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REGULATION (EC) No 1128/2003 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 16 June 2003 amending Regulation (EC) No 999/2001 as regards the extension of the period for transitional measures

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal from the Commission [1],

Having regard to the opinion of the European Economic and Social Committee [2],

Following consultation of the Committee of the Regions,

Acting in accordance with the procedure laid down in Article 251 of the Treaty [3],

Whereas:

(1) Regulation (EC) No 999/2001 of the European Parliament and of the Council of 22 May 2001 laying down rules for the prevention, control and eradication of certain transmissible spongiform encephalopathies [4] provides a single legal basis for all legislation regarding transmissible spongiform encephalopathies in the Community.

(2) Regulation (EC) No 999/2001 establishes rules for the determination of the bovine spongiform encephalopathy (BSE) status of a Member State, third country or one of their regions. That status, hereinafter referred to as 'BSE status', determines certain measures concerning the control of BSE and trade and the importation of certain live animals and animal products. The Regulation provides that, prior to determination of the BSE status, transitional measures are to be adopted for a maximum period of two years.

(3) Commission Regulation (EC) No 1326/2001 of 29 June 2001 [5] provides for transitional measures which are to apply for a maximum period of two years from 1 July 2001.

(4) Certain problems have been encountered in using the criteria laid down in Regulation (EC) No 999/2001 to determine BSE status. The Commission has discussed with Member States possible amendments to those criteria in order to produce a better alignment of BSE status and risk. The outcome of those discussions may be significantly influenced by developments in the BSE Chapter in the International Animal Health Code of the International Office of Epizootics.

(5) It is necessary to prolong the period of application of the transitional measures to allow those discussions to be concluded.

(6) Regulation (EC) No 999/2001 should therefore be amended accordingly,

HAVE ADOPTED THIS REGULATION:

Article 1

In Article 23 of Regulation (EC) No 999/2001, the second subparagraph shall be replaced by the following:

'In accordance with that procedure, transitional measures shall be adopted for a period ending on 1 July 2005 at the latest, to permit the changeover from the current arrangements to the arrangements established by this Regulation.'

Article 2

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

[1] Opinion of 5 March 2003 (not yet published in the Official Journal).
[2] Opinion of 14 May 2003 (not yet published in the Official Journal).
[3] Opinion of the European Parliament of 3 June 2003 (not yet published in the Official Journal) and Council Decision of 11 June 2003.
[4] OJ L 147, 31.5.2001, p. 1. Regulation as last amended by Commission Regulation (EC) No 650/2003 (OJ L 95, 11.4.2003, p. 15).
[5] OJ L 177, 30.6.2001, p. 60. Regulation as amended by Commission Regulation (EC) No 270/2002 (OJ L 45, 15.2.2002, p. 4).

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

Done at Luxembourg, 16 June 2003.

For the European Parliament	*For the Council*
The President	*The President*
P. COX	G. PAPANDREOU

COUNCIL REGULATION (EC) No 1129/2003

of 21 January 2003

concerning the export of certain steel products from the Slovak Republic to the Community for the period from the date of entry into force of this Regulation to the date of accession by the Slovak Republic to the European Union (extension of the double-checking system)

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal from the Commission,

Whereas:

(1) The Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and the Slovak Republic, of the other part [1], entered into force on 1 February 1995.

(2) The Parties decided by Decision No 2/2003 of the Association Council [2] to extend the double-checking system introduced by Decision No 3/97 of the Association Council [3], for the period from the date of entry into force of this Regulation to the date of accession by the Slovak Republic to the European Union.

(3) It is consequently necessary to extend the Community implementing legislation introduced by Council Regulation (EC) No 85/98 of 19 December 1997 concerning the export of certain ECSC and EC steel products from Slovakia to the Community for the period 1 January to 31 December 1998 (double-checking system) [4],

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 85/98 shall continue to apply for the period from the date of entry into force of this Regulation to the date of accession by the Slovak Republic to the European Union, in accordance with the provisions of Decision No 2/2003 between the European Communities and their Member States, of the one part, and the Slovak Republic, of the other part.

Article 2

Regulation (EC) No 85/98 shall in consequence be amended as follows:

1. In the title, preamble and Article 1(1) and (4) references to the period 1 January to 31 December 2002 shall be replaced by references to 'from 8 July 2003 to the date of accession by the Slovak Republic to the European Union'.

2. Annex IV to that Regulation shall be replaced by the text contained in the Annex to this Regulation.

Article 3

Goods shipped to the Community from 1 January 2003 to the date of entry into force of this Regulation shall be excluded from the scope of this Regulation.

Article 4

This Regulation shall enter into force on the 10th 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, 21 January 2003.

For the Council

The President

N. CHRISTODOULAKIS

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[1] OJ L 359, 31.12.1994, p. 2.
[2] See page 70 of this Official Journal.
[3] OJ L 13, 19.1.1998, p. 71.
[4] OJ L 13, 19.1.1998, p. 15.

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A-1030 Wien
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Direcção Geral das Alfândegas e dos Impostos Especiais sobre o Consumo
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COMMISSION REGULATION (EC) No 1130/2003

of 27 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 [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 28 June 2003.

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

Done at Brussels, 27 June 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 27 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 (1)	Standard import value
0702 00 00	052	58,0
	064	80,7
	999	69,3
0707 00 05	052	85,6
	628	119,5
	999	102,6
0709 90 70	052	76,0
	999	76,0
0805 50 10	382	60,3
	388	54,2
	528	65,1
	999	59,9
0808 10 20, 0808 10 50, 0808 10 90	388	72,9
	400	109,2
	508	85,1
	512	70,4
	524	37,3
	528	58,0
	720	131,3
	804	88,7
	999	81,6
0809 10 00	052	217,3
	999	217,3
0809 20 95	052	322,8
	060	156,6
	068	101,8
	400	330,3
	999	227,9
0809 40 05	052	203,9
	624	184,6
	999	194,3

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

COMMISSION REGULATION (EC) No 1131/2003
of 27 June 2003
fixing the export refunds on cereals and on wheat or rye flour, groats and meal

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organisation of the market in cereals ([1]), as last amended by Regulation (EC) No 1666/2000 ([2]), and in particular Article 13(2) thereof,

Whereas:

(1) Article 13 of Regulation (EEC) No 1766/92 provides that the difference between quotations or prices on the world market for the products listed in Article 1 of that Regulation and prices for those products in the Community may be covered by an export refund.

(2) The refunds must be fixed taking into account the factors referred to in Article 1 of Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules under Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals ([3]), as last amended by Regulation (EC) No 1163/2002 ([4]), as amended by Regulation (EC) No 1324/2002 ([5]).

(3) As far as wheat and rye flour, groats and meal are concerned, when the refund on these products is being calculated, account must be taken of the quantities of cereals required for their manufacture. These quantities were fixed in Regulation (EC) No 1501/95.

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

(5) The refund must be fixed once a month. It may be altered in the intervening period.

(6) It follows from applying the detailed rules set out above to the present situation on the market in cereals, and in particular to quotations or prices for these products within the Community and on the world market, that the refunds should be as set out in the Annex hereto.

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 1 July 2003.

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

Done at Brussels, 27 June 2003.

For the Commission
Franz FISCHLER
Member of the Commission

([1]) OJ L 181, 1.7.1992, p. 21.
([2]) OJ L 193, 29.7.2000, p. 1.
([3]) OJ L 147, 30.6.1995, p. 7.
([4]) OJ L 170, 29.6.2002, p. 46.
([5]) OJ L 194, 23.7.2002, p. 26.

ANNEX

to the Commission Regulation of 27 June 2003 fixing the export refunds on cereals and on wheat or rye flour, groats and meal

Product code	Destination	Unit of measurement	Amount of refunds
1001 10 00 9200	—	EUR/t	—
1001 10 00 9400	—	EUR/t	—
1001 90 91 9000	—	EUR/t	—
1001 90 99 9000	C14	EUR/t	0
1002 00 00 9000	C14	EUR/t	0
1003 00 10 9000	—	EUR/t	—
1003 00 90 9000	C14	EUR/t	0
1004 00 00 9200	—	EUR/t	—
1004 00 00 9400	C14	EUR/t	0
1005 10 90 9000	—	EUR/t	—
1005 90 00 9000	C14	EUR/t	0
1007 00 90 9000	—	EUR/t	—
1008 20 00 9000	—	EUR/t	—
1101 00 11 9000	—	EUR/t	—
1101 00 15 9100	C14	EUR/t	0
1101 00 15 9130	C14	EUR/t	0
1101 00 15 9150	C14	EUR/t	0
1101 00 15 9170	C14	EUR/t	0
1101 00 15 9180	C14	EUR/t	0
1101 00 15 9190	—	EUR/t	—
1101 00 90 9000	—	EUR/t	—
1102 10 00 9500	C14	EUR/t	38,25
1102 10 00 9700	C14	EUR/t	30,25
1102 10 00 9900	—	EUR/t	—
1103 11 10 9200	C14	EUR/t	0 (1)
1103 11 10 9400	C14	EUR/t	0 (1)
1103 11 10 9900	—	EUR/t	—
1103 11 90 9200	C14	EUR/t	0 (1)
1103 11 90 9800	—	EUR/t	—

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

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

The other destinations are as follows:

C14 All destinations except for Bulgaria, Cyprus, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, the Czech Republic, Romania, Slovakia and Slovenia.

COMMISSION REGULATION (EC) No 1132/2003
of 27 June 2003
fixing the corrective amount applicable to the refund on cereals

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organization of the market in cereals [1], as last amended by Regulation (EC) No 1666/2000 [2], and in particular Article 13(8) thereof,

Whereas:

(1) Article 13(8) of Regulation (EEC) No 1766/92 provides that the export refund applicable to cereals on the day on which application for an export licence is made must be applied on request to exports to be effected during the period of validity of the export licence. In this case, a corrective amount may be applied to the refund.

(2) Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules under Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the cereals and the measures to be taken in the event of disturbance on the market for cereals [3], as last amended by Regulation (EC) No 1163/2002 [4], as amended by Regulation (EC) No 1324/2002 [5], allows for the fixing of a corrective amount for the products listed in Article 1(1)(c) of Regulation (EEC) No 1766/92. That corrective amount must be calculated taking account of the factors referred to in Article 1 of Regulation (EC) No 1501/95.

(3) The world market situation or the specific requirements of certain markets may make it necessary to vary the corrective amount according to destination.

(4) The corrective amount must be fixed at the same time as the refund and according to the same procedure; it may be altered in the period between fixings.

(5) It follows from applying the provisions set out above that the corrective amount must be as set out in the Annex hereto.

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

HAS ADOPTED THIS REGULATION:

Article 1

The corrective amount referred to in Article 1(1)(a), (b) and (c) of Regulation (EEC) No 1766/92 which is applicable to export refunds fixed in advance except for malt shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 July 2003.

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

Done at Brussels, 27 June 2003.

For the Commission
Franz FISCHLER
Member of the Commission

[1] OJ L 181, 1.7.1992, p. 21.
[2] OJ L 193, 29.7.2000, p. 1.
[3] OJ L 147, 30.6.1995, p. 7.
[4] OJ L 170, 29.6.2002, p. 46.
[5] OJ L 194, 23.7.2002, p. 26.

ANNEX

to the Commission Regulation of 27 June 2003 fixing the corrective amount applicable to the refund on cereals

(EUR/t)

Product code	Destination	Current 7	1st period 8	2nd period 9	3rd period 10	4th period 11	5th period 12	6th period 1
1001 10 00 9200	—	—	—	—	—	—	—	—
1001 10 00 9400	—	—	—	—	—	—	—	—
1001 90 91 9000	—	—	—	—	—	—	—	—
1001 90 99 9000	A00	0	0	0	0	0	—	—
1002 00 00 9000	A00	0	0	0	0	0	—	—
1003 00 10 9000	—	—	—	—	—	—	—	—
1003 00 90 9000	A00	0	0	0	0	0	—	—
1004 00 00 9200	—	—	—	—	—	—	—	—
1004 00 00 9400	A00	0	0	0	0	0	—	—
1005 10 90 9000	—	—	—	—	—	—	—	—
1005 90 00 9000	A00	0	0	0	0	0	—	—
1007 00 90 9000	—	—	—	—	—	—	—	—
1008 20 00 9000	—	—	—	—	—	—	—	—
1101 00 11 9000	—	—	—	—	—	—	—	—
1101 00 15 9100	A00	0	0	0	0	0	—	—
1101 00 15 9130	A00	0	0	0	0	0	—	—
1101 00 15 9150	A00	0	0	0	0	0	—	—
1101 00 15 9170	A00	0	0	0	0	0	—	—
1101 00 15 9180	A00	0	0	0	0	0	—	—
1101 00 15 9190	—	—	—	—	—	—	—	—
1101 00 90 9000	—	—	—	—	—	—	—	—
1102 10 00 9500	A00	0	0	0	0	0	—	—
1102 10 00 9700	A00	0	0	0	0	0	—	—
1102 10 00 9900	—	—	—	—	—	—	—	—
1103 11 10 9200	A00	0	0	0	0	0	—	—
1103 11 10 9400	A00	0	0	0	0	0	—	—
1103 11 10 9900	—	—	—	—	—	—	—	—
1103 11 90 9200	A00	0	0	0	0	0	—	—
1103 11 90 9800	—	—	—	—	—	—	—	—

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

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

COMMISSION REGULATION (EC) No 1133/2003
of 27 June 2003
fixing the export refunds on malt

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organization of the market in cereals ([1]), as last amended by Regulation (EC) No 1666/2000 ([2]), and in particular the third subparagraph of Article 13(2) thereof,

Whereas:

(1) Article 13 of Regulation (EEC) No 1766/92 provides that the difference between quotations or prices on the world market for the products listed in Article 1 of that Regulation and prices for those products within the Community may be covered by an export refund.

(2) The refunds must be fixed taking into account the factors referred to in Article 1 of Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules under Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals ([3]), as last amended by Regulation (EC) No 1163/2002 ([4]), as amended by Regulation (EC) No 1324/2002 ([5]).

(3) The refund applicable in the case of malts must be calculated with amount taken of the quantity of cereals required to manufacture the products in question. The said quantities are laid down in Regulation (EC) No 1501/95.

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

(5) The refund must be fixed once a month. It may be altered in the intervening period.

(6) It follows from applying these rules to the present situation on markets in cereals, and in particular to quotations or prices for these products within the Community and on the world market, that the refunds should be as set out in the Annex hereto.

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 1 July 2003.

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

Done at Brussels, 27 June 2003.

For the Commission
Franz FISCHLER
Member of the Commission

([1]) OJ L 181, 1.7.1992, p. 21.
([2]) OJ L 193, 29.7.2000, p. 1.
([3]) OJ L 147, 30.6.1995, p. 7.
([4]) OJ L 170, 29.6.2002, p. 46.
([5]) OJ L 194, 23.7.2002, p. 26.

ANNEX

to the Commission Regulation of 27 June 2003 fixing the export refunds on malt

Product code	Destination	Unit of measurement	Amount of refunds
1107 10 19 9000	C14	EUR/t	0,00
1107 10 99 9000	C14	EUR/t	0,00
1107 20 00 9000	C14	EUR/t	0,00

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

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

The other destinations are as follows:

C14 All destinations except for Bulgaria, Cyprus, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, the Czech Republic, Romania, Slovakia and Slovenia.

COMMISSION REGULATION (EC) No 1134/2003
of 27 June 2003
fixing the corrective amount applicable to the refund on malt

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organization of the market in cereals [1], as last amended by Regulation (EC) No 1666/2000 [2], and in particular Article 13(8),

Whereas:

(1) Article 13(8) of Regulation (EEC) No 1766/92 provides that the export refund applicable to cereals on the day on which application for an export licence is made, adjusted for the threshold price in force during the month of exportation, must be applied on request to exports to be effected during the period of validity of the export licence. In this case, a corrective amount may be applied to the refund.

(2) Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules under Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals [3], as last amended by Regulation (EC) No 1163/2002 [4], as amended by Regulation (EC) No 1324/2002 [5], allows for the fixing of a corrective amount for the malt referred to in Article 1(1)(c) of Regulation (EEC) No 1766/92. That corrective amount must be calculated taking account of the factors referred to in Article 1 of Regulation (EC) No 1501/95.

(3) It follows from applying the provisions set out above that the corrective amount must be as set out in the Annex hereto.

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 1 July 2003.

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

Done at Brussels, 27 June 2003.

For the Commission
Franz FISCHLER
Member of the Commission

[1] OJ L 181, 1.7.1992, p. 21.
[2] OJ L 193, 29.7.2000, p. 1.
[3] OJ L 147, 30.6.1995, p. 7.
[4] OJ L 170, 29.6.2002, p. 46.
[5] OJ L 194, 23.7.2002, p. 26.

ANNEX

to the Commission Regulation of 27 June 2003 fixing the corrective amount applicable to the refund on malt

(EUR/t)

Product code	Destination	Current 7	1st period 8	2nd period 9	3rd period 10	4th period 11	5th period 12
1107 10 11 9000	A00	0	0	0	0	0	0
1107 10 19 9000	A00	0	0	0	0	0	0
1107 10 91 9000	A00	0	0	0	0	0	0
1107 10 99 9000	A00	0	0	0	0	0	0
1107 20 00 9000	A00	0	0	0	0	0	0

(EUR/t)

Product code	Destination	6th period 1	7th period 2	8th period 3	9th period 4	10th period 5	11th period 6
1107 10 11 9000	A00	0	0	0	0	0	0
1107 10 19 9000	A00	0	0	0	0	0	0
1107 10 91 9000	A00	0	0	0	0	0	0
1107 10 99 9000	A00	0	0	0	0	0	0
1107 20 00 9000	A00	0	0	0	0	0	0

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

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

COMMISSION REGULATION (EC) No 1135/2003

of 27 June 2003

fixing the minimum selling prices for butter and the maximum aid for cream, butter and concentrated butter for the 122nd individual invitation to tender under the standing invitation to tender provided for in Regulation (EC) No 2571/97

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1255/1999 of 17 May 1999 on the common organisation of the market in milk and milk products [1], as last amended by Commission Regulation (EC) No 509/2002 [2], and in particular Article 10 thereof,

Whereas:

(1) The intervention agencies are, pursuant to Commission Regulation (EC) No 2571/97 of 15 December 1997 on the sale of butter at reduced prices and the granting of aid for cream, butter and concentrated butter for use in the manufacture of pastry products, ice-cream and other foodstuffs [3], as last amended by Regulation (EC) No 635/2000 [4], to sell by invitation to tender certain quantities of butter that they hold and to grant aid for cream, butter and concentrated butter. Article 18 of that Regulation stipulates that in the light of the tenders received in response to each individual invitation to tender a minimum selling price shall be fixed for butter and maximum aid shall be fixed for cream, butter and concentrated butter. It is further stipulated that the price or aid may vary according to the intended use of the butter, its fat content and the incorporation procedure, and that a decision may also be taken to make no award in response to the tenders submitted. The amount(s) of the processing securities must be fixed accordingly.

(2) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Milk and Milk Products,

HAS ADOPTED THIS REGULATION:

Article 1

The minimum selling prices and the maximum aid and processing securities applying for the 122nd individual invitation to tender, under the standing invitation to tender provided for in Regulation (EC) No 2571/97, shall be fixed as indicated in the Annex hereto.

Article 2

This Regulation shall enter into force on 28 June 2003.

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

Done at Brussels, 27 June 2003.

For the Commission

Franz FISCHLER

Member of the Commission

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[1] OJ L 160, 26.6.1999, p. 48.
[2] OJ L 79, 22.3.2002, p. 15.
[3] OJ L 350, 20.12.1997, p. 3.
[4] OJ L 76, 25.3.2000, p. 9.

ANNEX

to the Commission Regulation of 27 June 2003 fixing the minimum selling prices for butter and the maximum aid for cream, butter and concentrated butter for the 122st individual invitation to tender under the standing invitation to tender provided for in Regulation (EC) No 2571/97

(EUR/100 kg)

Formula			A		B	
Incorporation procedure			With tracers	Without tracers	With tracers	Without tracers
Minimum selling price	Butter ≥ 82 %	Unaltered	—	—	—	—
		Concentrated	—	—	—	—
Processing security		Unaltered	—	—	—	—
		Concentrated	—	—	—	—
Maximum aid	Butter ≥ 82 %		85	81	85	81
	Butter < 82 %		83	79	—	—
	Concentrated butter		105	101	105	101
	Cream		—	—	36	34
Processing security	Butter		94	—	94	—
	Concentrated butter		116	—	116	—
	Cream		—	—	40	—

COMMISSION REGULATION (EC) No 1136/2003

of 27 June 2003

fixing the maximum purchasing price for butter for the 75th invitation to tender carried out under the standing invitation to tender governed by Regulation (EC) No 2771/1999

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1255/1999 of 17 May 1999 on the common organisation of the market in milk and milk products [1], as last amended by Commission Regulation (EC) No 509/2002 [2], and in particular Article 10 thereof,

Whereas:

(1) Article 13 of Commission Regulation (EC) No 2771/1999 of 16 December 1999 laying down detailed rules for the application of Council Regulation (EC) No 1255/1999 as regards intervention on the market in butter and cream [3], as last amended by Regulation (EC) No 359/2003 [4], provides that, in the light of the tenders received for each invitation to tender, a maximum buying-in price is to be fixed in relation to the intervention price applicable and that it may also be decided not to proceed with the invitation to tender.

(2) As a result of the tenders received, the maximum buying-in price should be fixed as set out below.

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

HAS ADOPTED THIS REGULATION:

Article 1

For the 75th invitation to tender issued under Regulation (EC) No 2771/1999, for which tenders had to be submitted not later than 24 June 2003, the maximum buying-in price is fixed at 295,38 EUR/100 kg.

Article 2

This Regulation shall enter into force on 28 June 2003.

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

Done at Brussels, 27 June 2003.

For the Commission

Franz FISCHLER

Member of the Commission

[1] OJ L 160, 26.6.1999, p. 48.
[2] OJ L 79, 22.3.2002, p. 15.
[3] OJ L 333, 24.12.1999, p. 11.
[4] OJ L 53, 28.2.2003, p. 17.

COMMISSION REGULATION (EC) No 1137/2003

of 27 June 2003

fixing the maximum aid for concentrated butter for the 294th special invitation to tender opened under the standing invitation to tender provided for in Regulation (EEC) No 429/90

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1255/1999 of 17 May 1999 on the common organisation of the market in milk and milk products [1], as last amended by Commission Regulation (EC) No 509/2002 [2], and in particular Article 10 thereof,

Whereas:

(1) In accordance with Commission Regulation (EEC) No 429/90 of 20 February 1990 on the granting by invitation to tender of an aid for concentrated butter intended for direct consumption in the Community [3], as last amended by Regulation (EC) No 124/1999 [4], the intervention agencies are opening a standing invitation to tender for the granting of aid for concentrated butter; Article 6 of that Regulation provides that in the light of the tenders received in response to each special invitation to tender, a maximum amount of aid is to be fixed for concentrated butter with a minimum fat content of 96 % or a decision is to be taken to make no award; the end-use security must be fixed accordingly.

(2) In the light of the tenders received, the maximum aid should be fixed at the level specified below and the end-use security determined accordingly.

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

HAS ADOPTED THIS REGULATION:

Article 1

For the 294th special invitation to tender under the standing invitation to tender opened by Regulation (EEC) No 429/90, the maximum aid and the amount of the end-use security shall be as follows:

— maximum aid: EUR 105/100 kg,

— end-use security: EUR 116/100 kg.

Article 2

This Regulation shall enter into force on 28 June 2003.

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

Done at Brussels, 27 June 2003.

For the Commission

Franz FISCHLER

Member of the Commission

[1] OJ L 160, 26.6.1999, p. 48.
[2] OJ L 79, 22.3.2002, p. 15.
[3] OJ L 45, 21.2.1990, p. 8.
[4] OJ L 16, 21.1.1999, p. 19.

COMMISSION REGULATION (EC) No 1138/2003

of 27 June 2003

fixing the refunds applicable to cereal and rice sector products supplied as Community and national food aid

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organisation of the market in cereals [1], as last amended by Commission Regulation (EC) No 1666/2000 [2], and in particular the third subparagraph of Article 13(2) thereof,

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

Whereas:

(1) Article 2 of Council Regulation (EEC) No 2681/74 of 21 October 1974 on Community financing of expenditure incurred in respect of the supply of agricultural products as food aid [5] lays down that the portion of the expenditure corresponding to the export refunds on the products in question fixed under Community rules is to be charged to the European Agricultural Guidance and Guarantee Fund, Guarantee Section.

(2) In order to make it easier to draw up and manage the budget for Community food aid actions and to enable the Member States to know the extent of Community participation in the financing of national food aid actions, the level of the refunds granted for these actions should be determined.

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 1 July 2003.

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

Done at Brussels, 27 June 2003.

For the Commission

Franz FISCHLER

Member of the Commission

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[1] OJ L 181, 1.7.1992, p. 21.
[2] OJ L 193, 29.7.2000, p. 1.
[3] OJ L 329, 30.12.1995, p. 18.
[4] OJ L 62, 5.3.2002, p. 27.
[5] OJ L 288, 25.10.1974, p. 1.

ANNEX

to the Commission Regulation of 27 June 2003 fixing the refunds applicable to cereal and rice sector products supplied as Community and national food aid

(EUR/t)

Product code	Refund
1001 10 00 9400	0,00
1001 90 99 9000	0,00
1002 00 00 9000	30,00
1003 00 90 9000	17,00
1005 90 00 9000	25,00
1006 30 92 9100	131,00
1006 30 92 9900	131,00
1006 30 94 9100	131,00
1006 30 94 9900	131,00
1006 30 96 9100	131,00
1006 30 96 9900	131,00
1006 30 98 9100	131,00
1006 30 98 9900	131,00
1006 30 65 9900	131,00
1007 00 90 9000	25,00
1101 00 15 9100	0,00
1101 00 15 9130	0,00
1102 10 00 9500	38,25
1102 20 10 9200	38,04
1102 20 10 9400	32,60
1103 11 10 9200	0,00
1103 13 10 9100	48,91
1104 12 90 9100	0,00

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

COMMISSION REGULATION (EC) No 1139/2003

of 27 June 2003

amending Regulation (EC) No 999/2001 of the European Parliament and of the Council as regards monitoring programmes and specified risk material

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Regulation (EC) No 999/2001 of the European Parliament and of the Council of 22 May 2001 laying down rules for the prevention, control and eradication of certain transmissible spongiform encephalopathies [1], as last amended by Commission Regulation (EC) No 1003/2003 [2], and in particular Article 23 thereof,

Whereas:

(1) Regulation (EC) No 999/2001 lays down rules for the monitoring of transmissible spongiform encephalopathy (TSE) in ovine and caprine animals, including monitoring of a sample of animals not slaughtered for human consumption. It is necessary to clarify the definition of this group of animals, in order to avoid the inappropriate targeting of samples.

(2) Regulation (EC) No 999/2001 provides for eradication measures following the confirmation of TSE in ovine and caprine animals. Targeted testing should be carried out on animals destroyed under these measures, in order to gather epidemiological information.

(3) There is a theoretical possibility that BSE may exist in the ovine and caprine population. It is not possible using routine methods to distinguish between BSE and scrapie infection in these animals. The level of infectivity in the ileum in both diseases is significant from an early stage of infection. As a precautionary measure, the ileum of ovine and caprine animals of all ages should be added to the list of specified risk materials.

(4) In its opinion of 7 and 8 November 2002 on TSE infectivity distribution in ruminant tissues, the Scientific Steering Committee (SSC) recommended that tonsils of bovine animals of any age should be regarded as posing a risk of bovine spongiform encephalopathy (BSE).

(5) The SSC has stated that contamination with central nervous tissue and tonsil material are to be avoided when harvesting head meat and tongues of bovine animals for human consumption, to avoid any risk of BSE.

(6) As the condition of heads depends mainly on their careful handling and a safe sealing of the frontal shot hole and the foramen magnum, control systems must be in place in the slaughterhouses and in the specifically authorised cutting plants.

(7) The rules to dispatch carcases, half carcases and quarter carcases containing no specified risk material other than vertebral column to other Member States without the latter's prior agreement should be expanded to half carcases cut into no more than three wholesale cuts reflecting the actual trade between Member States.

(8) Regulation (EC) No 1774/2002 of the European Parliament and of the Council [3], amended by Commission Regulation (EC) No 808/2003 [4], lays down animal and public health rules for the collection, transport, storage, handling, processing and use or disposal of all animal by-products not intended for human consumption, including their placing on the market and, in certain specific cases, their export and transit. Special rules on removal and disposal of such products provided for in Annex XI to Regulation (EC) No 999/2001 should therefore be deleted.

(9) Regulation (EC) No 999/2001 should therefore be amended accordingly.

(10) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS REGULATION:

Article 1

Annexes III and XI to Regulation (EC) No 999/2001 are amended in accordance with the Annex to this Regulation.

Article 2

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

It shall apply from 1 October 2003.

[1] OJ L 147, 31.5.2001, p. 1.
[2] OJ L 152, 20.6.2003, p. 8.
[3] OJ L 273, 10.10.2002, p. 1.
[4] OJ L 117, 13.5.2003, p. 1.

The new provision of Annex XI, Part A, point 1(a)(ii) to Regulation (EC) No 999/2001, as set out in point 2 of the Annex to this Regulation, shall apply to animals slaughtered from 1 October 2003 onwards.

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

Done at Brussels, 27 June 2003.

For the Commission
David BYRNE
Member of the Commission

ANNEX

Annexes III and XI are amended as follows:

1. Annex III is replaced by the following:

'ANNEX III

MONITORING SYSTEM

CHAPTER A

I. MONITORING IN BOVINE ANIMALS

1. **General**

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

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

2.1. All bovine animals over 24 months of age:

— subject to "special emergency slaughtering" as defined in Article 2(n) of Council Directive 64/433/EEC ([1]), or

— slaughtered in accordance with Annex I, Chapter VI, point 28(c), to Directive 64/433/EEC, except animals without clinical signs of disease slaughtered in the context of a disease eradication campaign,

shall be tested for BSE.

2.2. All bovine animals over 30 months of age:

— subject to normal slaughter for human consumption, or

— slaughtered in the context of a disease eradication campaign in accordance with Annex I, Chapter VI, point 28(c), to Directive 64/433/EEC, but showing no clinical signs of disease,

shall be tested for BSE.

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

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

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

— killed for destruction pursuant to Commission Regulation (EC) No 716/96 ([2]),

— killed in the framework of an epidemic, such as foot-and-mouth disease,

— slaughtered for human consumption,

shall be tested for BSE.

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

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

4.1. All animals subject to casualty slaughter or found sick at *ante mortem* inspection shall be tested for BSE.

4.2. All animals over 42 months of age born after 1 August 1996 shall be tested for BSE.

4.3. A random sample comprising at least 10 000 animals annually of animals not covered by points 4.1 or 4.2 shall be tested for BSE.

([1]) OJ 121, 29.7.1964, p. 2012/64
([2]) OJ L 99, 20.4.1996, p. 14.

5. **Monitoring in other animals**

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

6. **Measures following testing**

6.1. Where an animal slaughtered for human consumption has been selected for testing for BSE, the health marking provided for in Chapter XI of Annex I to Directive 64/433/EEC shall not be carried out on the carcase of that animal until a negative result to the rapid test has been obtained.

6.2. Member States may derogate from the provisions of point 6.1 where an official system is in place in the slaughterhouse ensuring that no parts of examined animals bearing the health mark leave the slaughterhouse until a negative result to the rapid test has been obtained.

6.3. All parts of the body of an animal tested for BSE including the hide shall be retained under official control until a negative result to the rapid test has been obtained, unless they are destroyed in accordance with Annex V, point 3 or 4.

6.4. All parts of the body of an animal found positive to the rapid test including the hide shall be destroyed in accordance with Annex V, point 3 or 4, apart from material to be retained in conjunction with the records provided for in Chapter B, section III.

6.5. Where an animal slaughtered for human consumption is found positive to the rapid test, at least the carcase immediately preceding the test-positive carcase and two carcases immediately following the test-positive carcase on the same slaughterline shall be destroyed in accordance with point 6.4, in addition to the test-positive carcase.

6.6. Member States may derogate from the provisions of point 6.5 where a system is in place in the slaughterhouse preventing contamination between carcase.

II. MONITORING IN OVINE AND CAPRINE ANIMALS

1. **General**

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

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

Animals over 18 months of age or which have more than two permanent incisors erupted through the gum and which are slaughtered for human consumption shall be tested in accordance with the sample size indicated in the table. The sampling shall be representative for each region and season. The sample selection shall be designed with a view to avoid the over-representation of any group as regards the origin, species, age, breed, production type or any other characteristic. The age of the animals shall be estimated based on dentition, obvious signs of maturity or other reliable information. Multiple sampling in the same flock shall be avoided, where possible.

Member State	Minimum annual sample size Slaughtered animals (1)
Belgium	3 750
Denmark	3 000
Germany	60 000
Greece	60 000
Spain	60 000
France	60 000
Ireland	60 000
Italy	60 000
Luxembourg	250
Netherlands	39 000

Member State	Minimum annual sample size Slaughtered animals (1)
Austria	8 200
Portugal	22 500
Finland	1 900
Sweden	5 250
United Kingdom	60 000

(1) The sample size has been calculated to detect a prevalence of 0,005 % with a 95 % confidence in slaughtered animals in Member States which slaughter a large number of adult sheep. In those Member States which slaughter a smaller number of adult sheep, the sample size is calculated as 25 % of the estimated or recorded number of cull ewes slaughtered in 2000.

A Member State may test a number of animals less than that indicated in the table if the most recent official slaughter statistics indicate that this number is equivalent to 25 % of cull ewes slaughtered annually in the Member State.

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

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

— killed in the framework of a disease eradication campaign,

— slaughtered for human consumption,

shall be tested in accordance with the sample size indicated in the table. The sampling shall be representative for each region and season. The sample selection shall be designed with a view to avoid the over-representation of any group as regards the origin, species, age, breed, production type or any other characteristic. The age of the animal shall be estimated based on dentition, obvious signs of maturity or other reliable information. Multiple sampling in the same flock shall be avoided, where possible.

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

Member State	Minimum annual sample size Dead animals (1)
Belgium	450
Denmark	400
Germany	6 000
Greece	6 000
Spain	6 000
France	6 000
Ireland	6 000
Italy	6 000
Luxembourg	30
Netherlands	5 000
Austria	1 100
Portugal	6 000
Finland	250
Sweden	800
United Kingdom	6 000

(1) The sample size has been calculated to detect a prevalence of 0,05 % with a 95 % confidence in dead animals in Member States with a large sheep population. In those Member States with a smaller sheep population, the sample size is calculated as 50 % of the estimated number of dead animals (estimated mortality 1%).

4. **Monitoring in infected flocks**

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

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

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

5. **Monitoring in other animals**

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

— animals used for dairy production,

— animals originating from countries with indigenous TSEs,

— animals which have consumed potentially contaminated feedingstuffs,

— animals born or derived from TSE infected dams,

— animals from flocks infected with TSE.

6. **Measures following testing of ovine and caprine animals**

6.1. Where an animal slaughtered for human consumption has been selected for testing for TSE, the health marking provided for in Chapter XI of Annex I to Directive 64/433/EEC shall not be carried out on the carcase of that animal until a negative result to the rapid test has been obtained.

6.2. Member States may derogate from the provisions of point 6.1 where an official system is in place in the slaughterhouse ensuring that no parts of examined animals bearing the health mark leave the slaughterhouse until a negative result to the rapid test has been obtained.

6.3. All parts of the body of a tested animal including the hide shall be retained under official control until a negative result to the rapid test has been obtained, unless they are destroyed in accordance with Annex V, point 3 or 4.

6.4. All parts of the body of an animal found positive to the rapid test including the hide shall be destroyed in accordance with Annex V, point 3 or 4, apart from material to be retained in conjunction with the records provided for in Chapter B, Section III.

7. **Genotyping**

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

7.2. In addition to the animals genotyped under the provisions of point 7.1, the prion protein genotype of a random subsample of the ovine animals tested under the provisions of Chapter A, Section II, point 2 shall be determined. This subsample shall represent at least one per cent of the total sample for each Member State, and shall not be less than 100 animals per Member State. By derogation, Member States may choose to genotype an equivalent number of live animals of a similar age.

III. MONITORING IN OTHER ANIMAL SPECIES

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

CHAPTER B

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

1. The number of suspected cases per animal species placed under movement restrictions in accordance with Article 12(1).

2. The number of suspected cases per animal species subject to laboratory examination in accordance with Article 12(2) and the outcome of the examination.

3. The number of flocks where suspected cases in ovine and caprine animals have been reported and investigated pursuant to Article 12(1) and (2).

4. The estimated size of each subpopulation referred to in Chapter A, Section I, points 3 and 4.

5. The number of bovine animals tested within each subpopulation referred to in Chapter A, Section I, point 2 to 5, the method for sample selection and the outcome of the tests.

6. The estimated size of those subpopulations referred to in Chapter A, Section II, points 2 and 3 which have been selected for sampling.

7. The number of ovine and caprine animals and flocks tested within each subpopulation referred to in Chapter A, Section II, points 2 to 5, the method for sample selection and the outcome of the tests.

8. Number, age distribution and geographical distribution of positive cases of BSE and scrapie. The country of origin, if not the same as the reporting country, of positive cases of BSE and scrapie. Number and geographical distribution of scrapie positive flocks. The year and, where possible, month of birth should be given for each BSE case.

9. Positive TSE cases confirmed in animals other than bovine, ovine and caprine animals.

10. The genotype and where possible breed of each animal sampled within each subpopulation referred to in Chapter A, part II, points 7.1 and 7.2.

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

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

III. RECORDS

1. The competent authority shall keep, for seven years, records of:

— the number and types of animals placed under movement restrictions as referred to in Article 12(1),

— the number and outcome of clinical and epidemiological investigations as referred to in Article 12(1),

— the number and outcome of laboratory examinations as referred to in Article 12(2),

— the number, identity and origin of animals sampled in the framework of the monitoring programmes as referred to in Chapter A and, where possible, age, breed and anamnestic information,

— the prion protein genotype of positive TSE cases in sheep.

2. The investigating laboratory shall keep, for seven years, all records of testing, in particular laboratory work-books and, where appropriate, paraffin blocks and photographs of western blots.'

2. Annex XI, Part A is replaced by the following:

'ANNEX XI

TRANSITIONAL MEASURES REFERRED TO IN ARTICLES 22 AND 23

A. **Concerning specified risk material, mechanically recovered meat and slaughtering techniques**

1. (a) The following tissues are designated as specified risk material:

(i) the skull excluding the mandible and including the brain and eyes, the vertebral column excluding the vertebrae of the tail, the transverse processes of the lumbar and thoracic vertebrae and the wings of the sacrum, but including dorsal root ganglia, and the spinal cord of bovine animals aged over 12 months, and the tonsils, the intestines from the duodenum to the rectum and the mesentery of bovine animals of all ages;

(ii) the skull including the brain and eyes, the tonsils and the spinal cord of ovine and caprine animals aged over 12 months or which have a permanent incisor erupted through the gum, and the spleen and ileum of ovine and caprine animals of all ages.

The age set forth above for the removal of bovine vertebral column may be adjusted by amending this Regulation in the light of the statistical probability of the occurrence of BSE in the relevant age groups of the Community's bovine population, based on the results of BSE monitoring as established by Chapter A.I of Annex III.

(b) In addition to the specified risk material listed in (a), the following tissues must be designated as specified risk material in the United Kingdom of Great Britain and Northern Ireland and in Portugal, with the exception of the Autonomous Region of the Azores: the entire head excluding the tongue, including the brain, eyes and trigeminal ganglia; the thymus, the spleen and the spinal cord of bovine animals aged over 6 months.

2. By way of derogation from point 1(a)(i), a decision may be taken in accordance with the procedure referred to in Article 24(2) to allow the use of vertebral column and dorsal root ganglia from bovine animals:

(a) born, continuously reared and slaughtered in Member States for which a scientific evaluation established that the occurrence of BSE in native bovine animals is highly unlikely, or unlikely but not excluded; or

(b) born after the date of effective enforcement of the prohibition on the feeding of mammalian protein to ruminants in Member States with reported BSE in native animals or for which a scientific evaluation established that the occurrence of BSE in native bovine animals is likely.

The United Kingdom, Portugal, and Sweden may benefit from this derogation on the basis of previously submitted and evaluated evidence. Other Member States may apply for this derogation by submitting conclusive supporting evidence to the Commission regarding point (a) or (b), as appropriate.

Member States benefiting from this derogation shall, in addition to the requirements laid down in Annex III, Chapter A, section I, ensure that one of the approved rapid tests listed in Annex X, Chapter C, point 4, is applied to all bovine animals over 30 months of age which:

(i) have died on the farm or in transport, but which have not been slaughtered for human consumption, with the exception of those dead animals in remote areas with a low animal density situated in Member States where the occurrence of BSE is unlikely;

(ii) were subject to normal slaughter for human consumption.

This derogation shall not be granted to allow the use of vertebral column and dorsal root ganglia from bovine animals aged over 30 months from the United Kingdom or from Portugal with the exception of the Autonomous Region of the Azores.

Experts from the Commission may carry out on-the-spot checks to further verify the submitted evidence in accordance with Article 21.

3. Bones of bovine, ovine and caprine animals shall not be used for the production of mechanically recovered meat.

4. Laceration of central nervous tissue by means of an elongated rod-shaped instrument introduced into the cranial cavity after stunning shall not be carried out on bovine, ovine or caprine animals whose meat is intended for human or animal consumption.

5. Specified risk material shall be removed at:

   (a) slaughterhouses, or, as appropriate, other places of slaughter;

   (b) cutting plants, in the case of vertebral column of bovine animals;

   (c) where appropriate, in intermediate plants referred to in Regulation (EC) No 1774/2002 of the European Parliament and of the Council [1], Article 10 or users and collection centres authorised and registered pursuant to Regulation (EC) No 1774/2002, Article 23(2)(c)(iv), (vi) and (vii).

   The above provisions shall not apply to category 1 material for feeding of necrophagous birds in accordance with Article 23(2)(d) of Regulation (EC) No 1774/2002.

6. Tongues of bovine animals of all ages intended for human or animal consumption shall be harvested at the slaughterhouse by a transverse cut rostral to the lingual process of the basihyoid bone.

7. Head meat of bovine animals above 12 months of age shall be harvested at slaughterhouses, in accordance with a control system, recognised by the competent authority, to ensure the prevention of possible contamination of head meat with central nervous system tissue. The system shall include at least the following provisions:

   — harvesting shall take place in a dedicated area, physically separated from the other parts of the slaughterline,

   — where the heads are removed from the conveyor or hooks before harvesting the head meat, the frontal shot hole and *foramen magnum* shall be sealed with an impermeable and durable stopper. Where the brainstem is sampled for laboratory testing for BSE, the *foramen magnum* shall be sealed immediately after that sampling,

   — head meat shall not be harvested from heads where the eyes are damaged or lost immediately prior to, or after slaughter, or which are otherwise damaged in a way which might result in contamination of the head with central nervous tissue,

   — head meat shall not be harvested from heads which have not been properly sealed in accordance with the second indent,

   — without prejudice to general rules on hygiene, specific working instructions shall be in place to prevent contamination of the head meat during the harvesting, in particular in the case when the seal referred to in the second indent is lost or the eyes damaged during the activity,

   — a sampling plan using an appropriate laboratory test to detect central nervous system tissue shall be in place to verify that the measures to reduce contamination are properly implemented.

8. By way of derogation from the requirements of point 7, Member States may decide to apply at the slaughterhouse an alternative control system for the harvesting of bovine head meat, leading to an equivalent reduction in the level of contamination of head meat with central nervous system tissue. A sampling plan using an appropriate laboratory test to detect central nervous system tissue shall be in place to verify that the measures to reduce contamination are properly implemented. Member States using this derogation shall inform the Commission and the other Member States in the framework of the Standing Committee of the Food Chain and Animal Health of their control system and the results of the sampling.

9. The provisions of point 7 and 8 shall not apply to the harvesting of the tongue in accordance with point 6 nor to the harvesting of cheek meat in the slaughterhouse if performed without removing the bovine head from the conveyor or hooks.

10. By way of derogation from point 5 and 7, Member States may decide to allow:

   (a) removal of spinal cord of ovine and caprine animals in cutting plants specifically authorised for this purpose;

   (b) removal of vertebral column from carcases or parts of carcases in butcher shops specifically authorised, monitored and registered for this purpose;

   (c) harvesting of head meat from bovine in cutting plants specifically authorised for this purpose in accordance with the following provisions:

   bovine heads intended for transport to cutting plants specifically authorised for the harvesting of head meat, shall comply with the following provisions:

   — the heads shall be suspended on a rack during the storing period and the transport from the slaughterhouse to the specifically authorised cutting plant,

[1] OJ L 273, 10.10.2002, p. 1.

— the frontal shot hole and the *foramen magnum* shall be properly sealed with an impermeable and durable stopper before being moved from the conveyor or hooks to the racks. Where the brainstem is sampled for laboratory testing for BSE, the *foramen magnum* shall be sealed immediately after that sampling,

— the heads which have not been properly sealed in accordance with the second indent, where the eyes are damaged or lost immediately prior to or after slaughter or which were otherwise damaged in a way which might result in contamination of the head meat with central nervous tissue shall be excluded from transport to the specifically authorised cutting plants,

— a sampling plan using an appropriate laboratory test to detect central nervous system tissue shall be in place to verify the proper implementation of the measures to reduce contamination;

the harvesting of head meat from bovine heads in cutting plants specifically authorised for this purpose shall be in accordance with a control system, recognised by the competent authority, to ensure the prevention of possible contamination of head meat. The system shall include at least:

— all heads shall be visually controlled for signs of contamination or damage and proper sealing before the commencement of the harvesting of the head meat,

— head meat shall not be harvested from heads which have not been properly sealed, where the eyes are damaged or which were otherwise damaged in a way which might result in contamination of the head meat with central nervous tissue. Head meat shall also not be harvested from any head where contamination from such heads is suspected,

— without prejudice to general rules on hygiene, specific working instructions shall be in place to prevent contamination of the head meat during transport and harvesting, in particular where the seal is lost or the eyes damaged during the activity,

— a sampling plan using an appropriate laboratory test to detect central nervous system tissue shall be in place to verify that the measures to reduce contamination are properly implemented.

11. All specified risk material shall be stained with a dye or, as appropriate, marked immediately on removal, and disposed of in accordance with the provisions laid down in Regulation (EC) No 1774/2002, and in particular Article 4(2).

12. Member States shall carry out frequent official inspections to verify the correct application of this part and shall ensure that measures are taken to avoid any contamination, particularly in slaughterhouses, cutting plants or other places where specified risk material is removed, such as butcher shops or establishments referred in point 5(c).

Member States shall in particular set up a system to ensure and check that:

(a) specified risk material used for purposes authorised pursuant to Article 1(2) and to Regulation (EC) No 1774/2002 are used solely for authorised purposes;

(b) specified risk material is disposed of in accordance with Regulation (EC) No 1774/2002.

13. Member States may decide to allow dispatch of heads or carcases containing specified risk material to another Member State after that other Member State has agreed to receive the material and has approved the specific conditions applicable to such transport.

However, carcases, half carcases or half carcases cut into no more than three wholesale cuts, and quarters containing no specified risk material other than vertebral column, including dorsal root ganglia, may be imported into a Member State, or dispatched to another Member State without the latter's prior agreement

14. A control system shall be put in place for the removal of the vertebral column as specified in point 1(a)(i). The system shall include at least the following measures:

(a) when removal of the vertebral column is not required, carcases or wholesale cuts of carcases of bovine animals containing vertebral column, shall be identified by a blue stripe on the label referred to in Regulation (EC) No 1760/2000;

(b) a specific indication of the number of bovine carcases or wholesale cuts of carcases, from which removal of the vertebral column is required and from which removal of the vertebral column is not required, shall be added to the commercial document referred to in Article 3(1)(A)(f)(ii) of Directive 64/433/EEC or to the document referred to in Article 1(2) of Commission Decision 93/13/EEC [1], as applicable;

(c) butcher shops shall keep, for at least one year, the commercial documents referred to in (b).

[1] OJ L 9, 15.1.1993, p. 3.

15. (a) The products of animal origin listed below shall be subject to the conditions laid down in (b) on import into the Community:

— the specified risk material referred to in point 1(a),

— fresh meat: the meat defined by Directive 64/433/EEC,

— minced meat and meat preparations: the minced meat and meat preparations defined by Directive 94/65/EC [1],

— meat products: the meat products defined by Directive 77/99/EEC [2],

— other products of animal origin: other products of animal origin as defined by Directive 77/99/EEC,

— rendered fats as referred to in Regulation (EC) No 1774/2002,

— gelatine as referred to by Directive 92/118/EEC and Regulation (EC) No 1774/2002,

— pet food as referred to in Regulation (EC) No 1774/2002,

— blood products as referred to in Regulation (EC) No 1774/2002

— the processed animal protein referred to in Regulation (EC) No 1774/2002,

— bones and bone products as referred to in Regulation (EC) No 774/2002,

— category 3 material as referred to in Regulation (EC) No 1774/2002.

Any reference to "products of animal origin" designates products of animal origin listed in this point and does not concern other products of animal origin containing or derived from those products of animal origin.

(b) When the abovementioned products of animal origin, containing material from bovine, ovine or caprine animals are imported into the Community from third countries or regions thereof, the health certificates shall be accompanied by a declaration signed by the competent authority of the country of production, worded as follows:

"This product does not contain and is not derived from:

either (*)

specified risk material as defined in Annex XI, section A, to Regulation (EC) No 999/2001 produced after 31 March 2001, or mechanically recovered meat obtained from bones of bovine, ovine or caprine animals produced after 31 March 2001. After 31 March 2001 the bovine, ovine and caprine animals, from which this product is derived, have not been slaughtered after stunning by means of gas injected into the cranial cavity or killed by the same method or slaughtered by laceration after stunning of central nervous tissue by means of an elongated rod-shaped instrument introduced into the cranial cavity.

Carcases, half carcases and quarter carcases may contain vertebral column on import;

or [3]

bovine, ovine and caprine materials other than those derived from animals born, continuously reared and slaughtered in the following countries:

— Argentina

— Australia

— Botswana

— Brazil

— Chile

— Costa Rica

— El Salvador

— Iceland

— Namibia

— New Zealand

— Nicaragua

— Panama

— Paraguay

— Singapore

— Swaziland

— Uruguay

— Vanuatu."'

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[1] Council Directive 94/65/EC of 14 December 1994 laying down the requirements for the production and placing on the market of minced meat and meat preparations (OJ L 368, 31.12.1994, p. 10).

[2] Council Directive 77/99/EEC of 21 December 1976 on health problems affecting intra-Community trade in meat products (OJ L 26, 31.1.1977, p. 85). Directive as last amended by Council Directive 97/76/EC (OJ L 10, 16.1.1998, p. 25).

(*) Delete one of these as appropriate.

[3] OJ 121, 29.7.1964, p. 2012/64

COMMISSION REGULATION (EC) No 1140/2003

of 27 June 2003

amending, in the sugar sector, Regulations (EC) Nos 779/96 laying down detailed rules of application as regards communications and 314/2002 laying down detailed rules for the application of the quota system

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 [1], as amended by Commission Regulation (EC) No 680/2002 [2], and in particular Articles 13(3), 15(8) and the second subparagraph of Article 41 thereof,

Whereas:

(1) Under Article 4 of Commission Regulation (EC) No 314/2002 [3] Member States are to establish provisional sugar, isoglucose and inulin syrup production figures. In the light of experience gained, the Member States' obligations under this provision should be clarified and provision should be made for these production figures to be notified to the Commission.

(2) Stock figures should be notified by the Member States in a specific way and external trade figures extracted from the Comext database of Eurostat. Provision should therefore be made for notification by Member States of stocks of the products in question based on a very precise definition of stocks that will ensure uniformity of application in the Member States. Provision should also be made for a breakdown by sugar type of the end-of-year stock in order to establish the balances by Member State.

(3) Since customs statistics do not distinguish the quantities of C sugar exported, these will have to be deducted from total exports of sugar in the natural state and, to this end, provision will have to be made for monthly notification by undertakings to Member States and by Member States to the Commission of the C sugar quantities exported.

(4) Article 6(4) of Regulation (EC) No 314/2002 specifies how the quantity of sugar, isoglucose and inulin syrup disposed of for consumption within the Community, referred to in Articles 15 and 16 of Regulation (EC) No 1260/2001, is to be determined. Experience shows a need to stipulate in that paragraph that the quantity in question is to be obtained by totalling the quantities produced and imported, subtracting those exported and adjusting for stock variations.

(5) To simplify administrative procedures, certain provisions of Commission Regulation (EC) No 779/96 [4], as amended by Regulation (EC) No 995/2002 [5], which the abovementioned modification of Regulation (EC) No 314/2002 renders obsolete or which experience has shown to be of no utility in market management, should be alleviated or deleted.

(6) Regulations (EC) No 779/96 and (EC) No 314/2002 should therefore be amended accordingly.

(7) The Management Committee for Sugar has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 779/96 is hereby amended as follows:

1. in the first subparagraph of Article 1, 'each week in respect of the preceding week' is replaced by 'when requested by it';
2. point 1 of Article 3 is deleted;
3. in point 1 of Article 5 'each week, in respect of the preceding week:' is replaced by 'each month, in respect of the preceding month:';
4. Article 6 is amended as follows:
   (a) in point 1, 'each week, in respect of the preceding week:' is replaced by 'each month, in respect of the preceding month:'
   (b) point 2 is deleted;
5. Articles 9 and 10 are deleted;
6. Chapters V, VI and VII are deleted;
7. Annexes I, II, III, IV and V are deleted.

Article 2

Regulation (EC) No 314/2002 is hereby amended as follows.

1. Article 4 is replaced by the following:

'*Article 4*

1. For each marketing year a Community supply balance for sugar, isoglucose and inulin syrup shall be drawn up and also a sugar supply balance for each Member State. The balances shall be consolidated at the end of the following marketing year.

[1] OJ L 178, 30.6.2001, p. 1.
[2] OJ L 104, 20.4.2002, p. 26.
[3] OJ L 50, 21.2.2002, p. 40.
[4] OJ L 106, 30.4.1996, p. 9.
[5] OJ L 152, 12.6.2002, p. 11.

2. Member States shall establish provisional sugar and inulin syrup production figures for the current marketing year for each undertaking located in their territories and notify them to the Commission before 1 March each year. Sugar production shall be broken down by month.

For the French departments of Guadeloupe and Martinique and for Spain as regards cane sugar, the provisional production shall be established and notified by 1 July each year.

3. Member States shall notify to the Commission before 1 June each year the areas and production of (a) beet for production of sugar, alcohol and other products respectively, and (b) chicory for production of inulin syrup, for the current marketing year and estimates of them for the following year.

4. Before 5 September each year Member States shall determine and notify to the Commission actual A, B and C production of sugar, isoglucose and inulin syrup respectively in the previous marketing year by each undertaking located in their territory. Sugar production shall be broken down by month.

5. Where it is necessary to amend actual sugar production on the basis of the information notified under paragraph 4, the resulting difference shall be taken into account in determining actual production in the marketing year during which this difference came to light.

6. Before 1 March each year Member States shall notify the Commission of the A and B sugar, isoglucose and inulin syrup allocations to each undertaking for the current marketing year.'

2. The following Articles 4a, 4b and 4c are added:

'Article 4a

1. Before the 15th day of each month each isoglucose-producing undertaking shall notify to the Member State on whose territory its production took place the quantities, expressed as dry matter, actually produced during the previous month.

Member States shall establish the isoglucose production of each such undertaking in each month and notify it to the Commission before the end of the second month following.

The quantities produced under inward processing arrangements shall be notified separately. They shall not count for the purposes of the second subparagraph.

2. Notwithstanding the first and second subparagraphs of paragraph 1, a Member State's competent authorities may decide, at an isoglucose-producing undertaking's substantiated written request:

(a) either to combine its May and June production of the previous marketing year and count the figure against the current marketing year;

(b) or to combine all or part of its June production of a marketing year with its July production of the next marketing year and count the figure against the latter marketing year.

In the case set out in point (b) of the first subparagraph, the request for combination must indicate at least the June production quantity to be combined with the July figure. That quantity may not exceed 7 % of the sum of the undertaking's A and B quotas for the marketing year during which the request for combination is made. The combined quantity shall be considered as the first production against the undertaking's quotas.

In reaching its decision the Member State shall take into account the undertaking's production situation and market demand, with particular reference to quotas and production levies. An undertaking may benefit from only one of the two combination types indicated in the first subparagraph in a given marketing year.

3. After agreement by the Member State the undertaking shall notify to it, before the following 15 July (in the case referred to in point (a) of the first subparagraph of paragraph 2) or 15 August (in the case referred to in point (b) of the first subparagraph of paragraph 2) the quantities, expressed as dry matter, actually produced during the two-month period, account taken as appropriate of the actual quantity to be combined referred to in the second subparagraph of paragraph 2.

4. The Member State shall establish and notify to the Commission, before 15 October, the combined isoglucose production of the undertaking concerned during the two months in question that is to be counted against the current marketing year's production, in accordance with point (a) or (b) respectively of the first subparagraph of paragraph 2.

5. The provisions of point (b) of the first subparagraph of paragraph 2 shall not be applicable to the last marketing year indicated in Article 10(1) of Regulation (EC) No 1260/2001.

Article 4b

1. Each undertaking to which a sugar production quota has been granted and each refinery covered by Article 7(4) of Regulation (EC) No 1260/2001 shall notify to the competent authority of the Member State in which production or refining took place, before the 20th of each month, the total quantities, expressed as white sugar, of the sugars and syrups indicated in Article 1(1)(a), (b), (c), and (d) of this Regulation:

— owned by it or covered by a warrant, and

— stored in free circulation on Community territory at the end of the previous month.

Those quantities shall be broken down by Member State of storage into:

— sugar produced by that undertaking under A and B quotas,

— sugar carried forward in accordance with Article 14 of Regulation (EC) No 1260/2001,

— C sugar, and

— other sugar.

2. The authority indicated in paragraph 1 may also, for the purposes of administrative and physical checks, require undertakings to notify exact storage locations and purchases and sales of sugar.

If storage is in a different Member State from the one notifying the Commission, the latter Member State shall inform the former of the quantities stored on its territory and their locations by the end of the following month.

Each Member State shall notify to the Commission, before the end of the second month following, the total quantity of sugar stored at the end of each month by the undertakings indicated in paragraph 1, broken down by sugar type as indicated in the second subparagraph thereof.

The notification for stocks on 30 June shall however break down each type of sugar in storage by Member State of storage. Where the type of sugar stored outside the country of production is not determined, this sugar is deemed to be A and B sugar.

Before 31 August 2003 Member States shall notify the stocks of sugar on 30 June 2002 and 30 June 2003, broken down by Member State of storage and sugar type as indicated in paragraph 1.

3. Each undertaking to which a production quota has been granted for isoglucose or inulin syrup shall notify to the competent authority of the Member State in which production took place, before 1 August, the quantities, expressed as white sugar equivalent, of isoglucose or inulin syrup owned by it and stored in free circulation on Community territory at the end of the previous marketing year, broken down into:

— isoglucose and inulin syrup produced by it under quotas A and B;

— C isoglucose and C inulin syrup; and

— other.

Member States shall notify to the Commission, before 1 September, the quantities of isoglucose and inulin syrup stored at the end of the previous marketing year, broken down as specified in the first subparagraph.

Article 4c

1. Undertakings producing C sugar shall notify to the competent authorities of the Member State in which it was produced, before the end of each month, the quantities they exported during the previous month. These shall be broken down by Member State of export.

Member States shall notify to the Commission, before the end of the second month following, the monthly quantity of C sugar exported by the undertakings indicated in the first subparagraph, broken down as specified therein.

On the basis of proof of export as indicated in Article 2 of Commission Regulation (EEC) No 2670/81 (*), Member States shall notify to the Commission, before 15 May, the quantity of C sugar exported in each month of the previous marketing year by the undertakings indicated in the first subparagraph, broken down as specified therein.

2. Undertakings that produced C sugar during one or both of the marketing years 2001/02 and 2002/03 shall before 1 August 2003 notify to the competent authorities of the Member State in which it was produced the quantities of it exported during the 2002/03 marketing year, broken down by Member State of export.

Member States shall notify to the Commission, before 5 September 2003, the quantities of C sugar exported by the above undertakings during the 2002/03 marketing year, broken down as specified therein.

(*) OJ L 262, 16.9.1981, p. 14.'

3. Article 6(4) is replaced by the following:

'4. The quantities disposed of for consumption in the Community to be recorded under Article 15(1)(b) and (2)(a) of Regulation (EC) No 1260/2001 shall be established by totalling the quantities, expressed as white sugar, of the sugars and syrups indicated in Article 1(1)(a), (b), (c), and (d) and of isoglucose and inulin syrup:

(a) stored at the beginning of the marketing year;

(b) produced under quotas A and B;

(c) imported in the natural state;

(d) contained in imported processed products;

subtracting the quantities referred to in the first subparagraph, expressed as white sugar, of sugar, isoglucose and inulin syrup:

(a) exported in the natural state;

(b) contained in exported processed products;

(c) stored at the end of the marketing year;

(d) for which certificates for production refunds as indicated in Article 7(3) of Regulation (EC) No 1260/2001 have been issued.

Quantities as indicated in points (c) and (d) of the first subparagraph and in points (a) and (b) of the second subparagraph shall be extracted from the Eurostat databases and shall, if the figures for a marketing year are incomplete, cover the most recent 12 months available. Quantities produced under inward processing arrangements shall not be counted.

Quantities as indicated in point (c) of the first subparagraph and point (a) of the second subparagraph shall include those consigned to the Canary Islands, Madeira and the Azores covered by Article 1(1a) of Regulation (EEC) No 2670/81.

The quantities of sugar, isoglucose and inulin syrup in the products indicated in point (d) of the first subparagraph and point (b) of the second subparagraph shall be established on the basis of the average sugar contents established for the products concerned and of Eurostat figures.

Quantities as indicated in point (a) of the second subparagraph shall exclude C sugar, C isoglucose, C inulin syrup and food aid.'

Article 3

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

It shall apply from 1 July 2003.

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

Done at Brussels, 27 June 2003.

For the Commission

Franz FISCHLER

Member of the Commission

COMMISSION REGULATION (EC) No 1141/2003

of 27 June 2003

determining for the 2002/03 marketing year actual production of unginned cotton and the ensuing guide price reduction

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to the Act of Accession of Greece, and in particular Protocol 4 thereto on cotton, as last amended by Council Regulation (EC) No 1050/2001 [1],

Having regard to Council Regulation (EC) No 1051/2001 of 22 May 2001 on production aid for cotton [2], and in particular the third indent of Article 19(2) thereof,

Whereas:

(1) The first subparagraph of Article 16(3) of Commission Regulation (EC) No 1591/2001 of 2 August 2001 laying down detailed rules for applying the cotton aid scheme [3], as amended by Regulation (EC) No 1486/2002 [4], states that the actual production of each marketing year is to be determined before 15 June of that year.

(2) The third indent of Article 19(2) of Regulation (EC) No 1051/2001 states that the actual production is to be determined taking account in particular of the quantities on which aid has been applied for.

(3) The second subparagraph of Article 16(3) of Regulation (EC) No 1591/2001 states the terms on which the quantity of unginned cotton produced is to be reckoned as the actual production.

(4) The Greek authorities have, using fibre yield as a quality criterion, recognised 1 166 268 tonnes of unginned cotton as eligible for aid.

(5) The Greek authorities have informed the Commission that on 15 May 2003 they did not recognise as eligible for aid 24 778 tonnes of unginned cotton consisting of 6 149 tonnes from areas not declared in line with Article 9 of Regulation (EC) No 1591/2001, 12 172 tonnes in respect of which national area reduction measures under Article 17(3) of Regulation (EC) No 1051/2001 were disregarded, and 6 457 tonnes from areas in respect of which financial compensation was paid to the growers on account of adverse weather conditions.

(6) As the financial compensation was granted on the basis of the losses actually suffered by the growers concerned, there is no justification for excluding the abovementioned 6 457 tonnes from actual production. Moreover, this quantity meets the requirements of the second subparagraph of Article 16(3) of Regulation (EC) No 1591/2001 and must therefore be added to the quantity of 1 166 268 tonnes.

(7) In consequence by application of fibre yield as a quality criterion actual Greek production of unginned cotton for the 2002/03 marketing year must be considered to total 1 172 925 tonnes.

(8) The Spanish authorities have, using fibre yield as a quality criterion, recognised 321 539 tonnes of unginned cotton as eligible for aid.

(9) The Spanish authorities have informed the Commission that on 15 May 2003 they did not recognise as eligible for aid 3 268 tonnes of unginned cotton consisting of 3 038 tonnes in respect of which national area reduction measures under Article 17(3) of Regulation (EC) No 1051/2001 were disregarded, 182 tonnes that was not of sound and fair merchantable quality as required by Article 15(1) of that Regulation, and 48 tonnes because the rules concerning contracts referred to in Article 11 of that Regulation were not complied with.

(10) Exclusion from actual production of the abovementioned 48 tonnes of unginned cotton on account of non-compliance with the rules concerning contracts is not justified. Moreover, this quantity meets the requirements of the second subparagraph of Article 16(3) of Regulation (EC) No 1591/2001 and must therefore be added to the quantity of 321 359 tonnes.

(11) In consequence by application of fibre yield as a quality criterion actual Spanish production of unginned cotton in the 2002/03 marketing year must be considered to total 321 588,5 tonnes.

(12) Having applied the quality criterion of fibre yield, the Portuguese authorities recognised as eligible for the aid 843 tonnes of unginned cotton originating from crop areas in Portugal. This quantity meets the requirements of the second subparagraph of Article 16(3) of Regulation (EC) No 1591/2001 and must accordingly be regarded as Portuguese actual production of unginned cotton for the 2002/03 marketing year.

[1] OJ L 148, 1.6.2001, p. 1.
[2] OJ L 148, 1.6.2001, p. 3.
[3] OJ L 210, 3.8.2001, p. 10.
[4] OJ L 223, 20.8.2002, p. 3.

(13) Article 7(2) of Regulation (EC) No 1051/2001 states that if the sum of the actual production determined for Spain and Greece exceeds 1 031 000 tonnes the guide price indicated in Article 3(1) of that Regulation is to be reduced in any Member State where actual production exceeds the guaranteed national quantity.

(14) For the 2002/03 marketing year the guaranteed national quantity is exceeded in both Spain and Greece. The guide price reductions for these countries are to be set in line with the percentage overshoot of the respective guaranteed national quantity.

(15) The first subparagraph of Article 7(4) of Regulation (EC) No 1051/2001 states that the guide price reduction in each Member State is to be 50 % of the percentage overshoot of its guaranteed national quantity.

(16) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Natural Fibres,

HAS ADOPTED THIS REGULATION:

Article 1

1. For the 2002/03 marketing year actual production of unginned cotton is determined as:

— Greece: 1 172 925 tonnes,

— Spain: 321 588,5 tonnes,

— Portugal: 843 tonnes.

2. The amount by which the guide price for 2002/03 is reduced is, per 100 kg of unginned cotton:

— Greece: EUR 26,575

— Spain: EUR 15,52

— Portugal: EUR 0.

Article 2

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, 27 June 2003.

For the Commission

Franz FISCHLER

Member of the Commission

COMMISSION REGULATION (EC) No 1142/2003

of 27 June 2003

amending Regulation (EC) No 2125/95 as regards the tariff quota for preserved mushrooms of the genus *Agaricus* allocated to Bulgaria

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2201/96 of 28 October 1996 on the common organisation of the markets in processed fruit and vegetable products [1], as last amended by Commission Regulation (EC) No 453/2002 [2], and in particular Article 15 (1) thereof,

Whereas:

(1) Commission Regulation (EC) 2125/95 [3], as last amended by Regulation (EC) No 225/2003 [4], has opened and provided for the administration of tariff quotas for preserved mushrooms.

(2) Council Decision 2003/286/EC of 8 April 2003 on 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 Bulgaria, of the other part, to take account of the outcome of negotiations between the Parties on new mutual agricultural concessions [5], has approved the arrangements for import into the Community applicable to certain agricultural products originating in Bulgaria.

(3) These arrangements entered into force on 1 June 2003.

(4) The allocation of quotas for preserved mushrooms of the genus *Agaricus* covered by CN codes 0711 51 00, 2003 10 20 and 2003 10 30 originating in Bulgaria set out in Annex I to Regulation (EC) No 2125/95 should be amended accordingly.

(5) Regulation (EC) No 2125/95 should therefore be amended accordingly.

(6) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Products Processed from Fruit and Vegetables,

HAS ADOPTED THIS REGULATION:

Article 1

Article 1 of Regulation (EC) No 2125/95 is replaced by the following text:

'*Article 1*

1. Tariff quotas for preserved mushrooms of the genus *Agaricus* falling within CN codes 0711 51 00, 2003 10 20 and 2003 10 30, shown in Annex I, shall be opened subject to the conditions laid down in this Regulation.

2. The rate of duty applicable shall be 12 % *ad valorem* in the case of products falling within CN code 0711 51 00 (Serial No 09.4062) and 23 % in the case of products falling within CN codes 2003 10 20 and 2003 10 30 (Serial No 09.4063). However, a single rate of 8,4 % shall apply in the case of the above products originating in Romania (Serial No 09.4726), and no duty shall apply in the case of the above products originating in Bulgaria (Serial No 09.4725).'

Article 2

Annex I to Regulation (EC) No 2125/95 is replaced by the text in the Annex to this Regulation.

Article 3

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

It shall apply from 1 June 2003.

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

Done at Brussels, 27 June 2003.

For the Commission

Franz FISCHLER

Member of the Commission

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[1] OJ L 297, 21.11.1996, p. 29.
[2] OJ L 72, 14.3.2002, p. 9.
[3] OJ L 212, 7.9.1995, p. 16.
[4] OJ L 31, 6.2.2003, p. 10.
[5] OJ L 102, 24.4.2003, p. 60.

ANNEX

'ANNEX I

Allocation as referred to in Article 2 in tonnes (net drained weight)

Supplier country	1 January to 31 December of each year
Bulgaria	2 625 (*)
Romania	500
China	22 750
Others	3 290
Reserve	1 000

(*) From 1 January to 31 December 2003, the allocation for Bulgaria shall be 2 313 tonnes.
As from 1 January 2005, the allocation for Bulgaria shall be increased by 250 tonnes each year.'

COMMISSION REGULATION (EC) No 1143/2003

of 27 June 2003

fixing the aid for unginned cotton from 1 July 2002 to 31 March 2003 for the 2002/03 marketing year

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Having regard to Council Regulation (EC) No 1051/2001 of 22 May 2001 on production aid for cotton [2], and in particular Article 2(1) thereof,

Whereas:

(1) Article 2(1) of Regulation (EC) No 1051/2001 lays down that the amount of the production aid for unginned cotton is to be fixed on the basis of the difference between, on the one hand, the guide price established in accordance with Article 3(1) and Article 7 of that Regulation and, on the other, the world market price determined in accordance with Article 4 thereof.

(2) Article 4(1) of Commission Regulation (EC) No 1591/2001 of 2 August 2001 laying down detailed rules for applying the cotton aid scheme [3], as amended by Regulation (EC) No 1486/2002 [4], provides that the amount of aid for unginned cotton applicable for each period for which a world market price for that product has been determined is to be fixed no later than 30 June.

(3) In accordance with Article 7 of Regulation (EC) No 1051/2001, Commission Regulation (EC) No 1141/2003 [5] fixed actual production of unginned cotton and the resulting reduction in the guide price for the 2002/03 marketing year.

(4) In accordance with Article 4(1) of Regulation (EC) No 1051/2001, the world market price for unginned cotton was fixed periodically during the 2002/03 marketing year.

(5) The amount of aid applicable for each period for which a world market price for unginned cotton has been determined should accordingly be fixed for the 2002/03 marketing year,

HAS ADOPTED THIS REGULATION:

Article 1

For the period from 1 July 2002 to 31 March 2003, the amounts of the aid for unginned cotton corresponding to the world market prices established in the Regulations listed in the Annex are fixed in that Annex from the date of entry into force of the Regulations concerned.

Article 2

This Regulation shall enter into force on the seventh 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, 27 June 2003.

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

[1] OJ L 148, 1.6.2001, p. 1.
[2] OJ L 148, 1.6.2001, p. 3.
[3] OJ L 210, 3.8.2001, p. 12.
[4] OJ L 223, 20.8.2002, p. 3.
[5] See page 37 of this Official Journal.

ANNEX

Aid for unginned cotton

(EUR per 100 kilograms)

Commission Regulation fixing the world market price for unginned cotton No	Aid amount		
	Greece	Spain	Portugal
1175/2002 [1]	57,373	68,428	83,948
1183/2002 [2]	55,658	66,713	82,233
1189/2002 [3]	57,162	68,217	83,737
1201/2002 [4]	55,470	66,525	82,045
1245/2002 [5]	55,670	66,725	82,245
1289/2002 [6]	57,093	68,148	83,668
1317/2002 [7]	57,555	68,610	84,130
1391/2002 [8]	55,648	66,703	82,223
1405/2002 [9]	55,487	66,542	82,062
1438/2002 [10]	57,077	68,132	83,652
1443/2002 [11]	55,394	66,449	81,969
1464/2002 [12]	55,340	66,395	81,915
1492/2002 [13]	55,275	66,330	81,850
1559/2002 [14]	55,336	66,391	81,911
1591/2002 [15]	57,147	68,202	83,722
1610/2002 [16]	55,606	66,661	82,181
1641/2002 [17]	57,197	68,252	83,772
1661/2002 [18]	55,717	66,772	82,292
1678/2002 [19]	57,166	68,221	83,741
1692/2002 [20]	55,616	66,671	82,191
1743/2002 [21]	55,569	66,624	82,144
1785/2002 [22]	57,351	68,406	83,926
1810/2002 [23]	55,655	66,710	82,230
1822/2002 [24]	57,098	68,153	83,673
1848/2002 [25]	55,425	66,480	82,000
1872/2002 [26]	55,308	66,363	81,883
1960/2002 [27]	55,047	66,102	81,622
2003/2002 [28]	55,006	66,061	81,581
2063/2002 [29]	54,805	65,860	81,380
2126/2002 [30]	53,769	64,824	80,344
2194/2002 [31]	54,107	65,162	80,682
2199/2002 [32]	51,892	62,947	78,467
2247/2002 [33]	53,628	64,683	80,203
2281/2002 [34]	51,995	63,050	78,570
2314/2002 [35]	52,084	63,139	78,659
2339/2002 [36]	51,887	63,050	78,462
12/2003 [37]	53,730	64,785	80,305
40/2003 [38]	51,921	62,976	78,496
53/2003 [39]	53,698	64,753	80,273
99/2003 [40]	54,052	65,107	80,627
196/2003 [41]	54,192	65,247	80,767
252/2003 [42]	54,066	65,121	80,641
264/2003 [43]	51,923	62,978	78,498

(EUR per 100 kilograms)

Commission Regulation fixing the world market price for unginned cotton No	Aid amount		
	Greece	Spain	Portugal
299/2003 ([44])	53,586	64,641	80,161
311/2003 ([45])	51,949	63,004	78,524
333/2003 ([46])	51,881	62,936	78,456
394/2003 ([47])	51,753	62,808	78,328
441/2003 ([48])	51,843	62,898	78,418
503/2003 ([49])	50,195	61,250	76,770
518/2003 ([50])	50,150	61,205	76,725

([1]) OJ L 170, 29.6.2002, p. 68.
([2]) OJ L 172, 2.7.2002, p. 23.
([3]) OJ L 173, 3.7.2002, p. 9.
([4]) OJ L 174, 4.7.2002, p. 30.
([5]) OJ L 181, 11.7.2002, p. 12.
([6]) OJ L 187, 16.7.2002, p. 29.
([7]) OJ L 192, 20.7.2002, p. 26.
([8]) OJ L 201, 31.7.2002, p. 36.
([9]) OJ L 203, 1.8.2002, p. 51.
([10]) OJ L 211, 7.8.2002, p. 6.
([11]) OJ L 212, 8.8.2002, p. 7.
([12]) OJ L 215, 10.8.2002, p. 9.
([13]) OJ L 224, 21.8.2002, p. 53.
([14]) OJ L 234, 31.8.2002, p. 15.
([15]) OJ L 239, 6.9.2002, p. 17.
([16]) OJ L 243, 11.9.2002, p. 12.
([17]) OJ L 247, 14.9.2002, p. 18.
([18]) OJ L 251, 19.9.2002, p. 8.
([19]) OJ L 253, 21.9.2002, p. 8.
([20]) OJ L 258, 26.9.2002, p. 26.
([21]) OJ L 263, 1.10.2002, p. 28.
([22]) OJ L 270, 8.10.2002, p. 9.
([23]) OJ L 274, 11.10.2002, p. 32.
([24]) OJ L 276, 12.10.2002, p. 25.
([25]) OJ L 279, 17.10.2002, p. 32
([26]) OJ L 281, 19.10.2002, p. 9.
([27]) OJ L 299, 1.11.2002, p. 37.
([28]) OJ L 308, 9.11.2002, p. 21.
([29]) OJ L 317, 21.11.2002, p. 26.
([30]) OJ L 325, 30.11.2002, p. 14.
([31]) OJ L 334, 11.12.2002, p. 20.
([32]) OJ L 335, 12.12.2002, p. 7.
([33]) OJ L 341, 17.12.2002, p. 60.
([34]) OJ L 347, 20.12.2002, p. 33.
([35]) OJ L 348, 21.12.2002, p. 110.
([36]) OJ L 349, 24.12.2002, p. 33.
([37]) OJ L 1, 4.1.2003, p. 64.
([38]) OJ L 5, 10.1.2003, p. 13.
([39]) OJ L 7, 11.1.2003, p. 73.
([40]) OJ L 14, 21.1.2003, p. 53.
([41]) OJ L 27, 1.2.2003, p. 25.
([42]) OJ L 34, 11.2.2003, p. 15.
([43]) OJ L 37, 13.2.2003, p. 18.
([44]) OJ L 43, 18.2.2003, p. 34.
([45]) OJ L 45, 19.2.2003, p. 14.
([46]) OJ L 47, 21.2.2003, p. 39.
([47]) OJ L 55, 1.3.2003, p. 51.
([48]) OJ L 66, 11.3.2003, p. 24.
([49]) OJ L 74, 20.3.2003, p. 25.
([50]) OJ L 75, 21.3.2003, p. 32.

COMMISSION REGULATION (EC) No 1144/2003

of 27 June 2003

amending Regulations (EC) Nos 1279/98, 1128/1999 and 1247/1999 as regards certain tariff quotas for certain live bovine animals and beef and veal products originating in the Slovak Republic, Republic of Bulgaria and Republic of 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 806/2003 [2], and in particular Article 32(1) thereof,

Whereas:

(1) Council Decision 2003/299/EC of 14 April 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 Slovak Republic, 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 live animals and beef and veal products under the tariff quotas opened by that Agreement, applicable from 1 May 2003.

(2) Council Decision 2003/286/EC of 8 April 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 Bulgaria, of the other part, to take account of the outcome of negotiations between the Parties on new mutual agricultural concessions [4] provides for new concessions as regards the importation of certain live animals and beef and veal products under the tariff quotas opened by that Agreement, applicable from 1 June 2003.

(3) 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 [5], as last amended by Regulation (EC) No 673/2003 [6], 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 [7], as last amended by Regulation (EC) No 673/2003 and 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 [8], as last amended by Regulation (EC) No 673/2003, should therefore be amended.

(4) Council Decisions 2003/298/EC of 14 April 2003 on 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 Czech Republic, of the other part, to take account of the outcome of negotiations between the parties on new mutual agricultural concessions [9] and Council Decision 2003/285/EC Council Decision of 18 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 Hungary, of the other part, to take account of the outcome of negotiations between the parties on new mutual agricultural concessions [10] repealed respectively Council Regulation (EC) No 2433/2000 of 17 October 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 the Czech Republic [11] and Council Regulation (EC) No 1408/2002 of 29 July 2002 establishing 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 Hungary [12]. The references made to those Regulations in Regulation (EC) No 1279/98 should, therefore, be replaced.

(5) Regulation (EC) No 1279/1998 provided for quarterly applications for import licences in order to ensure that quantities laid down are imported in an orderly fashion; while still meeting that objective experience has shown a need to allow for half-yearly applications, with the period of validity of the import licences being extended accordingly. The Regulation should be amended accordingly with effect from 1 July 2003.

[1] OJ L 160, 26.6.1999, p. 21.
[2] OJ L 122, 16.5.2003, p. 1.
[3] OJ L 107, 30.4.2003, p. 36.
[4] OJ L 102, 24.4.2003, p. 60.
[5] OJ L 176, 20.6.1998, p. 12.
[6] OJ L 97, 15.4.2003, p. 18.
[7] OJ L 135, 29.5.1999, p. 50.
[8] OJ L 150, 17.6.1999, p. 18.
[9] OJ L 107, 30.4.2003, p. 12.
[10] OJ L 102, 24.4.2003, p. 32.
[11] OJ L 280, 4.11.2000, p. 1.
[12] OJ L 205, 2.8.2002, p. 9.

(6) Decision 2003/299/EC and Decision 2003/286/EC provides for new concessions as of 1 May 2003 and 1 June 2003 respectively. Therefore, provisions should be made for the retrospective applicability of these concessions.

(7) 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

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 Decisions 2003/286/EC, 2003/298/EC, 2003/299/EC, 2003/18/EC, 2003/263/EC and 2003/285/EC for Bulgaria, the Czech Republic, Slovakia, Romania, the Republic of Poland and the Republic of Hungary.'

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

'Import licences shall be presented for imports into the Community of the products listed in Annex I hereto under the quotas provided for in Council Decisions 2003/286/EC (*), 2003/298/EC (**), 2003/299/EC (***), 2003/18/EC (****), 2003/263/EC (*****) and 2003/285/EC (******) for Bulgaria, the Czech Republic, Slovakia, Romania, the Republic of Poland and the Republic of Hungary.

(*) OJ L 102, 24.4.2003, p. 60.
(**) OJ L 107, 30.4.2003, p. 12.
(***) OJ L 107, 30.4.2003, p. 36.
(****) OJ L 8, 14.1.2003, p. 18.
(*****) OJ L 97, 15.4.2003, p. 53.
(******) OJ L 102, 24.4.2003, p. 32.'

3. Article 2 is replaced by the following:

'*Article 2*

The quantities referred to in Article 1 for each period set out in Annex I shall be broken down as follows:

— 50 % from 1 July to 31 December,

— 50 % from 1 January to 30 June.

Where the quantities covered by import licence applications submitted in respect of the first tranche specified in the first subparagraph are lower than those available, the remaining quantities shall be added to those available for the second tranche.'

4. in Article 3(1)(c), 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 originating in Slovak Republic and Hungary and 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 Slovak Republic and Romania.'

5. Article 5(2) is replaced by the following:

'2. Import licences issued pursuant to this Regulation shall be valid for 180 days from their actual day of issue within the meaning of Article 23(2) 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 agricultural products (*), as last amended by Regulation (EC) No 325/2003. However, no licence shall be valid after 30 June following the date of issue.

(*) OJ L 152, 24.6.2000, p. 1.'

6. Annex I is modified as follows:

— For the order number 09.4824, in the column 'Description', last indent, footnote (1) should be added with the following text:

'Coefficient for conversion to fresh meat = 2,14, providing meat content is > 60 %.'

— For the order number 09.4624, in the column 'Rate of duty applicable', '20 %' shall be replaced by 'free';

— For the order number 09.4651, in the column 'Rate of duty applicable', '20 %' shall be replaced by 'free'.

— The following quotas are to be introduced into Annex I:

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)
'Slovakia	09.4644	0206 10 95 0206 29 91 0210 20	Meat of bovine animals (offal)	Free	500	1 000	0
	09.4648	1602 50	Other prepared or preserved meat, meat of offal or blood of bovine animals	Free	100	200	0'

Article 2

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, Estonia, Latvia and Lithuania,

— reduced by 90 % for animals originating in Bulgaria, Hungary and Romania,

— abolished for animals originating in Poland.'

Article 3

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, Estonia, Latvia and Lithuania,

— reduced by 90 % for animals originating in Bulgaria, Hungary and Romania,

— abolished for animals originating in Poland.'

Article 4

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

Articles 1(3) and 1(5) shall apply from 1 July 2003.

Article 1(4) shall apply from 1 May 2003.

Article 1(6) shall apply:

— from 1 April 2003 for the order number 09.4824,

— from 1 May 2003 for the orders number 09.4624, 09.4644 and 09.4648,

— from 1 June 2003 for the order number 09.4651.

Articles 2 and 3 shall apply from 1 June 2003.

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

Done at Brussels, 27 June 2003.

For the Commission
Franz FISCHLER
Member of the Commission

COMMISSION REGULATION (EC) No 1145/2003

of 27 June 2003

amending Regulation (EC) No 1685/2000 as regards the rules of eligibility for co-financing by the Structural Funds

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1260/1999 of 21 June 1999 laying down general provisions on the Structural Funds [1], as amended by Regulation (EC) No 1447/2001 [2], and in particular Articles 30(3) and 53(2) thereof,

After consulting the Committee set up pursuant to Article 147 of the Treaty, the Committee on Agricultural Structures and Rural Development, and the Committee on Structures for Fisheries and Aquaculture,

Whereas:

(1) A common set of rules on eligibility is set out in the Annex to Commission Regulation (EC) No 1685/2000 of 28 of July 2000 laying down detailed rules for the implementation of Council Regulation (EC) No 1260/1999 as regards eligibility of expenditure of operations co-financed by the Structural Funds [3]. That Regulation entered into force on 5 August 2000.

(2) However, experience has shown that the eligibility rules need to be amended in several regards.

(3) In particular, it is appropriate to recognise the eligibility of charges for transnational financial transactions in the context of assistance under Peace II and the Community initiatives, subject to deduction of interest received on payments on account.

(4) It should also be made clear that payments into venture capital, loan and guarantee funds constitute expenditure actually paid out.

(5) It should be made more explicit that the eligibility of VAT for co-financing does not depend on whether the final beneficiary is public or private.

(6) As regards rural development, it should be made clear that the rule whereby proof of expenditure may take the form of receipted invoices should apply, but without prejudice to specific rules established in Commission Regulation (EC) No 445/2002 of 26 February 2002 laying down detailed rules for the application of Council Regulation (EC) No 1257/1999 on support for rural development from the European Agricultural Guidance and Guarantee Fund (EAGGF) [4], as amended by Regulation (EC) No 963/2003 [5], where standard unit costs for certain investments in the forestry sector have to be determined.

(7) For the sake of clarity and convenience, the Annex to Regulation (EC) No 1685/2000 should be replaced in its entirety.

(8) The regulatory provisions governing payments in venture capital, loan and guarantee funds, and the eligibility of VAT, have raised difficulties of interpretation.

(9) Having due regard to the principle of equal treatment, and for the purpose of taking into account the costs attributable to transnational financial charges, the relevant rules should apply retroactively.

(10) The measures provided for in this Regulation are in accordance with the opinion of the Committee on the Development and Conversion of Regions,

HAS ADOPTED THIS REGULATION:

Article 1

The Annex to Regulation (EC) No 1685/2000 is replaced by the text set out in the Annex to this Regulation.

Article 2

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

The following points in the Annex shall be applicable from 5 August 2000:

(a) in Rule 1, points 1.2, 1.3, 2.1, 2.2, and 2.3;

(b) in Rule 3, point 1;

(c) in Rule 7, points 1 to 5.

[1] OJ L 161, 26.6.1999, p. 1.
[2] OJ L 198, 21.7.2001, p. 1.
[3] OJ L 193, 29.7.2000, p. 39.
[4] OJ L 74, 15.3.2002, p. 1.
[5] OJ L 138, 5.6.2003, p. 32.

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

Done at Brussels, 27 June 2003.

For the Commission
Michel BARNIER
Member of the Commission

ANNEX

'ANNEX

ELIGIBILITY RULES

Rule No 1: Expenditure actually paid out

1. PAYMENTS BY FINAL BENEFICIARIES

1.1. Payments effected by final beneficiaries within the meaning of the third subparagraph of Article 32(1) of Regulation (EC) No 1260/1999 (hereinafter "the General Regulation") shall be in the form of cash subject to the exceptions indicated in point 1.5.

1.2. In the case of aid schemes under Article 87 of the Treaty and aid granted by bodies designated by the Member States "payments effected by final beneficiaries" means aid paid to final recipients, defined, for the purposes of this rule, as the public or private bodies carrying out the individual operation, by the bodies which grant the aid. Payments of aid by final beneficiaries must be justified by reference to the conditions and objectives of the aid.

1.3. Payments into venture capital, loan and guarantee funds (including venture capital holding funds) are treated as "expenditure actually paid out" within the meaning of the third subparagraph of Article 32(1) of the General Regulation provided that the funds meet the requirements of Rules 8 and 9 respectively.

1.4. In cases other than those referred to in point 1.2, "payments effected by final beneficiaries" means payments effected by the bodies or public or private firms of the type defined in the programme complement in accordance with Article 18(3)(b) of the General Regulation having direct responsibility for commissioning the specific operation.

1.5. Under the conditions set out in points 1.6, 1.7 and 1.8, depreciation, contributions in kind and overheads can also form part of the payments referred to in point 1.1. However, the Structural Funds' co-financing of an operation shall not exceed the total eligible expenditure, excluding contributions in kind, at the end of the operation.

1.6. The cost of depreciation of real estate or equipment for which there is a direct link with the objectives of the operation is eligible expenditure, provided that:

(a) national or Community grants have not contributed towards the purchase of such real estate or equipment;

(b) the depreciation cost is calculated in accordance with the relevant accountancy rules; and

(c) the cost relates exclusively to the period of co-financing of the operation in question.

1.7. In kind, contributions are eligible expenditure provided that:

(a) they consist in the provision of land or real estate, equipment or materials, research or professional activity, or unpaid voluntary work;

(b) they are not made in respect of financial engineering measures referred to in Rules 8, 9 and 10;

(c) their value can be independently assessed and audited;

(d) in the case of the provision of land or real estate, the value is certified by an independent qualified valuer or duly authorised official body;

(e) in the case of unpaid voluntary work, the value of that work is determined taking into account the amount of time spent and the normal hourly and daily rate for the work carried out; and

(f) the provisions of Rules 4, 5 and 6 are complied with where applicable.

1.8. Overheads are eligible expenditure provided that they are based on real costs which relate to the implementation of the operation co-financed by the Structural Funds and are allocated *pro rata* to the operation, according to a duly justified fair and equitable method.

1.9. The provisions of points 1.5 to 1.8 are applicable to final recipients referred to in point 1.2 in the case of aid schemes under Article 87 of the Treaty and aid granted by bodies designated by Member States.

1.10. Member States may apply stricter national rules for determining eligible expenditure under points 1.6, 1.7 and 1.8.

2. PROOF OF EXPENDITURE

2.1. As a general rule, payments by final beneficiaries, declared as interim payments and payments of the final balance, shall be supported by receipted invoices. Where this cannot be done, payments shall be supported by accounting documents of equivalent probative value.

2.2. As regards rural development, the provision specified in point 2.1 applies without prejudice to specific rules established in Regulation (EC) No 445/2002 for the case of the determination of standard unit costs for certain investments in the forestry sector.

2.3. In addition, where operations are executed in the framework of public procurement procedures' payments by final beneficiaries, declared as interim payments and payments of the final balance, shall be supported by receipted invoices issued in accordance with the provisions of the signed contracts. In all other cases, including the award of public grants, payments by final beneficiaries, declared as interim payments and payments of the final balance, shall be justified by expenditure actually paid (including expenditure referred to in point 1.5) by the final recipients defined in point 1.2.

3. SUBCONTRACTING

3.1. Without prejudice to the application of stricter national rules, expenditure relating to the following subcontracts is ineligible for co-financing by the Structural Funds:

(a) subcontracting which adds to the cost of execution of the operation, without adding proportionate value to it;

(b) subcontracts with intermediaries or consultants in which the payment is defined as a percentage of the total cost of the operation unless such payment is justified by the final beneficiary by reference to the actual value of the work or services provided.

3.2. For all subcontracts, subcontractors shall undertake to provide the audit and control bodies with all necessary information relating to the subcontracted activities.

Rule No 2: Accounting treatment of receipts

1. "Receipts" for the purposes of this rule covers revenue received by an operation during the period of its co-financing or during such longer period up to the closure of the assistance as may be fixed by the Member State, from sales, rentals, services, enrolment/fees or other equivalent receipts with the exception of:

(a) receipts generated throughout the economic lifetime of the co-financed investments and subject to the specific provisions of Article 29(4) of the General Regulation;

(b) receipts generated within the framework of financial engineering measures referred to in Rules 8, 9 and 10;

(c) contributions from the private sector to the co-financing of operations, which appear alongside public contributions in the financing tables of the relevant assistance.

2. Receipts under point 1 represent income which reduces the amount of co-financing under the Structural Funds that is required for the operation in question. Before the Structural Funds' participation is calculated and no later than at the time of the closure of the assistance, they are deducted from the operation's eligible expenditure in their entirety or *pro rata*, depending on whether they were generated entirely or only in part by the co-financed operation.

Rule No 3: Financial and other charges and legal expenses

1. FINANCIAL CHARGES

Debit interest (other than expenditure on interest subsidies to reduce the cost of borrowing for businesses under an approved State aid scheme), charges for financial transactions, foreign exchange commissions and losses, and other purely financial expenses are not eligible for co-financing by the Structural Funds. However, charges for transnational financial transactions within assistance under PEACE II and the Community Initiatives (INTERREG III, LEADER+, EQUAL and URBAN II) are eligible for cofinancing by the Structural Funds after deduction of interest received on payment on account. Furthermore, in the case of global grants, debit interest charges paid by the designated intermediary prior to payment of the final balance of the assistance are eligible, after deduction of interest received on payment on account.

2. BANK CHARGES ON ACCOUNTS

Where co-financing by the Structural Funds requires the opening of a separate account or accounts for implementing an operation, the bank charges for opening and administering the accounts, are eligible.

3. LEGAL FEES FOR ADVICE, NOTARY FEES, THE COSTS OF TECHNICAL OR FINANCIAL EXPERTISE, AND ACCOUNTANCY OR AUDIT COSTS

These costs are eligible if they are directly linked to the operation and are necessary for its preparation or implementation or, in the case of accounting or audit costs, if they relate to requirements by the managing authority.

4. COSTS OF GUARANTEES PROVIDED BY A BANK OR OTHER FINANCIAL INSTITUTION

These costs are eligible to the extent that the guarantees are required by national or Community legislation or in the Commission Decision approving the assistance.

5. FINES, FINANCIAL PENALTIES AND EXPENSES OF LITIGATION

These expenses are not eligible.

Rule No 4: Purchase of second-hand equipment

The purchase costs of second-hand equipment are eligible for co-financing by the Structural Funds under the following three conditions without prejudice to the application of stricter national rules:

(a) the seller of the equipment shall provide a declaration stating its origin, and confirm that at no point during the previous seven years has it been purchased with the aid of national or Community grants;

(b) the price of the equipment shall not exceed its market value and shall be less than the cost of similar new equipment; and

(c) the equipment shall have the technical characteristics necessary for the operation and comply with applicable norms and standards.

Rule No 5: Purchase of land

1. GENERAL RULE

1.1. The cost of purchase of land not built on shall be eligible for co-financing by the Structural Funds under the following three conditions without prejudice to the application of stricter national rules:

(a) there shall be a direct link between the land purchase and the objectives of the operation co-financed;

(b) except in the cases described in point 2, the land purchase may not represent more than 10 % of the total eligible expenditure of the operation, unless a higher percentage is fixed in the assistance approved by the Commission;

(c) a certificate shall be obtained from an independent qualified valuer or duly authorised official body confirming that the purchase price does not exceed the market value.

1.2. In the case of aid schemes under Article 87 of the Treaty, the eligibility of land purchase shall be assessed in terms of the aid scheme in its entirety.

2. ENVIRONMENTAL CONSERVATION OPERATIONS

For environmental conservation operations, all the conditions indicated below shall be met for the expenditure to be eligible:

— the purchase is the subject of a positive decision by the managing authority;

— the land is devoted to the intended use for a period determined in that decision;

— the land is not for agricultural purposes save in duly justified cases accepted by the managing authority;

— the purchase is made by or on behalf of a public institution or a body governed by public law.

Rule No 6: Purchase of real estate

1. GENERAL RULE

The cost of purchase of real estate, i.e. buildings already constructed and the land on which they are built, is eligible for co-financing by the Structural Funds if there is a direct link between the purchase and the objectives of the operation concerned under the conditions set out in point 2 without prejudice to the application of stricter national rules.

2. TERMS OF ELIGIBILITY

2.1. A certificate shall be obtained from an independent qualified valuer or duly authorised official body establishing that the price does not exceed the market value, and either attesting that the building is in conformity with national regulations or specifying the points which are not in conformity where their rectification by the final beneficiary is foreseen under the operation.

2.2. The building shall not have received, within the previous 10 years, a national or Community grant which would give rise to a duplication of aid in the event of co-financing of the purchase by the Structural Funds.

2.3. The real estate shall be used for the purpose and for the period decided by the managing authority.

2.4. The building may only be used in conformity with the objectives of the operation. In particular, the building may be used to accommodate public administration services only where such use is in conformity with eligible activities of the Structural Fund concerned.

Rule No 7: VAT and other taxes and charges

1. VAT does not constitute eligible expenditure except where it is genuinely and definitively borne by the final beneficiary, or final recipient within the aid schemes pursuant to Article 87 of the Treaty and in the case of aid granted by the bodies designated by the Member States. VAT which is recoverable, by whatever means, cannot be considered eligible, even if it is not actually recovered by the final beneficiary or final recipient. The public or private status of the final beneficiary or the final recipient is not taken into account for the determination whether VAT constitutes eligible expenditure in application of the provisions of this rule.

2. VAT which is not recoverable by the final beneficiary or final recipient by virtue of the application of specific national rules shall only constitute eligible expenditure where such rules are in full compliance with the Sixth Council Directive 77/388/EEC ([1]) on VAT.

3. Where the final beneficiary or final recipient is subject to a flat-rate scheme under Title XIV of Directive 77/388/EEC, VAT paid is considered recoverable for the purposes of point 1.

4. Community co-financing may not exceed total eligible expenditure excluding VAT, without prejudice to the provisions of Article 29(6) of the General Regulation.

5. Other taxes and charges (in particular direct taxes and social security contributions on wages and salaries) which arise from co-financing by the Structural Funds do not constitute eligible expenditure except where they are genuinely and definitively borne by the final beneficiary or final recipient.

Rule No 8: Venture capital and loan funds

1. GENERAL RULE

The Structural Funds may co-finance the capital of venture capital and/or loan funds or of venture capital holding funds (hereinafter "funds") under the conditions set out in point 2. For the purposes of this Rules, "Venture capital funds and loan funds" means investment vehicles established specifically to provide equity or other forms of risk capital, including loans, to small and medium-sized enterprises as defined in Commission Recommendation 96/280/EC ([2]). "Venture capital holding funds" means funds set up to invest in several venture capital and loan funds. The Structural Funds' participation in funds may be accompanied by co-investments or guarantees from other Community financing instruments.

([1]) OJ L 145, 13.6.1977, p. 1.
([2]) OJ L 107, 30.4.1996, p. 4.

2. CONDITIONS

2.1. A prudent business plan shall be submitted by the co-financiers or sponsors of the fund specifying, *inter alia*, the targeted market, the criteria, terms and conditions of financing, the operational budget of the fund, the ownership and co-financing partners, the professionalism, competence and independence of the management, the fund's by-laws, the justification and intended utilisation of the Structural Funds' contribution, the investment exit policy, and the winding-up provisions of the fund, including the reutilisation of returns attributable to the contribution from the Structural Funds. The business plan shall be carefully appraised and its implementation monitored by or under the responsibility of the managing authority.

2.2. The fund shall be set up as an independent legal entity governed by agreements between the shareholders or as a separate block of finance within an existing financial institution. In the latter case the fund shall be subject to a separate implementation agreement, stipulating in particular the keeping of separate accounts distinguishing the new resources invested in the fund (including those contributed by the Structural Funds) from those initially available in the institution. All participants in the fund shall make their contributions in cash.

2.3. The Commission cannot become a partner or shareholder in the fund.

2.4. The contribution from the Structural Funds shall be subject to the limits laid down in Article 29(3) and (4) of the General Regulation.

2.5. Funds may invest only in SMEs at their establishment, early stages (including seed capital) or expansion and only in activities which the fund managers judge potentially economically viable. The assessment of the viability should take into account all sources of income of the enterprises in question. Funds shall not invest in firms in difficulty within the meaning of the Community Guidelines on State aid for rescuing and restructuring firms in difficulty ([1]).

2.6. Precautions should be taken to minimise distortion of competition in the venture capital or lending market. In particular returns from equity investments and loans (less pro-rata share of the management costs) may be preferentially allocated to the private sector shareholders up to the level of remuneration laid down in the shareholder agreement, and after that, they shall be allocated proportionally between all shareholders and the Structural Funds. Returns to the fund attributable to the Structural Funds' contributions shall be reused for SME development activities in the same eligible area.

2.7. Management costs may not exceed 5 % of the paid-up capital on a yearly average for the duration of the assistance unless, after a competitive tender, a higher percentage proves necessary.

2.8. At the time of the closure of the operation, the eligible expenditure of the fund (the final beneficiary) shall be the capital of the fund that has been invested in or loaned out to SMEs, including the management costs incurred.

2.9. Contributions to funds from the Structural Funds and other public sources, as well as the investments made by funds in individual SMEs, are subject to the rules on State aid.

3. RECOMMENDATIONS

3.1. The Commission recommends the standards of good practice set out in points 3.2 to 3.6 for funds to which the Structural Funds contribute. The Commission will regard compliance with these recommendations as a positive element when it examines the fund's compatibility with State aid rules. The recommendations are not binding for the purposes of the eligibility of expenditure.

3.2. The financial contribution of the private sector should be substantial, and above 30 %.

3.3. Funds should be large enough and cover a wide enough target population to ensure that their operations are potentially economically viable, with a time scale for investments compatible with the period of the Structural Funds' participation, and focusing on areas of market failure.

3.4. The timing of payments of capital into the fund should be the same for the Structural Funds and the shareholders, and *pro rata* to the stakes subscribed.

3.5. Funds should be managed by independent professional teams with sufficient business experience to demonstrate the necessary capability and credibility to manage a venture capital fund. Management teams should be chosen on the basis of a competitive selection process, taking into account the level of fees envisaged.

3.6. Funds should not normally acquire majority stakes in firms and should pursue the objective of realising all investments within the life of the fund.

([1]) OJ C 288, 9.10.1999, p. 2.

Rule No 9: Guarantee funds

1. GENERAL RULE

The Structural Funds may co-finance the capital of guarantee funds under the conditions set out in point 2. For the purposes of this Rule, "Guarantee funds" mean financing instruments that guarantee venture capital and loan funds within the meaning of Rule No 8 and other SME risk financing schemes (including loans) against losses arising from their investments in small and medium-sized enterprises as defined in Recommendation 96/280/EC. The funds may be publicly-supported mutual funds subscribed by SMEs, commercially-run funds with private sector partners, or wholly publicly-financed funds. The Structural Funds' participation in funds may be accompanied by part-guarantees provided by other Community financing instruments.

2. CONDITIONS

2.1. A prudent business plan shall be submitted by the co-financiers or sponsors of the fund in the same way as for venture capital funds (Rule No 8), *mutatis mutandis*, and specifying the target guarantee portfolio. The business plan shall be carefully appraised and its implementation monitored by or under the responsibility of the managing authority.

2.2. The fund shall be set up as an independent legal entity governed by agreements between the shareholders or as a separate block of finance within an existing financial institution. In the latter case the "fund" shall be subject to a separate implementation agreement, stipulating in particular the keeping of separate accounts distinguishing the new resources invested in the fund (including those contributed by the Structural Funds) from those initially available in the institution.

2.3. The Commission cannot become a partner or shareholder in the fund.

2.4. Funds may only guarantee investments in activities that are judged potentially economically viable. Funds shall not provide guarantees for firms in difficulty within the meaning of the Community guidelines on State aid for rescuing and restructuring firms in difficulty.

2.5. Any part of the Structural Funds' contribution left over after the guarantees have been honoured shall be reused for SME development activities in the same eligible area.

2.6. Management costs may not exceed 2 % of the paid-up capital on a yearly average for the duration of the assistance unless, after a competitive tender, a higher percentage proves necessary.

2.7. At the time of the closure of the operation, the eligible expenditure of the fund (the final beneficiary) shall be the amount of the paid-up capital of the fund necessary, on the basis of an independent audit, to cover the guarantees provided including the management costs incurred.

2.8. Contributions to guarantee funds from the Structural Funds and other public sources, as well as the guarantees provided by such funds to individual SMEs are subject to the rules on State aid.

Rule No 10: Leasing

1. GENERAL RULE

Expenditure incurred in relation to leasing operations is eligible for co-financing under the Structural Funds subject to the rules set out in points 2 to 4.

2. AID VIA LESSOR

2.1. The lessor is the direct recipient of the Community co-financing, which is used for the reduction of the lease rental payments made by the lessee in respect of assets covered by the leasing contract.

2.2. Leasing contracts for which Community aid is paid shall include an option to purchase or provide for a minimum leasing period equal to that of the useful life of the asset to which the contract relates.

2.3. Where a leasing contract is terminated before expiry of the minimum leasing period without the prior approval of the competent authorities, the lessor shall undertake to repay to the national authorities concerned (for credit to the appropriate fund) that part of the Community aid corresponding to the remainder of the leasing period.

2.4. The purchase of the asset by the lessor, supported by a receipted invoice or an accounting document of equal probative value, constitutes the expenditure eligible for co-financing. The maximum amount eligible for Community co-financing shall not exceed the market value of the asset leased.

2.5. Costs connected with the leasing contract (notably tax, lessor's margin, interest refinancing costs, overheads, insurance charges), other than the expenditure referred to in point 2.4, are not eligible expenditure.

2.6. Community aid paid to the lessor shall be used in its entirety for the benefit of the lessee by means of a uniform reduction in all the leasing rentals for the duration of the leasing period.

2.7. The lessor shall demonstrate that the benefit of the Community aid will be transferred fully to the lessee by establishing a breakdown of the rental payments or by an alternative method giving equivalent assurance.

2.8. The costs referred to in point 2.5, the use of any fiscal benefits arising from the leasing operation, and other conditions of the contract shall be equivalent to those applicable in the absence of any Community financial intervention.

3. AID TO LESSEE

3.1. The lessee is the direct recipient of the Community co-financing.

3.2. The leasing rentals paid to the lessor by the lessee, supported by a receipted invoice or an accounting document of equivalent probative value, constitute the expenditure eligible for co-financing.

3.3. In the case of leasing contracts which include an option to purchase or which provide for a minimum leasing period equal to the useful life of the asset to which the contract relates, the maximum amount eligible for Community co-financing shall not exceed the market value of the asset leased. Other costs connected with the leasing contract (tax, lessor's margin, interest refinancing costs, overheads, insurance charges, etc.) are not eligible expenditure.

3.4. The Community aid in respect of leasing contracts referred to under point 3.3 is paid to the lessee in one or more tranches in respect of leasing rentals effectively paid. Where the term of the leasing contract exceeds the final date for taking account of payments under the Community assistance, only expenditure in relation to leasing rentals falling due and paid by the lessee up to the final date for payment under the assistance can be considered eligible.

3.5. In the case of leasing contracts which do not contain an option to purchase and whose duration is less than the period of the useful life of the asset to which the leasing contract relates, the leasing rentals are eligible for co-financing by the Community in proportion to the period of the eligible operation. However, the lessee must be able to demonstrate that leasing was the most cost-effective method for obtaining the use of the equipment. Where the costs would have been lower if an alternative method (for example hiring of the equipment) had been used, the additional costs shall be deducted from the eligible expenditure.

3.6. Member States may apply stricter national rules for determining eligible expenditure under points 3.1 to 3.5.

4. SALE AND LEASE-BACK

Leasing rentals paid by a lessee under a sale and lease-back scheme may be eligible expenditure under the rules set out in point 3. The acquisition costs of the asset are not eligible for Community co-financing.

Rule No 11: Costs incurred in managing and implementing the Structural Funds

1. GENERAL RULE

Costs incurred by Member States in the management, implementation, monitoring and control of the Structural Funds are ineligible for co-financing except as provided for in point 2 and falling within the categories set out in point 2.1.

2. CATEGORIES OF MANAGEMENT, IMPLEMENTATION, MONITORING AND CONTROL EXPENDITURE ELIGIBLE FOR CO-FINANCING

2.1. The following categories of expenditure are eligible for co-financing under assistance under the conditions set out in points 2.2 to 2.7:

— expenditure relating to the preparation, selection, appraisal and monitoring of the assistance and of operations (but excluding expenditure on the acquisition and installation of computerised systems for management, monitoring and evaluation);

— expenditure on meetings of monitoring committees and sub-committees relating to the implementation of assistance. This expenditure may also include the costs of experts and other participants in these committees, including third-country participants, where the chairperson of such committees considers their presence essential to the effective implementation of the assistance;

— Expenditure relating to audits and on-the-spot checks of operations.

2.2. Expenditure on salaries including social security contributions is eligible only in the following cases:

(a) civil servants or other public officials seconded by duly documented decision of the competent authority to carry out tasks referred to in point 2.1;

(b) other staff employed to carry out tasks referred to in point 2.1.

The period of secondment or employment may not exceed the final date for the eligibility of expenditure laid down in the decision approving the assistance.

2.3. The Structural Funds' contribution to the expenditure under point 2.1 shall be limited to a maximum amount which will be fixed in the assistance approved by the Commission and shall not exceed the limits set out in points 2.4 and 2.5.

2.4. For all assistance, except Community Initiatives, the PEACE II special programme and innovative actions, the limit shall be the sum of the following amounts:

— 2.5 % of that part of the total Structural Funds' contribution less than or equal to EUR 100 million;

— 2 % of that part of the total Structural Funds' contribution which exceeds EUR 100 million but is less than or equal to EUR 500 million;

— 1 % of that part of the total Structural Funds' contribution which exceeds EUR 500 million but is less than or equal to EUR 1 000 million;

— 0.5 % of that part of the total Structural Funds' contribution which exceeds EUR 1 000 million.

2.5. For Community Initiatives, innovative actions and the PEACE II special programme, the limit shall be 5 % of the Structural Funds' total contribution. Where such assistance involves the participation of more than one Member State this limit may be increased to take account of higher costs of management and implementation and will be fixed in the Commission's decision.

2.6. For the purposes of calculating the amount of the limits in points 2.4 and 2.5, the Structural Funds' total contribution shall be the total fixed in each assistance approved by the Commission.

2.7. The implementation of points 2.1 to 2.6 of this Rule shall be agreed between the Commission and the Member States and laid down in the assistance. The rate of the contribution will be fixed in accordance with Article 29(7) of the General Regulation. For the purposes of monitoring, the costs referred to in 2.1 will be the subject of a separate measure or sub-measure within technical assistance.

3. OTHER EXPENDITURE UNDER TECHNICAL ASSISTANCE

Actions which can be co-financed under technical assistance, other than those set out in point 2 (such as studies, seminars, information actions, evaluation, and the acquisition and installation of computerised systems for management, monitoring and evaluation), are not subject to the conditions set out in points 2.4 to 2.6. Expenditure on the salaries of civil servants or other public officials in carrying out such actions is not eligible.

4. EXPENDITURE BY PUBLIC ADMINISTRATIONS RELATING TO THE EXECUTION OF OPERATIONS

The following expenditure of public administrations is eligible for co-financing outside technical assistance if it relates to the execution of an operation provided that it does not arise from the statutory responsibilities of the public authority or the authority's day-to-day management, monitoring and control tasks:

(a) costs of professional services rendered by a public service in the implementation of an operation. The costs must be either invoiced to a final beneficiary (public or private) or certified on the basis of documents of equivalent probative value which permit the identification of real costs paid by the public service concerned in relation to that operation;

(b) costs of the implementation of an operation, including the expenditure related to the provision of services, borne by a public authority that is itself the final beneficiary and which is executing an operation on its own account without recourse to outside engineers or other firms. The expenditure concerned must relate to expenditure actually and directly paid on the co-financed operation and must be certified on the basis of documents which permit the identification of real costs paid by the public service concerned in relation to that operation.

Rule No 12: Eligibility of operations depending on the location

1. GENERAL RULE

As a general rule, operations co-financed by the Structural Funds shall be located in the region to which the assistance relates.

2. EXCEPTION

2.1. Where the region to which the assistance relates will benefit wholly or partly from an operation located outside that region, the operation may be accepted by the managing authority for co-financing provided that all the conditions set out in points 2.2 to 2.4 are satisfied. In other cases on operation may be accepted as eligible for co-financing under the procedure in point 3. For operations financed under the Financial Instrument for Fisheries Guidance (FIFG), the procedure under point 3 must always be followed.

2.2. The operation must be located in a NUTS III area of the Member State immediately adjacent to the region to which the assistance relates.

2.3. The maximum eligible expenditure of the operation is determined pro rata to the proportion of the benefits from the operation which it is foreseen will accrue to the region and shall be based on an evaluation by a body independent of the managing authority. The benefits shall be assessed taking account of the specific targets of the assistance and its expected impact. The operation cannot be accepted for co-financing where the proportion of benefits is less than 50 %.

2.4. For each measure of the assistance, the eligible expenditure of the operations accepted under point 2.1 should not exceed 10 % of the total eligible expenditure of the measure. In addition, the eligible expenditure of all operations in the assistance accepted under point 2.1 should not exceed 5 % of the total eligible expenditure of the assistance.

2.5. Operations accepted by the managing authority under point 2.1 shall be indicated in the annual and final implementation reports of the assistance.

3. OTHER CASES

In the case of operations located outside the region to which the assistance relates but which do not fulfil the conditions of point 2, and of operations financed under the FIFG, the acceptance of the operation for co-financing shall be subject to prior approval by the Commission on a case-by-case basis following a request submitted by the Member State, taking into account in particular the proximity of the operation to the region, the level of benefit to the region which can be foreseen, and the amount of the expenditure in proportion to the total expenditure under the measure and under the assistance. In the case of assistance relating to the outermost regions, the procedure in this point will be applicable.'

COMMISSION REGULATION (EC) No 1146/2003

of 27 June 2003

opening and providing for the administration of an import tariff quota for frozen beef intended for processing (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 [1], as last amended by Regulation (EC) No 806/2003 [2], and in particular Article 32(1) thereof,

Whereas:

(1) The WTO schedule CXL requires the Community to open an annual import tariff quota of 50 700 tonnes of frozen beef intended for processing. Implementing rules should be laid down for the quota year 2003/04, starting 1 July 2003.

(2) The import of frozen beef under the tariff quota is subject to customs import duties and to the conditions laid down under serial number 13 of Annex 7 to the third part of Annex I to Council Regulation (EEC) No 2658/87 [3], as last amended by Commission Regulation (EC) No 2176/2002 [4]. The breakdown of the tariff quota into each of the arrangements referred to above should be made taking into account the experience gained in respect of similar imports in the past.

(3) So as to avoid speculation, access to the quota should be allowed only to active processors carrying out processing in a processing establishment approved in accordance with Article 8 of Council Directive 77/99/EEC of 21 December 1976 on health problems affecting intra-Community trade in meat products [5], as last amended by Regulation 807/2003/EC [6].

(4) Imports into the Community under the tariff quota are subject to presentation of an import licence in accordance with the first subparagraph of Article 29(1) of Regulation (EC) No 1254/1999. It must be possible to issue licences following allocations of import rights on the basis of applications from eligible processors. The 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 agricultural products [7], as last amended by Regulation (EC) No 325/2003 [8], and 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 [9], as last amended by Regulation (EC) No 852/2003 [10], shall apply to import licences issued under this Regulation.

(5) In order to prevent speculation, import licences should be issued to processors solely for the quantities for which they have been allocated import rights. Moreover, for the same reason, security should be lodged together with the application for import rights. The application for import licences corresponding to the allocated rights must be 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 [11], as last amended by Regulation (EC) No 1932/1999 [12].

(6) 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 application submitted by that date. In the light of the experience obtained, that allocation should be limited to processors who have converted all their import rights initially allocated into import licences.

(7) The application of the present tariff quota requires strict surveillance of imports and effective checks as to their use and destination. The processing should therefore be authorised only in the establishment referred to in the import licence.

(8) A security shall be lodged in order to ensure that the imported meat is used according to the tariff quota specifications. The amount of security should be fixed taking into account the difference between the customs duties applicable within and outside the quota.

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

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[1] OJ L 160, 26.6.1999, p. 21.
[2] OJ L 122, 16.5.2003, p. 1.
[3] OJ L 256, 7.9.1987, p. 1.
[4] OJ L 331, 7.12.2002, p. 3.
[5] OJ L 26, 31.1.1977, p. 85.
[6] OJ L 122, 16.5.2003, p. 36.
[7] OJ L 152, 24.6.2000, p. 1.
[8] OJ L 47, 21.2.2003, p. 21.
[9] OJ L 143, 27.6.1995, p. 35.
[10] OJ L 123, 17.5.2003, p. 9.
[11] OJ L 205, 3.8.1985, p. 5.
[12] OJ L 240, 10.9.1999, p. 11.

HAS ADOPTED THIS REGULATION:

Article 1

An import tariff quota of 50 700 tonnes, bone-in equivalent of frozen beef falling within CN code 0202 20 30, 0202 30 10, 0202 30 50, 0202 30 90 or 0206 29 91 and intended for processing in the Community (the quota) is hereby opened for the period 1 July 2003 to 30 June 2004 subject to the conditions laid down in this Regulation.

Article 2

1. For the purposes of this Regulation, an A-product shall be defined as a processed product falling within CN code 1602 10, 1602 50 31, 1602 50 39 or 1602 50 80, not containing meat other than that of animals of the bovine species, with a collagen/protein ratio of no more than 0,45 and containing by weight at least 20 % of lean meat excluding offal and fat with meat and jelly accounting for at least 85 % of the total net weight.

The collagen content shall be taken to mean the hydroxyproline content multiplied by the factor 8. The hydroxyproline content shall be determined according to ISO method 3496-1994.

The lean bovine meat content excluding fat shall be determined in accordance with the procedure laid down in the Annex to Commission Regulation (EEC) No 2429/86 ([1]).

Offal includes the following: heads and cuts thereof (including ears), feet, tails, hearts, udders, livers, kidneys, sweetbreads (thymus glands and pancreas), brains, lungs, throats, thick skirts, spleens, tongues, caul, spinal cords, edible skin, reproductive organs (i.e. uteri, ovaries and testes), thyroid glands, pituitary glands.

The product shall be subjected to a heat treatment sufficient to ensure the coagulation of meat proteins in the whole of the product which may not show any traces of a pinkish liquid on the cut surface when the product is cut along a line passing through its thickest part.

2. For the purposes of this Regulation, a B-product shall be defined as a processed product containing beef, other than:

(a) the products specified in Article 1(1)(a) of Regulation (EC) No 1254/1999, or

(b) the products referred to under paragraph 1.

However, a processed product falling within CN code 0210 20 90 which has been dried or smoked so that the colour and consistency of the fresh meat has totally disappeared and with a water/protein ratio not exceeding 3.2 shall be considered to be a B-product.

Article 3

1. The overall quantity referred to in Article 1 shall be divided into two quantities:

(a) 40 000 tonnes of frozen beef intended for the manufacture of A-products;

(b) 10 700 tonnes of frozen beef intended for the manufacture of B-products;

2. The quota shall bear the following serial numbers:

— 09.4057 for the quantity referred to in paragraph 1(a),

— 09.4058 for the quantity referred to in paragraph 1(b).

3. The customs import duties to apply on frozen beef under the quota are fixed under serial number 13 of Annex 7 to Part Three of Annex I to Regulation (EEC) No 2658/87.

Article 4

1. Only those processing establishments approved under Article 8 of Directive 77/99/EEC which have been active in production of processed products containing beef at least once since 1 July 2002 may qualify for the quota.

The application for import rights must be lodged by, or on behalf of, an establishment meeting these conditions.

For each quantity referred to in Article 3(1) only one application for import rights which shall not exceed 10 % of each quantity available may be accepted in respect of each approved processing establishment.

Applications for import rights may be presented only in the Member State in which the processor is registered for VAT purposes.

2. A security of EUR 6 per 100 kg shall be lodged together with the application for import rights.

3. The competent national authority shall decide what is acceptable documentary evidence of compliance with the conditions laid down in paragraphs 1 and 2.

This evidence shall be submitted together with the application for import rights.

Article 5

1. Each application for import rights for production of A-products or B-products shall be expressed in bone-in equivalence.

For the purpose of this paragraph 100 kilograms of bone-in beef equals 77 kilograms of boneless beef.

2. Each application referring to either A-products or B-products shall reach the competent authority by 13.00 Brussels time on 4 July 2003.

3. Member States shall forward to the Commission by 11 July 2003 a list of applicants and quantities applied for under each of the two categories together with the approval numbers of the processing establishments concerned.

All communications, including nil returns, shall be sent by fax using the forms set out in Annexes I and II.

([1]) OJ L 210, 1.8.1986, p. 39.

4. The Commission shall decide as soon as possible to what extent applications are accepted, where necessary as a percentage of the quantity applied for.

Article 6

1. Any import of frozen beef for which import rights have been allocated pursuant to Article 5(4) shall be subject to presentation of an import licence.

2. As to the security referred to in Article 4(2) the application for import licences corresponding to the allocated import rights shall be a primary requirement within the meaning of Article 20(2) of Regulation (EEC) No 2220/85.

Where in application of Article 5(4) the Commission fixes a reduction coefficient the security lodged shall be released in respect of the import rights applied for which exceed the allocated import rights.

3. Within the allocated import rights a processor may apply for import licences until 20 February 2004 at the latest.

4. Import rights allocated to processors entitle them to import licences for quantities equivalent to the rights allocated.

Licence applications may be lodged solely:

(a) in the Member State in which the application for import rights has been lodged, and

(b) by processors or on behalf of processors to whom import rights have been allocated.

5. A security shall be lodged with the competent authority at the time of import ensuring that the processor having been allocated import rights processes the entire quantity of meat imported into the required finished products in his establishment specified in the licence application, within three months of the day of import.

The amounts of the security are fixed in Annex III.

Article 7

Regulations (EC) No 1291/2000 and (EC) No 1445/95 shall apply, without prejudice to the provisions of this Regulation.

Article 8

1. The licence application and the licence shall contain the following information:

(a) in box 8, the country of origin,

(b) in box 16, one of the eligible CN codes,

(c) in box 20, at least one of the following endorsements:

— Certificado válido en … (Estado miembro expedidor)/carne destinada a la transformación... [productos A] [productos B] (táchese lo que no proceda) en … (designación exacta y número de registro del establecimiento en el que vaya a procederse a la transformación)/Reglamento (CE) nº 1146/2003.

— Licens gyldig i … (udstedende medlemsstat)/Kød bestemt til forarbejdning til [A-produkter] [B-produkter] (det ikke gældende overstreges) i … (nøjagtig betegnelse for den virksomhed, hvor forarbejdningen sker)/Forordning (EF) nr. 1146/2003.

— In … (ausstellender Mitgliedstaat) gültige Lizenz/Fleisch für die Verarbeitung zu [A-Erzeugnissen] [B-Erzeugnissen] (Nichtzutreffendes bitte streichen) in … (genaue Bezeichnung des Betriebs, in dem die Verarbeitung erfolgen soll)/Verordnung (EG) Nr. 1146/2003.

— Η άδεια ισχύει … (κράτος μέλος έκδοσης)/Κρέας που προορίζεται για μεταποίηση …[προϊόντα Α] [προϊόντα Β] (διαγράφεται η περιττή ένδειξη) … (ακριβής περιγραφή και αριθμός έγκρισης της εγκατάστασης όπου πρόκειται να πραγματοποιηθεί η μεταποίηση)/Κανονισμός (ΕΚ) αριθ. 1146/2003.

— Licence valid in … (issuing Member State)/Meat intended for processing … [A-products] [B-products] (delete as appropriate) at … (exact designation and approval No of the establishment where the processing is to take place)/Regulation (EC) No 1146/2003.

— Certificat valable … (État membre émetteur)/Viande destinée à la transformation de … [produits A] [produits B] (rayer la mention inutile) dans … (désignation exacte et numéro d'agrément de l'établissement dans lequel la transformation doit avoir lieu)/Règlement (CE) nº 1146/2003.

— Titolo valido in … (Stato membro di rilascio)/Carni destinate alla trasformazione … [prodotti A] [prodotti B] (depennare la voce inutile) presso … (esatta designazione e numero di riconoscimento dello stabilimento nel quale è prevista la trasformazione)/Regolamento (CE) n. 1146/2003.

— Certificaat geldig in … (lidstaat van afgifte)/Vlees bestemd voor verwerking tot [A-producten] [B-producten] (doorhalen wat niet van toepassing is) in … (nauwkeurige aanduiding en toelatingsnummer van het bedrijf waar de verwerking zal plaatsvinden)/Verordening (EG) nr. 1146/2003.

— Certificado válido em … (Estado-Membro emissor)/carne destinada à transformação … [produtos A] [produtos B] (riscar o que não interessa) em … (designação exacta e número de aprovação do estabelecimento em que a transformação será efectuada)/Regulamento (CE) n.º 1146/2003.

— Todistus on voimassa … (myöntäjäjäsenvaltio) / Liha on tarkoitettu [A-luokan tuotteet] [B-luokan tuotteet] (tarpeeton poistettava) jalostukseen …:ssa (tarkka ilmoitus laitoksesta, jossa jalostus suoritetaan, hyväksyntänumero mukaan lukien)/Asetus (EY) N:o 1146/2003.

— Licensen är giltig i … (utfärdande medlemsstat)/Kött avsett för bearbetning … [A-produkter] [B-produkter] (stryk det som inte gäller) vid … (exakt angivelse av och godkännandenummer för anläggningen där bearbetningen skall ske)/Förordning (EG) nr. 1146/2003.

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

3. In application of Article 50(1) of Regulation (EC) No 1291/2000, the full Common Customs Tariff duty applicable on the date of release for free circulation shall be collected in respect of all quantities imported in excess of those shown on the import licence.

Article 9

1. Quantities for which applications for import rights have not been lodged by the deadline referred to in Article 5(2) and the quantities for which import licence applications have not been lodged by 20 February 2004 shall be subject to a new allocation of import rights.

To that end, by 27 February 2004, Member States shall forward to the Commission details of the quantities for which no applications have been received.

2. The Commission shall decide as soon as possible on the breakdown of the quantities referred to in paragraph 1 into A-products and B-products. In doing so, the actual utilisation of the import rights allocated pursuant to Article 5(4) under each of the two categories may be taken into account.

3. The allocation of the remaining quantities shall be limited to processors who have applied for import licences in respect of all the import rights granted to him in application of Article 5(4).

4. Articles 4 to 8 shall apply to the import of the remaining quantities.

However, in this case the date for application referred to in Article 5(2) shall be 19 March 2004 and the date for communication referred to in Article 5(3) shall be 26 March 2004.

Article 10

Member States shall set up a system of physical and documentary checks to ensure that, within three months of the date of import, all meat is processed in the processing establishment and into the category of product specified on the import licence concerned.

The system must include physical checks of quantity and quality at the start of the processing, during the processing and after the processing operation is completed. To this end, processors shall at any time be able to demonstrate the identity and use of the imported meat through appropriate production records.

Technical verification of the production method by the competent authority may, to the extent necessary, make allowance for drip losses and trimmings.

In order to verify the quality of the finished product and establish its conformity with the processor's formula for the composition of the product, Member States shall take representative samples and analyse those products. The costs of such operations shall be borne by the processor concerned.

Article 11

1. The security referred to in Article 6(5) shall be released in proportion to the quantity for which, within seven months, proof has been furnished to the satisfaction of the competent authority that all or part of the imported meat has been processed into the relevant products within three months following the day of import in the designated establishment.

However, if processing took place after the above three-month time limit, the security shall be released minus a 15 % reduction plus 2 % of the remaining amount for each day by which the time limit has been exceeded.

If proof of processing is established within the above seven-month time limit and produced within 18 months following those seven months the amount forfeited, less 15 % of the security amount, shall be repaid.

2. The amount of security not released, as referred to in Article 6(5), shall be forfeited and retained as a customs duty.

Article 12

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, 27 June 2003.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX I

Form (*)

Application of Article 5(1) and (2) of Regulation (EC) No 1146/2003

A-product — Serial No 09.4057

COMMISSION OF THE EUROPEAN COMMUNITIES — DG AGRI D.2 — BEEF AND VEAL SECTOR

APPLICATION FOR IMPORT RIGHTS

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

Member State: .....

Number of applicant (1)	Applicant (name and address)	Approval number	Quantity (in tonnes bone-in)
		Total	

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

Tel: .....

(1) Continuous numbering.

(*) Send to EC Fax: (32-2) 296 60 27/(32-2) 295 36 13.

ANNEX II

Form (*)

Application of Article 5(1) and (2) of Regulation (EC) No 1146/2003

B-product — Serial No 09.4058

COMMISSION OF THE EUROPEAN COMMUNITIES — DG AGRI D.2 — BEEF AND VEAL SECTOR

APPLICATION FOR IMPORT RIGHTS

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

Member State: .....

Number of applicant (1)	Applicant (name and address)	Approval number	Quantity (in tonnes bone-in)
		Total	

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

Tel: .....

(1) Continuous numbering.

(*) Send to EC Fax: (32-2) 296 60 27/(32-2) 295 36 13.

ANNEX III

AMOUNTS OF SECURITY [1]

(in EUR/1 000 kg net)

Product (CN code)	For manufacture of A products	For manufacture of B products
0202 20 30	1 414	420
0202 30 10	2 211	657
0202 30 50	2 211	657
0202 30 90	3 041	903
0206 29 91	3 041	903

[1] The exchange rate to be applied shall be the exchange rate on the day preceding the lodging of the security.

COMMISSION REGULATION (EC) No 1147/2003

of 27 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 [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 23 to 26 June 2003 at 295,00 EUR/t.

Article 2

This Regulation shall enter into force on 28 June 2003.

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

Done at Brussels, 27 June 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 1148/2003

of 27 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 [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 23 to 26 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 28 June 2003.

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

Done at Brussels, 27 June 2003.

For the Commission

Franz FISCHLER

Member of the Commission

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[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 1149/2003

of 27 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 [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 23 to 26 June 2003 at 134,00 EUR/t.

Article 2

This Regulation shall enter into force on 28 June 2003.

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

Done at Brussels, 27 June 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 1150/2003

of 27 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 [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 23 to 26 June 2003 at 131,00 EUR/t.

Article 2

This Regulation shall enter into force on 28 June 2003.

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

Done at Brussels, 27 June 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.

II

(Acts whose publication is not obligatory)

COUNCIL

DECISION No 2/2003 OF THE EU-SLOVAK REPUBLIC ASSOCIATION COUNCIL

of 30 April 2003

extending the double-checking system established by Decision No 3/97 of the Association Council for the period from the date of entry into force of this Decision up to the date of accession by the Slovak Republic to the European Union

(2003/478/EC)

THE ASSOCIATION COUNCIL,

Whereas:

(1) The Contact Group referred to in Article 10 of Protocol 2 to the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and the Slovak Republic, of the other part [1], which entered into force on 1 February 1995, met on 28 October 2002 and agreed to recommend to the Association Council established under Article 104 of the Agreement that the double-checking system introduced in 1998 by Decision No 3/97 of the Association Council [2], extended by Decision No 1/1999 [3] for the period from 1 January to 31 December 1999, extended by Decision No 1/2000 [4] for the period from 1 January to 31 December 2000, extended by Decision No 1/2001 [5] for the period from 1 January to 31 December 2001 and extended by Decision No 3/2002 [6] for the period from 1 January to 31 December 2002, should be extended for the period from the date of entry into force of this Decision up to the date of accession by the Slovak Republic to the European Union.

(2) The Association Council, having been supplied with all relevant information, has agreed with this recommendation,

HAS DECIDED AS FOLLOWS:

Article 1

The double-checking system established by Decision No 3/97 of the Association Council shall continue to apply for the period from the date of entry into force of this Decision up to the date of accession by the Slovak Republic to the European Union. In the Preamble and Article 1(1) and (3) of the Decision, references to the period 1 January to 31 December 2002 shall be replaced by references to 'from 8 July 2003 up to the date of accession by the Slovak Republic to the European Union'.

Article 2

Goods shipped to the Community as from 1 January 2003 until the date of entry into force of this Decision shall be excluded from the scope of this Decision.

[1] OJ L 359, 31.12.1994, p. 2.
[2] OJ L 13, 19.1.1998, p. 71.
[3] OJ L 36, 10.2.1999, p. 18.
[4] OJ L 67, 15.3.2000, p. 36.
[5] OJ L 35, 6.2.2002, p. 38.
[6] OJ L 166, 25.6.2002, p. 22.

Article 3

This Decision shall enter into force on the 10th day following that of its publication in the *Official Journal of the European Union*.

Done at Brussels, 30 April 2003.

For the Association Council

The President

G. PAPANDREOU

COUNCIL DECISION

of 16 June 2003

concerning the rules applicable to national experts and military staff on secondment to the General Secretariat of the Council and repealing the Decisions of 25 June 1997 and 22 March 1999, Decision 2001/41/EC and Decision 2001/496/CFSP

(2003/479/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 28(1) thereof,

Having regard to the Treaty establishing the European Community and in particular Article 207(2) thereof,

Whereas:

(1) Seconded national experts (hereinafter referred to as SNEs) and seconded national military staff (hereinafter referred to as seconded military staff) should enable the General Secretariat of the Council (hereinafter referred to as the GSC) to benefit from the high level of their knowledge and professional experience, in particular in areas where such expertise is not readily available.

(2) This Decision should foster the exchange of professional experience and knowledge of European policies by temporarily assigning to the GSC experts from Member States' administrations. It also seeks to ensure close collaboration between the Council and national administrations or international organisations, by means of the secondment of GSC officials to them.

(3) SNEs should be drawn from governments or ministries in Member States or from international organisations.

(4) The rights and obligations of SNEs and seconded military staff set out in this Decision should ensure that they carry out their duties solely in the interests of the GSC.

(5) In view of the temporary nature of their work and their particular status, SNEs and seconded military staff should not take responsibility on behalf of the GSC for the exercise of its public law prerogatives.

(6) This Decision should set out all the conditions of employment of SNEs and seconded military staff and be applicable regardless of the origin of the budgetary appropriations used to cover the expenditure.

(7) Special provision should moreover be made for military staff seconded to the GSC to form the European Union military staff.

(8) Since these rules replace those laid down in the Decisions of 25 June 1997 and 22 March 1999, as well as in Decision 2001/41/EC and in Decision 2001/496/CFSP, those Decisions should be repealed,

HAS DECIDED AS FOLLOWS:

CHAPTER I

GENERAL PROVISIONS

Article 1

Scope

1. These Rules are applicable to seconded national experts (SNEs) seconded to the GSC by a national, regional or local public administration. They shall also apply to experts on secondment from an international organisation.

2. The persons covered by these Rules shall remain in the service of their employer throughout the period of secondment and shall continue to be paid by that employer.

3. The GSC shall recruit SNEs in accordance with requirements and budgetary possibilities. The Deputy Secretary-General shall establish the arrangements for such recruitment.

4. Except where the Deputy Secretary-General grants a derogation which is not applicable in the area of the CFSP/ESPD, SNEs must be nationals of a Member State. SNEs shall be recruited on as wide a geographical basis as possible among the nationals of the Member States. The Member States and the GSC shall cooperate to ensure, as far as possible, a balance between men and women and observe the principle of equal opportunities.

5. Secondment shall be implemented by an Exchange of Letters between the Directorate-General for Personnel and Administration of the GSC and the Permanent Representation of the Member State concerned or the international organisation, as appropriate. A copy of the rules applicable to SNEs on secondment to the GSC shall be attached to the Exchange of Letters.

Article 2

Period of secondment

1. The period of secondment may not be less than six months nor exceed two years and may be renewed successively up to a total period not exceeding four years.

2. The intended period of secondment shall be fixed at the outset in the exchange of Letters provided for in Article 1(5). The same procedure shall apply in the case of a renewal of the period of secondment.

3. A SNE who has already been seconded to the GSC may be seconded again, in accordance with internal rules laying down maximum periods during which such persons may be present in GSC departments and subject to the following conditions:

(a) the SNE must continue to meet the conditions for secondment;

(b) a period of at least six years must have elapsed between the end of the previous period of secondment and any further secondment; if at the end of the first secondment the SNE has received another, additional contract, the six-year period shall begin to run from the expiry of that contract. This provision shall not prevent the GSC from accepting the secondment of a SNE whose initial secondment lasted for less than four years, but in that case the new secondment shall not exceed the unexpired part of the four-year period.

Article 3

Place of secondment

SNEs shall be seconded to Brussels or to a GSC liaison office.

Article 4

Duties

1. A SNE shall assist GSC officials or temporary staff and carry out the tasks assigned to him.

The duties carried out shall be defined by mutual agreement between the GSC and the administration which seconds the national expert in the interest of the departments and taking into account the candidate's qualifications.

2. A SNE shall take part in missions and meetings only:

(a) if accompanying a GSC official or temporary staff member; or

(b) as an observer or solely for information purposes, if alone.

The Director-General of the department concerned may in certain special circumstances derogate from this rule on the basis of a specific mandate given to the SNE, after verifying that there is no potential conflict of interest. Unless a special mandate has been granted, under the authority of the Secretary-General/High Representative, by the Director General of the department concerned, the SNE may not commit the GSC externally.

3. The GSC shall retain sole responsibility for approving the results of tasks performed by the SNE.

4. The GSC departments concerned, the SNE's employer and the SNE shall make every effort to avoid any conflict of interest or appearance of such a conflict in relation to the SNE's duties during secondment. To this end, the GSC shall, in good time, inform the SNE and the employer of the intended duties and shall ask each of them to confirm in writing that they know of no reason why the SNE should not be assigned to those duties. The SNE shall be asked in particular to declare any potential conflict between his family circumstances (in particular the professional activities of close family members or any important financial interests of his own, or of close family members) and the proposed duties while on secondment.

The employer and the SNE shall undertake to notify the GSC of any change of circumstances during the secondment which could give rise to any such conflict.

5. Where the GSC considers that the nature of the tasks entrusted to the SNE requires particular security precautions, security clearance shall be obtained before the SNE is seconded.

6. In the event of failure to comply with the provisions of paragraphs 2, 3 and 4, the GSC may terminate the secondment of the SNE under the terms of Article 8.

Article 5

Rights and obligations

1. During the period of secondment:

(a) a SNE shall carry out his duties and shall behave solely with the interests of the Council in mind;

(b) a SNE shall abstain from any action, and in particular any public expression of opinion, which may reflect on his position at the GSC;

(c) any SNE who, in the performance of his duties, is called upon to give a decision on the handling or outcome of a matter in which he has a personal interest that could impair his independence, shall inform the head of the department to which he is assigned;

(d) a SNE shall not, whether alone or together with others, publish or cause to be published any text dealing with the work of the European Union without obtaining permission in accordance with the conditions and rules in force at the GSC. Permission shall be refused only where the intended publication is liable to prejudice the interests of the European Union;

(e) all rights in any work done by a SNE in the performance of his duties shall be the property of the GSC;

(f) a SNE shall reside at the place of secondment or at no greater distance therefrom as is compatible with the proper performance of his activities;

(g) a SNE shall assist and tender advice to the superior to whom he is assigned and shall be responsible to his superior for the performance of the tasks entrusted to him;

(h) a SNE shall, in the exercise of his duties, accept no instructions from his employer or national government. He shall not undertake any activities for his employer, nor for governments, nor for any other person, private company or public body.

2. Both during and after the period of secondment, a SNE shall exercise the greatest discretion with regard to all facts and information coming to his knowledge in the course of or in connection with the performance of his duties. He shall not in any form whatsoever disclose to any unauthorised person any document or information not already lawfully made public, nor shall he use it for personal gain.

3. At the end of the secondment a SNE shall continue to be bound by the obligation to act with integrity and discretion in the exercise of new duties assigned to him and in accepting certain posts or advantages.

To that end, in the three years following the period of secondment a SNE shall inform the GSC forthwith of any duties or tasks he has to perform for his employer which are likely to give rise to a conflict of interest in relation to the tasks he carried out during secondment.

4. A SNE shall be subject to the security rules in force in the GSC.

5. Failure to comply with the provisions of this Article during the period of secondment shall entitle the GSC to terminate the secondment of a SNE under the terms of Article 8.

Article 6

Level, professional experience and knowledge of languages

1. To qualify for secondment to the GSC a SNE must have at least three years' full-time experience of administrative, scientific, technical, advisory or supervisory functions equivalent to those of category A or B as defined in the Staff Regulations of officials of the European Communities and the Conditions of employment applicable to other servants of the Communities. Before the secondment, the SNE's employer shall supply the GSC with a statement of the expert's employment covering the previous 12 months.

2. A SNE must have a thorough knowledge of one Community language and a satisfactory knowledge of a second language for the performance of his duties.

Article 7

Suspension of secondment

1. The GSC may authorise suspensions of secondment and specify the terms applicable. During such suspensions:

(a) the allowances referred to in Articles 15 and 16 shall not be payable;

(b) the expenses referred to in Articles 18 and 19 shall be payable only if the suspension is at the GSC's request.

2. The GSC shall inform the SNE's employer.

Article 8

Termination of periods of secondment

1. Subject to paragraph 2, secondment may be terminated at the request of GSC or of the SNE's employer, provided three months' notice is given. It may also be terminated at the SNE's request provided the same notice is given and subject to the GSC's agreement.

2. In certain exceptional circumstances the secondment may be terminated without notice:

(a) by the SNE's employer, if the employer's essential interests so require,

(b) by agreement between the GSC and the employer, at the request of the SNE to both parties, if the SNE's essential personal or professional interests so require,

(c) by the GSC in the event of failure by the SNE to comply with his obligations under these rules. The SNE shall first be given an opportunity to submit his defence.

3. In the event of termination under paragraph 2(c), the GSC shall immediately inform the employer.

CHAPTER II

WORKING CONDITIONS

Article 9

Social security

1. Before the period of secondment begins, the employer from which the national expert is to be seconded shall certify to the GSC that, throughout the period of secondment, the SNE will remain subject to the social security legislation applicable to the public administration or international organisation which employs the SNE and which will assume responsibility for expenses incurred abroad.

2. From the commencement of his secondment, the SNE shall be covered by the GSC against the risk of accident. The GSC shall provide him with a copy of the terms of this cover on the day on which he reports to the relevant department of the Directorate-General for Personnel and Administration to complete the administrative formalities related to the secondment.

Article 10

Working hours

1. A SNE shall be subject to the rules in force in the GSC as regards working hours. These rules may be modified by the Deputy Secretary-General where the needs of the department so require.

2. A SNE shall serve on a full-time basis throughout the period of secondment. Following a duly justified request from a Directorate-General and subject to compatibility with the interests of the GSC, the Director-General for Personnel and Administration may authorise a SNE to work part time, after agreement from his employer.

3. Where part-time work is authorised, the SNE shall work at least half of the normal working time.

4. A SNE may work flexible hours only if authorised by the GSC department to which he is assigned. Authorisation shall be forwarded for information to the relevant unit of the Directorate-General for Personnel and Administration.

5. The allowances in force within the GSC for shift-work may be granted to SNEs.

Article 11

Absence for reasons of sickness or accident

1. In the event of absence for reasons of sickness or accident, a SNE shall notify his superior as soon as possible, stating his present address. He shall produce a medical certificate if absent for more than three days and may be required to undergo a medical examination arranged by the GSC.

2. If absence due to sickness or accident of not more than three days exceeds a total of 12 days over a period of 12 months, a SNE shall be required to produce a medical certificate for any further absence due to sickness.

3. Where the period of sick leave exceeds one month or the period of service performed by the SNE, whichever is the longer, the allowances referred to in Article 15(1) and (2) shall be automatically suspended. This provision shall not apply in the event of illness linked to pregnancy. Sick leave may not extend beyond the duration of the secondment of the person concerned.

4. However, a SNE who is the victim of a work-related injury which occurs during the secondment shall continue to receive, in full, the allowances provided for in Article 15(1) and (2) throughout the period during which he is unfit for work up to the end of the period of secondment.

Article 12

Annual leave, special leave and holidays

1. A SNE shall be entitled to two-and-a-half working days of leave per whole month of service (30 days per calendar year).

2. Leave is subject to prior authorisation by the department to which the SNE is assigned.

3. A SNE may, on reasoned application, be granted special leave in the following cases:

— marriage of the SNE: two days annually,

— serious illness of spouse: up to three days,

— death of spouse: four days,

— serious illness of a relative in the ascending line: up to two days annually,

— death of a relative in the ascending line: two days,

— birth of a child: two days,

— serious illness of a child: up to two days annually,

— death of a child: four days.

4. Upon a duly justified request by the SNE's employer, up to two days of special leave in a 12-month period may be granted by the GSC on a case-by-case basis.

5. In the case of part-time work, annual leave shall be reduced accordingly.

6. Days of annual leave not taken by the end of the period of secondment shall be forfeited.

Article 13

Maternity leave

1. A SNE who is pregnant shall be granted maternity leave of 16 weeks, during which period she shall receive the allowances provided for in Article 15.

2. A SNE who is breastfeeding may on request, on the basis of a medical certificate attesting the fact, be granted special leave for a maximum of four weeks running from the end of her maternity leave, during which period she shall receive the allowances laid down in Article 15.

3. Where the national legislation of the employer of the SNE grants longer maternity leave, the secondment shall be suspended for the period exceeding that granted by the GSC. In that case a period equivalent to the suspension shall be added at the end of the secondment if the interests of the GSC warrant it.

4. A SNE may, alternatively, apply for a suspension of the secondment to cover the whole of the periods allowed for maternity and breastfeeding leave. In that case a period equivalent to the suspension shall be added at the end of the secondment if the interests of the GSC warrant it.

Article 14

Management and control

Management and control of leave shall lie with the administration of the GSC. Control of working time and absences shall be the responsibility of the Directorate-General or department to which the SNE is assigned.

CHAPTER III

ALLOWANCES AND EXPENSES

Article 15

Subsistence allowances

1. A SNE shall be entitled to a daily subsistence allowance throughout the period of secondment. Where the distance between the place of residence and the place of secondment is 150 km or less, the daily allowance shall be EUR 26,78. Where the distance is more than 150 km, the daily allowance shall be EUR 107,1.

2. If the SNE has not received removal expenses from either the GSC or from the employer, an additional monthly allowance shall be paid as shown in the table below:

Distance between place of residence and place of secondment (km)	Amount in EUR
0-150	0
> 150	68,85
> 300	122,40
> 500	198,90
> 800	321,30
> 1 300	504,90
> 2 000	604,35

This allowance shall be paid monthly in arrears.

3. These allowances shall be payable for periods of mission, annual leave, maternity leave, special leave and holidays granted by the GSC.

4. SNEs who during the three years ending six months before the secondment habitually resided or pursued their principal professional activity at a location situated at a distance of 150 km or less from the place of secondment shall receive a daily subsistence allowance of EUR 26,78. For the purpose of this provision, circumstances arising from work done by SNEs for a State other than that of the place of secondment or for an international organisation shall not be taken into account.

5. When the SNE starts the secondment, he shall receive an advance amount equivalent to 75 days of the subsistence allowance, whereupon entitlement to any further such allowances shall cease during the corresponding period. If the secondment to the GSC is ended before the expiry of the period taken into account to calculate the advance, the SNE is obliged to return the amount corresponding to the remaining part of that period.

6. At the time of the exchange of Letters provided for in Article 1(5) the GSC shall be informed of any payment similar to that mentioned in paragraph 1 of this Article received by the SNE. Any such amounts shall be deducted from the allowance paid by the GSC pursuant to the said paragraph 1.

7. Daily and monthly allowances shall be adjusted each year without retroactive effect on the basis of the adaptation of the basic salaries of Community officials in Brussels and Luxembourg.

8. For SNEs seconded to a GSC Liaison Office, the subsistence allowances referred to in this Article may be replaced by a housing allowance where this is justified by the specific circumstances of the country of secondment, subject to a reasoned decision by the Director-General for Administration and Protocol.

Article 16

Additional flat-rate allowance

1. Except where the place of residence of a SNE is 150 km or less from the place of secondment, he shall, where appropriate, receive an additional flat-rate allowance equal to the difference between the gross annual salary (less family allowances) paid by his employer plus the subsistence allowances paid by the GSC and the basic salary payable to an official in step 1 of grade A 8 or grade B 5, depending on the category to which he is assimilated.

2. This allowance shall be adjusted once a year without retroactive effect on the basis of the adaptation of the basic salaries of Community officials.

Article 17

Place of residence

1. For the purposes of these rules, the place of residence shall be the place where the SNE performed his duties for the employer immediately prior to secondment. The place of secondment shall be the place where the GSC department to which the SNE is assigned is located. Both places shall be identified in the exchange of Letters mentioned in Article 1(5).

2. If, on secondment as a SNE, a national expert is already on secondment on behalf of his employer in a place other than that in which the latter's head office is located, the place of residence shall be whichever of the two is closer to the place of secondment.

3. The place of residence shall be deemed to be the place of secondment where:

(a) during the three years ending six months before the secondment, the SNE habitually resided or pursued his principal professional activity at a place situated 150 km or less from the place of secondment; or

(b) at the time of the GSC's request for the secondment, the place of secondment is the principal residence of the SNE's spouse or of any of his dependent children.

To that end, residence at 150 km or less from the place of secondment is to be treated as residence at that place.

4. For the purposes of applying this Article, circumstances arising from work done by SNEs for a State other than that of the place of secondment or for an international organisation shall not be taken into account.

Article 18

Travel expenses

1. A SNE whose place of residence is more than 150 km from the place of secondment is entitled to reimbursement of travel expenses:

(a) for himself/herself:

— from the place of residence to the place of secondment at the beginning of the period of secondment;

— from the place of secondment to the place of residence at the end of the period of secondment;

(b) for his spouse and dependent children, provided that they live with the SNE and that the removal is reimbursed by the GSC:

— at the beginning of the secondment, on removal from the place of residence to the place of secondment;

— at the end of the secondment, from the place of secondment to the place of residence.

2. Unless the journey is made by air, the amount shall be reimbursed at a flat rate, limited to the cost of the second-class rail fare, without supplements. This shall also apply to journeys made by car. Where the rail journey exceeds 500 km or where the standard route involves a sea-crossing, air travel may be reimbursed up to actual cost of a reduced-price ticket (PEX or APEX), on production of tickets and boarding cards.

3. By way of derogation from paragraph 1, SNEs who prove that they have changed the place at which they will pursue their principal activity after the secondment shall be entitled to reimbursement of travel expenses to that place within the above limits. The reimbursement may not involve payment of a sum higher than that to which the SNE is entitled in the event of return to the place of residence.

4. If a SNE has effected his removal from his place of residence to his place of secondment, he will be entitled each year to a flat-rate payment equal to the cost of a return journey from his place of secondment to his place of residence for himself, his spouse and any dependent children on the basis of the provisions in force at the GSC.

Article 19

Removal expenses

1. Unless the second sentence of Article 15(4) applies, a SNE may remove his personal effects from the place of residence to the place of secondment, at the GSC's expense, after obtaining its prior authorisation, pursuant to rules in force at the GSC at the time concerning reimbursement of removal costs, provided the following conditions are met:

(a) the initial period of secondment must be for two years;

(b) the SNE's place of residence must be 100 km or more from the place of secondment;

(c) the removal must be completed within six months of the starting date of the secondment;

(d) authorisation must be requested at least two months before the intended date of removal;

(e) the removal costs are not being refunded by the employer;

(f) the SNE must send originals of estimates, receipts and invoices to the GSC and a certificate from the SNE's employer confirming that the employer is not bearing removal costs.

2. Subject to paragraphs 3 and 4, where the removal to the place of secondment has been reimbursed by the GSC, the SNE shall be entitled at the end of the secondment, after prior authorisation, to reimbursement of removal costs from the place of secondment to the place of residence, pursuant to rules in force in the GSC at the time concerning reimbursement of removal costs, subject to the conditions set out in paragraph 1(d), (e) and (f) above and the following further conditions:

(a) the removal cannot take place earlier than three months before the end of the secondment;

(b) the removal must be completed within six months following the end of the secondment.

3. A SNE whose secondment is terminated at his request or at the employer's request within two years from the start of the secondment shall not be entitled to reimbursement of removal costs to the place of residence.

4. Where the SNE proves that the place where he will pursue his principal activity after secondment has changed, removal costs to that new place may be reimbursed, but only up to the amount which would have been paid in the case of removal to the place of residence.

Article 20

Missions and mission expenses

1. A SNE may be sent on mission subject to Article 4.

2. Mission expenses shall be reimbursed in accordance with the provisions in force at the GSC.

Article 21

Training

A SNE shall be entitled to attend training courses organised by the GSC, if the interests of the GSC warrant it. The reasonable interests of the SNE, having regard in particular to his professional career after the secondment, shall be considered when a decision on permission to attend courses is taken.

Article 22

Administrative provisions

1. The SNE shall report to the relevant department of the Directorate-General for Personnel and Administration on the first day of secondment to complete the requisite administrative formalities. He shall take up his duties on either the first or the 16th of the month.

2. A SNE assigned to a GSC liaison office shall report to the relevant department of the GSC in his place of secondment.

3. Payments shall be made by the appropriate department of the GSC, in euro, into a bank account opened at a banking institution in the place of secondment.

CHAPTER IV

APPLICATION OF THE RULES TO SECONDED NATIONAL MILITARY STAFF

Article 23

Rules applying to seconded military staff

Subject to Articles 24 to 33, these Rules shall also apply to military staff seconded to the GSC in order to form the European Union military staff pursuant to Council Decision 2001/80/CFSP of 22 January 2001 on the establishment of the military staff of the European Union [1].

[1] OJ L 27, 30.1.2001, p. 7.

Article 24

Conditions

Seconded military staff must be on paid service in the armed forces of a Member State throughout their secondment. They must be nationals of a Member State.

Article 25

Recruitment

By way of derogation from the second sentence of Article 1(3), the Secretary-General/High Representative shall establish the arrangements for recruitment of seconded military staff.

Article 26

Exchange of Letters

For the purposes of applying Article 1(5), the Exchange of Letters shall take place between the Secretary-General/High Representative and the Permanent Representation of the Member State concerned.

Article 27

Length of secondment

1. By way of derogation from Article 2(1), the length of secondment may not be less than six months nor more than three years and it may be extended successively up to a total period not exceeding four years.

2. By way of derogation from Article 2(3)(b), except in exceptional cases, a period of at least three years must have elapsed between the end of the previous period of secondment and a new secondment, where the conditions so justify and in agreement with the Secretary-General/High Representative.

Article 28

Tasks

By way of derogation from Article 4(1), seconded military staff acting under the authority of the Secretary-General/High Representative shall fulfil the mission, carry out the tasks and perform the duties assigned to them in accordance with the Annex to Decision 2001/80/CFSP.

Article 29

External commitments

By way of derogation from Article 4(2), seconded military staff may not involve the GSC in an external commitment, except under a special mandate granted under the authority of the Secretary-General/High Representative.

Article 30

Security clearance

By way of derogation from Article 4(5), the appropriate level of the seconded military staff member's security clearance, which may not be lower than SECRET, must be stipulated in the Exchange of Letters referred to in Article 1(5).

Article 31

Professional experience

By way of derogation from Article 6(1), a military staff member working at administrative or advisory level and showing a high degree of competence for the duties to be carried out may be seconded to the GSC.

Article 32

Suspension and termination of secondment

1. Authorisation for Article 7 to be applied to a seconded military staff member shall be given by the Secretary-General/High Representative.

2. By way of derogation from Article 8, secondment may be terminated if the interests of the GSC or of the seconded military staff member's national administration so require or for any other sufficient cause.

Article 33

Serious failure to comply with obligations

1. By way of derogation from Article 8(3), secondment may be terminated without notice in serious cases of intentional or negligent failure of the seconded military staff member to comply with his obligations. The decision shall be taken by the Secretary-General/High Representative after the person concerned has had an opportunity to submit his defence. Before taking his decision, the Secretary-General/High Representative shall notify the Permanent Representative of the Member State of which the seconded military staff member is a national. Further to that decision, the allowances referred to in Articles 18 and 19 shall no longer be granted.

Prior to the decision referred to in the first paragraph, a seconded military staff member may be suspended where serious failure to comply with his obligations is alleged against him by the Secretary-General/High Representative after the person concerned has been given an opportunity to submit his defence. The allowances referred to in Articles 15 and 16 shall not be paid during this suspension, which may not exceed three months.

2. The Secretary-General/High Representative may bring to the attention of national authorities any violation by a military staff member on secondment of the rules set out or referred to in this Decision.

3. A military staff member on secondment shall continue to be subject to his national disciplinary rules.

Article 34

Working hours

The second sentence of Article 10(2) shall not apply to seconded military staff.

Article 35

Special leave

By way of derogation from Article 12(4), unpaid additional special leave may be granted by the GSC for training by the employer subject to a duly reasoned request by the employer.

Article 36

Allowances

By way of derogation from Article 15(1) and Article 16, the Exchange of Letters referred to in Article 1(5) may stipulate that allowances provided for therein will not be paid.

Article 37

Place of residence

1. The seconded military staff member is considered as having his place of residence in the capital of the Member State of which he is a national, when, pursuant to Article 17(1), (2) and (3)(a), his place of residence is situated at 150 km or less from the place of secondment.

2. The seconded military staff member is considered as having his place of residence in the capital of the Member State of which he is a national when the place of principal residence of the spouse or of the child (children) referred to in Article 17(3)(b) is situated in a Member State other than that of secondment.

CHAPTER V

FINAL PROVISIONS

Article 38

Repeals

The following Decisions shall be repealed:

— Council Decision of 25 June 1997 on the rules applicable to national experts on detachment to the General Secretariat of the Council (Directorate-General for Justice and Home Affairs) in the context of implementation of the plan to step up the fight against organised crime,

— Council Decision of 22 March 1999 on the rules applicable to national experts on detachment to the General Secretariat of the Council (Directorate-General for Justice and Home Affairs) in the context of the collective evaluation of the enactment, application and effective implementation by the applicant countries of the acquis of the European Union in the field of Justice and Home Affairs,

— Council Decision 2001/41/EC of 22 December 2000 on the rules applicable to national experts on detachment to the General Secretariat of the Council in the context of an exchange system for officials of the General Secretariat of the Council of the European Union and officials of national administrations or of international organisations [1], and

— Council Decision 2001/496/CFSP of 25 June 2001 on the rules applicable to national military staff on secondment to the General Secretariat of the Council in order to form the European Union military staff [2].

Article 39

Effect

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

It shall apply from the first day of the month following its entry into force to each new secondment or renewal of secondment.

Done at Luxembourg, 16 June 2003.

For the Council

The President

G. PAPANDREOU

[1] OJ L 11, 16.1.2001, p. 35. Decision as amended by Decision 2002/34/EC (OJ L 15, 17.1.2002, p. 29).

[2] OJ L 181, 4.7.2001, p. 1. Decision as amended by Decision 2002/34/EC.

COUNCIL DECISION

of 27 June 2003

implementing Article 2(3) of Regulation (EC) No 2580/2001 on specific restrictive measures directed against certain persons and entities with a view to combating terrorism and repealing Decision 2002/974/EC

(2003/480/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to Council Regulation (EC) No 2580/2001 of 27 December 2001 on specific restrictive measures directed against certain persons and entities with a view to combating terrorism [1], and in particular Article 2(3) thereof,

Whereas:

(1) On 12 December 2002, the Council adopted Decision 2002/974/EC implementing Article 2(3) of Council Regulation (EC) No 2580/2001 on specific restrictive measures directed against certain persons and entities with a view to combating terrorism and repealing Decision 2002/848/EC [2].

(2) It is desirable to adopt an updated list of persons, groups and entities to which the aforesaid Regulation applies,

HAS DECIDED AS FOLLOWS:

Article 1

The list provided for in Article 2(3) of Regulation (EC) No 2580/2001 shall be as follows:

1. PERSONS

1. ABOU, Rabah Naami (a.k.a. Naami Hamza; a.k.a. Mihoubi Faycal; a.k.a. Fellah Ahmed; a.k.a. Dafri Rèmi Lahdi) born 1.2.1966 in Algiers (Algeria) (Member of al-Takfir and al-Hijra)
2. ABOUD, Maisi (a.k.a. The Swiss Abderrahmane) born 17.10.1964 in Algiers (Algeria) (Member of al-Takfir and al-Hijra)
3. AL-MUGHASSIL, Ahmad Ibrahim (a.k.a. ABU OMRAN; a.k.a. AL-MUGHASSIL, Ahmed Ibrahim) born 26.6.1967 in Qatif-Bab al Shamal, Saudi Arabia; citizen Saudi Arabia
4. AL-NASSER, Abdelkarim Hussein Mohamed, born in Al Ihsa, Saudi Arabia; citizen Saudi Arabia
5. AL YACOUB, Ibrahim Salih Mohammed, born 16.10.1966 in Tarut, Saudi Arabia; citizen Saudi Arabia
6. ARIOUA, Azzedine born 20.11.1960 in Costantine (Algeria) (Member of al-Takfir and al-Hijra)
7. ARIOUA, Kamel (a.k.a. Lamine Kamel) born 18.8.1969 in Costantine (Algeria) (Member of al-Takfir and al-Hijra)
8. ASLI, Mohamed (a.k.a. Dahmane Mohamed) born 13.5.1975 in Ain Taya (Algeria) (Member of al-Takfir and al-Hijra)
9. ASLI, Rabah born 13.5.1975 in Ain Taya (Algeria) (Member of al-Takfir and al-Hijra)
10. ATWA, Ali (a.k.a. BOUSLIM, Ammar Mansour; a.k.a. SALIM, Hassan Rostom), Lebanon, born 1960 in Lebanon; citizen Lebanon
11. DARIB, Noureddine (a.k.a. Carreto; a.k.a. Zitoun Mourad) born 1.2.1972 in Algeria (Member of al-Takfir and al-Hijra)
12. DJABALI, Abderrahmane (a.k.a. Touil) born 1.6.1970 in Algeria (Member of al-Takfir and al-Hijra)
13. EL-HOORIE, Ali Saed Bin Ali (a.k.a. AL-HOURI, Ali Saed Bin Ali; a.k.a EL-HOURI, Ali Saed Bin Ali) born 10.7.1965 alt. 11.7.1965 in El Dibabiya, Saudi Arabia; citizen Saudi Arabia
14. FAHAS, Sofiane Yacine born 10.9.1971 in Algiers (Algeria) (Member of al-Takfir and al-Hijra)
15. IZZ-AL-DIN, Hasan (a.k.a GARBAYA, AHMED; a.k.a. SA-ID; a.k.a. SALWWAN, Samir), Lebanon, born 1963 in Lebanon, citizen Lebanon
16. LASSASSI, Saber (a.k.a. Mimiche) born 30.11.1970 in Constantine (Algeria) (Member of al-Takfir and al-Hijra)
17. MOHAMMED, Khalid Shaikh (a.k.a. ALI, Salem; a.k.a. BIN KHALID, Fahd Bin Adballah; a.k.a. HENIN, Ashraf Refaat Nabith; a.k.a. WADOOD, Khalid Adbul) born 14.4.1965 alt. 1.3.1964 in Pakistan, passport No 488555
18. MOKTARI, Fateh (a.k.a. Ferdi Omar) born 26.12.1974 in Hussein Dey (Algeria) (Member of al-Takfir and al-Hijra)
19. MUGHNIYAH, Imad Fa'iz (a.k.a. MUGHNIYAH, Imad Fayiz), Senior Intelligence Officer of HIZBALLAH, born 7.12.1962 in Tayr Dibba, Lebanon, passport No 432298 (Lebanon)
20. NOUARA, Farid born 25.11.1973 in Algiers (Algeria) (Member of al-Takfir and al-Hijra)
21. RESSOUS, Hoari (a.k.a. Hallasa Farid) born 11.9.1968 in Algiers (Algeria) (Member of al-Takfir and al-Hijra)
22. SEDKAOUI, Noureddine (a.k.a. Nounou) born 23.6.1963 in Algiers (Algeria) (Member of al-Takfir and al-Hijra)
23. SELMANI, Abdelghani (a.k.a. Gano) born 14.6.1974 in Algiers (Algeria) (Member of al-Takfir and al-Hijra)
24. SENOUCI, Sofiane born 15.4.1971 in Hussein Dey (Algeria) (Member of al-Takfir and al-Hijra)

[1] OJ L 344, 28.12.2001, p. 70.
[2] OJ L 337, 13.12.2002, p. 85.

25. SISON, Jose Maria (a.k.a. Armando Liwanag, a.k.a. Joma, in charge of NPA) born 8.2.1939 in Cabugao, Philippines
26. TINGUALI, Mohammed (a.k.a. Mouh di Kouba) born 21.4.1964 in Blida (Algeria) (Member of al-Takfir and al-Hijra);

2. GROUPS AND ENTITIES

1. Abu Nidal Organisation (ANO), (a.k.a. Fatah Revolutionary Council, Arab Revolutionary Brigades, Black September, and Revolutionary Organisation of Socialist Muslims)
2. Al-Aqsa Martyr's Brigade
3. Al-Takfir and Al-Hijra
4. Aum Shinrikyo (a.k.a. AUM, a.k.a. Aum Supreme Truth, a.k.a. Aleph)
5. Babbar Khalsa
6. Gama'a al-Islamiyya (Islamic Group), (a.k.a. Al-Gama'a al-Islamiyya, IG)
7. Hamas-Izz al-Din al-Qassem (terrorist wing of Hamas)
8. Holy Land Foundation for Relief and Development
9. International Sikh Youth Federation (ISYF)
10. Kahane Chai (Kach)
11. Kurdistan Workers' Party (PKK)
12. Lashkar e Tayyaba (LET)/Pashan-e-Ahle Hadis
13. Mujahedin-e Khalq Organisation (MEK or MKO) (minus the 'National Council of Resistance of Iran' (NCRI)) (a.k.a. The National Liberation Army of Iran (NLA, the militant wing of the MEK), the People's Mujahidin of Iran (PMOI), Muslim Iranian Student's Society)
14. New Peoples Army (NPA), Philippines, linked to Sison Jose Maria C. (a.k.a. Armando Liwanag, a.k.a. Joma, in charge of NPA)
15. Palestine Liberation Front (PLF)
16. Palestinian Islamic Jihad (PIJ)
17. Popular Front for the Liberation of Palestine (PFLP)
18. Popular Front for the Liberation of Palestine-General Command, (a.k.a PFLP-General Command, a.k.a. PFLP-GC)
19. Revolutionary Armed Forces of Colombia (FARC)
20. Revolutionary People's Liberation Army/Front/Party (DHKP/C), (a.k.a. Devrimci Sol (Revolutionary Left), Dev Sol)
21. Shining Path (SL) (Sendero Luminoso)
22. Stichting Al Aqsa (a.k.a Stichting Al aqsa Nederland, a.k.a Al Aqsa Nederland)
23. United Self-Defense Forces/Group of Colombia (AUC) (Autodefensas Unidas de Colombia).

Article 2

Decision 2002/974/EC is hereby repealed.

Article 3

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

It shall take effect on the day of its publication.

Done at Brussels, 27 June 2003.

For the Council

The President

G. PAPANDREOU

COMMISSION

COMMISSION DECISION

of 27 June 2003

on the financial treatment to be applied, in the context of clearance of expenditure financed by the European Agricultural Guidance and Guarantee Fund Guarantee Section, in certain cases of irregularity by operators

(notified under document number C(2003) 1968)

(Only the Spanish, Danish, German, Greek, English, French, Dutch and Portuguese texts are authentic)

(2003/481/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 729/70 of 21 April 1970 on the financing of the common agricultural policy [1], as last amended by Regulation (EC) No 1287/95 [2],

Having regard to Council Regulation (EEC) No 595/91 of 4 March 1991 concerning irregularities and the recovery of sums wrongly paid in connection with financing of the common agricultural policy and organisation of an information system in this field and for repealing Regulation (EEC) No 283/72 [3], and in particular Article 5(2) thereof,

After consulting the Fund Committee,

Whereas:

(1) Under Article 8(1) of Regulation (EEC) No 729/70 Member States are to take action to prevent and deal with irregularities and recover sums lost as a result of irregularities or negligence. Article 8(2) specifies that in the absence of total recovery the financial losses consequent on irregularities or negligence are to be met by the Community unless the irregularities or negligence are attributable to administrative authorities or other bodies of the Member States.

(2) Articles 3 and 5(1) of Regulation (EEC) No 595/91 require Member States to notify the Commission of irregularities discovered, proceedings instituted and amounts recovered.

(3) Article 5(2) of Regulation (EEC) No 729/70 and Article 8(1) and (2) of Commission Regulation (EC) No 1663/95 of 7 July 1995 laying down detailed rules for application of Council Regulation (EEC) No 729/70 regarding the procedure for clearance of the accounts of the EAGGF Guarantee Section [4], as last amended by Regulation (EC) No 2025/2001 [5], provide that the Commission is to make the necessary verifications, inform the Member State of its findings, consider the Member State's observations, initiate bilateral discussions in the aim of reaching agreement with it and formally communicate its conclusions to the Member State, referring to Commission Decision 94/442/EC of 1 July 1994 setting up a conciliation procedure in the context of clearance of the accounts of the European Agricultural Guidance and Guarantee Fund (EAGGF) Guarantee Section [6], last amended by Decision (EC) No 2001/535/EC [7].

[1] OJ L 94, 28.4.1970, p. 13.
[2] OJ L 125, 8.6.1995, p. 1.
[3] OJ L 67, 14.3.1991, p. 11.
[4] OJ L 158, 8.7.1995, p. 6.
[5] OJ L 274, 17.10.2001, p. 3.
[6] OJ L 182, 16.7.2001, p. 45.
[7] OJ L 193, 17.7.2001, p. 25.

(4) The verifications made and the bilateral discussions have shown that in certain cases Member States have not taken all the necessary steps to protect the Community's financial interests and that this failure has meant that unduly paid amounts have not been recovered. It must be taken into account in this connection that in the Court of Justice's view [1] four years is to be considered a reasonable period of time within which Member States ought to start proceedings to recover sums unduly paid from the EAGGF in the context of irregularities committed by operators.

(5) The financial impact arising from the impossibility of recovery in such cases should therefore not be borne by the EAGGF Guarantee Section.

(6) In cases where the impossibility of recovery cannot be ascribed to the Member State's negligence the financial impact accordingly is to be borne by the EAGGF Guarantee Section.

(7) The Commission has informed the Member States in a summary report of the amounts to be excluded under this Decision for non-conformity with Community rules.

(8) This Decision is without prejudice to the financial implications the Commission may attach to judgments of the Court of Justice in the cases before it at 31 May 2002 relating to the matters to which this Decision relates,

HAS ADOPTED THIS DECISION:

Article 1

The expenditure by the approved paying bodies of the Member States charged to the EAGGF Guarantee Section indicated in Annex I to this Decision is to be met by the Member State concerned.

It is to be deducted from the expenditure advances for the second month following notification of this Decision to the Member States concerned.

Article 2

The expenditure by the approved paying bodies of the Member States charged to the EAGGF Guarantee Section indicated in Annex II is to be met by it.

Article 3

This Decision is addressed to the Kingdom of Belgium, the Kingdom of Denmark, the Federal Republic of Germany, the Hellenic Republic, the Kingdom of Spain, the French Republic, Ireland, the Kingdom of the Netherlands, the Portuguese Republic and the United Kingdom of Great Britain and Northern Ireland.

Done at Brussels, 27 June 2003.

For the Commission

Franz FISCHLER

Member of the Commission

[1] Case C-34/89, *Italy v Commission* [1990] ECR I-3603.

ANNEX I

Amounts to be charged to the national budget

BELGIUM	*(in Bfr.)*	*(in EUR)*
Case Number (internal reference number MS)	Amount	Amount
BE/1991/003/002	381 552	9 458,43
BE/1985/019/	1 265 044	31 359,62
BE/1991/018/001	11 797 453	292 451,22
BE/1991/019/001	14 362 593	356 039,38
BE/1992/003/02	245 270	6 080,08
BE/1992/004/02	740 780	18 363,46
BE/1992/005/02	1 840 530	45 625,55
BE/1992/011/02	1 179 880	29 248,46
BE/1993/005/	6 378 535	158 119,75
BE/1994/003/	206 023	5 107,18
BE/1994/009/	5 857 103	145 193,79
BE/1994/010/	1 549 917	38 421,44
BE/1994/034/	1 020 577	25 299,44
BE/1994/040/	332 983	8 254,43
BE/1994/041/	393 524	9 755,21
TOTAL	47 551 764	1 178 777,44

DENMARK	*(in DKR)*	
Case Number (internal reference number MS)	Amount	
GA/DK/1990/020	8 899 650	
GA/DK/1995/033	1 051 070	
TOTAL	9 950 720	

GERMANY	*(in DM)*	*(in EUR)*
Case Number (internal reference number MS)	Amount	Amount
DE/99/103/B	1 631 391,79	834 117,38
GA/DE/1985/223/L/NL	28 374,11	14 507,45
TOTAL	1 659 765,90	848 624,83

GREECE	*(in GRD)*	*(in EUR)*
Case Number (internal reference number MS)	Amount	Amount
EL/1990/008/A	14 272 278,00	41 884,90

SPAIN	*(in PTE)*	*(in EUR)*
Case Number (internal reference number MS)	Amount	Amount
GA/ES/1990/001/ABIS	34 479	207,22
GA/ES/1990/140/3	1 976 128	11 876,77
GA/ES/1991/011/	6 310 956	37 929,61

SPAIN	*(in PTE)*	*(in EUR)*
Case Number (internal reference number MS)	Amount	Amount
GA/ES/1991/027/	17 513 735	105 259,67
GA/ES/1991/033/	3 620 426	21 759,20
GA/ES/1991/056/	8 695 265	52 259,60
GA/ES/1992/006/	19 670 797	118 223,87
GA/ES/1993/034/	1 377 144	8 276,80
GA/ES/1993/097/	6 801 463	40 877,62
GA/ES/1993/117/	1 836 252	11 036,10
GA/ES/1993/134/	974 880	5 859,15
GA/ES/1993/161/	1 146 529	6 890,78
GA/ES/1993/162/	1 419 439	8 531,00
GA/ES/1993/170/	1 208 255	7 261,76
GA/ES/1993/175/	3 063 937	18 414,63
GA/ES/1993/186/	1 243 044	7 470,84
GA/ES/1993/209/	2 017 859	12 127,58
GA/ES/1993/217/	1 242 085	7 465,08
GA/ES/1993/231/	10 453 862	62 828,98
GA/ES/1993/247/	2 193 950	13 185,91
GA/ES/1994/001/	713 579	4 288,70
GA/ES/1994/005/	47 894 924	287 854,29
GA/ES/1994/008/	1 009 594	6 067,78
GA/ES/1994/009/	5 221 993	31 384,81
GA/ES/1994/026/	2 187 064	13 144,52
GA/ES/1994/035/	1 255 703	7 546,93
GA/ES/1994/036/	361 806	2 174,50
GA/ES/1994/037/	1 631 871	9 807,74
GA/ES/1994/040/	2 346 913	14 105,23
GA/ES/1994/080/	29 180 671	175 379,36
GA/ES/1994/083/	868 300	5 218,59
GA/ES/1994/092/	767 325	4 611,72
GA/ES/1994/136/	4 980 002	29 930,41
GA/ES/1994/137/	2 038 181	12 249,71
GA/ES/1994/138/	2 137 077	12 844,09
GA/ES/1994/139/	2 230 327	13 404,54
GA/ES/1994/140/	2 461 685	14 795,02
GA/ES/1994/141/	14 404 884	86 575,10
GA/ES/1994/142/	5 955 857	35 795,42
TOTAL	220 448 241	1 324 920,61

FRANCE	*(in FFR)*	*(in EUR)*
Case Number (internal reference number MS)	Amount	Amount
FR/87/030	307 484,00	46 875,63
FR/92/010	44 533,71	6 789,12
TOTAL	352 017,71	53 664,75

IRELAND	*(in £)*	*(in EUR)*
Case Number (internal reference number MS)	Amount	Amount
GA/IR/1985/018	11 865,46	15 066,03

PORTUGAL	*(in ESC)*	*(in EUR)*
Case Number (internal reference number MS)	Amount	Amount
PT/1994/015	11 796 713	58 841,76
TOTAL	11 796 713	58 841,76

UNITED KINGDOM	*(in £)*	
Case Number (internal reference number MS)	Amount	
UK/1978/010	3 614,00	
UK/1983/029	13 067,00	
UK/1989/193	3 330,00	
UK/1990/112	997,00	
UK/1991/021	1 034,00	
UK/1991/084	3 280,00	
UK/1991/085	8 873,00	
UK/1992/040	83 788,00	
UK/1993/067	4 750,45	
UK/1993/087	4 303,84	
UK/1993/133	10 319,53	
UK/1993/179	5 273,72	
UK/1994/063	5 253,05	
UK/1994/022	1 879,00	
sub balance < 1995	149 762,59	
UK/1995/058	6 013,69	
UK/1995/123	3 830,04	
UK/1995/147	9 670,17	
UK/1995/172	4 324,91	
UK/1996/118	11 402,00	
UK/1995/173	4 241,23	
UK/1995/181	50 563,38	
UK/1996/208	6 552,27	
UK/1996/236	6 446,57	
UK/1997/165	33 805,00	
TOTAL	286 611,85	

ANNEXE II

Amounts to be charged to the EAGGF Guarantee Fund

BELGIUM	*(in Bfr.)*	*(in EUR)*
Case Number (internal reference number MS)	Amount	Amount
BE/1992/025/02	345 952	8 575,93
BE/1993/020/	132 950	3 295,74
BE/1994/013/	180 722	4 479,98
TOTAL	659 624	16 351,65

DANEMARK	*(in DKR)*	
Case Number (internal reference number MS)	Amount	
GA/DK/1981/009	106 330	
GA/DK/1985/031	302 310	
GA/DK/1989/018	26 048 743	
GA/DK/1993/054	9 249 620	
GA/DK/1993/055	1 803 237	
TOTAL	37 510 240	

GERMANY	*(in DM)*	*(in EUR)*
Case Number (internal reference number MS)	Amount	Amount
DE/75/001	226 073,36	115 589,47
DE/80/006/E	1 373 180,26	702 095,92
DE/80/007/E	962 007,33	491 866,54
DE/80/008/E	402 446,05	205 767,40
DE/80/009/E	16 763,57	8 571,08
DE/80/010/E	553 189,63	282 841,37
DE/80/011/E	1 776 885,11	908 506,93
DE/80/012/E	797 495,69	407 753,07
DE/80/013/E	3 713 157,93	1 898 507,50
DE/80/014/E	52 229,94	26 704,74
DE/80/016/E	88 966,45	45 487,82
DE/80/019/E	226 342,88	115 727,28
DE/81/003/E	120 139,10	61 426,15
DE/81/004/E	229 715,16	117 451,50
DE/81/007/L/NL	29 308,08	14 984,98
DE/81/016/E	97 501,02	49 851,48
DE/81/017/E	284 193,76	145 305,96
DE/81/018/E	412 353,14	210 832,81
DE/81/019/E	710 419,29	363 231,62
DE/82/060/L/NL	18 474,71	9 445,97
DE/83/001/E	1 131 992,72	578 778,69
DE/83/003/E	1 281 370,31	655 154,24

GERMANY	*(in DM)*	*(in EUR)*
Case Number (internal reference number MS)	Amount	Amount
DE/83/019/L/NL	8 708,05	4 452,36
DE/83/058/L/NL	52 699,79	26 944,97
DE/83/068/L/NL	51 269,39	26 213,62
DE/83/071/B	27 738,19	14 182,31
DE/83/105/L/NL	57 331,34	29 313,05
DE/84/028/B	1 208 428,57	617 859,72
DE/84/235/L/NL	8 049,32	4 115,55
DE/84/250/L/NL	26 383,07	13 489,45
DE/84/265/L/NL	26 677,21	13 639,84
DE/84/270/L/NL	8 720,56	4 458,75
DE/84/276/L/NL	15 296,72	7 821,09
DE/84/282/L/NL	22 982,32	11 750,67
DE/85/004/B	981 411,67	501 787,82
DE/85/009/F	17 980,41	9 193,24
DE/85/028/B	46 968,35	24 014,54
DE/85/206/L/NL	16 744,58	8 561,37
DE/85/217/L/NL	24 656,04	12 606,43
DE/85/218/L/NL	9 008,11	4 605,77
DE/85/226/LNL	26 340,58	13 467,72
DE/86/011/B	4 404,66	2 252,07
DE/86/019/B	11 013,39	5 631,06
DE/86/044/E	27 020,62	13 815,42
DE/86/205/L/NL	6 654,84	3 402,57
DE/87/015/E	35 222,60	18 009,03
DE/87/303/L/NL	36 750,76	18 790,37
DE/87/304/L/NL	29 430,40	15 047,52
DE/87/307/L/NL	27 695,65	14 160,56
DE/88/001/E	118 827,19	60 755,38
DE/88/009/B	6 375,55	3 259,77
DE/88/200/L/NL	14 190,48	7 255,48
DE/89/004/F	1 017 654,40	520 318,43
DE/89/013/B	2 295 495,82	1 173 668,38
DE/89/014/B	95 441,52	48 798,47
DE/90/002/B	966 472,33	494 149,46
DE/90/002/L/NL	700 162,94	357 987,63
DE/90/045/B	334 874,57	171 218,65
DE/91/024/B	555 308,63	283 924,79
DE/92/002/G	2 736,99	1 399,40
DE/92/020/B	259 088,64	132 469,92
DE/93/001/F	188 076,34	96 161,91
DE/93/010/1NL	27 324,00	13 970,54
DE/93/033/B	852 544,72	435 899,19
DE/93/038/B	67 215,09	34 366,53
DE/93/040/B	417 414,72	213 420,76
DE/93/087/B	286 060,65	146 260,49

GERMANY	*(in DM)*	*(in EUR)*
Case Number (internal reference number MS)	Amount	Amount
DE/93/090/B	321 221,82	164 238,11
DE/93/097/B	222 722,14	113 876,02
DE/93/098/B	38 532,16	19 701,18
DE/93/100/B	1 506 859,47	770 445,01
DE/93/130/B	9 475,77	4 844,88
DE/94/001/LRWL	46 440,00	23 744,39
DE/94/002/B	280 240,68	143 284,78
DE/94/002/LSA	354 363,84	181 183,35
DE/94/003/LRWL	26 404,00	13 500,15
DE/94/003/LSA	102 792,73	52 557,09
DE/94/004/LSA	134 681,94	68 861,78
DE/94/007/NL	4 246,00	2 170,95
DE/94/010/LSA	627 484,70	320 827,83
DE/94/019/B	129 634,60	66 281,12
DE/94//022/B	61 776,57	31 585,86
DE/94/023/B	7 359,97	3 763,09
DE/94/027/B	2 572,36	1 315,23
DE/94/043/B	42 572,00	21 766,72
DE/94/091/B	80 039,57	40 923,58
DE/94/094/B	720 819,21	368 549,01
DE/94/101/B	30 817,91	15 756,95
DE/94/131/B	486 213,44	248 596,98
DE/94/144/B	3 331 164,67	1 703 197,45
sub saldo < 1995	34 093 492,81	17 431 726,08
DE/95/002/L/NL	21 750,00	11 120,60
DE/95/004/B	1 682 886,65	860 446,28
DE95/106/B	20 230,18	10 343,53
DE/95/111/B	15 179,86	7 761,34
DE/95/112/B	15 444,97	7 896,89
DE/95/113/B	17 384,78	8 888,70
DE/95/114/B	9 864,41	5 043,59
DE/95/115/B	27 322,69	13 969,87
DE/95/116/B	41 200,60	21 065,53
DE/95/118/B	27 994,67	14 313,45
DE/95/120/B	72 781,38	37 212,53
DE/95/121/B	9 339,43	4 775,17
DE/95/123/B	12 317,95	6 298,07
DE/95/124/B	12 411,02	6 345,65
DE/95/125/B	110 000,00	56 242,11
DE/95/130/B	38 905,27	19 891,95
DE/96/025/B	758 053,68	387 586,69
DE/96/035/L/BBL	39 762,88	20 330,44
DE/96/038/B	26 131,53	13 360,84

GERMANY	*(in DM)*	*(in EUR)*
Case Number (internal reference number MS)	Amount	Amount
DE/96/069/B	20 229,60	10 343,23
DE/96/121/B	8 223,84	4 204,78
DE/97/009/B	45 666,44	23 348,88
DE/99/101/B	2 559 880,90	1 308 846,32
TOTAL	39 686 455,54	20 291 362,51

GREECE	*(in GRD)*	*(in EUR)*
Case Number (internal reference number MS)	Amount	Amount
EL/1990/002/A	10 659 264,00	31 281,77
EL/1993/203	3 520 837,00	10 332,61
TOTAL	14 180 101,00	41 614,38

SPAIN	*(in PTE)*	*(in EUR)*
Case Number (internal reference number MS)	Amount	Amount
ES/1991/040	4 967 759	29 856,83
ES/1991/054	1 205 118	7 242,91
ES/1992/015	36 009 916	216 423,95
ES/1992/016	16 223 156	97 503,13
ES/1992/017	15 478 454	93 027,38
ES/1992/018	15 367 894	92 362,90
ES/1992/027	16 091 128	96 709,63
ES/1992/031	10 295 485	61 877,11
ES/1993/064	1 377 103	8 276,56
ES/1993/105	1 514 172	9 100,36
ES/1993/108	6 256 695	37 603,49
ES/1993/208	730 315	4 389,28
ES/1993/230	1 951 387	11 728,07
ES/1993/234	37 207 226	223 619,93
ES/1993/246	4 177 064	25 104,66
ES/1994/015	14 077 996	84 610,46
ES/1994/021	29 033 510	174 494,91
ES/1994/025	33 257 517	199 881,70
ES/1994/043	3 087 390	18 555,59
ES/1994/054	252 538 237	1 517 785,37
ES/1994/075	1 798 762 930	10 810 782,94
ES/1994/076	56 760 956	341 140,22
ES/1994/077	228 005 970	1 370 343,48
ES/1994/081	32 148 890	193 218,72
ES/1994/082	33 977 730	204 210,27
ES/1994/095	5 329 620	32 031,66
ES/1994/124	11 329 774	68 093,31

SPAIN	*(in PTE)*	*(in EUR)*
Case Number (internal reference number MS)	Amount	Amount
ES/1994/125	663 628	3 988,48
ES/1994/126	6 865 497	41 262,47
ES/1994/127	88 460 527	531 658,47
ES/1994/128	11 727 394	70 483,06
saldo < 1995	2 774 880 438	16 677 367,31
ES/1995/018	28 599 612	171 887,13
ES/1995/028	6 203 777	37 285,45
ES/1995/082	15 407 901	92 603,35
ES/1995/104	5 418 577	32 566,30
ES/1996/022	1 384 511	8 321,08
ES/1996/046	2 408 146	14 473,25
ES/1996/055	6 872 590	41 305,10
ES/1996/084	9 400 053	56 495,46
ES/1996/089	135 314 787	813 258,25
ES/1996/107	1 199 056	7 206,47
ES/1996/108	1 407 451	8 458,95
ES/1997/002	104 864 810	630 250,20
ES/1997/045	2 317 905	13 930,89
ES/1997/046	398 278	2 393,70
ES/1997/049	26 873 314	161 511,87
ES/1997/052	817 932	4 915,87
ES/1997/087	6 094 338	36 627,71
ES/1997/096	23 219 299	139 550,80
ES/1997/098	45 602 883	274 078,85
ES/1997/099	42 985 169	258 346,07
ES/1997/113	11 507 851	69 163,58
ES/1997/138	775 000	4 657,84
ES/1998/005	7 165 696	43 066,70
ES/1998/006	14 591 805	87 698,51
ES/1998/027	44 916 912	269 956,08
ES/1998/120	22 253 496	133 746,20
ES/1999/006	17 477 260	105 040,45
TOTAL	3 360 358 847	20 196 163,42

FRANCE	*(in FFR)*	*(in EUR)*
Case Number (internal reference number MS)	Amount	Amount
FR/78/021	761 012,17	116 015,56
FR/81/007	617 126,39	94 080,31
FR/85/031	40 345,46	6 150,63
FR/87/036	196 382,08	29 938,26
FR/88/018	27 236,00	4 152,10

FRANCE	*(in FFR)*	*(in EUR)*
Case Number (internal reference number MS)	Amount	Amount
FR/88/019	34 006,51	5 184,26
FR/89/025	558 438,98	85 133,47
FR/91/034	6 223 737,00	948 802,59
FR/94/045	213 719,92	32 581,39
FR/94/047	47 912,67	7 304,24
saldo < 1995	8 719 917,18	1 329 342,80
FR/95/042	4 454 329,00	679 058,08
FR/95/062	121 057,29	18 455,06
FR/98/069	9 542,97	1 454,82
FR/98/100	224 116,72	34 166,37
FR/99/031	75 237,09	11 469,82
TOTAL	13 604 200,25	2 073 946,96

IRELAND	*(in £)*	*(in EUR)*
Case Number (internal reference number MS)	Amount	Amount
GA/IR/1985/022	3 224,06	4 093,71
GA/IR/1988/008	24 305,57	30 861,71
GA/IR/1991/001	142 880,52	181 420,84
saldo < 1995	170 410,15	216 376,26
GA/IR/1997/079	8 951,83	11 366,48
TOTAL	179 361,98	227 742,74

THE NETHERLANDS	*(in Hfl.)*	*(in EUR)*
Case Number (internal reference number MS)	Amount	Amount
NL/82/151	33 110	15 024,66
NL/87/201	18 677	8 475,25
NL/89/481	10 100	4 583,18
NL/89/491	9 840	4 465,20
NL/89/501	10 100	4 583,18
NL/89/511	25 520	11 580,47
NL/89/521	50 410	22 875,06
NL/91/621	80 110	36 352,33
NL/91/631	92 423	41 939,73

THE NETHERLANDS	*(in Hfl.)*	*(in EUR)*
Case Number (internal reference number MS)	Amount	Amount
NL/91/371	1 727 427	783 872,20
NL/92/022	4 093 794	1 857 682,73
NL/92/023	143 730	65 221,83
NL/93/017	3 924 668	1 780 936,69
NL/94/033	24 930	11 312,74
saldo < 995	10 244 839	4 648 905,26
NL/96/037	257 574	116 881,99
NL/98/022	11 118	5 045,13
TOTAL	10 513 531	4 770 832,37

PORTUGAL	*(in ESC)*	*(in EUR)*
Case Number (internal reference number MS)	Amount	Amount
PT/1991/014	6 400 180	31 923,96
PT/1992/007	37 307 340	186 088,23
PT/1992/011	3 477 210	17 344,25
PT/1992/012	2 861 949	14 275,34
PT/1993/120	39 281 631	195 935,95
PT/1994/027	1 778 172	8 869,48
PT/1994/042	5 289 583	26 384,33
PT/1994/089	159 447 069	795 318,63
PT/1993/135	2 065 990	10 305,11
saldo < 1995	257 909 124	1 286 445,29
PT/1996/051	7 924 173	39 525,61
TOTAL	265 833 297	1 325 970,90

UNITED KINGDOM	*(in £)*	
Case Number (internal reference number MS)	Amount	
UK/1978/011	2 942,00	
UK/1985/001	229 948,00	
UK/1988/025	1 064,00	
UK/1989/166	4 995 290,00	
UK/1990/070	33 830,00	
UK/1990/204	1 470,33	
UK/1992/048	18 497,70	
UK/1993/126	4 218,00	
UK/1993/163	1 980,00	
UK/1994/079	8 419,79	
UK/1994/196	831 441,00	
saldo < 1995	6 129 100,82	
UK/1995/056	3 250,80	
UK/1995/077	826 150,00	
UK/1995/111	5 634,32	

UNITED KINGDOM	*(in £)*	
Case Number (internal reference number MS)	Amount	
UK/1995/138	18 443,00	
UK/1995/147	150 983,00	
UK/1995/151	343 532,00	
UK/1995/185	228 131,39	
UK/1998/011	2 825 256,00	
UK/1999/001	4 552,00	
UK/1999/107	63 411,00	
TOTAL	10 598 444,33	

COMMITTEE OF THE REGIONS

COMMITTEE OF THE REGIONS DECISION No 64/2003
of 11 February 2003
on public access to Committee of the Regions documents

THE COMMITTEE OF THE REGIONS BUREAU,

Having regard to Article 255(2) and (3) of the EC Treaty, and in particular Article 255(2) and (3) thereof,

Having regard to Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents ([1]),

Having regard to the Committee of the Regions Rules of Procedure, in particular Rule 35 thereof,

Whereas in the Joint Declaration on Regulation (EC) No 1049/2001, the European Parliament, the Council and the Commission request the other institutions to adopt internal rules regarding public access to documents, taking into account the principles and limits set out in this Regulation ([2]),

HEREBY DECIDES:

Article 1

Scope

Any citizens of the Union and any natural or legal person residing or having its registered office in a Member State shall have a right of access to Committee of the Regions documents, subject to the principles, conditions and limits set out in Regulation (EC) No 1049/2001 and the specific provisions laid down in this decision.

Article 2

Public register of Committee of the Regions documents

1. In accordance with Article 11 of Regulation (EC) No 1049/2001, a register of documents shall be established within the Committee of the Regions.

2. The register thus created shall contain references to documents drawn up or received by the institution as from the date from which Regulation (EC) No 1049/2001 is applicable.

3. The full texts of documents shall be published on the Committee's Internet site, subject to Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by Community institutions and bodies and on the free movement of such data ([3]), and Article 16 of Regulation (EC) No 1049/2001.

Article 3

Registration of documents

1. Any document drawn up by the Committee shall be entered in the register as soon as possible. The Secretary-General shall adopt the necessary internal implementing measures to ensure that all documents drawn up by the Committee are recorded.

2. Documents drawn up under the consultative procedure or for the purpose of other Committee business shall be entered in the register as soon as they have been tabled or made public, under the responsibility of the body or service which is the originator of the document.

3. Other documents which fall within the remit of the administrative services of the Secretariat-General of the Committee shall, as far as possible, be entered in the register as soon as authorised by the originating service.

4. Any document received by the Committee from a third party within the meaning of Article 3 of Regulation (EC) No 1049/2001 shall be forwarded by the official mail service to the register, which shall enter it, unless it is a sensitive document, within the meaning of Article 9 of the above Regulation, for which compliance with the time limits prescribed in that article is required.

Article 4

Documents directly accessible

1. All documents drawn up or received by the Committee under the consultative procedure must be accessible to citizens in electronic form, as far as possible, subject to the limits laid down in Articles 4 and 9 of Regulation (EC) No 1049/2001.

([1]) OJ L 145, 31.5.2001, p. 43.
([2]) OJ L 173, 27.6.2001, p. 5.
([3]) OJ L 8, 12.1.2001, p. 1.

2. In this connection, the Committee will make all consultative documents accessible through the register, to enable citizens to have direct access to the full texts of documents.

3. The Committee will make this register electronically accessible on its Internet site and will provide on-line assistance to citizens concerning arrangements for submitting applications for access to documents.

4. Other documents, in particular more political or strategic documents, shall be made directly accessible as far as possible.

Article 5

Documents accessible on request

1. Documents drawn up or received by the Committee outside the consultative procedure shall, as far as possible, be directly accessible to citizens through the register, subject to the limits laid down in Articles 4 and 9 of Regulation (EC) No 1049/2001.

2. Where entry of a document in the register does not permit direct access to the full text, either because the document is not available in electronic form or because the exceptions provided for in Articles 4 and 9 of Regulation (EC) No 1049/2001 are applicable, the applicant may apply for access to the document in writing, or using the electronic form available on the website. The Committee may either grant access to the document or give the reasons for its total or partial refusal in writing.

Article 6

Initial application

(a) Submission of the initial application

1. Applications for access to a document shall be sent in writing (by post, fax or electronic mail) to the Secretary-General of the Committee or to the open address given on the Committee's website, in one of the languages listed in Article 314 of the EC Treaty.

2. Applications shall be made in a sufficiently precise manner and in particular contain information enabling the document or documents requested to be identified and the name and address of the applicant.

3. If an application is not sufficiently precise, the Committee shall ask the applicant to clarify it and shall assist him or her in doing so; in this case, the deadline for reply shall apply from the date by which the Committee receives this information.

4. The applicant is not obliged to state the reasons for the application.

(b) Processing of the initial application

1. An application for access to a document held by the Committee shall be sent on the same day as it is registered by the official mail service to the service responsible for managing the register, which must acknowledge receipt of the application, draft a reply and deliver the document within the prescribed time limit.

2. When the application relates to a document drawn up by the Committee to which one of the exceptions laid down in Article 4 of Regulation (EC) No 1049/2001 is applicable, the service responsible for the register shall contact the service or body that is the originator of the document, which shall suggest the course of action to be taken within five working days.

3. When the doubt as to disclosure concerns documents from third parties, the Committee shall consult the latter giving them five working days in which to make their position known with a view to assessing whether one of the exceptions laid down in Article 4 and 9 of Regulation (EC) No 1049/2001 is applicable.

4. When the application for access submitted to the Committee concerns a document which has not yet been made public by the originating institution, the Committee shall give the institution responsible for the document five working days in which to express any reservations regarding disclosure of the document.

5. If no reply is received within five working days, the Committee shall carry on with the procedure.

(c) Deadline for reply

1. Within a time limit of 15 working days from the registration of the application, the service responsible for the register shall grant access to the requested document and shall supply it within the same time limit.

2. Where the Committee is unable to grant access to the requested document, it shall notify the applicant in writing of the grounds for its total or partial refusal and inform the applicant of his or her right to make a confirmatory application.

3. In this case the applicant will have 15 working days from receiving the reply to make a confirmatory application.

4. In exceptional cases, where an application relates to a very long document or a large number of documents, the time limit provided for in paragraph 1 of this article may be extended by 15 working days, provided the applicant is notified in advance and that detailed reasons are given.

5. Failure by the Committee to reply within the prescribed time limit shall entitle the applicant to make a confirmatory application.

6. The time limit of 15 working days laid down by Article 7 of Regulation (EC) No 1049/2001 shall start to run from the date of registration of the initial application.

(d) Competent authority

1. Initial applications shall be handled by the head of the Service responsible for supervision of the handling of applications for access to documents.

2. Favourable replies to initial applications shall be sent to the applicant by the director of the Service responsible for supervision of the handling of applications for access to documents.

3. Refusal of an initial application, with a statement of the reasons, shall be decided by the Secretary-General on a proposal from the service or body that is the originator of the document.

4. The Secretary-General may, at any time, refer an application to the Legal Service and/or the officer responsible for data protection.

Article 7

Confirmatory applications

(a) Submission of confirmatory applications

1. Confirmatory applications shall be sent to the Committee in writing within 15 working days, either from receipt of the total or partial refusal of access to the document requested, or in the absence of any reply to the initial application.

2. Confirmatory applications must be made in accordance with the same formal requirements as for the initial application.

(b) Processing and deadline for reply

1. Confirmatory applications shall be processed in accordance with the provisions laid down in Article 6(b) of this decision.

2. Within 15 working days of registration of the application, the Committee shall either grant access to the document or notify the applicant in writing of the reasons for its total or partial refusal.

3. In exceptional cases, where an application relates to a very long document or a large number of documents, the time limit provided for in the previous paragraph may be extended by 15 working days, provided the applicant is notified in advance and that detailed reasons are given.

(c) Competent authority

1. The reply to any confirmatory application shall be a matter for the President of the Committee.

2. The President will refer the matter to the Legal Service and/or the officer responsible for data protection, who shall give an opinion within three working days.

Article 8

Remedies to the confirmatory application

1. Where the Committee totally or partially refuses to grant access to a document, it shall inform the applicant of the remedies open to him or her, namely: instituting court proceedings against the institution and/or making a complaint to the Ombudsman under the conditions laid down in Articles 230 and 195 of the EC Treaty.

2. Failure to reply within the prescribed time limit is to be regarded as a negative response and will entitle the applicant to bring an action or complaint under the conditions set out in the previous paragraph.

Article 9

Issue of documents and cost of the reply

(a) Issue

1. Documents are to be supplied in the form of a copy, or in electronic format, with full regard to the applicant's preference.

2. If a document has already been released by the Committee or by another institution and is easily accessible, the Committee may facilitate access to the document by informing the applicant how to obtain the requested document.

(b) Cost of the reply

1. The cost of producing and sending copies may be charged to the applicant. This charge may not exceed the real cost of the operation.

2. Consultation on the spot, copies of less than 20 A4 pages and direct access in electronic form or through the register shall be free of charge.

(c) Applications for very large documents

1. The issuing of documents exceeding 20 A4 pages shall be subject to a fee of EUR 10, plus EUR 0,03 per page.

2. The amount of this fee may be revised by a decision of the Secretary-General.

3. Expenses relating to other means of transmission shall be decided by the Secretary-General but may not exceed the real cost of the operation.

4. In the event of repeated or successive applications concerning very long documents or a large number of documents, the Committee may confer with the applicant informally with a view to finding a solution.

5. Published documents are not covered by this decision and shall continue to be subject to their own pricing system.

(d) Additional translation costs

Where translation into a language other than those available is requested by the applicant, the existing freelance rates applied by the Committee to external translations shall apply.

Article 10

Final provision

This Decision repeals the Committee of the Regions Bureau Decision No 165/1997 of 17 September 1997 on public access to Committee of the Regions documents.

Article 11

Entry into force

This decision shall enter into force on the date of its publication in the *Official Journal of the European Union*. The decision on establishing the register of documents shall take effect from 1 June 2003.

The decision shall be enforced by the Secretary-General.

Done at Brussels, 11 February 2003.

For the Bureau of the Committee of the Regions

The President

Albert BORE

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

COUNCIL COMMON POSITION 2003/482/CFSP

of 27 June 2003

updating Common Position 2001/931/CFSP on the application of specific measures to combat terrorism and repealing Common Position 2003/402/CFSP

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Articles 15 and 34 thereof,

Whereas:

(1) On 27 December 2001, the Council adopted Common Position 2001/931/CFSP on the application of specific measures to combat terrorism [1].

(2) On 5 June 2003, the Council adopted Common Position 2003/402/CFSP updating Common Position 2001/931/CFSP and repealing Common Position 2002/976/CFSP [2].

(3) Common Position 2001/931/CFSP provides for a review at regular intervals.

(4) It is necessary to update the Annex to Common Position 2001/931/CFSP and repeal Common Position 2003/402/CFSP.

(5) A list has been elaborated in compliance with the criteria laid down in Article 1(4) of Common Position 2001/931/CFSP,

HAS ADOPTED THIS COMMON POSITION:

Article 1

The list of persons, groups and entities to which Common Position 2001/931/CFSP applies is contained in the Annex.

Article 2

Common Position 2003/402/CFSP is hereby repealed.

Article 3

This Common Position shall take effect on the date of its adoption.

Article 4

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

Done at Brussels, 27 June 2003.

For the Council
The President
G. PAPANDREOU

[1] OJ L 344, 28.12.2001, p. 93.
[2] OJ L 139, 6.6.2003, p. 35.

ANNEX

List of persons, groups and entities referred to in Article 1 [1]

1. PERSONS

1. ABOU, Rabah Naami (a.k.a. Naami Hamza; a.k.a. Mihoubi Faycal; a.k.a. Fellah Ahmed; a.k.a. Dafri Rèmi Lahdi) born 1.2.1966 in Algiers (Algeria) (Member of al-Takfir and al-Hijra)

2. ABOUD, Maisi (a.k.a. The Swiss Abderrahmane) born 17.10.1964 in Algiers (Algeria) (Member of al-Takfir and al-Hijra)

3. *ALBERDI URANGA, Itziar (E.T.A. Activist) born 7.10.1963 in Durango (Biscay), identity card No 78.865.693

4. *ALBISU IRIARTE, Miguel (E.T.A. Activist; Member of Gestoras Pro-amnistía) born 7.6.1961 in San Sebastián (Guipúzcoa), identity card No 15.954.596

5. AL-MUGHASSIL, Ahmad Ibrahim (a.k.a. ABU OMRAN; a.k.a. AL-MUGHASSIL, Ahmed Ibrahim) born 26.6.1967 in Qatif-Bab al Shamal, Saudi Arabia; citizen Saudi Arabia

6. AL-NASSER, Abdelkarim Hussein Mohamed, born in Al Ihsa, Saudi Arabia; citizen Saudi Arabia

7. AL YACOUB, Ibrahim Salih Mohammed, born 16.10.1966 in Tarut, Saudi Arabia; citizen Saudi Arabia

8. *APAOLAZA SANCHO, Iván (E.T.A. Activist; Member of K.Madrid) born 10.11.1971 in Beasain (Guipúzcoa), identity card No 44.129.178

9. ARIOUA, Azzedine born 20.11.1960 in Costantine (Algeria) (Member of al-Takfir and al-Hijra)

10. ARIOUA, Kamel (a.k.a. Lamine Kamel) born 18.8.1969 in Costantine (Algeria) (Member of al-Takfir and al-Hijra)

11. ASLI, Mohamed (a.k.a. Dahmane Mohamed) born 13.5.1975 in Ain Taya (Algeria) (Member of al-Takfir and al-Hijra)

12. ASLI, Rabah born 13.5.1975 in Ain Taya (Algeria) (Member of al-Takfir and al-Hijra)

13. *ARZALLUS TAPIA, Eusebio (E.T.A. Activist) born 8.11.1957 in Regil (Guipúzcoa), identity card No 15.927.207

14. ATWA, Ali (a.k.a. BOUSLIM, Ammar Mansour; a.k.a. SALIM, Hassan Rostom), Lebanon, born 1960 in Lebanon; citizen Lebanon

15. *BERASATEGUI ESCUDERO, Ismael (E.T.A. Activist; Member of K. Behorburu) born 15.6.1969 in Eibar (Guipúzcoa), identity card No 15.379.555

16. DARIB, Noureddine (a.k.a. Carreto; a.k.a. Zitoun Mourad) born 1.2.1972 in Algeria (Member of al-Takfir and al-Hijra)

17. DJABALI, Abderrahmane (a.k.a. Touil) born 1.6.1970 in Algeria (Member of al-Takfir and al-Hijra)

18. *ECHEBERRIA SIMARRO, Leire (E.T.A. Activist) born 20.12.1977 in Basauri (Bizcay), identity card No 45.625.646

19. *ECHEGARAY ACHIRICA, Alfonso (E.T.A. Activist) born 10.1.1958 in Plencia (Bizcay), identity card No 16.027.051

20. *ELCORO AYASTUY, Paulo (E.T.A. Activist; Member of Jarrai/Haika/Segi) born 22.10.1973 in Vergara (Guipúzcoa), identity card No 15.394.062

21. EL-HOORIE, Ali Saed Bin Ali (a.k.a. AL-HOURI, Ali Saed Bin Ali; a.k.a EL-HOURI, Ali Saed Bin Ali) born 10.7.1965 alt. 11.7.1965 in El Dibabiya, Saudi Arabia; citizen Saudi Arabia

22. FAHAS, Sofiane Yacine born 10.9.1971 in Algiers (Algeria) (Member of al-Takfir and al-Hijra)

23. *FIGAL ARRANZ, Antonio Agustín (E.T.A. Activist; Member of Kas/Ekin) born 2.12.1972 in Baracaldo (Biscay), identity card No 20.172.692

24. *GOGEASCOECHEA ARRONATEGUI, Eneko (E.T.A. Activist), born 29.4.1967 in Guernica (Biscay), identity card No 44.556.097

[1] Persons marked with an * shall be the subject of Article 4 only.

25. *GOIRICELAYA GONZALEZ, Cristina (E.T.A. Activist; Member of Herri Batasuna/E.H/Batasuna), born 23.12.1967 in Vergara (Guipúzcoa), identity card No 16.282.556

26. *IPARRAGUIRRE GUENECHEA, Ma Soledad (E.T.A. Activist) born 25.4.1961 in Escoriaza (Navarra), identity card No 16.255.819

27. *IZTUETA BARANDICA, Enrique (E.T.A. Activist) born 30.7.1955 in Santurce (Biscay), identity card No 14.929.950

28. IZZ-AL-DIN, Hasan (a.k.a GARBAYA, AHMED; a.k.a. SA-ID; a.k.a. SALWWAN, Samir), Lebanon, born 1963 in Lebanon, citizen Lebanon

29. LASSASSI, Saber (a.k.a. Mimiche) born 30.11.1970 in Constantine (Algeria) (Member of al-Takfir and al-Hijra)

30. MOHAMMED, Khalid Shaikh (a.k.a. ALI, Salem; a.k.a. BIN KHALID, Fahd Bin Adballah; a.k.a. HENIN, Ashraf Refaat Nabith; a.k.a. WADOOD, Khalid Adbul) born 14.4.1965 alt. 1.3.1964 in Pakistan, passport No 488555

31. MOKTARI, Fateh (a.k.a. Ferdi Omar) born 26.12.1974 in Hussein Dey (Algeria) (Member of al-Takfir and al-Hijra)

32. *MORCILLO TORRES, Gracia (E.T.A. Activist; Member of Kas/Ekin) born 15.3.1967 in San Sebastián (Guipúzcoa), identity card No 72.439.052

33. MUGHNIYAH, Imad Fa'iz (a.k.a. MUGHNIYAH, Imad Fayiz), Senior Intelligence Officer of HIZBALLAH, born 7.12.1962 in Tayr Dibba, Lebanon, passport No 432298 (Lebanon)

34. *MUÑOA ORDOZGOITI, Aloña (E.T.A. Activist; Member of Kas/Ekin) born 6.7.1976 in Segura (Guipúzcoa), identity card No 35.771.259

35. *NARVÁEZ GOÑI, Juan Jesús (E.T.A. Activist) born 23.2.1961 in Pamplona (Navarra), identity card No 15.841.101

36. NOUARA, Farid born 25.11.1973 in Algiers (Algeria) (Member of al-Takfir and al-Hijra)

37. *ORBE SEVILLANO, Zigor (E.T.A. Activist; Member of Jarrai/Haika/Segi) born 22.9.1975 in Basauri (Biscay), identity card No 45.622.851

38. *OTEGUI UNANUE, Mikel (E.T.A. Activist; Member of Jarrai/Haika/Segi) born 8.10.1972 in Itsasondo (Guipúzcoa), identity card No 44.132.976

39. *PALACIOS ALDAY, Gorka (E.T.A. Activist; Member of K.Madrid), born 17.10.1974 in Baracaldo (Biscay), identity card No 30.654.356

40. *PEREZ ARAMBURU, Jon Iñaki (E.T.A. Activist; Member of Jarrai/Haika/Segi) born 18.9.1964 in San Sebastián (Guipúzcoa), identity card No 15.976.521

41. *QUINTANA ZORROZUA, Asier (E.T.A. Activist; Member of K.Madrid), born 27.2.1968 in Bilbao (Biscay), identity card No 30.609.430

42. RESSOUS, Hoari (a.k.a. Hallasa Farid) born 11.9.1968 in Algiers (Algeria) (Member of al-Takfir and al-Hijra)

43. *RUBENACH ROIG, Juan Luis (E.T.A. Activist; Member of K.Madrid), born 18.9.1964 in Bilbao (Biscay), identity card No 18.197.545

44. *SAEZ DE EGUILAZ MURGUIONDO, Carlos (E.T.A. Activist; Member of Kas/Ekin) born 9.12.1963 in San Sebastián (Guipúzcoa), identity card No 15.962.687

45. SEDKAOUI, Noureddine (a.k.a. Nounou) born 23.6.1963 in Algiers (Algeria) (Member of al-Takfir and al-Hijra)

46. SELMANI, Abdelghani (a.k.a. Gano) born 14.6.1974 in Algiers (Algeria) (Member of al-Takfir and al-Hijra)

47. SENOUCI, Sofiane born 15.4.1971 in Hussein Dey (Algeria) (Member of al-Takfir and al-Hijra)

48. SISON, Jose Maria (a.k.a. Armando Liwanag, a.k.a. Joma, in charge of NPA) born 8.2.1939 in Cabugao, Philippines

49. TINGUALI, Mohammed (a.k.a. Mouh di Kouba) born 21.4.1964 in Blida (Algeria) (Member of al-Takfir and al-Hijra)

50. *URANGA ARTOLA, Kemen (E.T.A. Activist; Member of Herri Batasuna/E.H/Batasuna) born 25.5.1969 in Ondarroa (Biscay), identity card No 30.627.290

51. * VALLEJO FRANCO, Iñigo (E.T.A. Activist) born 21.5.1976 in Bilbao (Biscay), identity card No 29.036.694

52. *VILA MICHELENA, Fermín (E.T.A. Activist; Member of Kas/Ekin) born 12.3.1970 in Irún (Guipúzcoa), identity card No 15.254.214

2. GROUPS AND ENTITIES

1. Abu Nidal Organisation (ANO), (a.k.a. Fatah Revolutionary Council, Arab Revolutionary Brigades, Black September, and Revolutionary Organisation of Socialist Muslims)
2. Al-Aqsa Martyr's Brigade
3. Al-Takfir and Al-Hijra
4. Aum Shinrikyo (a.k.a. AUM, a.k.a. Aum Supreme Truth, a.k.a. Aleph)
5. Babbar Khalsa
6. *Continuity Irish Republican Army (CIRA)
7. *Euskadi Ta Askatasuna/Tierra Vasca y Libertad/Basque Fatherland and Liberty (E.T.A.) (The following organisations are part of the terrorist group E.T.A.: K.a.s., Xaki, Ekin, Jarrai-Haika-Segi, Gestoras pro-amnistía, Askatasuna, Batasuna (a.k.a. Herri Batasuna, a.k.a. Euskal Herritarrok))
8. Gama'a al-Islamiyya (Islamic Group), (a.k.a. Al-Gama'a al-Islamiyya, IG)
9. *Grupos de Resistencia Antifascista Primero de Octubre/Antifascist Resistance Groups First of October (G.R.A.P.O.)
10. Hamas-Izz al-Din al-Qassem (terrorist wing of Hamas)
11. Holy Land Foundation for Relief and Development
12. International Sikh Youth Federation (ISYF)
13. Kahane Chai (Kach)
14. Kurdistan Workers' Party (PKK)
15. Lashkar e Tayyaba (LET)/Pashan-e-Ahle Hadis
16. *Loyalist Volunteer Force (LVF)
17. Mujahedin-e Khalq Organisation (MEK or MKO) (minus the 'National Council of Resistance of Iran' (NCRI)) (a.k.a. The National Liberation Army of Iran (NLA, the militant wing of the MEK), the People's Mujahidin of Iran (PMOI), Muslim Iranian Student's Society)
18. New Peoples Army (NPA), Philippines, linked to Sison Jose Maria C. (a.k.a. Armando Liwanag, a.k.a. Joma, in charge of NPA)
19. *Orange Volunteers (OV)
20. Palestine Liberation Front (PLF)
21. Palestinian Islamic Jihad (PIJ)
22. Popular Front for the Liberation of Palestine (PFLP)
23. Popular Front for the Liberation of Palestine-General Command, (a.k.a. PFLP-General Command, a.k.a. PFLP-GC)
24. *Real IRA
25. *Red Hand Defenders (RHD)
26. Revolutionary Armed Forces of Colombia (FARC)
27. *Revolutionary Nuclei/Epanastatiki Pirines
28. *Revolutionary Organisation 17 November/Dekati Evdomi Noemvri
29. Revolutionary People's Liberation Army/Front/Party (DHKP/C), (a.k.a. Devrimci Sol (Revolutionary Left), Dev Sol)
30. *Revolutionary Popular Struggle/Epanastatikos Laikos Agonas (ELA)
31. Shining Path (SL) (Sendero Luminoso)
32. Stichting Al Aqsa (a.k.a. Stichting Al Aqsa Nederland, a.k.a. Al Aqsa Nederland)
33. *Ulster Defence Association/Ulster Freedom Fighters (UDA/UFF)
34. United Self-Defense Forces/Group of Colombia (AUC) (Autodefensas Unidas de Colombia)