]*	[...]*	[...]*	[...]*	[...]*
[...]*	[...]*	[...]*	[...]*	[...]*	[...]*
[...]*	[...]*	[...]*	[...]*	[...]*	[...]*
[...]*	[...]*	[...]*	[...]*	[...]*	[...]*

⁽¹⁾ The table contains selected data only and is not arithmetically complete.

FINANCE

Financial measures for FKK (first aid package)

- (22) The communication informing the Commission of the measures for FKK lists measures by the Treuhand Anstalt (Treuhand) for FKK prior to and in the course of its privatisation in 1992. Between 1993 and 1994 inadequate implementation of an earlier restructuring plan led to serious cash flow problems. At the start of 1995 the continued existence of FKK was highly uncertain. Therefore, in March 1995, a package of financial measures was agreed between the BvS, the Land of Saxony-Anhalt and the then private investor. The following measures were implemented for FKK up to and including 1995:

Table 3

State financial measures implemented for FKK

(in DEM million)

	Information as at 28.8.1998
A. Before 1992 privatisation	
1. Loans for the social plan	14,243
2. Guarantees	37,262
3. Waiver of credits	45,921
4. Loans	5,000
	Subtotal: 102,426
B. In context of 1992 privatisation	
5. Takeover of impending losses	6,963
6. Takeover of costs of social plan	1,780

(in DEM million)

	Information as at 28.8.1998
7. Waiver of loans for the social plan	14,243
8. Direct investment grants	0,569
9. Loss cover	13,655
	Subtotal: 37,210
C. In the 1995 concerted action	
10. Loans	8,200
11. Guarantees ⁽¹⁾	1,626
12. Waiver of liabilities	6,800
	Subtotal: 16,626
Total	141,636

⁽¹⁾ These guarantees are stated to be a prolongation of the guarantee awarded before the privatisation in 1992.

Financial measures implemented for Kranbau Köthen (second aid package)

- (23) In its communication of 9 December 1997, Germany submitted initial information concerning State financial measures implemented for KK from 1997 onwards. According to the latest information, the second aid consists of DEM 30,9 million and is intended to cover the restructuring period from 1997 to 2001:

Table 4

State financial measures implemented for Kranbau Köthen

(in DEM million)

Measure	
Investment grant — BvS and Land of Saxony-Anhalt	10,500
Grant for taking over the assets of FKK	5,800
Credit/finance facilities	11,500
Restructuring aid total	27,800
Other aid: Land 'joint task' resources and investment allowances	3,100
Total	30,900

Financial measures from private sources implemented for Kranbau Köthen

- (24) A private contribution first became possible on conditional privatisation of Kranbau Köthen to the GMH Group in July 1998. On the basis of the information supplied in November 1999 and thereafter, the private contribution to the costs of the new restructuring plan is stated to be DEM 3 million by way of cash contribution, the arranging of a loan of DEM 1,879 million for Kranbau Köthen and the provision of DEM 9,5 million by way of guarantee facilities (totalling DEM 14,379 million) These contributions were provided without State aid.
- (25) Germany also asserts that there are additional private contributions from the workforce of Kranbau Köthen consisting of a waiver of wage and salary payments amounting to DEM 3 million as well as a know-how transfer from the GMH Group to Kranbau Köthen said to be worth DEM 3,4 million.

RELEVANT MARKET

- (26) Kranbau Köthen develops, plans and produces immobile specialist cranes and the relevant spare parts and conversions on a one-off basis.
- (27) The Commission does not have any precise information on the niche market for immobile specialist cranes on which KK operates. There is at any rate no evidence of overcapacity on this niche market. The Commission notes that the general crane market is fiercely competitive. There were grounds to believe there may be overcapacity in this larger sector ⁽¹⁾. According to information provided to the Commission by the German Statistisches Bundesamt (Federal Office for Statistics), turnover in the overall market for cranes and conveyancing systems in Germany grew strongly from DEM 20,5 billion in 1998 to DEM 21,9 billion in 1999.

- (28) The market for specialised cranes covers at least the European Economic Area ⁽²⁾. There is lively cross-border trade within the Community in this sector.

GROUND FOR INITIATING THE FORMAL INVESTIGATION

- (29) The formal investigation procedure was initiated because the nature and purpose of the aid granted to Kranbau

⁽¹⁾ See page 57, 'Statistisches Handbuch für den Maschinenbau' Ausgabe 1997, prepared by the Verband Deutscher Maschinen- und Anlagenbau e.V.

⁽²⁾ See the Commission Decision of 17 August 1999 in Merger Case No IV/M.1594 — Preussag/Babcock Borsig — recital 16.

Köthen and described by Germany were initially unclear and, insofar as the information was clear, the aid did not seem to comply with the criteria set out in the Guidelines on State aid for rescuing and restructuring firms in difficulty (the Guidelines) ⁽¹⁾. In initiating the formal investigation procedure, the Commission also stated its concern that there might be overcapacity in the sector.

- (30) As far as an assessment as rescue aid is concerned, several measures did not comply with the conditions set out in the Guidelines because at the time of the award the generally accepted maximum period of six months was clearly exceeded by two of them. No explanation was offered which could be taken into account in granting an exception.
- (31) As far as an assessment as restructuring aid is concerned, there was initially no analysis of the problems which gave rise to the difficulties, nor any indication of a restructuring plan to address them. There was no information as to capacity development, and the absence of an investor made it hard to ascertain whether the company was not being kept artificially alive. This also meant that, at the time, there was no sufficient private contribution to the restructuring costs.

III. COMMENTS FROM INTERESTED PARTIES AND GERMANY

- (32) In April 1997, a Member of the European Parliament forwarded to the Commission a complaint against FKK from a west German competitor. The complaint was withdrawn without explanation on 1 April 1999. The publication of the letter to Germany in the *Official Journal of the European Communities* in November 1998 elicited another complaint against Kranbau Köthen from another west German competitor. This complaint was also withdrawn without explanation on 27 April 1999. Comments were also received from a Dutch customer of Kranbau Köthen in its support.
- (33) The abovementioned comments were forwarded to Germany. By letter dated 3 March 1999, Germany rejected the complaints and referred to their withdrawal. In November 2000, two further letters from third parties were received. Because they were received so late in relation to the one-month deadline set by the initiation of the formal investigation procedure, the Commission was unable to take them into account for the purposes of this Decision.

IV. ASSESSMENT

Applicability of Article 87(1) of the EC Treaty

- (34) Article 87(1) of the EC Treaty provides that State aid granted to specific undertakings is incompatible with the common market where such aid affects trade between Member States and where there is an actual or threatened distortion of competition in the common market.

⁽¹⁾ OJ C 368, 23.12.1994, p. 12. A new version of the Guidelines was published in 1999 in OJ C 288, 9.10.1999, p. 2. The new Guidelines are not applicable here, since the aid measures were implemented before the new Guidelines were published (see section 7 of the 1999 Guidelines).

- (35) Germany has demonstrated to the Commission in sufficient detail that two measures granted by the BvS as part of the concerted action in 1995, namely a loan worth DEM 8,2 million and the waiver of liabilities worth DEM 6,8 million, were intended to settle a claim against the BvS. Under a specific clause in FKK's privatisation agreement of 1992, the BvS could in certain circumstances be held responsible for not having providing the privatised company with all the capital resources provided for in the privatisation contract. In 1994, it emerged that this had been indeed the case, and the missing capital resources were estimated at DEM 15 million. This estimate was later confirmed by outside experts.

- (36) Therefore, in order to avoid a legal challenge, the BvS in 1995 provided a total of DEM 15 million to FKK by way of the two measures mentioned above. The Commission concludes that the settling of a reasonable and justified claim can be regarded as normal commercial behaviour. Consequently, these two measures adopted in 1995 do not constitute State aid.

- (37) All the remaining resources made available by Germany to the recipient undertaking as part of the first and second aid packages involve conferring economic benefits on a specific undertaking in difficulty which it is unlikely to have received from private commercial sources. The measures are therefore liable to constitute aid. By its nature such aid is likely to distort competition. Given the nature of the assistance and the existence of cross-border trade within the common market in the relevant markets in which the recipient undertaking was and is active, whether as FKK or Kranbau Köthen, the relevant aid — with the exception of the two aid measures worth DEM 15 million implemented in 1995 — falls within the scope of Article 87(1) of the EC Treaty.

State aid falling within the scope of Article 87(1) of the EC Treaty which is compatible with the common market

- (38) Measures falling within the scope of Article 87(1) of the EC Treaty are generally incompatible with the common market unless they fall within the scope of the derogations in either Article 87(2) or Article 87(3) of the EC Treaty. In any event, Member States are obliged under Article 88(3) to notify such aid to the Commission before it is granted.

- (39) In this case Article 87(3) is relevant. It gives the Commission discretionary power to permit State aid in certain specified circumstances. These include, under Article 87(3)(c), aid to facilitate the development of certain economic activities where such aid does not adversely affect trading conditions to an extent contrary to the common interest. In the guidelines, the Commission spelled out in detail the preconditions for the application of the derogation provided for in Article 87(3)(c) of the EC Treaty.
- (40) Article 87(3)(a) also empowers the Commission to approve State aid to promote the economic development of areas where the standard of living is abnormally low or where there is serious underemployment. The new German *Länder* fall within the scope of this provision⁽¹⁾. In this case, however, the main purpose of the aid is to rescue or restructure a company in difficulty rather than to promote the economic development of a region. Even if a successfully rescued or restructured company may contribute to the development of a region, the aid should be assessed under Article 87(3)(c) rather than under Article 87(3)(a).

Financial measures in support of FKK — first aid package

- (41) According to Germany's letter of 28 August 1998, FKK received a total of DEM 141,636 million under the first aid package, including the DEM 15 million granted in 1995 found not to constitute State aid. The Commission's assessment on the basis of the information at its disposal is as follows:
- (42) As regards the loans for the social plan totalling DEM 14,243 million granted before the 1992 privatisation, the Commission notes that the obligations a company itself has under employment legislation or collective agreements to provide redundancy benefits and/or early retirement pensions are part of the normal costs of a business which a firm has to meet from its own resources, therefore any contribution by the State to these costs must be counted as aid. In this sense, the loans constitute aid.
- (43) However, the loans and guarantees awarded to Kranbau Köthen before its privatisation under the Treuhand-Regime NN 108/91⁽²⁾ comply with the terms of this approved scheme⁽³⁾, regardless of their amounts.
- (44) The waiver of credits amounting to DEM 45,921 million accorded before the privatisation in 1992 relates to old debts (*Altschulden*) dating from before 1 July 1990 and are therefore not considered aid, according to the Treuhand-Regime NN 108/91⁽⁴⁾.
- (45) As regards the measures implemented under the privatisation in 1992, the Commission notes that the direct investment grants are based on an approved aid scheme⁽⁵⁾ and therefore need not be assessed by the Commission. As concerns the waiver of loans for the social plan, these waivers relate to aid measures, the repayment of which had never been envisaged, given the difficult situation of the company. Since loans and guarantees for the rescue and restructuring of firms in difficulty have an intensity of 100 %, the waiver of repayment of those measures can be deemed not to constitute new aid.
- (46) The rest of the aid measures implemented under the privatisation are stated to be covered by the Treuhand-Regime E 15/92, a scheme approved by the Commission⁽⁶⁾. According to the information available to the Commission, the company was sold to the highest bidder following an open, unconditional bidding procedure. No information on the purchase price has been provided. However, since loss cover and the takeover of impending losses was agreed to in the privatisation, the Commission considers that the company was sold at a negative price⁽⁷⁾. In this case, since the company did not have more than 1 000 employees, according to the information submitted by Germany, the aid measures comply with the terms of this scheme⁽⁸⁾ regardless of their amounts.
- (47) The only measure implemented in the course of the concerted action of 1995 which might constitute State aid is the extension of an existing guarantee. This guarantee was originally provided before the privatisation in 1992 and covered by the relevant Treuhand-Regime. Since this measure fell under an approved scheme and was anyway considered to have an intensity of 100 % of the guaranteed amount, the Commission does not consider the prolongation to be additional aid.

⁽⁴⁾ The Treuhand-Regime NN 108/91 states that 'The waiving of claims on companies dating from before 1 July 1990 and which are the result of arbitrariness in the previous planned economy does not constitute State aid'.

⁽⁵⁾ Investment grants (*Investitionszuschüsse*) granted under the joint Federal Government/Länder programme for improving regional economic structures (*Gemeinschaftsaufgabe zur Verbesserung der regionalen Wirtschaftsstruktur*). Measures under that scheme are deemed to be regional investment aid and have been approved under the derogation in Article 87(3)(a) of the EC Treaty.

⁽⁶⁾ SG (92) D/17613, 8.12.1992.

⁽⁷⁾ Point four of the Treuhand-Regime E15/92 states: 'It is the Commission's opinion that negative prices may involve a grant with which the buyer can (...) cover losses of the company in question'.

⁽⁸⁾ Point three of the Treuhand-Regime E15/92 says that awards of loans and guarantees had to be notified, in the case of privatisations of companies at a negative price, when the undertaking employed more than 1 000. The information provided by Germany states that the company had a workforce of 718 in 1992. The measures were thus covered by this scheme.

⁽¹⁾ See the Commission decision regarding aid case N 464/93.

⁽²⁾ SG (91) D/17825, 26.9.1991.

⁽³⁾ The Treuhand-Regime NN 108/91 covers loans and guarantees granted to companies by the Treuhand as a first step towards their privatisation and does not provide for any thresholds.

Financial measures in support of Kranbau Köthen — second aid package

- (48) The second aid package for Kranbau Köthen was intended for restructuring the undertaking between 1997 and 2001. The conditions for eligibility for restructuring aid are set out in section 3.2 of the Guidelines. The aid in question satisfies all of the conditions contained therein:

Restoration to long-term viability

- (49) A crucial precondition for the application of the guidelines is that long-term viability must be restored within a reasonable period and on the basis of realistic assumptions. The restructuring plan addresses the problems of the crane construction operation of the recipient undertaking. The various internal restructuring measures as described above have effectively reduced the production costs of KK. The company has also benefited from the external factor of an improved market situation.
- (50) KK will also benefit considerably from its integration into the GMH Group, which will provide it with the necessary and crucial experience in production and distribution as well as training. The integration of KK into the GMH Group will also give KK access to new clients, both within that group and outside, as well as access to finance. The fact that new clients will increasingly be won through KK's integration into the GMH Group has in the meantime been proven by recent information on the company's order book and profitability.
- (51) The actual and projected performance data in conjunction with the improved order book of Kranbau Köthen support the conclusion that viability can now be restored within a reasonable period. This condition is therefore satisfied.

No undue distortions of competition

- (52) Aid beneficiaries may not use aid to increase capacity and, in the event of sectoral overcapacity, a capacity reduction is expected. At the time of the initial notification there was concern about indications of potential overcapacity in the crane construction sector. As the restructuring already began during the bankruptcy of FKK, the productive capacity is relevant. The modernisation of the crane construction operation has been achieved by increasing efficiency, but without increasing the overall production capacity of the recipient undertaking.
- (53) Also it is noted that KK did not take over all of the production lines of its predecessor company FKK, but only some selected ones. Hence, both the site and workforce of the recipient undertaking have decreased. Therefore, overall capacity has already been effectively reduced by the non-continuation of several of FKK's former production facilities.

- (54) Production bottlenecks will remain, in particular in the cutting area, which determines the number of cranes which can be completed. Given the nature of the operation, i.e. the supply of individual, made-to-order cranes and parts, the capacity of Kranbau Köthen is hard to quantify. However, as was stated earlier, there is no evidence of overcapacity on the niche market on which KK operates.

- (55) Finally, the Commission notes that on the market on which it operates, KK faces competition from subsidiaries of much larger firms. The aid to KK should therefore have only minimal distortive effects. In the light of the benefits, the restructuring aid under the second aid package will therefore not result in any undue distortions of competition. This condition is therefore satisfied as well.

Proportionality of aid

- (56) The aid must be restricted to the minimum required to carry out the restructuring and be in relation to the overall restructuring costs. The beneficiary must make a substantial contribution to the costs of restructuring the firm in difficulty. Where the restructuring aid is granted to a firm in difficulty which owes its entire existence to State funding, this contribution must come from external private funding, since otherwise, contributions from the immediate aid beneficiary may derive indirectly from aid.
- (57) Germany's assertion that management costs [...] have been transferred from the GMH Group to Kranbau Köthen cannot be accepted as a reduction of the restructuring costs faced by Kranbau Köthen. Although Germany describes the involvement of GMH management personnel as a 'know-how' transfer, it is unclear to what extent any know-how, industrial property or intellectual property has been transferred or licensed to Kranbau Köthen. The transfer appears rather to consist of services provided. However, management costs incurred by one company in the course of acquiring another company and integrating it into the parent company are not generally regarded as costs of restructuring the target company.
- (58) The contribution by the workforce in terms of reduced salaries and wages cannot be regarded as a significant private contribution. Nevertheless, the Commission welcomes these measures as they demonstrate the commitment of the workforce to make the restructuring a success, while at the same time helping to reduce the financing needs of the company.
- (59) In any event, the value of the other elements, in particular the cash contribution and financial facilities provided by the GMH Group involve a investor contribution [...]*. This is a significant contribution. This condition is therefore satisfied.

Full implementation of the restructuring plan

- (60) The company in receipt of restructuring aid must fully implement the restructuring plan submitted to and accepted by the Commission. The implementation of the plan will be monitored through annual reports submitted by Germany to the Commission.

V. CONCLUSION

- (61) The Commission finds that measures implemented for FKK in 1995 and amounting to DEM 15 million do not constitute State aid. The Commission considers that Germany unlawfully implemented the second aid package registered as aid C 15/98 (ex NN 191/97) in breach of Article 88(3) of the EC Treaty. However, the second aid package, although unlawfully implemented, fulfils the criteria set out in the guidelines on restructuring aid and is therefore compatible with the common market,

HAS ADOPTED THIS DECISION:

Article 1

The ad hoc restructuring aid which Germany has implemented for the economic unit Förderanlagen- und Kranbau Köthen GmbH and Kranbau Köthen GmbH, amounting to DEM 27,8 million (EUR 14,21 million), is compatible with the common market, subject to the conditions set out in Article 2.

This aid consists of the following measures:

- (a) grants from the Bundesanstalt für vereinigungsbedingte Sonderaufgaben (BvS) and the *Land* of Saxony-Anhalt amounting to DEM 16,3 million (EUR 8,33 million).
- (b) a back-to-back guarantee by the BvS amounting to DEM 11,5 million (EUR 5,88 million).

Article 2

1. The restructuring plan must fully be implemented. All necessary measures shall be taken to ensure that the plan is implemented.
2. Germany shall submit an annual report to the Commission on the implementation of the plan.
3. If the conditions set out in paragraphs 1 and 2 are not fulfilled, the aid may be recovered.

Article 3

This Decision is addressed to the Federal Republic of Germany

Done at Brussels, 21 December 2000.

For the Commission

Mario MONTI

Member of the Commission

COMMISSION DECISION

of 10 April 2003

on financial assistance to the Community reference laboratory for classical swine fever for the evaluation of a new classical swine fever discriminatory test*(notified under document number C(2003) 1190)***(Only the German text is authentic)**

(2003/265/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Decision 90/424/EEC of 26 June 1990 on expenditure in the veterinary field ⁽¹⁾, as last amended by Decision 2001/572/EC ⁽²⁾, and in particular Articles 19 and 20 thereof,

Whereas:

- (1) Classical swine fever is one of the most serious pig diseases, which has caused very serious economic losses in the Community in the last decade.
- (2) Marker vaccines against classical swine fever have been developed which in principle might be used as an additional tool for the eradication of that disease following outbreaks, and for the prevention of massive culling of pigs.
- (3) Rules on the use of classical swine fever vaccines and related discriminatory tests and the list and duties of the Community and national reference laboratories are laid down in Council Directive 2001/89/EC of 23 October 2001 on Community measures for the control of classical swine fever ⁽³⁾ and in Commission Decision 2002/106/EC of 1 February 2002 approving a Diagnostic Manual establishing diagnostic procedures, sampling methods and criteria for evaluation of the laboratory tests for the confirmation of classical swine fever ⁽⁴⁾.
- (4) The use of marker vaccines is currently hampered by the lack of a reliable discriminatory test able to distinguish between vaccinated animals and the infected ones.
- (5) A new discriminatory test has recently been developed by a private company, Intervet. That test needs further independent evaluation and eventual validation in order that the Commission may approve it in the framework of Directive 2001/89/EC, if appropriate.
- (6) It is appropriate that such evaluation is carried out by the Community reference laboratory in cooperation with the national reference laboratories in the Member States.
- (7) Intervet is to provide, free of charge, the national swine fever laboratories in the Member States and the Community reference laboratory with an adequate amount of reagents which are necessary for the evaluation of the new test.

- (8) For financial assistance to the Community reference laboratory for classical swine fever for 2003 the rules laid down in Commission Regulation (EC) No 324/2003 of 20 February 2003 establishing the eligibility criteria for the expenditure of the Community reference laboratories receiving financial assistance under Article 28 of Decision 90/424/EEC and establishing the procedures for the submission of expenditure and the conduct of audits ⁽⁵⁾ should apply.
- (9) It is appropriate to financially support the relevant work of the Community reference laboratory, as it may contribute to the development of Community legislation on classical swine fever and to a better control of the disease.
- (10) Under Council Regulation (EC) No 1258/1999 on the financing of the common agricultural policy ⁽⁶⁾, veterinary and plant health measures undertaken in accordance with Community rules are to be financed under the Guarantee Section of the European Agricultural Guidance and Guarantee Fund; for financial control purposes, Articles 8 and 9 of Council Regulation (EC) No 1258/1999 apply.
- (11) 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 Community shall grant the Community reference laboratory for classical swine fever (hereinafter referred to as CRL) financial assistance for the evaluation of the new classical swine fever discriminatory test developed by Intervet.
2. The CRL shall carry out the validation of the test in cooperation with the national reference laboratories for classical swine fever in the Member States and shall provide the Commission with the results of this work not later than 30 June 2003.

⁽¹⁾ OJ L 224, 18.8.1990, p. 19.

⁽²⁾ OJ L 203, 28.7.2001, p. 16.

⁽³⁾ OJ L 316, 1.12.2002, p. 5.

⁽⁴⁾ OJ L 39, 9.2.2001, p. 71.

⁽⁵⁾ OJ L 47, 21.2.2003, p. 14.

⁽⁶⁾ OJ L 160, 26.6.1999, p. 103.

Article 2

The Community's financial assistance to the CRL for the work referred to in Article 1 shall cover the costs incurred for staff and the purchase of reagents other than those provided free of charge by Intervet and shall not exceed EUR 30 000.

Article 3

The Community's financial assistance shall be paid following presentation by the CRL of a technical and financial report and appropriate supporting documents. These documents shall be presented to the Commission by 30 September 2003 at the latest.

Article 4

This Decision is addressed to the CRL, Institut für Virologie, der Tierärztlichen Hochschule, Hannover, Bünteweg 17, D-30559 Hannover.

Done at Brussels, 10 April 2003.

For the Commission

David BYRNE

Member of the Commission

CORRIGENDA

Corrigendum to Council Regulation (EC) No 588/2003 of 31 March 2003 fixing the export refunds on syrups and certain other sugar products exported in the natural state*(Official Journal of the European Union L 83 of 1 April 2003)*

On page 53, the Annex should be replaced by the following Annex:

‘ANNEX

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

Product code	Destination	Unit of measurement	Amount of refund
1702 40 10 9100	S00	EUR/100 kg dry matter	44,49 ⁽¹⁾
1702 60 10 9000	S00	EUR/100 kg dry matter	44,49 ⁽¹⁾
1702 60 80 9100	S00	EUR/100 kg dry matter	84,53 ⁽²⁾
1702 60 95 9000	S00	EUR/1 % sucrose × net 100 kg of product	0,4449 ⁽³⁾
1702 90 30 9000	S00	EUR/100 kg dry matter	44,49 ⁽¹⁾
1702 90 60 9000	S00	EUR/1 % sucrose × net 100 kg of product	0,4449 ⁽³⁾
1702 90 71 9000	S00	EUR/1 % sucrose × net 100 kg of product	0,4449 ⁽³⁾
1702 90 99 9900	S00	EUR/1 % sucrose × net 100 kg of product	0,4449 ⁽³⁾ ⁽⁴⁾
2106 90 30 9000	S00	EUR/100 kg dry matter	44,49 ⁽¹⁾
2106 90 59 9000	S00	EUR/1 % sucrose × net 100 kg of product	0,4449 ⁽³⁾

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

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

The other destinations are defined as follows:

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

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

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

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

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