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## Legislation

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## I

(Acts whose publication is obligatory)

**COUNCIL REGULATION (EC) No 975/2003  
of 5 June 2003  
opening and providing for the administration of a tariff quota for imports of canned tuna covered  
by CN codes 1604 14 11, 1604 14 18 and 1604 20 70**

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal from the Commission,

Whereas:

- (1) In November 2001 the Community, Thailand and the Philippines agreed to hold consultations to examine to what extent the Thai and the Philippine legitimate interests were being unduly impaired as a result of the implementation of the preferential tariff treatment for canned tuna originating in ACP States. Following the failure to achieve a mutually acceptable solution, the Community, Thailand and the Philippines agreed to refer the matter to mediation. On 20 December 2002 the mediator presented its opinion whereby the Community should open a MFN-based tariff quota of 25 000 tons for 2003 at an in-quota tariff rate of 12 % *ad valorem*.
- (2) Given its desire to resolve this long-standing problem, the Community has decided to accept this proposal. Therefore, an additional tariff quota for a limited volume of canned tuna should be opened.
- (3) It is appropriate to allocate country specific shares of the quota to those countries having a substantial interest in supplying canned tuna, on the basis of the quantities supplied by each of them under non-preferential conditions during a representative period of time. The remaining part of the quota should be available to all other countries.
- (4) The best way of ensuring optimal use of the tariff quota is to allocate it in the chronological order of the dates on which declarations of release for free circulation are accepted.
- (5) In order to ensure that the quota is administered efficiently, presentation of a certificate of origin should be required for imports of canned tuna from Thailand, the Philippines and Indonesia, the main suppliers and the main beneficiaries of the quota.

- (6) 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 <sup>(1)</sup>,

HAS ADOPTED THIS REGULATION:

*Article 1*

From 1 July 2003, imports of canned tuna covered by CN codes 1604 14 11, 1604 14 18 and 1604 20 70 originating in any country shall be eligible for a tariff rate of 12 per cent within the limits of the tariff quota opened in accordance with this Regulation.

*Article 2*

The tariff quota shall be opened annually for an initial period of five years. Its volume for the first two years shall be fixed as follows:

- 25 000 tons from 1 July 2003 to 30 June 2004,
- 25 750 tons from 1 July 2004 to 30 June 2005.

*Article 3*

The tariff quota shall be divided into four parts, as follows:

- (a) a quota of 52 % of the annual volume, with the order number 09.2005, for imports originating in Thailand; and
- (b) a quota of 36 % of the annual volume, with the order number 09.2006, for imports originating in the Philippines; and
- (c) a quota of 11 % of the annual volume, with the order number 09.2007, for imports originating in Indonesia; and
- (d) a quota of 1 % of the annual volume, with the order number 09.2008, for imports originating in other third countries.

<sup>(1)</sup> OJ L 184, 17.7.1999, p. 23.

*Article 4*

1. The origin of canned tuna qualifying for the tariff quota shall be determined in accordance with the provisions in force in the Community.

2. Qualification for the share of the tariff quota allocated to Thailand, the Philippines and Indonesia, in accordance with Article 3 shall be subject to presentation of a certificate of origin meeting the conditions laid down in Article 47 of Commission Regulation (EEC) No 2454/93 <sup>(1)</sup>.

Certificates of origin shall be accepted only if the products meet the criteria for determining origin set out in the provisions in force in the Community.

*Article 5*

The tariff quota shall be administered by the Commission in accordance with Articles 308a, 308b and 308c of Regulation (EEC) No 2454/93.

*Article 6*

This Regulation may be revised during the second year after the tariff quota is opened in order to adapt the volume of the quota to the needs of the Community market. If, however, this revision is not completed three months before the 30 June 2005, the quota shall be automatically extended for a further year for a volume of 25 750 tons. Subsequently the tariff quota shall be extended regularly for one year at a time and for the same volume unless a revision is adopted not later than three months before the closure of the current quota.

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

Done at Luxembourg, 5 June 2003.

*Article 7*

The measures necessary for the implementation of this Regulation, including the amendments and adjustments required by amendments to the Combined Nomenclature and the TARIC, shall be adopted in accordance with the procedure referred to in Article 8(2).

*Article 8*

1. The Commission shall be assisted by the Customs Code Committee (hereinafter referred to as the Committee) set up by Article 247a of Council Regulation (EEC) No 2913/92 <sup>(2)</sup>.

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 three months.

3. The Committee shall adopt its rules of procedure.

*Article 9*

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

*For the Council*  
*The President*  
M. STRATAKIS

<sup>(1)</sup> OJ L 253, 11.10.1993, p. 1. Regulation as last amended by Regulation (EC) No 881/2003 (OJ L 134, 29.5.2003, p. 1).

<sup>(2)</sup> OJ L 302, 19.10.1992, p. 1. Regulation as last amended by Regulation (EC) No 2700/2000 of the European Parliament and of the Council (OJ L 311, 12.12.2000, p. 17).

**COMMISSION REGULATION (EC) No 976/2003****of 6 June 2003****establishing the standard import values for determining the entry price of certain fruit and vegetables**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

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

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

HAS ADOPTED THIS REGULATION:

*Article 1*

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

*Article 2*

This Regulation shall enter into force on 7 June 2003.

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

Done at Brussels, 6 June 2003.

*For the Commission*

J. M. SILVA RODRÍGUEZ

*Agriculture Director-General*

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

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

## ANNEX

**to the Commission Regulation of 6 June 2003 establishing the standard import values for determining the entry price of certain fruit and vegetables**

(EUR/100 kg)		
CN code	Third country code <sup>(1)</sup>	Standard import value
0702 00 00	052	71,1
	096	83,0
	999	77,0
0707 00 05	052	83,4
	999	83,4
0709 90 70	052	92,6
	999	92,6
0805 50 10	382	63,8
	388	66,8
	528	60,1
	999	63,6
0808 10 20, 0808 10 50, 0808 10 90	388	86,7
	400	121,8
	404	89,5
	508	75,0
	512	76,8
	524	59,9
	528	68,8
	720	113,3
	800	144,9
	804	97,4
	999	93,4
0809 10 00	052	322,6
	220	56,9
	999	189,8
0809 20 95	068	156,6
	400	295,5
	999	226,1

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

**COMMISSION REGULATION (EC) No 977/2003****of 6 June 2003****opening and providing for the administration of an import tariff quota for young male bovine animals for fattening (1 July 2003 to 30 June 2004)**

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 <sup>(1)</sup>, as last amended by Regulation (EC) No 806/2003 <sup>(2)</sup>, and in particular Article 32(1) thereof,

Whereas:

(1) The WTO schedule CXL requires the Community to open an annual import tariff quota for 169 000 head of young male bovine animals for fattening. Implementing rules should be laid down for the period 1 July 2003 to 30 June 2004.

(2) There should be a guarantee in particular of equal and continuing access to the said quota for all interested traders within the Community. However, pursuant to Article 32(3) of Regulation (EC) No 1254/1999, the method of administration may give due weight to the supply requirements on the Community market.

(3) The requirements of certain Member States which have a shortfall of bovine animals for fattening may therefore be taken into account. As those requirements are particularly evident in Italy and Greece, priority should be given to satisfying demand in those two Member States.

(4) For the allocation of the tariff quota methods which have been applied in the past to this quota should be applied again. Consequently, in Italy and Greece the method referred to in the third indent of Article 32(2) should be applied while the method referred to in the second indent of that paragraph shall be used for applications in other Member States.

(5) Importers who can show that they have been involved in trade with live animals with third countries should be able to apply for import rights. Proof of that involvement calls for evidence to be presented of recent import or export of some significance.

(6) Checks of criteria for participation in the quota allocation call for applications to be submitted in the Member State where the trader is entered in the value added tax (VAT) register. Italy and Greece are an exception to this rule: traders entered in the VAT register of another Member State may submit their applications in these two countries.

(7) In order to prevent speculation:

— importers no longer involved in trade in live bovine animals at 1 January 2003 should be denied access to the quota,

— a security should be fixed for import rights,

— licences should not be transferable,

— import licences should be issued to traders solely for the quantities for which they have been allocated import rights.

(8) In order to provide for more equal access to the quota while ensuring a commercially viable number of animal per application, each application should respect a maximum and a minimum number of heads.

(9) To oblige traders to apply for import licences for all import rights allocated, it should be established that this obligation is a primary requirement within the meaning of Commission Regulation (EEC) No 2220/85 of 22 July 1985 laying down common detailed rules for the application of the system of securities for agricultural products <sup>(3)</sup>, as last amended by Regulation (EC) No 1932/1999 <sup>(4)</sup>.

(10) With a view to using up quota quantities completely, a closing date should be set for the submission of import licence applications and provision should be made for a further allocation of quantities not covered by licence applications submitted by that date. In the light of experience it should also be laid down that this final allocation is open only to importers who have applied for import licences for the total quantity to which they are entitled.

<sup>(1)</sup> OJ L 160, 26.6.1999, p. 21.

<sup>(2)</sup> OJ L 122, 16.5.2003, p. 1.

<sup>(3)</sup> OJ L 205, 3.8.1985, p. 5.

<sup>(4)</sup> OJ L 240, 10.9.1999, p. 11.

- (11) A proper management of the quota requires the use of import licences. To that end, rules should be laid down in particular on the way applications are to be submitted and the information to be shown in applications and licences, where applicable by waiving or supplementing certain provisions of Commission Regulation (EC) No 1291/2000 of 9 June 2000 laying down common detailed rules for the application of the system of import and export licences and advance fixing certificates for certain agricultural products <sup>(1)</sup>, as last amended by Regulation (EC) No 325/2003 <sup>(2)</sup>, and of Commission Regulation (EC) No 1445/95 of 26 June 1995 on rules of application for import and export licences in the beef and veal sector and repealing Regulation (EEC) No 2377/80 <sup>(3)</sup>, as last amended by Regulation (EC) No 852/2003 <sup>(4)</sup>.
- (12) A proper management of the quota also requires that the titular holder of the licence is a genuine importer. Therefore, such importer should actively participate in the purchase, transport and import of the animals concerned. Presentation of proof of those activities should thus also be a primary requirement with regard to the licence security.
- (13) With a view of ensuring a strict statistical control of the animals imported under the quota, the tolerance referred to in Article 8(4) of Regulation (EC) No 1291/2000 shall not apply.
- (14) The application of this tariff quota requires effective checks on the specific destination of the imported animals. The animals should therefore be fattened in the Member State which has issued the import licence.
- (15) A security must be lodged to ensure that the animals are fattened for at least 120 days in designated production units. The amount of the security should cover the difference between the common customs tariff (CCT) duty and the reduced duty applicable on the date of release for free circulation of the animals in question.
- (16) The Management Committee for Beef and Veal has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

#### Article 1

1. A tariff quota for 169 000 young male bovine animals covered by CN codes 0102 90 05, 0102 90 29 or 0102 90 49 and intended for fattening in the Community is hereby opened for the period 1 July 2003 to 30 June 2004.

The serial number of the quota shall be 09.4005.

2. The customs import duty applicable under the tariff quota referred to in paragraph 1 shall be 16 % *ad valorem* plus EUR 582 per tonne net.

That rate of duty shall apply on condition that the imported animals are fattened for at least 120 days in the Member State which has issued the import licence.

#### Article 2

1. Import rights for the quantity referred to in Article 1(1) shall be allocated to the Member States as follows:

- (a) Italy 107 650 head;
- (b) Greece: 16 470 head;
- (c) other Member States: 44 880 head.

2. Within each of the quantities referred to in paragraph 1(a) and (b), import rights relating to:

- 50 % of the quantity shall be allocated upon application directly by the Member State concerned to importers who furnish proof of having imported animals under the Regulations referred to in Annex I. All quantities presented as reference quantity shall constitute the import rights applied for,
- 50 % of the quantity shall be allocated upon application directly by the Member State concerned to operators who furnish proof that, in the period 1 January 2002 to 31 December 2002, they have exported to or imported from third countries at least 75 live animals covered by CN code 0102 90, excluding imports under Regulations referred to in Annex I.

3. Applicants must be entered in a national value added tax (VAT) register.

Applications for import rights shall be presented:

- in Italy for the quantities referred to in paragraph 1(a),
- in Greece for the quantities referred to in paragraph 1(b),
- in the Member States of registration for the quantities referred to in paragraph 1(c).

4. The quantities referred to in paragraph 1(c) shall be allocated upon application to operators who furnish proof that in the period from 1 January 2002 to 31 December 2002 they have exported to or imported from third countries at least 75 live animals covered by CN code 0102 90.

5. The quantities referred to in the first and second indent of paragraph 2 and in paragraph 4 shall be allocated to eligible operators in proportion to the quantities respectively applied for.

<sup>(1)</sup> OJ L 152, 24.6.2000, p. 1.

<sup>(2)</sup> OJ L 47, 21.2.2003, p. 21.

<sup>(3)</sup> OJ L 143, 27.6.1995, p. 35.

<sup>(4)</sup> OJ L 123, 17.5.2003, p. 9.



6. Proof of import and/or export shall be provided solely by means of customs documents of release for free circulation.

Member States may accept copies of those documents duly certified by the competent authorities.

#### Article 3

1. Operators who are no longer engaged in trade in live bovine animals on 1 January 2003 shall not qualify under the arrangements provided for in this Regulation.

2. For the purpose of access to the quantity referred to in the first indent of Article 2(2) a company formed by the merger of companies each having rights to apply pursuant to that indent shall enjoy the same rights as the companies from which they were formed.

#### Article 4

1. Where, under any one category referred to respectively in the first indent of Article 2(2), the second indent of Article 2(2) and Article 2(4) an applicant submits more than one application, all such applications shall be rejected.

2. For the purposes of Article 2(2) and (4), applications accompanied by the necessary proofs must reach the competent authorities not later than 13.00, Brussels time, on 13 June 2003.

3. Each application under the second indent of Article 2(2) and under Article 2(4) shall relate to a minimum of 50 head and a maximum of 10 % of the available number of head.

4. As regards applications under Article 2(2), after verification of the documents presented, Italy and Greece shall forward to the Commission by 2 July 2003 at the latest a list of applicants and quantities applied for using the forms set out in Annex II for applications under the first indent of Article 2(2) and in Annex III for applications under the second indent of Article 2(2).

Where the quantities applied for under any of the two indents of Article 2(2) exceed the quantities available the Member State concerned shall apply a reduction coefficient to the quantities applied for.

5. As regards applications under Article 2(4), after verification of the documents presented, Member States shall forward to the Commission by 2 July 2003 at the latest a list of applicants and quantities applied for using the form set out in Annex III.

The Commission shall decide as soon as possible to what extent applications under Article 2(4) may be accepted. Where the quantities applied for exceed the quantities available, the Commission shall fix a reduction coefficient to be applied to the quantities applied for.

6. Where in application of the coefficient referred to in paragraphs 4 and 5 the allocation under the second indent of Article 2(2) and under Article 2(4) would result in less than 50 head being allocated per application, the allocation shall be made by the Member States concerned by drawing lots for batches of 50 head for those applications. Where the remainder is fewer than 50 head, that number shall constitute a single batch.

#### Article 5

1. A security for import rights is fixed at EUR 3 per head. It must be lodged with the competent authority together with the application for import rights.

2. Import licence applications must be submitted for the import rights allocated. This obligation is a primary requirement within the meaning of Article 20(2) of Regulation (EEC) No 2220/85.

3. Where the allocations for Italy and Greece referred to in Article 2(2) and that made by the Commission under Article 4(5) result in import right applications exceeding the rights allocated, the security lodged shall be released immediately for that overrun.

#### Article 6

1. Any import of animals for which import rights have been allocated shall be subject to presentation of an import licence.

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

3. Licence applications may be lodged solely:

— in the Member State in which the application for import rights has been lodged, and

— by operators to whom import rights have been allocated in accordance with Articles 2 and 4. Each issuing of an import licence shall result in a corresponding reduction of the import rights.

4. Licences shall be issued up to 28 November 2003 for a maximum of 50 % of the allocated import rights. Import licences for the remaining quantities shall be issued from 1 December 2003.

5. An import license shall be issued on application by and in the name of the operator who have obtained the import rights.

6. Licence applications and licences shall show:

- (a) the country of origin in box 8;
- (b) one of the eligible CN codes in box 16;
- (c) the figure '0' (zero) in box 19;
- (d) the following endorsement in box 20:

'Live male bovine animals of a live weight not exceeding 300 kg per head, for fattening (Regulation (EC) No 977/2003).'

#### Article 7

1. Notwithstanding Article 9(1) of Regulation (EC) No 1291/2000, import licences issued pursuant to this Regulation shall not be transferable and shall confer rights under the tariff quotas only if made out in the same name and address as the one entered as consignee in the customs declaration of release for free circulation accompanying them.

2. Import licences shall be valid for 120 days from their date of issue within the meaning of Article 23(1) of Regulation (EC) No 1291/2000. However, no licences shall be valid after 30 June 2004.

3. The security relating to the import licence shall be EUR 20 per head and shall be lodged by the applicant together with the licence application.

4. Licences shall be valid throughout the Community.

5. Article 8(4) of Regulation (EC) No 1291/2000 shall not apply.

6. Notwithstanding the provisions of Section 4 of Title III of Regulation (EC) No 1291/2000, the security shall not be released until proof has been produced that the titular holder of the licence has been commercially and logistically responsible for the purchase, transport and clearance for free circulation of the animals concerned. Such proof shall at least consist of:

- the original commercial invoice made out in the name of the titular holder by the seller or his representative, both established in the third country of export, and proof of payment by the titular holder or the opening by the titular holder of an irrevocable documentary credit in favour of the seller,
- the bill of lading or, where applicable, the road or air transport document, drawn up in the name of the titular holder, for the animals concerned,
- the copy No 8 of form IM 4 with the name and address of the titular holder being the only indication in box 8,

- the proof of the payment of the customs duties by, or on behalf of, the titular holder.

#### Article 8

1. At the time of import, the importer shall provide proof that he has:

- given a written undertaking to inform within one month the competent authority of the Member State that issued the licence, of the farm or farms where the young bovine animals are to be fattened,
- lodged a security of an amount as laid down for each eligible CN code in Annex IV with the competent authority of the Member State that issued the licence. The fattening of the imported animals in that Member State for at least 120 days from the date of acceptance of the customs declaration of release for free circulation is a primary requirement within the meaning of Article 20(2) of Regulation (EEC) No 2220/85.

2. Except in cases of *force majeure*, the security referred to in the second indent of paragraph 1 shall be released only if proof is furnished to the competent authority of the Member State that issued the licence that the young bovine animals:

- (a) have been fattened on the farm or farms indicated pursuant to paragraph 1;
- (b) have not been slaughtered before a period of 120 days from the date of import has elapsed; or
- (c) have been slaughtered for health reasons or have died as a result of sickness or accident before that period has elapsed.

The security shall be released immediately after such proof has been furnished.

However, where the time limit referred to in the first indent of paragraph 1 has not been observed, the security to be released shall be reduced by:

- 15 %, and by
- 2 % of the remaining amount for each day by which it has been exceeded.

The amounts not released shall be forfeited and retained as customs duties.

3. If the proof referred to in paragraph 2 is not furnished within 180 days from the date of import, the security shall be forfeited and retained as customs duty.

However, if such proof is not furnished within 180 days but is produced within six months following the said period of 180 days, the amount forfeited, less 15 % of the security, shall be repaid.

*Article 9*

1. Animals not covered by import licence applications at 6 February 2004 shall be the subject of a further allocation of import rights, irrespective of the allocation of import rights between Member States referred to in Article 2(1) and of the two different schemes provided for in the first and second indents of Article 2(2).
2. To that end, by 12 February 2004 at the latest the Member States shall notify the Commission of the number of animals referred to in paragraph 1.
3. The Commission shall establish and publish as quickly as possible the total remaining number of animals to be reallocated.
4. The allocation of those animals shall be open to interested operators who have applied for import licences for all their import rights initially granted.

New applications for import rights shall be presented in the Member State where the applicant is entered in the national value added tax register.

5. Each application shall relate to a minimum of 50 head and to a maximum of the available number of head referred to in paragraph 3. However, where the remaining number of animals is lower than 50 head, an application shall relate to that lower number of head.
6. For the purposes of this Article, Articles 4 to 8 shall apply. However, the date of application mentioned in Article 4(2) shall be 27 February 2004 and the date of communication mentioned in Article 4(4) shall be 5 March 2004.

*Article 10*

This Regulation shall enter into force on the third 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, 6 June 2003.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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## ANNEX I

**Regulations referred to in Article 2(2)**

Commission Regulations:

Regulation (EC) No 1431/1999 (OJ L 166, 1.7.1999, p. 49),

Regulation (EC) No 885/2000 (OJ L 104, 29.4.2000, p. 39),

Regulation (EC) No 1095/2001 (OJ L 150, 6.6.2001, p. 25).

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## ANNEX II

Fax: (32-2) 296 60 27 / (32-2) 295 36 13

### Application of Article 4(4) and (5) of Regulation (EC) No 977/2003

**Serial No 09.4005**

COMMISSION OF THE EUROPEAN COMMUNITIES

DG AGRI/D/2 — BEEF/VEAL

## APPLICATION FOR IMPORT RIGHTS

Date: ..... Period: .....

[illegible]

Member State: ..... Fax: .....

Telephone number: .....

(<sup>1</sup>) Continuous numbering.

## ANNEX III

Fax: (32-2) 296 60 27 / (32-2) 295 36 13

### Application of Article 4(4) and (5) of Regulation (EC) No 977/2003

**Serial No 09.4005**

COMMISSION OF THE EUROPEAN COMMUNITIES

DG AGRI/D/2 — BEEF/VEAL

## APPLICATION FOR IMPORT RIGHTS

Date: ..... Period: .....

Number of applicant (1)	Applicant (name and address)	Quantity (head)
Total		

Member State: ..... Fax: .....

Telephone number: .....

(<sup>1</sup>) Continuous numbering.

## ANNEX IV

## SECURITY AMOUNTS

Male bovine animals for fattening (CN code)	Amount (EUR) per head
0102 90 05	28
0102 90 29	56
0102 90 49	105

**COMMISSION REGULATION (EC) No 978/2003**  
**of 5 June 2003**  
**prohibiting fishing for tusk by vessels flying the flag of Spain**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2847/93 of 12 October 1993 establishing a control system applicable to the common fisheries policy <sup>(1)</sup>, as last amended by Regulation (EC) No 2846/98 <sup>(2)</sup>, and in particular Article 21(3) thereof,

Whereas:

- (1) Council Regulation (EC) No 2341/2002 of 20 December 2002 fixing for 2003 the fishing opportunities and associated conditions for certain fish stocks and groups of fish stocks, applicable in Community waters and, for Community vessels, in waters where catch limitations are required <sup>(3)</sup>, lays down quotas for tusk for 2003.
- (2) In order to ensure compliance with the provisions relating to the quantity limits on catches of stocks subject to quotas, the Commission must fix the date by which catches made by vessels flying the flag of a Member State are deemed to have exhausted the quota allocated.
- (3) According to the information received by the Commission, catches of tusk in the waters of ICES divisions V, VI and VII (EC waters and waters not subject to the sovereignty or jurisdiction of third countries) by vessels

flying the flag of Spain or registered in Spain have exhausted the quota allocated for 2003. Spain has prohibited fishing for this stock from 24 May 2003. This date should be adopted in this Regulation also,

HAS ADOPTED THIS REGULATION:

*Article 1*

Catches of tusk in the waters of ICES divisions V, VI and VII (EC waters and waters not subject to the sovereignty or jurisdiction of third countries) by vessels flying the flag of Spain or registered in Spain are hereby deemed to have exhausted the quota allocated to Spain for 2003.

Fishing for tusk in the waters of ICES divisions V, VI and VII (EC waters and waters not subject to the sovereignty or jurisdiction of third countries) by vessels flying the flag of Spain or registered in Spain is hereby prohibited, as are the retention on board, transshipment and landing of this stock caught by the above vessels after the date of application of this Regulation.

*Article 2*

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

It shall apply from 24 May 2003.

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

Done at Brussels, 5 June 2003.

*For the Commission*

Jörgen HOLMQUIST

*Director-General of Fisheries*

<sup>(1)</sup> OJ L 261, 20.10.1993, p. 1.

<sup>(2)</sup> OJ L 358, 21.12.1998, p. 5.

<sup>(3)</sup> OJ L 356, 21.12.2002, p. 12.



**COMMISSION REGULATION (EC) No 979/2003****of 6 June 2003****fixing the maximum export refund on wholly milled long grain B rice to certain third countries in connection with the invitation to tender issued in Regulation (EC) No 1898/2002**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

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

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

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

HAS ADOPTED THIS REGULATION:

*Article 1*

The maximum export refund on wholly milled long grain B rice to be exported to certain third countries pursuant to the invitation to tender issued in Regulation (EC) No 1898/2002 is hereby fixed on the basis of the tenders submitted from 2 to 5 June 2003 at 295,00 EUR/t.

*Article 2*

This Regulation shall enter into force on 7 June 2003.

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

Done at Brussels, 6 June 2003.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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

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

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

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

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

**COMMISSION REGULATION (EC) No 980/2003****of 6 June 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 <sup>(1)</sup>, as last amended by Commission Regulation (EC) No 411/2002 <sup>(2)</sup>, 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 <sup>(3)</sup> as amended by Regulation (EC) No 1453/1999 <sup>(4)</sup>, and in particular Article 9(1) thereof,

Whereas:

- (1) Commission Regulation (EC) No 1895/2002 <sup>(5)</sup> 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 2 to 5 June 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 7 June 2003.

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

Done at Brussels, 6 June 2003.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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

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

<sup>(3)</sup> OJ L 261, 7.9.1989, p. 8.

<sup>(4)</sup> OJ L 167, 2.7.1999, p. 19.

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

**COMMISSION REGULATION (EC) No 981/2003****of 6 June 2003****fixing the maximum export refund on wholly milled round grain rice to certain third countries in connection with the invitation to tender issued in Regulation (EC) No 1896/2002**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

(1) An invitation to tender for the export refund on rice was issued pursuant to Commission Regulation (EC) No 1896/2002 <sup>(3)</sup>.(2) Article 5 of Commission Regulation (EEC) No 584/75 <sup>(4)</sup>, as last amended by Regulation (EC) No 1948/2002 <sup>(5)</sup>, allows the Commission to fix, in accordance with the procedure laid down in Article 22 of Regulation (EC) No 3072/95 and on the basis of the tenders submitted, a maximum export refund. In fixing this maximum, the criteria provided for in Article 13 of Regulation (EC) No 3072/95 must be taken into account. A contract is awarded to any tenderer whose tender is equal to or less than the maximum export refund.

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

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

HAS ADOPTED THIS REGULATION:

*Article 1*

The maximum export refund on wholly milled round grain rice to be exported to certain third countries pursuant to the invitation to tender issued in Regulation (EC) No 1896/2002 is hereby fixed on the basis of the tenders submitted from 2 to 5 June 2003 at 145,00 EUR/t.

*Article 2*

This Regulation shall enter into force on 7 June 2003.

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

Done at Brussels, 6 June 2003.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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

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

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

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

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

**COMMISSION REGULATION (EC) No 982/2003****of 6 June 2003****fixing the maximum export refund on wholly milled round grain, medium grain and long grain A rice to be exported to certain third countries in connection with the invitation to tender issued in Regulation (EC) No 1897/2002**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

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

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

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

HAS ADOPTED THIS REGULATION:

*Article 1*

The maximum export refund on wholly milled grain, medium grain and long grain A rice to be exported to certain third countries pursuant to the invitation to tender issued in Regulation (EC) No 1897/2002 is hereby fixed on the basis of the tenders submitted from 2 to 5 June 2003 at 145,00 EUR/t.

*Article 2*

This Regulation shall enter into force on 7 June 2003.

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

Done at Brussels, 6 June 2003.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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

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

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

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

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

**COMMISSION REGULATION (EC) No 983/2003**  
**of 6 June 2003**  
**amending the export refunds on poultrymeat**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2777/75 of 29 October 1975 on the common organisation of the market in poultrymeat <sup>(1)</sup>, as last amended by Commission Regulation (EC) No 493/2002 <sup>(2)</sup>, and in particular Article 8(3) thereof,

Whereas:

- (1) The export refunds on poultrymeat were fixed by Commission Regulation (EC) No 928/2003 <sup>(3)</sup>.
- (2) It follows from applying the criteria referred to in Article 8 of Regulation (EEC) No 2777/75 to the information known to the Commission that the export refunds at present in force should be altered to the amounts set out in the Annex hereto,

*Article 1*

The export refunds on the products listed in Article 1(1) of Regulation (EEC) No 2777/75, exported in the natural state, as fixed in the Annex to Regulation (EC) No 928/2003 are hereby altered as shown in the Annex to this Regulation.

*Article 2*

This Regulation shall enter into force on 7 June 2003.

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

Done at Brussels, 6 June 2003.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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<sup>(1)</sup> OJ L 282, 1.11.1975, p. 77.

<sup>(2)</sup> OJ L 77, 20.3.2002, p. 7.

<sup>(3)</sup> OJ L 131, 28.5.2003, p. 13.

## ANNEX

**to the Commission Regulation of 6 June 2003 altering the export refunds on poultrymeat**

Product code	Destination	Unit of measurement	Amount of refund
0105 11 11 9000	V04	EUR/100 pcs	0,80
0105 11 19 9000	V04	EUR/100 pcs	0,80
0105 11 91 9000	V04	EUR/100 pcs	0,80
0105 11 99 9000	V04	EUR/100 pcs	0,80

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

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

The other destinations are defined as follows:

V04 All destinations except the United States of America and Estonia.

**COMMISSION REGULATION (EC) No 984/2003****of 6 June 2003****amending representative prices and additional duties for the import of certain products in the sugar sector**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1260/2001 of 19 June 2001 on the common organisation of the markets in the sugar sector <sup>(1)</sup>, as amended by Commission Regulation (EC) No 680/2002 <sup>(2)</sup>,

Having regard to Commission Regulation (EC) No 1423/95 of 23 June 1995 laying down detailed implementing rules for the import of products in the sugar sector other than molasses <sup>(3)</sup>, as last amended by Regulation (EC) No 624/98 <sup>(4)</sup>, and in particular the second subparagraph of Article 1(2), and Article 3(1) thereof,

Whereas:

- (1) The amounts of the representative prices and additional duties applicable to the import of white sugar, raw sugar and certain syrups are fixed by Commission Regulation (EC) No 1153/2002 <sup>(5)</sup>, as last amended by Regulation (EC) No 800/2003 <sup>(6)</sup>.

- (2) It follows from applying the general and detailed fixing rules contained in Regulation (EC) No 1423/95 to the information known to the Commission that the representative prices and additional duties at present in force should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

*Article 1*

The representative prices and additional duties on imports of the products referred to in Article 1 of Regulation (EC) No 1423/95 shall be as set out in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 7 June 2003.

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

Done at Brussels, 6 June 2003.

*For the Commission*

J. M. SILVA RODRÍGUEZ

*Agriculture Director-General*

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<sup>(1)</sup> OJ L 178, 30.6.2001, p. 1.

<sup>(2)</sup> OJ L 104, 20.4.2002, p. 26.

<sup>(3)</sup> OJ L 141, 24.6.1995, p. 16.

<sup>(4)</sup> OJ L 85, 20.3.1998, p. 5.

<sup>(5)</sup> OJ L 170, 29.6.2002, p. 27.

<sup>(6)</sup> OJ L 115, 9.5.2003, p. 47.

## ANNEX

**to the Commission Regulation of 6 June 2003 altering representative prices and the amounts of additional duties applicable to imports of white sugar, raw sugar and products covered by CN code 1702 90 99**

(EUR)

CN code	Amount of representative prices per 100 kg net of product concerned	Amount of additional duty per 100 kg net of product concerned
1701 11 10 <sup>(1)</sup>	15,46	8,82
1701 11 90 <sup>(1)</sup>	15,46	15,12
1701 12 10 <sup>(1)</sup>	15,46	8,59
1701 12 90 <sup>(1)</sup>	15,46	14,61
1701 91 00 <sup>(2)</sup>	19,16	16,99
1701 99 10 <sup>(2)</sup>	19,16	11,55
1701 99 90 <sup>(2)</sup>	19,16	11,55
1702 90 99 <sup>(3)</sup>	0,19	0,45

<sup>(1)</sup> For the standard quality as defined in Annex I, point II, to Council Regulation (EC) No 1260/2001 (OJ L 178, 30.6.2001, p. 1).

<sup>(2)</sup> For the standard quality as defined in Annex I, point I, to Council Regulation (EC) No 1260/2001 (OJ L 178, 30.6.2001, p. 1).

<sup>(3)</sup> By 1 % sucrose content.



## II

(Acts whose publication is not obligatory)

## COUNCIL

## COUNCIL DECISION

of 26 May 2003

**amending Decision 2003/17/EC on the equivalence of field inspections carried out in third countries on seed producing crops and on the equivalence of seed produced in third countries**

(Text with EEA relevance)

(2003/403/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 66/401/EEC of 14 June 1966 on the marketing of fodder plant seed <sup>(1)</sup>, and in particular Article 16(1) thereof,

Having regard to Council Directive 66/402/EEC of 14 June 1966 on the marketing of cereal seed <sup>(2)</sup>, and in particular Article 16(1) thereof,

Having regard to Council Directive 2002/57/EC of 13 June 2002 on the marketing of seed of oil and fibre plants <sup>(3)</sup>, and in particular Article 20(1) thereof,

Having regard to the proposal from the Commission,

Whereas:

- (1) In its Decision 2003/17/EC <sup>(4)</sup>, the Council determined that field inspections carried out in certain third countries on seed-producing crops of certain species and seed produced in certain third countries satisfy the conditions laid down in Directives 66/401/EEC, 66/402/EEC, 2002/57/EC and in Council Directive 2002/54/EC of 13 June 2002 on the marketing of beet seed <sup>(5)</sup>.
- (2) It has since been established that in Lithuania there are also rules on seeds control for a range of plant species which provide for official field inspections to be carried out during the period of seed production.

- (3) Those rules provide in principle that seed may be officially certified and seed packages officially closed in accordance with the OECD Schemes for the Varietal Certification of Seed moving in International Trade. The rules also provide for seed sampling and testing in accordance with the methods of the International Seed Testing Association (ISTA).

- (4) An examination of those rules and the manner in which they are applied in Lithuania has shown that the field inspection of seed-producing crops satisfies the conditions laid down in Directives 66/401/EEC, 66/402/EEC and 2002/57/EC. The national provisions governing seed harvested and controlled in Lithuania afford the same assurances as regards the seed's characteristics and the arrangements for its examination, for ensuring seed identification, for marking and for control as the provisions applicable to seed harvested and controlled within the Community, provided that further conditions for seed-producing crops and seed produced, in particular in respect of packages marking, are satisfied.

- (5) Lithuania should therefore be granted equivalence in respect of certain species.

<sup>(1)</sup> OJ L 125, 11.7.1966, p. 2298/66. Directive as last amended by Directive 2001/64/EC (OJ L 234, 1.9.2001, p. 60).

<sup>(2)</sup> OJ L 125, 11.7.1966, p. 2309/66. Directive as last amended by Directive 2001/64/EC.

<sup>(3)</sup> OJ L 193, 20.7.2002, p. 74. Directive as amended by Directive 2002/68/EC (OJ L 195, 24.7.2002, p. 32).

<sup>(4)</sup> OJ L 8, 14.1.2003, p. 10.

<sup>(5)</sup> OJ L 193, 20.7.2002, p. 12.

- (6) Decision 2003/17/EC should therefore be amended accordingly,

HAS ADOPTED THIS DECISION:

*Article 1*

In Annex I to Decision 2003/17/EC the following item is inserted after the item relating to Latvia:

Lithuania	Ministry of Agriculture, Vilnius	66/401/EEC 66/402/EEC 2002/57/EC
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*Article 2*

This Decision is addressed to the Member States.

Done at Brussels, 26 May 2003.

*For the Council*  
*The President*  
G. DRYG

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**DECISION No 1/2003 OF THE ACP-EC COUNCIL OF MINISTERS**  
**of 16 May 2003**  
**regarding the accession of the Democratic Republic of Timor Leste to the ACP-EC Partnership Agreement**

(2003/404/EC)

THE ACP-EC COUNCIL OF MINISTERS,

Having regard to the ACP-EC Partnership Agreement signed in Cotonou on 23 June 2000, and in particular Article 94(1) thereof,

Whereas:

- (1) The Democratic Republic of Timor Leste has presented a request for accession to the ACP-EC Partnership Agreement, in accordance with Article 94(1) thereof.
- (2) Timor Leste fulfils the conditions for membership provided for in Article 94(1) of the Agreement and its request for accession should be approved,

HAS ADOPTED THIS DECISION:

*Article 1*

The accession of the Democratic Republic of Timor Leste to the ACP-EC Partnership Agreement is hereby approved.

*Article 2*

The participation of Timor Leste in the Agreement is subject to the temporary special arrangement that Timor Leste only benefits from the Community's financial assistance to the ACP States provided under Article 3(b) (support for regional cooperation and integration) of the current Financial Protocol in Annex I to the Agreement for the period of 2000-2005.

*Article 3*

Annex VI, Articles 1 and 5 of the Agreement shall be amended by adding Timor Leste to the lists of Least-developed ACP States and of Island ACP States.

*Article 4*

The accession of Timor Leste to the Agreement shall enter into force on the first day of the second month following the date of deposit of its act of accession.

Done at Brussels, 16 May 2003.

*For the ACP-EC Council of Ministers*

*The President*

Serge RIALUTH VOHOR

**Notice concerning the entry into force of the Additional Protocol, laying down the trade arrangements for fish and fishery products, to the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republic of Bulgaria, of the other part**

The Additional Protocol to the Europe Agreement with Bulgaria, concerning trade in fish and fishery products, which the Council decided to conclude on 26 November 2002 <sup>(1)</sup>, entered into force on 1 March 2003, with notification of the accomplishment of the procedures under Article 3 of that Protocol having been completed on 17 February 2003.

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<sup>(1)</sup> OJ L 335, 12.12.2002, p. 17.