

English edition

## Legislation

### Contents

I	<i>Acts whose publication is obligatory</i>	
	Commission Regulation (EC) No 1199/2003 of 4 July 2003 establishing the standard import values for determining the entry price of certain fruit and vegetables .....	1
	Commission Regulation (EC) No 1200/2003 of 4 July 2003 suspending the buying-in of butter in certain Member States .....	3
*	<b>Commission Regulation (EC) No 1201/2003 of 4 July 2003 deferring the final date for sowing certain arable crops in certain areas of Finland and Sweden in the 2003/04 marketing year .....</b>	<b>4</b>
*	<b>Commission Regulation (EC) No 1202/2003 of 4 July 2003 laying down transitory measures arising from the adoption of autonomous and transitional measures concerning the export of certain processed agricultural products to the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Slovakia and Slovenia .....</b>	<b>6</b>
*	<b>Commission Regulation (EC) No 1203/2003 of 4 July 2003 amending Regulation (EC) No 1227/2000 laying down detailed rules for the application of Council Regulation (EC) No 1493/1999 on the common organisation of the market in wine, as regards production potential .....</b>	<b>9</b>
*	<b>Commission Regulation (EC) No 1204/2003 of 4 July 2003 amending the specifications of three names appearing in the Annex to Regulation (EC) No 1107/96 (Roncal, Noix de Grenoble and Caciocavallo Silano) .....</b>	<b>10</b>
*	<b>Commission Regulation (EC) No 1205/2003 of 4 July 2003 amending Regulation (EC) No 753/2002 laying down certain rules for applying Council Regulation (EC) No 1493/1999 as regards the description, designation, presentation and protection of certain wine sector products .....</b>	<b>13</b>
	Commission Regulation (EC) No 1206/2003 of 4 July 2003 on the issuing of export licences for wine-sector products .....	14
	Commission Regulation (EC) No 1207/2003 of 4 July 2003 concerning the issue of import licences for certain preserved mushrooms .....	15

Commission Regulation (EC) No 1208/2003 of 4 July 2003 fixing the minimum selling prices for beef put up for sale under the first invitation to tender referred to in Regulation (EC) No 1033/2003 and derogating therefrom .....	16
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II Acts whose publication is not obligatory

**Commission**

2003/490/EC:

* <b>Commission Decision of 30 June 2003 pursuant to Directive 95/46/EC of the European Parliament and of the Council on the adequate protection of personal data in Argentina <sup>(1)</sup> .....</b>	<b>19</b>
---	-----------

2003/491/EC:

* <b>Commission Decision of 3 July 2003 on a financial contribution from the Community towards the eradication of classical swine fever in Luxembourg in 2002 ...</b>	<b>23</b>
---	-----------

2003/492/EC:

* <b>Commission Decision of 3 July 2003 on a financial contribution from the Community towards the eradication of classical swine fever in Germany in 2001 .....</b>	<b>28</b>
--	-----------

2003/493/EC:

* <b>Commission Decision of 4 July 2003 imposing special conditions on the import of Brazil nuts in shell originating in or consigned from Brazil <sup>(1)</sup> .....</b>	<b>33</b>
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<sup>(1)</sup> Text with EEA relevance

## I

(Acts whose publication is obligatory)

**COMMISSION REGULATION (EC) No 1199/2003**  
**of 4 July 2003**  
**establishing the standard import values for determining the entry price of certain fruit and vegetables**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

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

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

HAS ADOPTED THIS REGULATION:

*Article 1*

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

*Article 2*

This Regulation shall enter into force on 5 July 2003.

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

Done at Brussels, 4 July 2003.

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

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

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

## ANNEX

**to the Commission Regulation of 4 July 2003 establishing the standard import values for determining the entry price of certain fruit and vegetables**

<i>(EUR/100 kg)</i>		
CN code	Third country code <sup>(1)</sup>	Standard import value
0702 00 00	052	60,4
	068	49,8
	096	57,7
	999	56,0
0707 00 05	052	103,8
	999	103,8
0709 90 70	052	74,2
	999	74,2
0805 50 10	382	55,9
	388	57,0
	524	80,7
	528	62,2
	999	64,0
0808 10 20, 0808 10 50, 0808 10 90	388	79,1
	400	93,8
	508	75,7
	512	61,5
	524	46,9
	528	63,9
	720	63,7
	804	105,1
	999	73,7
	0808 20 50	388
512		81,3
528		84,4
800		180,2
804		195,3
999		127,9
0809 10 00	052	192,2
	064	168,6
	999	180,4
0809 20 95	052	252,9
	060	115,5
	061	210,0
	064	231,2
	068	105,9
	400	283,0
	616	181,2
	999	197,1
0809 40 05	052	113,6
	624	193,6
	999	153,6

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

**COMMISSION REGULATION (EC) No 1200/2003**  
**of 4 July 2003**  
**suspending the buying-in of butter in certain Member States**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1255/1999 of 17 May 1999 on the common organisation of the market in milk and milk products <sup>(1)</sup>, as last amended by Commission Regulation (EC) No 806/2003 <sup>(2)</sup>,

Having regard to 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 <sup>(3)</sup>, as last amended by Regulation (EC) No 359/2003 <sup>(4)</sup>, and in particular Article 2 thereof,

Whereas:

- (1) Article 2 of Regulation (EC) No 2771/1999 lays down that buying-in by invitation to tender is to be opened or suspended by the Commission in a Member State, as appropriate, once it is observed that, for two weeks in succession, the market price in that Member State is below or equal to or above 92 % of the intervention price.

- (2) Commission Regulation (EC) No 906/2003 suspending the buying-in of butter in certain Member States <sup>(5)</sup> establishes the most recent list of Member States in which intervention is suspended. This list must be adjusted as a result of the market prices communicated by the United Kingdom under Article 8 of Regulation (EC) No 2771/1999. In the interests of clarity, the list in question should be replaced and Regulation (EC) No 906/2003 should be repealed,

HAS ADOPTED THIS REGULATION:

*Article 1*

Buying-in of butter by invitation to tender as provided for in Article 6(1) of Regulation (EC) No 1255/1999 is hereby suspended in Belgium, Denmark, Greece, the Netherlands, Austria, Luxembourg, Finland and the United Kingdom.

*Article 2*

Regulation (EC) No 906/2003 is hereby repealed.

*Article 3*

This Regulation shall enter into force on 5 July 2003.

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

Done at Brussels, 4 July 2003.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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

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

<sup>(3)</sup> OJ L 333, 24.12.1999, p. 11.

<sup>(4)</sup> OJ L 53, 28.2.2003, p. 17.

<sup>(5)</sup> OJ L 128, 24.5.2003, p. 3.

**COMMISSION REGULATION (EC) No 1201/2003****of 4 July 2003****deferring the final date for sowing certain arable crops in certain areas of Finland and Sweden in the 2003/04 marketing year**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1251/1999 of 17 May 1999 establishing a support system for producers of certain arable crops <sup>(1)</sup>, as last amended by Regulation (EC) No 1038/2001 <sup>(2)</sup>, and in particular the third indent of the second paragraph of Article 9 thereof,

Whereas:

- (1) Article 8(2) of Regulation (EC) No 1251/1999 lays down that, in order to qualify for area payments, producers must have sown the seed no later than 31 May preceding the relevant harvest.
- (2) In Commission Regulation (EC) No 2316/1999 of 22 October 1999 laying down detailed rules for the application of Council Regulation (EC) No 1251/1999 establishing a support system for producers of certain arable crops <sup>(3)</sup>, as last amended by Regulation (EC) No 1035/2003 <sup>(4)</sup>, the deadline of the sowing date was deferred from the 31 May to the 15 June in view of the weather conditions in Finland and Sweden.

- (3) As a result of the particular weather conditions this year, it will not be possible to comply with the final dates for sowing in certain regions of Finland and Sweden.
- (4) In these circumstances, the deadline for sowing for the 2003/04 marketing year should be deferred.
- (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*

The final dates for sowing for the 2003/04 marketing year are fixed in the Annex for the crops and regions indicated.

*Article 2*This Regulation shall enter into force on day of its publication in the *Official Journal of the European Union*.

It shall apply from 16 June 2003.

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

Done at Brussels, 4 July 2003.

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

<sup>(1)</sup> OJ L 160, 16.6.1999, p. 1.<sup>(2)</sup> OJ L 145, 31.5.2001, p. 16.<sup>(3)</sup> OJ L 280, 30.10.1999, p. 43.<sup>(4)</sup> OJ L 150, 18.6.2003, p. 24.

## ANNEX

**Final dates for sowing for the 2003/04 marketing year**

Crop	Member State	Region	Final date
All Crops	Sweden	Västernorrland Gävleborg	25 June 2003
All Crops	Finland	C1, C2, C2P, C3, C4	25 June 2003

**COMMISSION REGULATION (EC) No 1202/2003  
of 4 July 2003**

**laying down transitory measures arising from the adoption of autonomous and transitional measures concerning the export of certain processed agricultural products to the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Slovakia and Slovenia**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3448/93 of 6 December 1993 laying down the trade arrangements applicable to certain goods resulting from the processing of agricultural products <sup>(1)</sup>, as last amended by Regulation (EC) No 2580/2000 <sup>(2)</sup>, and in particular Article 8(3) thereof,

Whereas:

- (1) The Community has recently concluded trade agreements for processed agricultural products with the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Slovakia and Slovenia in preparation for their accession to the Community. These agreements provide for concessions involving, on the Community side, the abolition of export refunds on certain processed agricultural products.
- (2) Council Regulation (EC) No 1039/2003 of 2 June 2003 adopting autonomous and transitional measures concerning the importation of certain processed agricultural products originating in Estonia and the exportation of certain agricultural products to Estonia <sup>(3)</sup>, Council Regulation (EC) No 1086/2003 of 18 June 2003 adopting autonomous and transitional measures concerning the importation of certain processed agricultural products originating in Slovenia and the exportation of certain processed agricultural products to Slovenia <sup>(4)</sup>, Council Regulation (EC) No 1087/2003 of 18 June 2003 adopting autonomous and transitional measures concerning the importation of certain processed agricultural products originating in Latvia and the exportation of certain processed agricultural products to Latvia <sup>(5)</sup>, Council Regulation (EC) No 1088/2003 of 18 June 2003 adopting autonomous and transitional measures concerning the importation of certain processed agricultural products originating in Lithuania and the exportation of certain processed agricultural products to Lithuania <sup>(6)</sup>, Council Regulation (EC) No 1089/2003 of 18 June 2003 adopting autonomous and transitional measures concerning the importation of certain processed agricultural products originating in

the Slovak Republic and the exportation of certain processed agricultural products to the Slovak Republic <sup>(7)</sup> and Council Regulation (EC) No 1090/2003 of 18 June 2003 adopting autonomous and transitional measures concerning the importation of certain processed agricultural products originating in the Czech Republic and the exportation of certain processed agricultural products to the Czech Republic <sup>(8)</sup> provide on an autonomous basis for the abolition of refunds on processed agricultural products not listed in Annex I to the Treaty when exported to the Estonia, Slovenia, Latvia, Lithuania, Slovakia and Czech Republic respectively, from 1 July 2003.

- (3) Council Regulation (EC) No 999/2003 of 2 June 2003 adopting autonomous and transitional measures concerning the import of certain processed agricultural products originating in Hungary and the export of certain processed agricultural products to Hungary <sup>(9)</sup>, provides on an autonomous basis for the abolition of refunds on the goods, set out in its Article 1, when exported to Hungary, from 1 July 2003.
- (4) In return for the abolition of export refunds as set out in Regulations (EC) No 1090/2003, (EC) No 1039/2003, (EC) No 999/2003, (EC) No 1087/2003, (EC) No 1088/2003, (EC) No 1089/2003 and (EC) No 1086/2003, hereinafter referred to as 'the Regulations', the Czech, Estonian, Hungarian, Latvian, Lithuanian, Slovakian and Slovenian authorities have undertaken to grant reciprocal duty free import, or duty free import within quotas, to certain goods imported into their respective territories if the goods concerned are accompanied by a copy of the export declaration containing a special mention indicating that they are not eligible for payment of export refunds. The full rate of duty applies in the absence of such documentation.
- (5) With the entry into force of the Regulations, certain goods for which operators have applied for refund certificates in accordance with Commission Regulation (EC) No 1520/2000 of 13 July 2000 laying down common detailed rules for the application of the system of granting export refunds on certain agricultural products exported in the form of goods not covered by Annex I to the Treaty, and the criteria for fixing the amount of such refunds <sup>(10)</sup>, as last amended by Regulation (EC) No 740/2003 <sup>(11)</sup>, will no longer be eligible for refund when they are exported to the mentioned countries.

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

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

<sup>(3)</sup> OJ L 151, 19.6.2003, p. 1.

<sup>(4)</sup> OJ L 163, 1.7.2003, p. 1.

<sup>(5)</sup> OJ L 163, 1.7.2003, p. 19.

<sup>(6)</sup> OJ L 163, 1.7.2003, p. 38.

<sup>(7)</sup> OJ L 163, 1.7.2003, p. 56.

<sup>(8)</sup> OJ L 163, 1.7.2003, p. 73.

<sup>(9)</sup> OJ L 146, 13.6.2003, p. 10.

<sup>(10)</sup> OJ L 177, 15.7.2000, p. 1.

<sup>(11)</sup> OJ L 106, 29.4.2003, p. 12.

- (6) Reduction of refund certificates and pro-rata release of the corresponding security should be allowed where operators can demonstrate to the satisfaction of the national competent authority that their claims for refunds have been affected by the entry into force of the Regulations. When assessing requests for reduction of the amount of the refund certificate and proportional release of the relevant security, the national competent authority should, in cases of doubt, have regard in particular to the documents referred to in Article 1(2) of Council Regulation (EEC) No 4045/89 of 21 December 1989 on scrutiny by Member States of transactions forming part of the system of financing by the Guarantee Section of the European Agricultural Guidance and Guarantee Fund and repealing Directive 77/435/EEC<sup>(1)</sup>, as last amended by Regulation (EC) No 2154/2002<sup>(2)</sup>, without prejudice to the application of the other provisions of that Regulation.
- (7) For administrative reasons it is appropriate to provide that requests for reduction of the amount of the refund certificate and release of the security are to be made within a short period and that the amounts for which reductions have been accepted are to be notified to the Commission in time for their inclusion in the determination of the amount for which refund certificates for use from 1 August 2003 shall be issued, pursuant to Regulation (EC) No 1520/2000.
- (8) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee on horizontal questions concerning trade in processed agricultural products not listed in Annex I to the Treaty,

#### Article 1

Goods in respect of which export refunds have been abolished by Regulations (EC) No 1090/2003, (EC) No 1039/2003, (EC) No 999/2003, (EC) No 1087/2003, (EC) No 1088/2003, (EC) No 1089/2003 and (EC) No 1086/2003 shall, be imported free of customs duties, or free of customs duties within quotas, into the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Slovakia and Slovenia if the goods concerned are accompanied

<sup>(1)</sup> OJ L 388, 30.12.1989, p. 18.

<sup>(2)</sup> OJ L 328, 5.12.2002, p. 4.

by a duly completed copy of the export declaration with the following entry in Box 44:

'Export Refund: 0 EUR/Regulation (EC) No —/2003 (\*).

(\*) Enter the number of the relevant Regulation concerning the destination country.'

#### Article 2

1. Refund certificates issued in accordance with Regulation (EC) No 1520/2000 in respect of exports of the goods for which export refunds have been abolished by Regulations (EC) No 1090/2003, (EC) No 1039/2003, (EC) No 999/2003, (EC) No 1087/2003, (EC) No 1088/2003, (EC) No 1089/2003 and (EC) No 1086/2003 may, at request of the interested party, be reduced under the conditions provided for in paragraph 2.

2. To be eligible for reduction of the amount of the refund certificate, the certificates referred to in paragraph 1 must have been applied for before the date of entry into force of the Regulations mentioned in that paragraph and their validity period must expire after 30 June 2003.

3. The certificate shall be reduced by the amount for which the interested party is unable to claim export refunds following the entry into force of the Regulations mentioned in paragraph 1, as demonstrated to the satisfaction of the national competent authority.

In making their appraisal the competent authorities shall, in cases of doubt, have regard in particular to the commercial documents referred to in Article 1(2) of Regulation (EEC) No 4045/89.

4. The relevant security shall be released in proportion to the reduction concerned.

#### Article 3

1. To be eligible for consideration under Article 2, the national competent authority must receive the requests by 9 July 2003, at the latest.

2. Member States shall notify the Commission not later than 14 July 2003 of the amounts for which reductions have been accepted in accordance with Article 2(3). The notified amounts shall be taken into account for the determination of the amount for which refund certificates for use from 1 August 2003 shall be issued, pursuant to Article 8(3)(f) of Regulation (EC) No 1520/2000.

#### Article 4

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

HAS ADOPTED THIS REGULATION:

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

Done at Brussels, 4 July 2003.

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

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**COMMISSION REGULATION (EC) No 1203/2003  
of 4 July 2003**

**amending Regulation (EC) No 1227/2000 laying down detailed rules for the application of Council Regulation (EC) No 1493/1999 on the common organisation of the market in wine, as regards production potential**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1493/1999 of 17 May 1999 on the common organisation of the market in wine <sup>(1)</sup>, as last amended by Regulation (EC) No 806/2003 <sup>(2)</sup>, and in particular Articles 10, 15 and Article 80(b) thereof,

Whereas:

- (1) In order to resolve a particular practical problem, the time limit laid down in the first subparagraph of Article 2(3) of Regulation (EC) No 1493/1999 for derogating from Article 2(2) should be postponed. Applying the various provisions regarding the grant of the derogation imposes a serious and complex administrative burden, particularly as regards checks and penalties. In the interests of sound administration, the date in question should thus be postponed to 31 July 2004.
- (2) In order to enable Member States to pay aid up to the end of a financial year, it is necessary to clarify the rules for taking into account expenditure validated for the period from 1 July to 15 October.
- (3) It is also important to specify that the penalties applicable to the financing of Member States' expenditure where they notify an area smaller than that indicated in the allocation for a given financial year may not be used in the context of the mechanism for making financial allocations during the financial year.
- (4) Commission Regulation (EC) No 1227/2000 <sup>(3)</sup>, as last amended by Regulation (EC) No 571/2003 <sup>(4)</sup>, should be amended accordingly.

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

HAS ADOPTED THIS REGULATION:

*Article 1*

Regulation (EC) No 1227/2000 is hereby amended as follows:

1. In Article 2, paragraph 1a is replaced by the following:  
'1a The deadline of 31 July 2002 laid down in Article 2(3) of Regulation (EC) No 1493/1999 shall be postponed to 31 July 2004.'
2. Article 17 is amended as follows:
  - (a) paragraph 1 is replaced by the following:  
'1. For each Member State, expenditure actually incurred, validated and declared for any given financial year shall be financed within the limits of the amounts notified to the Commission under Article 16(1)(a) and (b), provided that those amounts do not exceed in total the financial amount allocated to the Member State pursuant to Article 14(1) of Regulation (EC) No 1493/1999.'
  - (b) in paragraph 4, the following fourth subparagraph is added:  
'Amounts not financed under this paragraph shall not be available for the purpose of applying paragraph 3.'

*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, 4 July 2003.

For the Commission  
Franz FISCHLER  
Member of the Commission

<sup>(1)</sup> OJ L 179, 14.7.1999, p. 1.

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

<sup>(3)</sup> OJ L 143, 16.6.2000, p. 1.

<sup>(4)</sup> OJ L 82, 29.3.2003, p. 19.

**COMMISSION REGULATION (EC) No 1204/2003**  
**of 4 July 2003**  
**amending the specifications of three names appearing in the Annex to Regulation (EC) No 1107/96**  
**(Roncal, Noix de Grenoble and Caciocavallo Silano)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2081/92 of 14 July 1992 on the protection of geographical indications and designations of origin for agricultural products and food-stuffs <sup>(1)</sup>, as last amended by Regulation (EC) No 806/2003 <sup>(2)</sup>, and in particular Article 9 thereof,

Whereas:

- (1) In accordance with Article 9 of Regulation (EEC) No 2081/92, the Spanish authorities have requested in respect of the name 'Roncal' registered as a protected designation of origin by Commission Regulation (EC) No 1107/96 of 12 June 1996 on the registration of geographical indications and designations of origin under the procedure laid down in Article 17 of Council Regulation (EEC) No 2081/92 <sup>(3)</sup>, as last amended by Regulation (EC) No 828/2003 <sup>(4)</sup>, the amendment of the description and the method of production.
- (2) In accordance with Article 9 of Regulation (EEC) No 2081/92, France has requested in respect of the name 'Noix de Grenoble' registered as a protected designation of origin by Commission Regulation (EC) No 1107/96 the amendment of the description, the method of production, the labelling and the national requirements.
- (3) In accordance with Article 9 of Regulation (EEC) No 2081/92, Italy has requested in respect of the name 'Caciocavallo Silano' registered as a protected designation of origin by Commission Regulation (EC) No 1107/96 the amendment of the description, the geographical area, the method of production, the labelling and the national requirements.

- (4) Following examination of these three requests for amendment, it has been decided that the amendments concerned are not minor.
- (5) In accordance with the procedure laid down in Article 9 of Regulation (EEC) No 2081/92 and since the amendments are not minor, the Article 6 procedure applies *mutatis mutandis*.
- (6) It has been decided that the amendments in this case comply with Regulation (EEC) No 2081/92. No statement of objection, within the meaning of Article 7 of the Regulation, has been sent to the Commission following the publication in the *Official Journal of the European Union* <sup>(5)</sup> of the main points of the requested amendments to the specification.
- (7) Consequently, these amendments must be registered and published in the *Official Journal of the European Union*,

HAS ADOPTED THIS REGULATION:

*Article 1*

The amendments set out in the Annex to this Regulation are hereby registered and published in accordance with Article 6(4) of Regulation (EEC) No 2081/92.

*Article 2*

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

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

Done at Brussels, 4 July 2003.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ L 208, 24.7.1992, p. 1.

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

<sup>(3)</sup> OJ L 148, 21.6.1996, p. 1.

<sup>(4)</sup> OJ L 120, 15.5.2003, p. 3.

<sup>(5)</sup> OJ C 210, 4.9.2002, p. 10 (Roncal).

OJ C 206, 30.8.2002, p. 2 (Noix de Grenoble).

OJ C 203, 27.8.2002, p. 2 (Caciocavallo Silano).

## ANNEX

SPAIN

**Roncal**

— Description:

*for:*

'Pressed cheese made from milk of ewes of the "Rasa" and "Lacha" breeds, not containing colostrum or medicinal products that might affect the preparation, ageing or conservation of the cheese.'

*read:*

'Pressed cheese made from milk of ewes of the "Rasa" and "Lacha" breeds and the F1 Lacha x Milchschaef cross-breed, not containing colostrum or medicinal products that might affect the preparation, ageing or conservation of the cheese.'

*for:*

'...the final product has a fat content (fat/dry extract) of more than 50 %.'

*read:*

'...the final product has a fat content (fat/dry extract) of more than 45 %.'

*for:*

'The physico-chemical properties of the cheese are as follows:

fat content (fat/dry extract) ..... not less than 50 %;

moisture content ..... less than 40 %';

*read:*

'The physico-chemical properties of the cheese are as follows:

fat content (fat/dry extract) ..... not less than 45 %;

moisture content ..... less than 40 %'.

— Method of production:

*for:*

'The milk is coagulated using sufficient natural rennet to ensure coagulation in a minimum of one hour.'

*read:*

'The milk is coagulated using sufficient natural rennet to ensure coagulation in a maximum of one hour.';

*for:*

'The curd maintains a temperature of between 32 °C and 37 °C during coagulation, cutting and draining.'

*read:*

'The curd maintains a temperature of between 30 °C and 37 °C during coagulation, cutting and draining.'

FRANCE

**Noix de Grenoble**

— Description:

Change in the minimum diameter of the nuts, from 27 to 28 mm (in line with the UN/EEC international standard).

— Method of production:

Introduction of pruning every three years.

Introduction of irrigation methods.

Change in the date for start of harvesting, which is now fixed by order of the prefect and is no longer always 20 September.

Introduction of minimum area and spacing for each tree.

— Labelling:

Introduction of more precise labelling requirements: it is compulsory to include the designation name, the description 'fresh walnuts' or 'dry walnuts' in characters which are no larger than those of the designation name, the words 'appellation d'origine contrôlée' or 'AOC' and the union sticker, all on the same side of the carton, in characters which are indelible, perfectly legible and visible.

— National requirements:

Replace 'Decree-Law of 17 June 1938' by 'Decree on the registered designation of origin "Noix de Grenoble"'.  

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ITALY

**Caciocavallo Silano**

— Description:

In particular, they lay down that cows' milk used in the production of 'Caciocavallo Silano' must be raw or, if necessary, heated to 58 °C for 30 seconds and must derive from a maximum of four consecutive milkings during the two days prior to cheese production.

— Geographical area:

The newly created Provinces of Crotona and Vibo Valentia have been included. The area in which the PDO is produced in those two provinces was already included in the specification as part of the Province of Catanzaro. A number of municipalities within and bordering on the specified provinces in the geographical area with a proven tradition of production of 'Caciocavallo Silano' cheese have been included.

— Method of production:

It is permitted to use natural whey inoculum prepared in the same production facility as the milk so as to maintain the organoleptic properties of the product. The minimum maturing period is increased to 30 days in order to ensure the quality of the cheese. In addition, the surface of the cheese may be given a colourless, transparent treatment that does not affect the colour of the rind.

The treatment does not impair the specific character or quality of the cheese but considerably increases its shelf-life by preventing damage caused by yeast and/or mould on the rind.

— Labelling:

The PDO must bear a thermally impressed identification number allocated by the Consorzio di tutela formaggio Caciocavallo Silano (Association for the Protection of Caciocavallo Silano Cheese) to each producer covered by the inspection system, which permits each PDO product marketed to be traced. In addition, the colour of the mark is stipulated and the mark itself is amended to make the PDO logo more visible and more easily identified.

— National requirements:

References to national rules in force before the adoption of Regulation (EEC) No 2081/92 are deleted.  

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**COMMISSION REGULATION (EC) No 1205/2003  
of 4 July 2003**

**amending Regulation (EC) No 753/2002 laying down certain rules for applying Council Regulation (EC) No 1493/1999 as regards the description, designation, presentation and protection of certain wine sector products**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1493/1999 of 17 May 1999 on the common organisation of the market in wine <sup>(1)</sup>, as last amended by Regulation (EC) No 806/2003 <sup>(2)</sup>, and in particular Article 80(b) thereof,

Whereas:

- (1) Commission Regulation (EC) No 753/2002 <sup>(3)</sup>, as amended by Regulation (EC) No 2086/2002 <sup>(4)</sup>, lays down 1 August 2003 as the date from which it is to apply to allow economic operators in the wine sector and the national authorities concerned enough time to prepare for the new labelling rules laid down in that Regulation.
- (2) Regulation (EC) No 753/2002 provides for a transitional period up to 1 August 2003 during which economic operators may continue to use labels and pre-packaging material bearing particulars which were printed in conformity with the provisions applicable when they were put into circulation but which no longer conform to the provisions of Regulation (EC) No 753/2002.
- (3) Following discussions between the national authorities concerned and between those authorities and the trade, it is necessary to prolong that transitional period to

1 February 2004 to allow economic operators to use labels and pre-packaging material complying with the previous provisions.

- (4) Regulation (EC) No 753/2002 should be amended accordingly.
- (5) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Wine,

HAS ADOPTED THIS REGULATION:

*Article 1*

Regulation (EC) No 753/2002 is hereby amended as follows:

The second subparagraph of Article 47(1) is replaced by the following:

'Labels and pre-packaging material bearing particulars which were printed in conformity with the provisions applicable up to the entry into force of this Regulation may continue to be used until 1 February 2004.'

*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, 4 July 2003.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ L 179, 14.7.1999, p. 1.

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

<sup>(3)</sup> OJ L 118, 4.5.2002, p. 1.

<sup>(4)</sup> OJ L 321, 26.11.2002, p. 8.

**COMMISSION REGULATION (EC) No 1206/2003**  
**of 4 July 2003**  
**on the issuing of export licences for wine-sector products**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 883/2001 of 24 April 2001, laying down detailed rules for implementing Council Regulation (EC) No 1493/1999 as regards trade with third countries in products in the wine sector<sup>(1)</sup>, as last amended by Regulation (EC) No 1175/2003<sup>(2)</sup>, and in particular Article 7 and Article 9(3) thereof,

Whereas:

- (1) Article 63(7) of Council Regulation (EC) No 1493/1999 of 17 May 1999 on the common organisation of the market in wine<sup>(3)</sup>, as last amended by Regulation (EC) No 2585/2001<sup>(4)</sup>, limits the grant of export refunds for wine-sector products to the volumes and expenditure contained in the Agreement on Agriculture concluded during the Uruguay Round multilateral trade negotiations.
- (2) Article 9 of Regulation (EC) No 883/2001 lays down the conditions under which the Commission may take specific measures to prevent an overrun of the quantity laid down or the budget available under the said Agreement.
- (3) On the basis of information on export licence applications available to the Commission on 2 July 2003, the quantity still available for the period until 31 August

2003, for destination zone 3: eastern Europe, referred to in Article 9(5) of Regulation (EC) No 883/2001, could be exceeded unless the issue of export licences with advance fixing of the refund is restricted. Therefore, the submission of applications and the issue of licences should be suspended for this zone until 16 September 2003,

HAS ADOPTED THIS REGULATION:

*Article 1*

1. Export licences with advance fixing of the refund for wine-sector products for which applications are submitted from 25 June to 1 July 2003 under Regulation (EC) No 883/2001 shall be issued in concurrence with 100,00 % of the quantities requested for zone 3: eastern Europe.

2. The issue of export licences for wine-sector products referred to in paragraph 1 for which applications are submitted from 2 July 2003 and the submission of export licence applications from 5 July 2003 for destination zone 3: eastern Europe shall be suspended until 16 September 2003.

*Article 2*

This Regulation shall enter into force on 5 July 2003.

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

Done at Brussels, 4 July 2003.

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

<sup>(1)</sup> OJ L 128, 10.5.2001, p. 1.

<sup>(2)</sup> OJ L 164, 2.7.2003, p. 8.

<sup>(3)</sup> OJ L 179, 14.7.1999, p. 1.

<sup>(4)</sup> OJ L 345, 29.12.2001, p. 10.

**COMMISSION REGULATION (EC) No 1207/2003**  
**of 4 July 2003**  
**concerning the issue of import licences for certain preserved mushrooms**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 2125/95 of 6 September 1995 opening and providing for the administration of Community tariff quotas for preserved mushrooms <sup>(1)</sup>, as last amended by Regulation (EC) No 1142/2003 <sup>(2)</sup>, and in particular Articles 1 and 2 thereof,

Whereas:

- (1) Article 6(4) of Regulation (EC) No 2125/95 lays down that where the quantities applied for exceed the quantity available, the Commission must set a flat-rate percentage reduction and suspend the issue of licences in respect of subsequent applications.
- (2) The quantities applied for on 1 and 2 July 2003 pursuant to Article 4(1)(b) of Regulation (EC) No 2125/95 for products originating in China exceed the quantity available. As a result, the extent to which licences may be issued and the issue of licences for all subsequent applications should be suspended,

HAS ADOPTED THIS REGULATION:

*Article 1*

Import licences applied for pursuant to Article 4(1)(b) of Regulation (EC) No 2125/95 for products originating in China on 1 and 2 July 2003 and submitted to the Commission on 3 July 2003 shall be issued, bearing the wording laid down in Article 11(1) of that Regulation, for 40,06 % of the quantity applied for.

*Article 2*

The issue of import licences applied for pursuant to Regulation (EC) No 2125/95 shall be suspended for applications submitted from 3 July until 31 December 2003.

*Article 3*

This Regulation shall enter into force on 5 July 2003.

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

Done at Brussels, 4 July 2003.

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

<sup>(1)</sup> OJ L 212, 7.9.1995, p. 16.

<sup>(2)</sup> OJ L 160, 28.6.2003, p. 39.

**COMMISSION REGULATION (EC) No 1208/2003  
of 4 July 2003**

**fixing the minimum selling prices for beef put up for sale under the first invitation to tender  
referred to in Regulation (EC) No 1033/2003 and derogating therefrom**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1254/1999 of 17 May 1999 on the common organisation of the market in beef and veal <sup>(1)</sup>, as last amended by Commission Regulation (EC) No 806/2003 <sup>(2)</sup>, and in particular Article 28(2) thereof,

Whereas:

- (1) Tenders have been invited for certain quantities of beef fixed by Commission Regulation (EC) No 1033/2003 of 17 June 2003 on periodical sales by tender of beef held by certain intervention agencies <sup>(3)</sup>.
- (2) Pursuant to Article 9 of Commission Regulation (EEC) No 2173/79 of 4 October 1979 on detailed rules of application for the disposal of beef bought in by intervention agencies and repealing Regulation (EEC) No 216/69 <sup>(4)</sup>, as last amended by Regulation (EC) No 2417/95 <sup>(5)</sup>, the minimum selling prices for meat put up for sale by tender should be fixed, taking into account tenders submitted.
- (3) Given the particularities of the summer season, it is appropriate to extend the time limit of two months as referred to in Article 4(2) of Regulation (EC) No 1033/2003 for the taking over of the meat sold following

tenders that were submitted until 23 June 2003 in accordance with Article 2(1)(a) of Regulation (EC) No 1033/2003.

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

HAS ADOPTED THIS REGULATION:

*Article 1*

The minimum selling prices for beef for the first invitation to tender held in accordance with Regulation (EC) No 1033/2003 for which the time limit for the submission of tenders was 23 June 2003 are as set out in the Annex hereto.

*Article 2*

By way of derogation from Article 4(2) of Regulation (EC) No 1033/2003, the time limit for taking over meat sold following tenders submitted until the date as stipulated in Article 2(1)(a) of that Regulation, shall be three months from the day of the notification referred to in Article 11 of Regulation (EEC) No 2173/79.

*Article 3*

This Regulation shall enter into force on 5 July 2003.

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

Done at Brussels, 4 July 2003.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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

<sup>(2)</sup> OJ L 315, 1.12.2001, p. 29.

<sup>(3)</sup> OJ L 150, 18.6.2003, p. 15.

<sup>(4)</sup> OJ L 251, 5.10.1979, p. 12.

<sup>(5)</sup> OJ L 248, 14.10.1995, p. 39.

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

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

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

DANMARK	— Forfjerdinger	701
DEUTSCHLAND	— Hinterviertel	1 457
	— Vorderviertel	702
ESPAÑA	— Cuartos traseros	1 350
	— Cuartos delanteros	701
FRANCE	— Quartiers arrière	1 390
	— Quartiers avant	—

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

DEUTSCHLAND	— Hinterhese (INT 11)	—
	— Oberschale (INT 13)	—
	— Unterschale (INT 14)	—
	— Hüfte (INT 16)	—
	— Roastbeef (INT 17)	—
	— Hochrippe (INT 19)	3 600
	— Schulter (INT 22)	—
	— Brust (INT 23)	—
	— Vorderviertel (INT 24)	1 300
ESPAÑA	— Lomo de intervención (INT 17)	—
	— Morcillo de intervención (INT 21)	—

Estado miembro	Productos	Precio mínimo Expresado en euros por tonelada
Medlemsstat	Produkter	Mindestpriser i EUR/t
Mitgliedstaat	Erzeugnisse	Mindestpreise Ausgedrückt in EUR/Tonne
Κράτος μέλος	Προϊόντα	Ελάχιστες πωλήσεις εκφραζόμενες σε ευρώ ανά τόνο
Member State	Products	Minimum prices Expressed in EUR per tonne
État membre	Produits	Prix minimaux Exprimés en euros par tonne
Stato membro	Prodotti	Prezzi minimi Espressi in euro per tonnellata
Lidstaat	Producten	Minimumprijzen Uitgedrukt in euro per ton
Estado-Membro	Produtos	Preço mínimo Expresso em euros por tonelada
Jäsenvaltio	Tuotteet	Vähimmäishinnat euroina tonnina kohden ilmaistuna
Medlemsstat	Produkter	Minimipriser i euro per ton
FRANCE	— Jarret arrière d'intervention (INT 11)	—
	— Tranche grasse d'intervention (INT 12)	2 136
	— Tranche d'intervention (INT 13)	2 851
	— Semelle d'intervention (INT 14)	2 310
	— Filet d'intervention (INT 15)	12 155
	— Rumsteak d'intervention (INT 16)	2 350
	— Faux-filet d'intervention (INT 17)	—
	— Flanchet d'intervention (INT 18)	875
	— Entrecôte d'intervention (INT 19)	3 001
	— Épaule d'intervention (INT 22)	1 371
	— Poitrine d'intervention (INT 23)	885
— Avant d'intervention (INT 24)	1 371	
ITALIA	— Girello d'intervento (INT 14)	—
	— Scamone (INT 16)	—
	— Roastbeef d'intervento (INT 17)	—

## II

(Acts whose publication is not obligatory)

## COMMISSION

## COMMISSION DECISION

of 30 June 2003

**pursuant to Directive 95/46/EC of the European Parliament and of the Council on the adequate protection of personal data in Argentina**

(Text with EEA relevance)

(2003/490/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data <sup>(1)</sup>, and in particular Article 25(6) thereof,

Whereas:

- (1) Pursuant to Directive 95/46/EC Member States are required to provide that the transfer of personal data to a third country may take place only if the third country in question ensures an adequate level of protection and if the Member States' laws implementing other provisions of the Directive are complied with prior to the transfer.
- (2) The Commission may find that a third country ensures an adequate level of protection. In that case, personal data may be transferred from the Member States without additional guarantees being necessary.
- (3) Pursuant to Directive 95/46/EC the level of data protection should be assessed in the light of all the circumstances surrounding a data transfer operation or a set of data transfer operations, and giving particular consideration to a number of elements relevant for the transfer and listed in Article 25(2) thereof. The Working Party on Protection of Individuals with regard to the processing of Personal Data, established under Article 29 of Directive 95/46/EC, issued guidance on the making of such assessments <sup>(2)</sup>.
- (4) Given the different approaches to data protection in third countries, the adequacy assessment should be carried out, and any decision based on Article 25(6) of Directive 95/46/EC should be made and enforced in a way that does not arbitrarily or unjustifiably discriminate against or between third countries where like conditions prevail, nor constitute a disguised barrier to trade, regard being had to the Community's present international commitments.

<sup>(1)</sup> OJ L 281, 23.11.1995, p. 31.

<sup>(2)</sup> Opinion 12/98, adopted by the Working Party on 24 July 1998: Transfers of personal data to third countries: applying Articles 25 and 26 of the EU Data Protection Directive (DG MARKT D/5025/98), available on Europa, the website hosted by the European Commission:  
[http://europa.eu.int/comm/internal\\_market/en/dataprot/wpdocs/wpdocs\\_98.htm](http://europa.eu.int/comm/internal_market/en/dataprot/wpdocs/wpdocs_98.htm).

- (5) As regards Argentina, the legal standards on the protection of personal data have been provided for in general and sector-specific rules. Both of them have binding legal effect.
- (6) General rules are laid down in the Constitution, the Personal Data Protection Act No 25.326 and the Regulation approved by Decree No 1558/2001 (hereinafter 'Argentine Law').
- (7) The Argentine Constitution provides for a special judicial remedy for the protection of personal data, known as 'habeas data'. This is a subcategory of the procedure enshrined in the Constitution for the protection of constitutional rights and therefore makes the protection of personal data a fundamental right. According to Article 43.3 of the Constitution any person is entitled, under the 'habeas data' rule, to know the content and purpose of all the data pertaining to him or her contained in public records or data banks, or in private ones whose purpose is to provide reports. According to that Article in case of falsehood of information or its use for discriminatory purposes, a person will be able to demand the deletion, correction, confidentiality or update of the data contained in the above records. The Article will not affect the secrecy of journalistic information sources. Argentine jurisprudence has recognised 'habeas data' as a fundamental and directly applicable right.
- (8) The Personal Data Protection Act No 25.326 of 4 October 2000 (hereinafter 'the Act') develops and widens the Constitutional provisions. It contains provisions relating to general data protection principles, the rights of data subjects, the obligations of data controllers and data users, the supervisory authority or controlling body, sanctions, and rules of procedure in seeking 'habeas data' as a judicial remedy.
- (9) The Regulation, approved by Decree No 1558/2001 of 3 December 2001 (hereinafter 'the Regulation'), lays down rules for the enactment of the Act, supplements its provisions, and clarifies points of the Act that may be subject to diverging interpretation.
- (10) Argentine Law covers the protection of personal data recorded in data files, registers, data banks or other technical means, which are public; and the protection of personal data recorded in data files, registers, data banks or other technical means which are private, whose purpose is to provide reports. This includes those which go beyond an exclusively personal use, and those which are intended for the assignment or transfer of personal data, irrespective of whether the circulation of the data or information produced is performed for payment or free of charge.
- (11) Certain provisions of the Act apply uniformly throughout Argentina. They include general provisions and provisions concerning general data protection principles, rights of the data subjects, obligations of data controllers and users of data files, registers and data banks, criminal sanctions, and the existence and main features of the 'habeas data' judicial remedy as established in the Constitution.
- (12) Other provisions of the Act apply to registers, data files, databases or data banks which are interconnected through networks at inter-jurisdictional (meaning 'interprovincial'), national or international level, and which are considered as falling within federal jurisdiction. They concern the control exercised by the supervisory authority, sanctions imposed by the supervisory authority, and the rules of procedure concerning the 'habeas data' judicial remedy. Other kinds of registers, data files, databases or data banks should be regarded as falling under provincial jurisdiction. The provinces may issue legal provisions on these matters.
- (13) Data protection provisions are also contained in a number of legal instruments regulating different sectors, such as credit card transactions, statistics, banking or health.

- (14) Argentine Law covers all the basic principles necessary for an adequate level of protection for natural persons, even if exceptions and limitations are also provided in order to safeguard important public interests. The application of these standards is guaranteed by a special, simplified and quick judicial remedy for the protection of personal data, known as 'habeas data', along with the general judicial remedies. The Act provides for the establishment of a data protection controlling body charged with taking all actions necessary for compliance with the objectives and provisions of the Act and endowed with powers of investigation and intervention. Pursuant to the Regulation, the National Directorate for the Protection of Personal Data was established as the controlling body. Argentine Law provides for effective dissuasive sanctions, of both an administrative and a criminal nature. Furthermore, the provisions of Argentine law regarding civil liability (both contractual and extra-contractual) apply in the event of unlawful processing which is prejudicial to the persons concerned.
- (15) The Argentine government has provided explanations and assurances as to how the Argentine law is to be interpreted, and has given assurances that the Argentine data protection rules are implemented in accordance with such interpretation. This Decision is based on these explanations and assurances, and is therefore conditional upon them. In particular, this decision relies on the explanations and assurances given by the Argentine authorities as to how the Argentine law is to be interpreted as regards which situations fall within the scope of the Argentine law in data protection.
- (16) Argentina should therefore be regarded as providing an adequate level of protection for personal data as referred to in Directive 95/46/EC.
- (17) In the interest of transparency and in order to safeguard the ability of the competent authorities in the Member States to ensure the protection of individuals as regards the processing of their personal data, it is necessary to specify the exceptional circumstances in which the suspension of specific data flows may be justified, notwithstanding the finding of adequate protection.
- (18) The Working Party on Protection of Individuals with regard to the processing of Personal Data established under Article 29 of Directive 95/46/EC has delivered an opinion on the level of protection of personal data in Argentina <sup>(1)</sup>, which has been taken into account in the preparation of this Decision.
- (19) The measures provided for in this Decision are in accordance with the opinion of the Committee established under Article 31(1) of Directive 95/46/EC,

HAS ADOPTED THIS DECISION:

#### *Article 1*

For the purposes of Article 25(2) of Directive 95/46/EC, Argentina is regarded as providing an adequate level of protection for personal data transferred from the Community.

#### *Article 2*

This Decision concerns only the adequacy of protection provided in Argentina with a view to meeting the requirements of Article 25(1) of Directive 95/46/EC and does not affect other conditions or restrictions implementing other provisions of that Directive that pertain to the processing of personal data within the Member States.

<sup>(1)</sup> Opinion 4/2002 on the level of protection of personal data in Argentina — WP 63 of 3 October 2002 available at [http://europa.eu.int/comm/internal\\_market/en/dataprot/wpdocs/index.htm](http://europa.eu.int/comm/internal_market/en/dataprot/wpdocs/index.htm).

*Article 3*

1. Without prejudice to their powers to take action to ensure compliance with national provisions adopted pursuant to provisions other than Article 25 of Directive 95/46/EC, the competent authorities in Member States may exercise their existing powers to suspend data flows to a recipient in Argentina in order to protect individuals with regard to the processing of their personal data in cases where:

- (a) a competent Argentine authority has determined that the recipient is in breach of the applicable standards of protection; or
- (b) there is a substantial likelihood that the standards of protection are being infringed; there are reasonable grounds for believing that the competent Argentine authority is not taking or will not take adequate and timely steps to settle the case at issue; the continuing transfer would create an imminent risk of grave harm to data subjects and the competent authorities in the Member State have made reasonable efforts in the circumstances to provide the party responsible for processing established in Argentina with notice and an opportunity to respond.

The suspension shall cease as soon as the standards of protection are assured and the competent authority concerned in the Community is notified thereof.

2. Member States shall inform the Commission without delay when measures are adopted on the basis of paragraph 1.

3. The Member States and the Commission shall inform each other of cases where the action of bodies responsible for ensuring compliance with the standards of protection in Argentina fails to secure such compliance.

4. If the information collected under paragraphs 1, 2 and 3 provides evidence that any body responsible for ensuring compliance with the standards of protection in Argentina is not effectively fulfilling its role, the Commission shall inform the competent Argentine authority and, if necessary, present draft measures in accordance with the procedure referred to in Article 31(2) of Directive 95/46/EC with a view to repealing or suspending this Decision or limiting its scope.

*Article 4*

1. This Decision may be amended at any time in the light of experience with its functioning or of changes in Argentine legislation, its implementation and interpretation.

The Commission shall monitor the functioning of this Decision and report any pertinent findings to the Committee established under Article 31 of Directive 95/46/EC, including any evidence that could affect the finding in Article 1 of this Decision that protection in Argentina is adequate within the meaning of Article 25 of Directive 95/46/EC and any evidence that this Decision is being implemented in a discriminatory way.

2. The Commission shall, if necessary, present draft measures in accordance with the procedure referred to in Article 31(2) of Directive 95/46/EC.

*Article 5*

Member States shall take all the measures necessary to comply with this Decision at the latest at the end of a period of 120 days from the date of its notification to the Member States.

*Article 6*

This Decision is addressed to the Member States.

Done at Brussels, 30 June 2003.

*For the Commission*  
Frederik BOLKESTEIN  
*Member of the Commission*

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## COMMISSION DECISION

of 3 July 2003

## on a financial contribution from the Community towards the eradication of classical swine fever in Luxembourg in 2002

(Only the French text is authentic)

(2003/491/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Decision 90/424/EEC of 26 June 1990 on expenditure in the veterinary field <sup>(1)</sup>, as last amended by Regulation (EC) No 806/2003 <sup>(2)</sup>, and in particular Article 3(3) and Article 5(3) thereof,

Whereas:

- (1) Outbreaks of classical swine fever occurred in Luxembourg in 2002. The emergence of this disease represents a serious risk to the Community's livestock population.
- (2) With a view to helping to eradicate the disease as rapidly as possible, the Community may contribute financially to eligible costs incurred by the Member State, as provided for in Decision 90/424/EEC.
- (3) Pursuant to Article 3(2) of Council Regulation (EC) No 1258/1999 of 17 May 1999 on the financing of the common agricultural policy <sup>(3)</sup>, veterinary and plant health measures undertaken in accordance with Community rules shall be financed under the 'Guarantee' section of the European Agricultural Guidance and Guarantee Fund. The auditing of these measures comes under Articles 8 and 9 of the said Regulation.
- (4) The payment of the Community financial contribution must be subject to the condition that the planned activities were actually implemented and the authorities provide all the necessary information within certain deadlines.
- (5) On 5 August 2002, Luxembourg submitted an official request for reimbursement for all the expenditure incurred on its territory.
- (6) It is now time to set the amount of an advance on the Community financial contribution, pending checks carried out by the Commission. This advance must be 50 % of the Community contribution calculated on the basis of the number of pigs culled (19 000) at a unit cost of EUR 100 and limiting, for the moment, the 'other costs' to 10 % of the amount of this reimbursement.
- (7) The terms 'swift and adequate compensation of the livestock farmers' used in Article 3 of Decision 90/424/EEC, 'reasonable payments' and 'justified payments' and the

categories of eligible expenditure under 'other costs' associated with the compulsory slaughter must all be defined.

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

HAS DECIDED AS FOLLOWS:

*Article 1***Granting of a financial contribution from the Community to Luxembourg**

In order to eradicate classical swine fever in 2002, Luxembourg may benefit from a Community financial contribution of 50 % of the expenditure incurred for the:

- (a) swift and adequate compensation of farmers forced to cull their animals as part of the measures to eradicate the outbreaks of classical swine fever in 2002, pursuant to the provisions of Article 3(2)(7) of Decision 90/424/EC and this Decision;
- (b) operational expenditure associated with the destruction of contaminated animals and products, the cleaning and disinfecting of premises and the cleaning and disinfecting, or destruction if necessary, of contaminated equipment, under the conditions provided for in Article 3(2)(1), (2) and (3) of Decision 90/424/EEC and this Decision.

*Article 2***Definitions**

In this Decision, the following definitions shall apply:

- (a) 'swift and adequate compensation': the payment, without prejudice to Article 4(2) of Commission Regulation (EC) No 296/96 <sup>(4)</sup>, within 90 days of the slaughter of the animals, of compensation corresponding to the market value that these animals had immediately prior to their contamination or slaughter;
- (b) 'reasonable payments': payments made for the purchase of equipment or services at proportionate prices compared to the market prices that applied before the outbreak;

<sup>(1)</sup> OJ L 224, 18.8.1990, p. 19.

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

<sup>(3)</sup> OJ L 160, 26.6.1999, p. 103.

<sup>(4)</sup> OJ L 39, 17.2.1996, p. 5.

- (c) 'justified payments': payments made for the purchase of equipment or services in accordance with Article 3(2) of Decision 90/424/EEC, where their nature and direct link to the compulsory slaughter of animals on holdings have been demonstrated.

#### Article 3

#### Arrangements for the payment of the financial contribution

1. Subject to the results of the checks referred to in Article 6, an advance of EUR 500 000 shall be paid, as part of the Community financial contribution mentioned in Article 1, on the basis of supporting documents submitted by Luxembourg relating to the swift and adequate compensation of owners for the compulsory slaughter, the destruction of the animals and, if necessary, the products used for cleaning, disinfecting, disinsection of the holdings and equipment, as well as the destruction of contaminated feed and materials.

2. Once the checks referred to in Article 6 have been carried out, the Commission shall decide on the balance in accordance with the procedure provided for in Article 41 of Decision 90/424/EEC.

#### Article 4

#### Eligible operational expenditure covered by the Community financial contribution

1. The Community financial contribution referred to in Article 1(b) relates only to justified and reasonable payments for the eligible expenditure mentioned in Annex I.

2. This Community financial contribution referred to in Article 1 does not include:

- (a) value added tax;
- (b) officials' remuneration;
- (c) the use of public equipment, with the exception of consumables.

#### Article 5

#### Conditions for payment and supporting documents

1. The Community financial contribution referred to in Article 1 shall be paid on the basis of the following elements:
- (a) an application submitted in accordance with Annexes II and III within the deadline laid down in paragraph 2 of this Article;
  - (b) the supporting documents referred to in Article 3(1), including an epidemiological report on each holding where animals were slaughtered and destroyed, as well as a financial report;
  - (c) the results of the *in situ* checks carried out by the Commission, referred to in Article 6.

The documents referred to in (b) must be made available for the *in situ* audits carried out by the Commission.

2. The application referred to in 1(a) must be submitted in the form of a computer file in line with Annexes II and III within 30 calendar days of the date of notification of this Decision. If this deadline is not met, the Community financial contribution shall be reduced by 25 % per month of delay.

#### Article 6

#### *In situ* checks performed by the Commission

The Commission, in collaboration with the Luxembourg authorities, may perform *in situ* checks relating to the implementation of the measures referred to in Article 1 and the associated expenditure.

#### Article 7

#### Recipients

This Decision is addressed to the Grand Duchy of Luxembourg.

Done at Brussels, 3 July 2003.

For the Commission

David BYRNE

Member of the Commission

## ANNEX I

**Eligible expenditure, as referred to in Article 4(1)**

1. Costs associated with the slaughter of the animals:
    - (a) wages and remuneration for slaughterhouse workers;
    - (b) consumables (bullets, T61, tranquillisers, etc.) and specific equipment used for the slaughter;
    - (c) equipment used for the transportation of animals to the slaughterhouse.
  2. Costs associated with the destruction of the animals:
    - (a) rendering: the transportation of the carcasses to a rendering plant, the processing of carcasses in the plant and the destruction of the meat meal;
    - (b) burial: personnel specifically employed, equipment specially hired for the transportation and burying of carcasses and the products used for disinfecting the holding;
    - (c) incineration: personnel specifically employed, fuel or other materials used, equipment specially hired for the transportation of carcasses and the products used for disinfecting the holding.
  3. Costs associated with cleaning, disinfecting and disinsectisation of holdings:
    - (a) products used for cleaning, disinfecting and disinsectisation;
    - (b) wages and remuneration for staff employed to do this job.
  4. Costs associated with the destruction of contaminated feed:
    - (a) reimbursement of purchase price of feed;
    - (b) destruction of feed.
  5. Costs associated with compensation, at market value, for the destruction of contaminated equipment. Costs associated with the reconstruction or renovation of farm buildings and infrastructure are not eligible.
-



## ANNEX III

**Application for a contribution to the compensation for other eligible costs associated with the compulsory slaughter**

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'Other costs' incurred by holding No ... (not including compensation for the value of the animals)

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Heading	Amount (not including VAT)
Rendering	
Destruction (transport and processing)	
Cleaning and disinfecting (wages and products)	
Feed (compensation and destruction)	
Equipment (compensation and destruction)	
Total	

---

**COMMISSION DECISION**  
**of 3 July 2003**  
**on a financial contribution from the Community towards the eradication of classical swine fever**  
**in Germany in 2001**

(Only the German text is authentic)

(2003/492/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Decision 90/424/EEC of 26 June 1990 on expenditure in the veterinary field <sup>(1)</sup>, as last amended by Council Regulation (EC) No 806/2003 <sup>(2)</sup>, and in particular Article 3(3) and Article 5(3) thereof,

Whereas:

- (1) Outbreaks of classical swine fever occurred in Germany in 2001. The emergence of this disease represents a serious risk to the Community's livestock population.
- (2) With a view to helping to eradicate the disease as rapidly as possible, the Community may contribute financially to eligible costs incurred by the Member State, as provided for in Decision 90/424/EEC.
- (3) Pursuant to Article 3(2) of Council Regulation (EC) No 1258/1999 of 17 May 1999 on the financing of the common agricultural policy <sup>(3)</sup>, veterinary and plant health measures undertaken in accordance with Community rules shall be financed under the 'Guarantee' section of the European Agricultural Guidance and Guarantee Fund. The auditing of these measures comes under Articles 8 and 9 of the said Regulation.
- (4) The payment of the Community financial contribution must be subject to the condition that the planned activities were actually implemented and the authorities provide all the necessary information within certain deadlines.
- (5) On 3 May 2002, Germany submitted an official request for reimbursement for all the expenditure incurred on its territory.
- (6) It is now time to set the amount of an advance on the Community financial contribution, pending checks carried out by the Commission. This advance must be 50 % of the Community contribution calculated on the basis of the costs submitted (EUR 1 600 000) for slaughtering the pigs and limiting, for the moment, the 'other costs' to 10 % of the amount of this reimbursement.
- (7) The terms 'swift and adequate compensation of the livestock farmers' used in Article 3 of Decision 90/424/EEC, 'reasonable payments' and 'justified payments' and the

categories of eligible expenditure under 'other costs' associated with the compulsory slaughter must all be defined.

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

HAS DECIDED AS FOLLOWS:

*Article 1*

**Granting of a financial contribution from the Community to Germany**

In order to eradicate classical swine fever in 2001, Germany may benefit from a Community financial contribution of 50 % of the expenditure incurred for the:

- (a) swift and adequate compensation of farmers forced to cull their animals as part of the measures to eradicate the outbreaks of classical swine fever in 2001, pursuant to the provisions of Article 3(2)(7) of Decision 90/424/EC and this Decision;
- (b) operational expenditure associated with the destruction of contaminated animals and products, the cleaning and disinfecting of premises and the cleaning and disinfecting, or destruction if necessary, of contaminated equipment, under the conditions provided for in Article 3(2)(1), (2) and (3) of Decision 90/424/EEC and this Decision.

*Article 2*

**Definitions**

In this Decision, the following definitions shall apply:

- (a) 'swift and adequate compensation': the payment, without prejudice to Article 4(2) of Commission Regulation (EC) No 296/96 <sup>(4)</sup>, within ninety days of the slaughter of the animals, of compensation corresponding to the market value that these animals had immediately prior to their contamination or slaughter;
- (b) 'reasonable payments': payments made for the purchase of equipment or services at proportionate prices compared to the market prices that applied before the outbreak;

<sup>(1)</sup> OJ L 224, 18.8.1990, p. 19.

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

<sup>(3)</sup> OJ L 160, 26.6.1999, p. 103.

<sup>(4)</sup> OJ L 39, 17.2.1996, p. 5.

- (c) 'justified payments': payments made for the purchase of equipment or services in accordance with Article 3(2) of Decision 90/424/EEC, where their nature and direct link to the compulsory slaughter of animals on holdings have been demonstrated.

#### Article 3

#### Arrangements for the payment of the financial contribution

1. Subject to the results of the checks referred to in Article 6, an advance of EUR 440 000 shall be paid, as part of the Community financial contribution mentioned in Article 1, on the basis of supporting documents submitted by Germany relating to the swift and adequate compensation of owners for the compulsory slaughter, the destruction of the animals and, if necessary, the products used for cleaning, disinfecting and disinsectisation of the holdings and equipment, as well as the destruction of contaminated feed and materials.

2. Once the checks referred to in Article 6 have been carried out, the Commission shall decide on the balance in accordance with the procedure provided for in Article 41 of Decision 90/424/EEC.

#### Article 4

#### Eligible operational expenditure covered by the Community financial contribution

1. The Community financial contribution referred to in Article 1(b) relates only to justified and reasonable payments for the eligible expenditure mentioned in Annex I.

2. This Community financial contribution referred to in Article 1 does not include:

- (a) value added tax;
- (b) officials' remuneration;
- (c) the use of public equipment, with the exception of consumables.

#### Article 5

#### Conditions for payment and supporting documents

1. The Community financial contribution referred to in Article 1 shall be paid on the basis of the following elements:
- (a) an application submitted in accordance with Annexes II and III within the deadline laid down in paragraph 2 of this Article;
  - (b) the supporting documents referred to in Article 3(1), including an epidemiological report on each holding where animals were slaughtered and destroyed, as well as a financial report;
  - (c) the results of the *in situ* checks carried out by the Commission, referred to in Article 6.

The documents referred to in (b) must be made available for the *in situ* audits carried out by the Commission.

2. The application referred to in 1(a) must be submitted in the form of a computer file in line with Annexes II and III within 30 calendar days of the date of notification of this Decision. If this deadline is not met, the Community financial contribution shall be reduced by 25 % per month of delay.

#### Article 6

#### *In situ* checks performed by the Commission

The Commission, in collaboration with the German authorities, may perform *in situ* checks relating to the implementation of the measures referred to in Article 1 and the associated expenditure.

#### Article 7

#### Recipients

This Decision is addressed to the Federal Republic of Germany.

Done at Brussels, 3 July 2003.

For the Commission

David BYRNE

Member of the Commission

## ANNEX I

**Eligible expenditure, as referred to in Article 4(1)**

1. Costs associated with the slaughter of the animals:
    - (a) wages and remuneration for slaughterhouse workers;
    - (b) consumables (bullets, T61, tranquillisers, etc.) and specific equipment used for the slaughter;
    - (c) equipment used for the transportation of animals to the slaughterhouse.
  2. Costs associated with the destruction of the animals:
    - (a) rendering: the transportation of the carcasses to a rendering plant, the processing of carcasses in the plant and the destruction of the meat meal;
    - (b) burial: personnel specifically employed, equipment specially hired for the transportation and burying of carcasses and the products used for disinfecting the holding;
    - (c) incineration: personnel specifically employed, fuel or other materials used, equipment specially hired for the transportation of carcasses and the products used for disinfecting the holding.
  3. Costs associated with cleaning, disinfecting and disinsectisation of holdings:
    - (a) products used for cleaning, disinfecting and disinsectisation;
    - (b) wages and remuneration for staff employed to do this job.
  4. Costs associated with the destruction of contaminated feed:
    - (a) reimbursement of purchase price of feed;
    - (b) destruction of feed.
  5. Costs associated with compensation, at market value, for the destruction of contaminated equipment. Costs associated with the reconstruction or renovation of farm buildings and infrastructure are not eligible.
-

## ANNEX II

## Application for a contribution to the compensation for the cost of animals compulsorily slaughtered

Out-break No	Contact with out- break No	Identifica- tion No of holding	Farmer		Location of the holding	Date of slaughter	Method of destruction			Weight on date of des- truction	Number of animals by category				Other costs paid to the far- mer (not including VAT)	Total compen- sation (not inclu- ding VAT)	Date of payment
			Sur- name	First name			Rende- ring plant	Slaughter house	Other (please specify)		sows	boars	piglets	pigs			

## ANNEX III

**Application for a contribution to the compensation for other eligible costs associated with the compulsory slaughter**

---

'Other costs' incurred by holding No ... (not including compensation for the value of the animals)

---

Heading	Amount (not including VAT)
Rendering	
Destruction (transport and processing)	
Cleaning and disinfecting (wages and products)	
Feed (compensation and destruction)	
Equipment (compensation and destruction)	
Total	

---

## COMMISSION DECISION

of 4 July 2003

**imposing special conditions on the import of Brazil nuts in shell originating in or consigned from Brazil**

(Text with EEA relevance)

(2003/493/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

- (1) Brazil nuts in shell originating in or consigned from Brazil ('Brazil nuts') have been found, in many cases, to be contaminated with excessive levels of aflatoxin B1 and total aflatoxin.
- (2) The Scientific Committee for Food has noted that aflatoxin B1, even at extremely low levels, can cause cancer of the liver and is also genotoxic.
- (3) Commission Regulation (EC) No 466/2001 of 8 March 2001 setting maximum levels for certain contaminants in foodstuffs <sup>(2)</sup>, as last amended by Regulation (EC) No 563/2002 <sup>(3)</sup>, sets maximum levels for certain contaminants and in particular aflatoxins in foodstuffs. Those limits have been frequently and largely exceeded in samples of Brazil nuts.
- (4) Such contamination constitutes a serious threat to public health within the Community and it is therefore appropriate to adopt protective measures at Community level.
- (5) The Commission's Food and Veterinary Office ('FVO') carried out a mission in Brazil from 25 January to 9 February 2003 to assess the control systems in place to prevent aflatoxin contamination levels in Brazil nuts intended for export to the Community. The mission revealed, *inter alia*, that:
  - the national legislation provides for an inadequate sampling procedure,
  - no adequate traceability system is in place in relation to Brazil nuts, either during the process chain, or in relation to the export procedure and certification,
  - control over the sample during the dispatch to the laboratory is inadequate,

- some laboratories entitled to perform analysis for the purposes of export certification do not produce accurate or dependable results,
- on some aflatoxin certificates issued by private laboratories lot identification is often inadequate to enable dependable guarantees on the relationship between sample, lot and certificate,
- the official controls on returned lots is inadequate.

It is therefore appropriate to subject Brazil nuts in shell originating in or consigned from Brazil to special, strict conditions to provide a high level of protection to public health.

- (6) It is necessary that Brazil nuts be collected, sorted, handled, processed, packaged and transported following good hygiene practices. It is also necessary to establish the levels of aflatoxin B1 and total aflatoxin in samples taken from consignment immediately prior to their dispatch from Brazil. The sampling and the analysis should be performed in accordance with Commission Directive 98/53/EC of 16 July 1998 laying down the sampling methods and the methods of analysis for the official control of the levels for certain contaminants in foodstuffs <sup>(4)</sup>, as amended by Directive 2002/27/EC of 13 March 2002 <sup>(5)</sup>.
- (7) Brazil should provide documentary evidence to accompany each consignment of Brazil nuts, relating to the conditions of collection, sorting, handling, processing, packaging and transport, as well as the results of laboratory analysis of the samples taken from consignment for levels of aflatoxin B1 and total aflatoxin.
- (8) From the findings of the FVO's mission, it may be concluded that Brazil cannot ensure currently dependable analytical results or guarantee lot integrity in respect of certification of consignments of Brazil nuts. Therefore, any certificate issued for Brazil nuts from Brazil raises serious doubts with regard to its reliability. Furthermore, it may also be concluded that current official controls on returned lots are inadequate. It is therefore appropriate to impose strict conditions on the return of non-conforming lots. In the event that those strict conditions are not complied with, subsequent non-conforming lots should be destroyed.

<sup>(1)</sup> OJ L 31, 1.2.2002, p. 1.

<sup>(2)</sup> OJ L 77, 16.3.2001, p. 1.

<sup>(3)</sup> OJ L 86, 3.4.2002, p. 5.

<sup>(4)</sup> OJ L 201, 17.7.1998, p. 93.

<sup>(5)</sup> OJ L 75, 16.3.2002, p. 44.

- (9) It is therefore necessary in order to safeguard public health that all lots of Brazil nuts imported into the Community, are subjected to sampling and analysis for their aflatoxin level by the competent authority of the importing Member State prior to release onto the market.
- (10) In the interests of public health, Member States should provide the Commission with periodical reports of all analytical results of official controls carried out in respect of consignments of Brazil nuts. Such reports should be in addition to the notification obligations under the Rapid Alert System for Food and Feed established under Regulation (EC) No 178/2002.
- (11) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS DECISION:

#### Article 1

##### **Restrictions on imports of Brazil nuts in shell originating in or consigned from Brazil**

1. Member States may not import Brazil nuts in shell falling within category CN code 0801 21 00 originating in or consigned from Brazil ('Brazil nuts'), unless the consignment is accompanied by:
- a report containing the results of official sampling and analysis; and
  - a health certificate issued in accordance with the model set out in Annex 1 and completed, signed and verified by a representative of the competent authority of Brazil, the Ministério da Agricultura, Pecuária e Abastecimento — (MAPA).
2. By way of derogation from paragraph 1, Member States shall authorise the import of consignments of Brazil nuts not complying with paragraph 1(a) and (b), which left Brazil before 5 July 2003, provided that the operator can demonstrate by sampling and analysis, in accordance with the provisions of Directive 98/53/EC, that the consignments comply with the provisions of Regulation (EC) No 466/2001 as regards maximum permitted levels for aflatoxin B1 and total aflatoxin.

#### Article 2

##### **Sampling and analysis of Brazil nuts by the competent authority of Brazil**

The sampling and the analysis of Brazil nuts as provided for in Article 1(1)(a) must be performed in accordance with the provisions of Commission Directive 98/53/EC.

The analysis must be performed by the official control laboratory for the analysis of aflatoxins in Brazil nuts in Belo Horizonte, Brazil, the Laboratório de Controle de Qualidade de Segurança Alimentar — (LACQSA).

#### Article 3

##### **Code and points of entry into the Community for consignments of Brazil nuts**

- Each consignment of Brazil nuts shall be identified with a code, which corresponds to the code on the report and health certificate as provided for in Article 1(1)(a) and (b).
- Consignments of Brazil nuts may only be imported into the Community through one of the points of entry listed in Annex 2.

#### Article 4

##### **Obligations on Member States as regards imports of Brazil nuts from Brazil**

- The competent authorities in each Member State shall ensure that Brazil nuts are subject to documentary checks to ensure that the requirements of Article 1(1) are complied with.
- The competent authorities in each Member State shall undertake sampling and analysis of each consignment of Brazil nuts for aflatoxin B1 and total aflatoxin before release onto the market from the point of entry into the Community.
- Member States shall submit to the Commission every three months a report of all analytical results of official controls on consignments of Brazil nuts, as provided for in paragraph 2. This report shall be submitted during the month following each quarter <sup>(1)</sup>.
- Any consignment of Brazil nuts to be subjected to sampling and analysis should be detained before release onto the market from the point of entry into the Community for a maximum period of 15 working days.

The competent authorities of the importing Member State shall issue an accompanying official document establishing that the consignment has been subjected to official sampling and analysis by the Member State and indicating the result of the analysis.

#### Article 5

##### **Splitting of a consignment**

In case a consignment is split, copies of the report and health certificate as provided for in Article 1(1)(a) and (b) and the accompanying document as provided for in Article 4(4) shall accompany each part of the split consignment. These copies must be certified by the competent authority of the Member State on whose territory the splitting has taken place.

<sup>(1)</sup> April, July, October, January.

*Article 6***Consignments of Brazil nuts not complying with the maximum levels for aflatoxin B1 and aflatoxin total**

Consignments of Brazil nuts not complying with the maximum levels for aflatoxin B1 and aflatoxin total, established by Regulation (EC) No 466/2001 may be returned to the country of origin only where for each individual concerned non-conforming consignment the Ministério da Agricultura, Pecuária e Abastecimento — (MAPA), provides the following in writing:

- (a) explicit agreement for the return of the concerned consignment, and indicating the consignment code;
- (b) a commitment to put the returned consignment under official control from the date of arrival onwards;
- (c) a concrete indication of:
  - (i) the destination of the returned consignment;
  - (ii) the intended treatment of the returned consignment; and
  - (iii) the intended sampling and analysis to be performed on the returned consignment.

However, if the conditions provided for in points (a), (b) and (c) are not complied with by the Ministério da Agricultura, Pecuária e Abastecimento — (MAPA), all subsequent consignments that do not comply with the maximum levels for aflatoxin B1 and aflatoxin total, established by Regulation (EC) No 466/2001 shall be destroyed by the importing Member State.

*Article 7*

This Decision shall be reviewed by 1 May 2004 at the latest, in order to assess whether the special conditions provided for in Articles 1, 2, 3 and 4 provide a sufficient level of protection of public health within the Community. The review shall also assess whether there is a continuing need for the sampling and analysis of each consignment by the competent authority of the importing Member State, as provided for in Article 4(2).

*Article 8***Applicability**

The Decision shall apply from 5 July 2003.

Member States shall take the measures necessary to comply with this Decision. They shall inform the Commission thereof.

*Article 9*

This Decision is addressed to the Member States.

Done at Brussels, 4 July 2003.

*For the Commission*

David BYRNE

*Member of the Commission*

ANNEX I

HEALTH CERTIFICATE FOR THE IMPORTATION INTO THE EUROPEAN COMMUNITY OF BRAZIL NUTS IN SHELL ORIGINATING IN OR CONSIGNED FROM BRAZIL

Consignment Code .....

Certificate Number .....

In accordance with the provisions of Commission Decision 2003/493/EC imposing special conditions on the import of Brazil nuts in shell falling within the category CN code 0801 21 00 originating in or consigned from Brazil

the .....  
the Ministry of Agriculture and Food Safety (Ministério da Agricultura, Pecuária e Abastecimento — MAPA)

CERTIFIES:

that the Brazil nuts in shell of this consignment, Code Number ..... (insert Consignment Code Number) composed of:

.....  
.....  
(description of consignment, product, number and type of packages, gross or net weight)

embarked at .....  
(embarkation place)

by .....  
(identification of transporter)

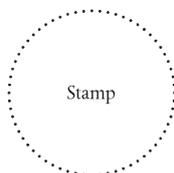
going to .....  
(place and country of destination)

which comes from the establishment  
.....  
.....  
.....  
(name and address of establishment)

have been handled in line with good hygiene practices.

From this consignment, ..... (number of samples) samples of Brazil nuts in shell were taken on ..... (date), subjected to laboratory analysis on ..... (date) in the Laboratório de Controle de Qualidade de Segurança Alimentar — (LACQSA) (name of laboratory), to determine the level of aflatoxin B1 and level of total aflatoxin contamination, and the details of sampling, methods of analysis used and all results are attached. The sampling and the analysis have been performed in accordance with the provisions of Commission Directive 98/53/EC of 16 July 1998 laying down the sampling methods and the methods of analysis for the official control of the levels for certain contaminants in foodstuffs.

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



.....  
Signature of a representative of competent authority, the Ministry of Agriculture and Food Safety (Ministério da Agricultura, Pecuária e Abastecimento — MAPA)

\_\_\_\_\_

## ANNEX II

**List of points of entry through which Brazil nuts in shell originating in or consigned from Brazil may be imported into the Community**

Member State	Point of entry
Belgium	Antwerpen, Zeebrugge, Brussel/Bruxelles, Aalst
Denmark	All Danish harbours and airports
Germany	HZA Lörrach-ZA Weil am Rhein-Autobahn, HZA Stuttgart- ZA Flughafen, HZA München - ZA München - Flughafen, HZA Hof- Schirnding-Landstraße, HZA Weiden -ZA Furth im Wald-Schafberg, HZA Weiden - ZA Waidhaus-Autobahn, Bezirksamt Reinickendorf von Berlin, Abteilung Finanzen, Wirtschaft und Kultur, Veterinär- und Lebensmittelaufsichtsamt, Grenzkontrollstelle, HZA Frankfurt (Oder) - ZA Autobahn, HZA Cottbus- ZA Forst-Autobahn, HZA Bremen- ZA Neustädter Hafen, HZA Bremen - ZA Bremerhaven, HZA Hamburg-Hafen-ZA Waltershof, HZA Hamburg-Stadt, HZA Itzehoe-ZA Hamburg-Flughafen, HZA Frankfurt-am-Main-Flughafen, HZA Braunschweig-Abfertigungsstelle, HZA Hannover-Abfertigungsstelle, HZA Oldenburg-ZA Stade, HZA Dresden - ZA Dresden-Friedrichstadt, HZA Pirna - ZA Altenberg, HZA Löbau - Zollamt Ludwigsdorf-Autobahn, HZA Koblenz - ZA Hahn-Flughafen, HZA Oldenburg-ZA Wilhelmshaven, HZA Bielefeld - ZA Eckendorfer Straße Bielefeld, HZA Erfurt - ZA Eisenach, HZA Potsdam - ZA Ludwigsfelde, HZA Potsdam - ZA Berlin-Flughafen Schönefeld, HZA Augsburg - ZA Memmingen, HZA Ulm - ZA Ulm (Donautal), HZA Karlsruhe - ZA Karlsruhe, HZA Berlin - ZA Dreilinden, HZA Gießen- ZA Gießen, HZA Gießen - ZA Marburg, HZA Singen - ZA Bahnhof, HZA Lörrach - ZA Weil am Rhein - Schusterinsel, HZA Hamburg-Stadt -ZA Oberelbe, HZA Hamburg-Stadt - ZA Oberelbe - Abfertigungsstelle Billbrook, HZA Hamburg-Stadt - ZA Oberelbe - Abfertigungsstelle Großmarkt, HZA Potsdam - ZA Berlin - Flughafen Schönefeld, HZA Düsseldorf - ZA Düsseldorf Nord
Greece	Athina, Pireas, Elefsis, Aerodromio ton Athinon, Thessaloniki, Volos, Patra, Iraklion tis Kritis, Aerodromio tis Kritis, Euzoni, Idomeni, Ormenio, Kipi, Kakavia, Niki, Promahonas, Pithio, Igoumenitsa, Kristalopigi
Spain	Algeciras (Puerto), Alicante (Aeropuerto, Puerto), Almeria (Aeropuerto, Puerto), Asturias (Aeropuerto), Barcelona (Aeropuerto, Puerto, Ferrocarril), Bilbao (Aeropuerto, Puerto), Cadiz (Puerto), Cartagena (Puerto), Castellon (Puerto), Ceuta (Puerto), Gijón (Puerto), Huelva (Puerto), Irun (Carretera), La Coruña (Puerto), La Junquera (Carretera) Las Palmas de Gran Canaria (Aeropuerto, Puerto), Madrid (Aeropuerto, Ferrocarril), Malaga (Aeropuerto, Puerto), Marin (Puerto), Melilla (Puerto), Murcia (Ferrocarril), Palma de Mallorca (Aeropuerto, Puerto), Pasajes (Puerto), San Sebastián (Aeropuerto), Santa Cruz de Tenerife (Puerto), Santander (Aeropuerto, Puerto), Santiago de Compostela (Aeropuerto), Sevilla (Aeropuerto, Puerto), Tarragona (Puerto), Tenerife Norte (Aeropuerto), Tenerife Sur (Aeropuerto), Valencia (Aeropuerto, Puerto), Vigo (Aeropuerto, Puerto), Villagarcia (Puerto), Vitoria (Aeropuerto), Zaragoza (Aeropuerto)
France	Marseille (Bouches-du-Rhône), Le Havre (Seine-Maritime), Rungis MIN (Val-de-Marne), Lyon Chassieu CRD (Rhône), Strasbourg CRD (Bas-Rhin), Lille CRD (Nord), Saint-Nazaire Montoir CRD (Loire-Atlantique), Agen (Lot-et-Garonne), Port de la Pointe des Galets à la Réunion
Ireland	Dublin — Port and Airport, Cork — Port and Airport, Shannon — Airport
Italy	Ufficio Sanità Marittima ed Aerea di Ancona Ufficio Sanità Marittima ed Aerea di Bari Ufficio Sanità Marittima ed Aerea di Genova Ufficio Sanità Marittima di Livorno Ufficio Sanità Marittima ed Aerea di Napoli Ufficio Sanità Marittima di Ravenna Ufficio Sanità Marittima di Salerno Ufficio Sanità Marittima ed Aerea di Trieste Dogana di Ferneti-Interporto Monrupino (Trieste) Ufficio di Sanità Marittima di La Spezia Ufficio di Sanità Marittima e Aerea di Venezia Ufficio di Sanità Marittima e Aerea di Reggio Calabria
Luxembourg	Centre Douanier, Croix de Gasperich, Luxembourg

Member State	Point of entry
Netherlands	All harbours and airports and all border stations
Austria	HZA Feldkirch, HZA Graz, Nickelsdorf, Spielfeld, HZA Wien, ZA Wels, ZA Kledering, ZA Flughafen Wien, HZA Salzburg, ZA Klagenfurt/Zweigstelle Sopron, ZA Karawankentunnel, ZA Villach
Portugal	Lisboa, Leixões
Finland	All Finnish Customs Offices.
Sweden	Göteborg, Ystad, Stockholm, Helsingborg, Karlskrona, Karlshamn, Landvetter, Arlanda
United Kingdom	Belfast, Channel Tunnel Terminal, Dover, Felixstowe, Gatwick Airport, Goole Grange-mouth, Harwich, Heathrow Airport, Heysham, Hull, Immingham, Ipswich, King's Lynn, Leith, Liverpool, London (including Tilbury, Thamesport and Sheerness), Manchester Airport, Manchester Container Port, Manchester (including Ellesmere Port), Medway, Middlesbrough, Newhaven, Poole, Shoreham, Southampton, Stansted Airport."