

Official Journal

of the European Union

ISSN 1725-2555

L 189

Volume 46

29 July 2003

English edition

Legislation

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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EC, EURATOM) No 1338/2003**of 23 July 2003****laying down the weightings applicable from 1 January 2003 to the remuneration of officials of the European Communities serving in third countries**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to the Staff Regulations of officials of the European Communities and the conditions of employment of other servants of the Communities laid down by Regulation (EEC, Euratom, ECSC) No 259/68 ⁽¹⁾, and in particular the first paragraph of Article 13 of Annex X thereto,

Having regard to the proposal from the Commission,

Whereas:

- (1) Account should be taken of changes in the cost of living in countries outside the Community and the weightings applicable from 1 January 2003 to remuneration paid in the currency of the country of employment to officials serving in third countries should be determined accordingly.
- (2) The weightings, in respect of which payment has been made on the basis of Regulation (EC, Euratom) No 101/2003 ⁽²⁾, may lead to retrospective upward or downward adjustments to remuneration.
- (3) Provision should be made for back-payments in the event of an increase in remuneration as a result of the new weightings.
- (4) Provision should be made for the recovery of sums overpaid in the event of a reduction in remuneration as a result of the new weightings for the period between 1 January 2003 and the date of entry into force of this Regulation.
- (5) Provision should be made for any such recovery to be restricted to a period of no more than six months preceding the Decision laying down the weightings and for its effects to be spread over a period of no more than 12 months following the date of that Decision, as is the

case with the weightings applicable within the European Community to remuneration and pensions of officials and other servants of the European Communities,

HAS ADOPTED THIS REGULATION:

Article 1

With effect from 1 January 2003, the weightings applicable to the remuneration of officials of the European Communities serving in third countries payable in the currency of the country of employment shall be as shown in the Annex.

The exchange rates for the calculation of such remuneration shall be those used for implementation of the general budget of the European Union for the month preceding the date referred to in the first paragraph.

Article 2

1. The institutions shall make back-payments in the event of an increase in remuneration as a result of the weightings shown in the Annex.

2. The institutions shall make retrospective downward adjustments to remuneration in the event of a reduction as a result of the weightings shown in the Annex for the period between 1 January 2003 and the date of entry into force of this Regulation.

Retrospective adjustments involving the recovery of sums overpaid shall be restricted to a period of no more than six months preceding the date of entry into force of this Regulation. Recovery shall be spread over no more than 12 months from that date.

Article 3

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

⁽¹⁾ OJ L 56, 4.3.1968, p. 1. Regulation as last amended by Regulation (EC, Euratom) No 2265/2002 (OJ L 347, 20.12.2002, p. 1).

⁽²⁾ OJ L 16, 22.1.2003, p. 1.

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

Done at Brussels, 23 July 2003.

For the Council

The President

F. FRATTINI

ANNEX

Place of employment	Weightings January 2003
Afghanistan (*)	0,0
Albania	82,2
Algeria (*)	0,0
Angola	130,5
Argentina	59,9
Australia	93,2
Bangladesh	67,8
Barbados	126,1
Belize	94,4
Benin	86,9
Bolivia	62,1
Bosnia and Herzegovina	74,2
Botswana	63,3
Brazil	61,2
Bulgaria	76,2
Burkina Faso	81,1
Burundi (*)	0,0
Cambodia	81,4
Cameroon	99,2
Canada	78,6
Cape Verde	76,7
Central African Republic	111,0
Chad	115,5
Chile	76,5
China	92,1
Colombia	67,7
Comoros	107,4
Congo	109,4
Costa Rica	91,0
Côte d'Ivoire	104,0
Croatia	95,7
Cuba (*)	0,0
Cyprus	100,3

Place of employment	Weightings January 2003
Czech Republic	91,6
Democratic Republic of the Congo	145,8
Djibouti	116,5
Dominican Republic	70,3
Ecuador (*)	0,0
Egypt	68,5
Equatorial Guinea	105,2
Eritrea	44,2
Estonia	76,2
Ethiopia	77,3
Fiji	71,7
Former Yugoslav Republic of Macedonia	78,2
Gabon	114,2
Georgia	96,1
Ghana	80,3
Guatemala	91,3
Guinea	81,0
Guinea-Bissau	137,6
Guyana	75,6
Haiti	68,4
Hong Kong	106,1
Hungary	75,1
India	55,1
Indonesia	93,3
Israel	104,1
Jamaica	110,2
Japan (Naka)	141,1
Japan (Tokyo)	150,6
Jordan	89,3
Kazakhstan	105,4
Kenya	87,7
Laos (*)	0,0
Latvia	76,2

Place of employment	Weightings January 2003
Lebanon	110,9
Lesotho	55,7
Liberia (*)	0,0
Lithuania	77,4
Madagascar	86,5
Malawi	96,3
Malaysia (*)	0,0
Mali	92,1
Malta	102,7
Mauritania	67,4
Mauritius	81,2
Mexico	96,7
Morocco	88,0
Mozambique	77,4
Namibia	67,4
Nepal (*)	0,0
Netherlands Antilles	106,8
New Caledonia	122,4
Nicaragua	82,7
Niger	88,4
Nigeria	87,7
Norway	145,3
Pakistan	57,6
Papua New Guinea	61,9
Paraguay	62,9
Peru	94,7
Philippines	58,0
Poland	78,6
Romania	54,7
Russia	118,2
Rwanda	97,4
São Tomé and Príncipe	65,4
Saudi Arabia (*)	0,0

(*) Not available.

Place of employment	Weightings January 2003
Senegal	82,4
Serbia and Montenegro	64,6
Sierra Leone	85,5
Singapore (*)	0,0
Slovakia	79,7
Slovenia	86,3
Solomon Islands	80,3
Somalia (*)	0,0
South Africa	56,2
South Korea	105,6
Sri Lanka	69,0
Sudan	43,4
Suriname	63,7
Swaziland	56,3
Switzerland	124,2
Syria	67,2
Taiwan (*)	0,0
Tanzania	71,9
Thailand	66,7
The Gambia	47,9
Togo	98,7
Tonga	64,4
Trinidad and Tobago	81,7
Tunisia	80,1
Turkey	84,5
Uganda	83,1
Ukraine	108,6
United States (New York)	123,1
United States (Washington DC)	119,4
Uruguay	67,6
Vanuatu	119,5
Venezuela	77,9
Vietnam	61,2
West Bank and Gaza Strip	97,5
Zambia	51,0
Zimbabwe	187,0

COMMISSION REGULATION (EC) No 1339/2003
of 28 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 ⁽¹⁾, as last amended by Regulation (EC) No 1947/2002 ⁽²⁾, and in particular Article 4(1) thereof,

Whereas:

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 29 July 2003.

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

Done at Brussels, 28 July 2003.

For the Commission

J. M. SILVA RODRÍGUEZ

Agriculture Director-General

⁽¹⁾ OJ L 337, 24.12.1994, p. 66.

⁽²⁾ OJ L 299, 1.11.2002, p. 17.

ANNEX

to the Commission Regulation of 28 July 2003 establishing the standard import values for determining the entry price of certain fruit and vegetables

(EUR/100 kg)

CN code	Third country code ⁽¹⁾	Standard import value
0702 00 00	060	52,8
	999	52,8
0707 00 05	052	114,0
	999	114,0
0709 90 70	052	87,1
	999	87,1
0805 50 10	382	53,6
	388	64,6
	524	54,0
	528	56,7
	999	57,2
0806 10 10	052	150,0
	220	167,0
	400	192,1
	600	178,5
	624	137,6
	999	165,0
0808 10 20, 0808 10 50, 0808 10 90	388	82,7
	400	89,6
	508	72,8
	512	77,3
	528	66,8
	720	63,7
	800	184,8
	804	97,6
0808 20 50	999	91,9
	052	110,0
	388	99,5
	512	65,6
	528	63,6
0809 10 00	999	84,7
	052	173,7
	064	102,3
	066	109,1
	068	72,1
0809 20 95	999	114,3
	052	302,8
	400	249,2
	404	248,9
0809 30 10, 0809 30 90	999	267,0
	052	152,4
	064	92,6
	094	123,1
0809 40 05	999	122,7
	064	88,8
	094	70,3
	999	79,5

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

**COMMISSION REGULATION (EC) No 1340/2003
of 28 July 2003**

**fixing the minimum selling prices for beef put up for sale under the third invitation to tender
referred to in Regulation (EC) No 1032/2003**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

- (1) Tenders have been invited for certain quantities of beef fixed by Commission Regulation (EC) No 1032/2003 ⁽³⁾.
- (2) Pursuant to Article 9 of Commission Regulation (EEC) No 2173/79 of 4 October 1979 on detailed rules of application for the disposal of beef bought in by intervention agencies and repealing Regulation (EEC) No 216/69 ⁽⁴⁾, as last amended by Regulation (EC) No 2417/95 ⁽⁵⁾, the minimum selling prices for meat put up for sale by tender should be fixed, taking into account tenders submitted.

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

HAS ADOPTED THIS REGULATION:

Article 1

The minimum selling prices for beef for the third invitation to tender held in accordance with Regulation (EC) No 1032/2003 for which the time limit for the submission of tenders was 22 July 2003 are as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 29 July 2003.

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

Done at Brussels, 28 July 2003.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 160, 26.6.1999, p. 21.

⁽²⁾ OJ L 122, 16.5.2003, p. 1.

⁽³⁾ OJ L 150, 18.6.2003, p. 9.

⁽⁴⁾ OJ L 251, 5.10.1979, p. 12.

⁽⁵⁾ OJ L 248, 14.10.1995, p. 39.

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

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

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

DEUTSCHLAND	— Vorderviertel	605
ESPAÑA	— Cuartos delanteros	605

**COMMISSION REGULATION (EC) No 1341/2003
of 28 July 2003**

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

- (1) Tenders have been invited for certain quantities of beef fixed by Commission Regulation (EC) No 1033/2003 on periodical sales by tender of beef ⁽³⁾.
- (2) Pursuant to Article 9 of Commission Regulation (EEC) No 2173/79 of 4 October 1979 on detailed rules of application for the disposal of beef bought in by intervention agencies and repealing Regulation (EEC) No 216/69 ⁽⁴⁾, as last amended by Regulation (EC) No 2417/95 ⁽⁵⁾, the minimum selling prices for meat put up for

sale by tender should be fixed, taking into account tenders submitted.

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

HAS ADOPTED THIS REGULATION:

Article 1

The minimum selling prices for beef for the third invitation to tender held in accordance with Regulation (EC) No 1033/2003 for which the time limit for the submission of tenders was 21 July 2003 are as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 29 July 2003.

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

Done at Brussels, 28 July 2003.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 160, 26.6.1999, p. 21.

⁽²⁾ OJ L 122, 16.5.2003, p. 1.

⁽³⁾ OJ L 150, 18.6.2003, p. 15.

⁽⁴⁾ OJ L 251, 5.10.1979, p. 12.

⁽⁵⁾ OJ L 248, 14.10.1995, p. 39.

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

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

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	702
DEUTSCHLAND	— Hinterviertel	—
	— Vorderviertel	715
ESPAÑA	— Cuartos traseros	—
	— Cuartos delanteros	702
FRANCE	— Quartiers arrière	—
	— 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)	—
	— Schulter (INT 22)	—
	— Brust (INT 23)	—
	— Vorderviertel (INT 24)	—
ESPAÑA	— Lomo de intervención (INT 17)	—
	— Morcillo de intervención (INT 21)	—

Estado miembro	Productos	Precio mínimo Expresado en euros por tonelada
Medlemsstat	Produkter	Mindstepriser i EUR/t
Mitgliedstaat	Erzeugnisse	Mindestpreise Ausgedrückt in EUR/Tonne
Κράτος μέλος	Προϊόντα	Ελάχιστες πωλήσεις εκφραζόμενες σε ευρώ ανά τόνο
Member State	Products	Minimum prices Expressed in EUR per tonne
État membre	Produits	Prix minimaux Exprimés en euros par tonne
Stato membro	Prodotti	Prezzi minimi Espressi in euro per tonnellata
Lidstaat	Producten	Minimumprijzen Uitgedrukt in euro per ton
Estado-Membro	Produtos	Preço mínimo Expresso em euros por tonelada
Jäsenvaltio	Tuotteet	Vähimmäishinnat euroina tonnina kohden ilmaistuna
Medlemsstat	Produkter	Minimipriser i euro per ton
FRANCE	— Jarret arrière d'intervention (INT 11)	—
	— Tranche grasse d'intervention (INT 12)	—
	— Tranche d'intervention (INT 13)	—
	— Semelle d'intervention (INT 14)	2 310
	— Filet d'intervention (INT 15)	—
	— Rumsteak d'intervention (INT 16)	—
	— Faux-filet d'intervention (INT 17)	4 000
	— Flanchet d'intervention (INT 18)	—
	— Entrecôte d'intervention (INT 19)	—
	— Épaule d'intervention (INT 22)	—
	— Poitrine d'intervention (INT 23)	—
	— Avant d'intervention (INT 24)	—
ITALIA	— Girello d'intervento (INT 14)	—
	— Scamone (INT 16)	—
	— Roastbeef d'intervento (INT 17)	4 000

COMMISSION REGULATION (EC) No 1342/2003

of 28 July 2003

laying down special detailed rules for the application of the system of import and export licences for cereals and rice

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organisation of the market in cereals ⁽¹⁾, as last amended by Regulation (EC) No 1104/2003 ⁽²⁾, and in particular Article 9(2) and Article 13(11) thereof,

Having regard to Council Regulation (EC) 3072/95 of 22 December 1995 on the common organisation of the market in rice ⁽³⁾, as last amended by Commission Regulation (EC) No 411/2002 ⁽⁴⁾, and in particular Article 9(2) and Article 13 thereof,

Whereas:

- (1) Commission Regulation (EC) No 1162/95 of 23 May 1995 laying down special detailed rules for the application of the system of import and export licences for cereals and rice ⁽⁵⁾ has been substantially amended several times ⁽⁶⁾. In the interests of clarity and rationality the said Regulation should be codified.
- (2) In view of the practices specific to trade in cereals and rice, provision should be made for rules further to or derogating from Commission Regulation (EC) No 1291/2000 of 9 June 2000 laying down common detailed rules for the application of the system of import and export licences and advance-fixing certificates for agricultural products ⁽⁷⁾, as last amended by Regulation (EC) No 325/2003 ⁽⁸⁾.
- (3) In the case of invitations to tender for the export of intervention stocks, licences should specify the quantities and destinations for which they are issued and provision should be made for the special particulars to be shown on export licences, in particular in the case of invitations to tender for export refunds, of exports of cereal-based compound feedingstuffs and of advance fixing of export taxes.
- (4) The terms of validity of import and export licences for the various products should be fixed in accordance with market requirements and the need for sound management. In view of competition on the world market, a specially lengthy term of validity should be granted for malt exports, expiring, however, on 30 September in the case of licences issued prior to 1 July so that export

commitments are not entered into for the new marketing year before the beginning of the barley harvest.

- (5) In view of the risk of licences being issued for excessively high quantities, provision should be made for a period for reflection of three days to elapse before export licences are actually issued for any cereals and most processed cereal products, other than exports, non-commercial exports made with a view to providing Community or national food aid, and certain supplies by humanitarian agencies.
- (6) The Commission's decision not to grant an application for an export certificate at the end of the three-day reflection period may in some cases, however, disrupt the continuity of supplies of products in respect of which regular supplies are necessary. Operators so requesting should be given the opportunity to obtain an export licence without refund, on the condition that special conditions of use are attached to such licences.
- (7) Certain provisions of Article 49 of Regulation (EC) No 1291/2000 concerning applications for export licences for certain products in connection with invitations to tender organised in importing third countries should be made more restrictive and thus more in keeping with commercial practice in the cereals trade.
- (8) In view of the competition on the world market for cereals and rice, provision should be made for export licences to be granted for the main products, including durum wheat, with a special term of validity and for relatively large minimum quantities, with more advantageous minimum quantities for exports to the African, Caribbean and Pacific (ACP) States. The licences should be granted subject to certain additional conditions concerning, in particular, presentation of the delivery contract to the competent agency within a specified time.
- (9) The securities to be lodged for import and export licences should be fixed at different levels for the various product groups according to the possible variations in the refund or export tax during the term of validity of the licences, preferential treatment being granted in respect of deliveries to ACP States.
- (10) The applicable export refunds should be specified in cases where the terms of validity of licences are extended as a result of *force majeure* pursuant to Article 41 of Regulation (EC) No 1291/2000.

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 158, 27.6.2003, p. 1.

⁽³⁾ OJ L 329, 30.12.1995, p. 18.

⁽⁴⁾ OJ L 62, 5.3.2002, p. 27.

⁽⁵⁾ OJ L 117, 24.5.1995, p. 2.

⁽⁶⁾ See Annex V.

⁽⁷⁾ OJ L 152, 24.6.2000, p. 1.

⁽⁸⁾ OJ L 47, 21.2.2003, p. 21.

- (11) 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

This Regulation lays down the special detailed rules for the application of the system of import and export licences introduced pursuant to:

- (a) Article 9 of Regulation (EEC) No 1766/92;
(b) Article 9 of Regulation (EC) No 3072/95.

Article 2

1. Where applications for export licences are submitted in connection with invitations to tender issued pursuant to Article 7 of Commission Regulation (EEC) No 2131/93 ⁽¹⁾, the licences shall be issued only for the quantities for which the applicants have obtained contracts.

The export licences shall be valid for no more than the quantity indicated in section 17. The figure '0' shall be entered in section 19.

2. Applications for export licences as provided for in Article 8(2) of Regulation (EEC) No 2131/93 shall show the relevant destination in section 7. The holders of the licences shall be obliged to export the products in question to that destination.

All countries for which the same rate of export refund or tax applies shall be considered as one destination.

Article 3

1. Where export refunds are fixed by tender, the rate of refund appearing in statements of award of contracts shall be entered in letters and figures in section 22 of the licences. This rate shall be expressed in euro and shall be preceded by one of the following:

- Tipo de la restitución de base a la exportación adjudicado
- Tilslagssats for basiseksportrestitutionen
- Zugeschlagener Satz der Grundaufuhrerstattung
- Ποσοστό της κατακυρωθείσας επιστροφής βάσεως κατά την εξαγωγή
- Tendered rate of basic export refund
- Taux de la restitution de base à l'exportation adjudgé
- Tasso della restituzione di base all'esportazione aggiudicata
- Gegunde basisrestitutie bij uitvoer
- Taxa de restituição de base à exportação adjudicada
- Tarjouskilpailutetun perusvientituen määrä
- Anbudssats för exportbidrag.

2. Where export taxes are fixed by tender, the rate of tax appearing in statements of award of contracts shall be entered in letters and figures in section 22 of the licences. This rate shall be expressed in euro and shall be preceded by one of the following:

- Tipo del gravamen a la exportación adjudicado
- Tilslagssats for eksportafgiften
- Zugeschlagener Satz der Ausfuhrabgabe
- Ύψος φόρου κατά την εξαγωγή
- Tendered rate of export tax
- Taux de la taxe à l'exportation adjudgé
- Aliquota della tassa all'esportazione aggiudicata
- Gegunde belasting bij uitvoer
- Taxa de exportação adjudicada
- Tarjouskilpailutetusta viennistä kannettavan maksun määrä
- Anbudssats för exportavgift.

Article 4

1. Notwithstanding Article 14 of Regulation (EC) No 1291/2000, for products falling within CN codes 1101 00 15, 1102 20, 1103 11 10 and 1103 13, applications for export licences may indicate products falling within two contiguous 12-digit subdivisions of the abovementioned subheadings.

The following product categories within the meaning of Article 14 of Regulation (EEC) No 1291/2000 shall apply:

- | | |
|-------------|--|
| category 1: | 1108 11 00 9200, 1108 11 00 9300 |
| category 2: | 1108 12 00 9200, 1108 12 00 9300 |
| category 3: | 1108 13 00 9200, 1108 13 00 9300 |
| category 4: | 1108 19 10 9200, 1108 19 10 9300 |
| category 5: | 1702 30 51 9000, 1702 30 91 9000,
1702 90 50 9100 |
| category 6: | 1702 30 59 9000, 1702 30 99 9000,
1702 40 90 9000, 1702 90 50 9900,
2106 90 55 9000. |

The 12-digit subdivisions shown in applications shall appear on the export licences.

2. Notwithstanding Article 14 of Regulation (EC) No 1291/2000, for products falling within CN codes 2309 10 11, 2309 10 13, 2309 10 31, 2309 10 33, 2309 10 51, 2309 10 53, 2309 90 31, 2309 90 33, 2309 90 41, 2309 90 43, 2309 90 51 and 2309 90 53 containing less than 50 % by weight of milk products, export licence applications shall show:

- (a) in section 15, the description of the product and its 12-digit code; in the case of products falling within two or more adjacent subdivisions the exporter may show the 12-digit refund nomenclature, in which case the following shall be indicated in section 15: preparations used for animal feed covered by Regulation (EC) No 1517/95;

⁽¹⁾ OJ L 191, 31.7.1993, p. 76.

- (b) in section 16, the reference '2309';
- (c) in sections 17 and 18, the quantity of compound feeding-stuffs which must be exported;
- (d) in section 20, the content in cereal products to be incorporated in the compound feedingstuff if this is known, a distinction being made between maize and other cereals; otherwise, if use is made of the provision referred to in point (a) of annotating section 15 with a reference specifying two or more subdivisions, the bracket showing the quantities of maize and other cereals incorporated.

The details included on applications shall be shown on the export licences.

Article 5

For the purposes of the second paragraph of Article 15 of the Commission Regulation (EC) No 1501/95 ⁽¹⁾ and of Article 16(10) of Regulation (EC) No 3072/95, section 22 of export licences shall show one of the following:

- Gravamen a la exportación no aplicable
- Eksportavgift ikke anvendelig
- Ausfuhrabgabe nicht anwendbar
- Μη εφαρμζόμενος φόρος κατά την εξαγωγή
- Export tax not applicable
- Taxe à l'exportation non applicable
- Tassa all'esportazione non applicabile
- Uitvoerbelasting niet van toepassing
- Taxa de exportação não aplicável
- Vientimaksua ei sovelleta
- Exportavgift icke tillämplig.

Article 6

1. Import licences for products listed in Article 1 of Regulation (EEC) No 1766/92 and Article 1 of Regulation (EC) No 3072/95 shall be valid from their date of issue pursuant to Article 23(1) of Regulation (EC) No 1291/2000 until the end of their term of validity as laid down in Annex I to this Regulation.

2. Where a special term of validity is laid down for import licences for imports originating in and coming from certain third countries, sections 7 and 8 of licence applications and of the licences themselves shall state the country or countries of provenance and of origin. Licences shall entail an obligation to import from that country or those countries.

Article 7

1. Export licences for products listed in Article 1 of Regulation (EEC) No 1766/92 and Article 1 of Regulation (EC) No 3072/95 shall be valid from their date of issue pursuant to Article 23(1) of Regulation (EC) No 1291/2000 until the end of their term of validity as laid down in Annex II to this Regulation.

2. Notwithstanding paragraph 1, the validity of export licences for products falling within CN codes 1702 30, 1702 40, 1702 90 and 2106 90 for which applications are submitted up until 25 June of each marketing year shall expire on 30 June. For applications submitted from 26 June of a marketing year until 30 September of the following marketing year, export licences for the abovementioned products shall be valid for 30 days from their date of issue within the meaning of Article 23(1) of Regulation (EC) No 1291/2000.

Customs export formalities for the licences referred to in the first subparagraph must be completed by 30 June of each marketing year for licences applied for up until 25 June. For such licences applied for between 26 June and 30 September of the following marketing year, customs export formalities must be completed no later than 30 days following their date of issue.

Those deadlines shall also apply to the formalities referred to in Article 30 of Commission Regulation (EC) No 800/1999 ⁽²⁾ for products placed under the arrangements laid down by Council Regulation (EEC) No 565/80 ⁽³⁾ under those licences.

In section 22 of those licences shall be entered one of the following:

- Limitación establecida en apartado 2 del artículo 7 del Reglamento (CE) n° 1342/2003
- Begränsning, jf. artikel 7, stk. 2, i förordning (EF) nr. 1342/2003
- Kürzung der Gültigkeitsdauer nach Artikel 7 Absatz 2 der Verordnung (EG) Nr. 1342/2003
- Περιορισμός που προβλέπεται στο άρθρο 7 παράγραφος 2 του κανονισμού (ΕΚ) αριθ. 1342/2003
- Limitation provided for in Article 7(2) of Regulation (EC) No 1342/2003
- Limitation prévue à l'article 7, paragraphe 2, du règlement (CE) n° 1342/2003
- Limitazione prevista all'articolo 7, paragrafo 2, del regolamento (CE) n. 1342/2003
- Beperking als bepaald in artikel 7, lid 2, van Verordening (EG) nr. 1342/2003
- Limitação estabelecida no n.º 2 do artigo 7.º do Regulamento (CE) n.º 1342/2003
- Asetuksen (EY) N:o 1342/2003 7 artiklan 2 kohdassa säädetty rajoitus
- Begränsning enligt artikel 7.2 i förordning (EG) nr 1342/2003.

3. Notwithstanding paragraph 1, at the request of the operator, export licences for products falling within CN codes 1107 10 19, 1107 10 99 and 1107 20 00 shall be valid from the date of their issue pursuant to Article 23(1) of Regulation (EC) No 1291/2000, until:

- (a) 30 September of the current calendar year, where they are issued from 1 January to 30 April;

⁽¹⁾ OJ L 147, 30.6.1995, p. 7.

⁽²⁾ OJ L 102, 17.4.1999, p. 11.

⁽³⁾ OJ L 62, 7.3.1980, p. 5.

- (b) the end of the 11th month following that of issue, where they are issued from 1 July to 31 October;
- (c) 30 September of the following calendar year, where they are issued from 1 November to 31 December.

In the above cases, notwithstanding Article 9 of Regulation (EC) No 1291/2000, rights deriving from licences as referred to in this paragraph shall not be transferable.

4. In cases where no refund or export tax has been fixed, export licences for the products referred to in Article 1 of Regulation (EEC) No 1766/92 and Article 1 of Regulation (EC) No 3072/95 shall be valid for 60 days from the day of issue.

Article 8

1. Export licences for products listed in Article 1(1)(a), (b) and (c) of Regulation (EEC) No 1766/92 and in Article 1 of Regulation (EC) No 3072/95 and for products falling within CN codes 1102 20 10, 1102 20 90, 1103 13 10, 1103 13 90, 1103 20 20, 1104 29 05, 1104 22 98, 1104 23 10, 1108 11 00, 1108 12 00, 1108 13 00, 1109 00 00, 1702 30 51, 1702 30 91, 1702 30 99, 1702 40 90, 1702 90 50, 1702 90 79, 2106 90 55, 2309 10 11, 2309 10 13, 2309 10 31, 2309 10 33, 2309 10 51, 2309 10 53, 2309 90 31, 2309 90 33, 2309 90 41, 2309 90 43, 2309 90 51 and 2309 90 53 as listed in Regulation (EEC) No 1766/92 shall be issued on the third working day after applications are lodged, provided that no special measures are taken in the meanwhile.

The Commission may decide not to grant applications.

The first subparagraph shall not apply to licences issued in connection with invitations to tender or to the licences referred to in Article 16 of Regulation (EC) No 1291/2000 that are issued for the purpose of a food aid operation within the meaning of Article 10(4) of the Agreement on Agriculture concluded as part of the Uruguay Round of multilateral trade negotiations⁽¹⁾. The scrutiny period shall not apply to the issue of export licences where an application relating to a quantity of 20 tonnes or less is submitted by a humanitarian agency without an accompanying refund application.

2. Without prejudice to Article 16 of Regulation (EEC) No 1766/92, at the request of operators, export licences without refund shall be issued on the day of submission of applications, except where an export duty is applicable to the product in question on the day of submission.

Where, at the time of export, an export duty has been fixed for the product covered by licences issued pursuant to the first subparagraph, that duty shall apply.

Such export licences shall be valid for 60 days from the day of issue.

One of the following wordings shall be entered in section 22 of the licence:

- Limitación establecida en el apartado 2 del artículo 8 del Reglamento (CE) n.º 1342/2003

— Begränsning, jf. artikel 8, stk. 2, i förordning (EF) nr. 1342/2003

— Kürzung der Gültigkeitsdauer nach Artikel 8 Absatz 2 der Verordnung (EG) Nr. 1342/2003

— Περιορισμός που προβλέπεται στο άρθρο 8 παράγραφος 2 του κανονισμού (ΕΚ) αριθ. 1342/2003

— Limitation provided for in Article 8(2) of Regulation (EC) No 1342/2003

— Limitation prévue à l'article 8, paragraphe 2, du règlement (CE) n.º 1342/2003

— Limitazione prevista all'articolo 8, paragrafo 2, del regolamento (CE) n. 1342/2003

— Beperking als bepaald in artikel 8, lid 2, van Verordening (EG) nr. 1342/2003

— Limitação estabelecida no n.º 2 do artigo 8.º do Regulamento (CE) n.º 1342/2003

— Asetuksen (EY) N:o 1342/2003 8 artiklan 2 kohdassa säädetty rajoitus

— Begränsning enligt artikel 8.2 i förordning (EG) nr 1342/2003.

3. Where this paragraph is specifically referred to when an export refund or an export tax on products listed in Article 1(1)(a), (b) and (c) of Regulation (EEC) No 1766/92 and Article 1(1)(a) of Regulation (EC) No 3072/95 is fixed, export licence applications must be accompanied by a copy of a contract. The contract must come from an official body in the country of destination or an undertaking with its place of business in that country and must indicate a quantity covered by, and a delivery period not extending beyond, the term of validity of the licence. No export licences may have been issued previously for the contract under this Article. The Member State concerned shall verify that licence applications comply with the conditions laid down in this paragraph and shall notify the Commission on the day they are lodged of the quantity covered by licences which are admissible. The corresponding licences shall actually be issued only on the third working day following the day on which the applications are submitted, provided that no special measures are taken by the Commission before then.

If applications for export licences as referred to in the first paragraph cover quantities in excess of those which may be committed for export and which are indicated in the regulation fixing the refund or tax in question, the Commission may fix a uniform percentage reduction in the quantities within two working days of submission of the applications. Licence applications may be withdrawn within two working days of the date of publication of the percentage reduction.

Notwithstanding Article 9 of Regulation (EC) No 1291/2000, rights deriving from licences shall not be transferable.

⁽¹⁾ OJ L 336, 23.12.1994, p. 22.

In the case of non-performance of the contract by the importing purchaser, the operator may export to a different country of destination but only against the export refund or export tax in force on the day on which applications for export licences to 'other third countries' were originally lodged. Where no export refund or export tax exists for 'other third countries' on the date of the original licence application, an ad hoc solution may be adopted, in accordance with the procedure laid down in Article 23 of Regulation (EEC) No 1766/92.

Article 9

1. Paragraphs 2 to 6 shall apply to exports to the third countries mentioned in Annex IV and to the products listed in that Annex.

2. Exports as referred to in paragraph 1 shall be subject to the presentation to the competent authorities of the third countries concerned of a certified copy of the export licence issued in accordance with Article 8(2) and with this Article, and a duly endorsed copy of the export declaration for each consignment. The goods in question shall not have been exported previously to another third country.

3. The licence referred to in paragraph 2 shall contain:

- (a) in box 7, the name of the importing country or countries concerned;
- (b) in box 15, a description of the goods in accordance with the combined nomenclature;
- (c) in box 16, the 8-figure Combined Nomenclature code and the quantity in tonnes for each product referred to in box 15;
- (d) in boxes 17 and 18, the total quantity of the products referred to in box 16;
- (e) in box 20, one of the following:
 - Exportación conforme al artículo 9 del Reglamento (CE) n° 1342/2003
 - Udførsel i overensstemmelse med artikel 9 i forordning (EF) nr. 1342/2003
 - Ausfuhr in Übereinstimmung mit Artikel 9 der Verordnung (EG) Nr. 1342/2003
 - Περιορισμός που προβλέπεται στο άρθρο 9 του κανονισμού (ΕΚ) αριθ. 1342/2003
 - Export in accordance with Article 9 of Regulation (EC) No 1342/2003
 - Exportation conformément à l'article 9 du règlement (CE) n° 1342/2003
 - Esportazione in conformità all'articolo 9 del regolamento (CE) n. 1342/2003
 - Uitvoer op grond van artikel 9 van Verordening (EG) nr. 1342/2003
 - Exportação conforme o artigo 9.º do Regulamento (CE) n.º 1342/2003
 - Asetuksen (EY) N:o 1342/2003 9 artiklan mukainen vienti
 - Export i överensstämmelse med artikel 9 i förordning (EG) nr 1342/2003;

(f) in box 22, in addition to the words provided for in Article 8(2), one of the following:

- Sin restitución por exportación
- Uden eksportrestitution
- Ohne Ausfuhrerstattung
- Χωρίς επιστροφή κατά την εξαγωγή
- No export refund
- Sans restitution à l'exportation
- Senza restituzione all'esportazione
- Zonder uitvoerrestitutie
- Sem restituição à exportação
- Ilman vientitukea
- Utan exportbidrag.

Licences shall only be valid for the products and quantities thus specified.

4. Licences issued under this Article shall carry with them an obligation to export to one of the destinations indicated in box 7.

5. At the request of the party concerned, a certified copy of the endorsed licence shall be issued.

6. On the first Monday of each month the competent authorities of the Member States shall notify the Commission of the quantities for which licences have been issued broken down by CN code.

Article 10

1. Where export is effected pursuant to an invitation to tender opened in an importing third country, export licences for common wheat, durum wheat, rye, barley, maize, rice, wheat flour, rye flour, groats and meal of durum wheat and products covered by CN codes 2309 10 11, 2309 10 13, 2309 10 31, 2309 10 33, 2309 10 51, 2309 10 53, 2309 90 31, 2309 90 33, 2309 90 41, 2309 90 43, 2309 90 51 and 2309 90 53 containing less than 50 % by weight of milk products shall be valid from their date of issue within the meaning of Article 23(1) of Regulation (EC) No 1291/2000 until the date on which the obligations arising from the award are to be fulfilled.

2. The term of validity of the licence may not exceed four months following the month of issue pursuant to Article 23(1) of Regulation (EC) No 1291/2000.

3. Notwithstanding the third subparagraph of Article 49(3) of Regulation (EC) No 1291/2000, licence applications may not be lodged more than four working days before the closing date for the submission of tenders specified in the invitation to tender.

4. Notwithstanding Article 49(5) of Regulation (EC) No 1291/2000, the maximum period between the closing date for the submission of tenders and the notification given to the issuing agency by the applicant concerning the outcome of the invitation to tender as provided for in Article 44(5)(a) to (d) of that Regulation shall be six working days.

Article 11

1. In special cases, the term of validity of export licences for common wheat, durum wheat, rye, barley, maize, rice, wheat flour, rye flour, groats and meal of durum wheat and products covered by CN codes 2309 10 11, 2309 10 13, 2309 10 31, 2309 10 33, 2309 10 51, 2309 10 53, 2309 90 31, 2309 90 33, 2309 90 41, 2309 90 43, 2309 90 51 and 2309 90 53 containing less than 50 % by weight of milk products may be longer than is provided for in Article 7(1) where the party concerned is in the process of concluding a contract warranting a longer period. To that end, the party concerned shall submit to the competent authority a written statement from an official body in the country of destination or an undertaking with its place of business in that country. Such statements must indicate the projected quantity and quality of the products, the delivery period and the price terms. The Member State shall immediately send the Commission a copy of the statement for information.

2. In the cases set out in paragraph 1, the interested party shall lodge with the competent authority an application for an export licence accompanied by an application for advance fixing of the export refund or export tax applicable on the day of submission of the application for the intended destination, together with details of the minimum and maximum quantities that he intends to export and of the minimum and maximum time necessary to complete export as planned. However, the minimum quantity may not be less than 75 000 tonnes in the case of common wheat, durum wheat, rye, barley, maize, wheat flour, rye flour and products falling within CN codes 2309 10 11, 2309 10 13, 2309 10 31, 2309 10 33, 2309 10 51, 2309 10 53, 2309 90 31, 2309 90 33, 2309 90 41, 2309 90 43, 2309 90 51 and 2309 90 53 containing less than 50 % by weight of milk products, and 15 000 tonnes in the case of groats and meal of durum wheat and rice. Notwithstanding Article 15(2) of Regulation (EC) No 1291/2000, such applications shall not be accompanied by securities.

For exports to an ACP State or to several countries within one of the ACP State groups set out in Annex III, the minimum quantity laid down in the first subparagraph shall be reduced to:

- (a) 20 000 tonnes in the case of common wheat, durum wheat, rye, barley, maize, wheat flour, rye flour and products covered by CN codes 2309 10 11, 2309 10 13, 2309 10 31, 2309 10 33, 2309 10 51, 2309 10 53, 2309 90 31, 2309 90 33, 2309 90 41, 2309 90 43, 2309 90 51 and 2309 90 53 containing less than 50 % by weight of milk products; and
- (b) 5 000 tonnes in the case of groats and meal of durum wheat and rice.

Applications relating to several countries within a group of ACP States must specify the name of each intended country of destination.

3. The Member State of the competent authority receiving applications shall examine them, in particular as to quantity, economic implications of the planned exports and the practicality of execution and, where it finds them admissible, shall

notify the Commission, which shall take a decision in accordance with the procedure laid down in Article 23 of Regulation (EEC) No 1766/92 or Article 22 of Regulation (EC) No 3072/95. Where the Commission accepts an application, it shall in particular set a time limit for presentation of the contract to the competent authority. The latter shall inform the applicant of the Commission's decision.

4. Where the term of validity fixed for the licence is the same as that applied for, the applicant shall, within the time limit set in accordance with paragraph 3, submit to the competent authority a signed original of the contract, together with a copy thereof. The contract shall specify at least the quantity covered, which must fall within the minimum and maximum quantities indicated in the licence application, the destination, the period within which export is to be carried out (which must fall within the minimum and maximum periods indicated), the price fixed for the duration of the contract and the terms of payment. The licence shall then be issued after the security provided for in Article 9(1) of Regulation (EEC) No 1766/92 or Article 9(1) of Regulation (EC) No 3072/95 has been lodged. The country (or countries within a single group) of destination shall be shown in section 7 and the licence shall carry with it an obligation to export to that country or countries. However, up to 10 % of the quantities shown on the licence may be delivered under the contract to another country indicated in Annex III as falling within the same group.

Where the applicant is unable to conclude such a contract, he shall so inform the competent authority within the time limit set for submission of the contract and the licence shall not be issued.

5. Except in cases of *force majeure*, where the applicant does not comply with paragraph 4, no licence shall be issued.

6. Where the term of validity fixed is different from that applied for but is longer than that laid down in Article 7, paragraphs 4 and 5 of this Article shall apply. However, the applicant may, within the time limit set for submission of the contract, withdraw his application for a licence.

7. Where an application for an extension of the term of validity as provided for in Article 7 is rejected, no licence shall be issued.

8. Licences issued under the conditions laid down in this Article shall not be subject to the provisions of Article 8(1).

Article 12

Securities for licences for products listed in Article 1 of Regulation (EEC) No 1766/92 and Article 1 of Regulation (EC) No 3072/95 shall be at the following rates:

- (a) EUR 1 per tonne in the case of import licences to which the fourth indent of Article 10(4) of Regulation (EEC) No 1766/92 does not apply and of products covered by Regulation (EC) No 3072/95 and EUR 5 per tonne in the case of export licences:
 - (i) for a product for which, on the day of submission of the application, no export refund or duty has been fixed;

- (ii) for a product for which the export refund or duty is not fixed in advance;
 - (iii) issued pursuant to Article 8(2) of this Regulation;
- (b) in the case of import licences to which the fourth indent of Article 10(4) of Regulation (EEC) No 1766/92 does apply:
- (i) EUR 15 per tonne for products falling within CN codes 0709 90 60, 0712 90 19, 1001 10 00, 1001 90 91, 1001 90 99, 1002 00 00, 1003 00, 1004, 1005 10 90, 1005 90 00, 1007 00 and 1008;
 - (ii) EUR 5 per tonne for other products;
- (c) EUR 45 per tonne for the products referred to in Article 1 of Regulation (EC) No 3072/95 in the case of export licences.

For exports to ACP States under licences with special terms of validity, in accordance with Article 11 of this Regulation the security shall be EUR 12 per tonne;

- (d) EUR 20 per tonne for the products referred to in Article 1 of Regulation (EEC) No 1766/92 in the case of export licences.

However, in the case of licences issued with a refund in accordance with Article 7(3), the security shall be EUR 24 per tonne.

For exports to ACP States under licences with special terms of validity, in accordance with Article 11 of this Regulation, the security shall be EUR 12 per tonne.

Article 13

Where the term of validity of licences is extended pursuant to Article 41 of Regulation (EC) No 1291/2000, the corrective amount applicable shall be that in force on the day the licence application was submitted for export during the last month of the normal term of validity of the licence.

In addition, the export refund shall be adjusted in accordance with Article 14 of this Regulation.

Article 14

1. Refunds applicable pursuant to Article 13(5) of Regulation (EEC) No 1766/92 on products listed in Article 1(1)(a) and (b) of that Regulation with the exception of maize and grain sorghum shall be adjusted, during the months of August to May of the same marketing year, by an amount equal to the monthly increase applicable to the intervention price fixed for that marketing year.

In the case of maize and grain sorghum, the refunds shall be adjusted, during the months of November of one marketing year to August of the following marketing year, by an amount equal to the monthly increase applicable to the intervention prices fixed for the marketing year concerned.

The first adjustment shall be made on the first day of the calendar month following that of application. Subsequent adjustments shall apply each month.

In the case of the products listed in Article 1(1)(a) and (b) of Regulation (EEC) No 1766/92 with the exception of maize and grain sorghum, refunds adjusted in accordance with the first subparagraph and applicable in May shall continue to apply in June. In the case of maize and grain sorghum, refunds adjusted in accordance with the second subparagraph and applicable in August shall continue to apply in September.

2. The adjustment provided for in paragraph 1 shall not apply where the amount of the refund is equal to zero.

3. Where the term of validity of licences extends beyond the end of the marketing year and export occurs in the following marketing year, refunds on products listed in Article 1(1)(a) and (b) of Regulation (EEC) No 1766/92, exclusive of any monthly increases referred to in paragraph 1, with the exception of maize and grain sorghum shall be reduced by the price break between the two marketing years. That price break shall occur on 1 July and shall be defined as:

- (a) the difference between the intervention prices, exclusive of any monthly increase, for the previous and the new marketing years; plus
- (b) an amount equal to the monthly increase, multiplied by the number of months elapsing between August and the month of the licence application, inclusive.

Where the price break is greater than the refund in question, the corrected refund shall be reduced to zero.

Refunds reduced by the price break shall be increased as from August in the new marketing year, in accordance with the rules set out in paragraph 1, by the monthly increase applying to the new marketing year.

4. In the case of maize and grain sorghum, the rules on adjustment set out in paragraph 3 shall apply *mutatis mutandis*, with the following exceptions:

- (a) the end of the marketing year shall be deemed to be 30 September;
- (b) the abovementioned price break shall occur on 1 October instead of 1 July;
- (c) the month of August shall be replaced by November;
- (d) the monthly increases shall be those applicable to the marketing years in question.

Article 15

1. In the case of products listed in Article 1(1)(c) and (d) of Regulation (EEC) No 1766/92 and Article 1(1)(c) of Regulation (EC) No 3072/95, the amount resulting from each of the adjustments mentioned in Article 14(1) and (3) of this Regulation shall be multiplied by the processing coefficient applying to the product in question.

2. The amount of the refund applying in accordance with Article 13 of Regulation (EC) No 3072/95 for the products listed in Article 1(1)(a) and (b) of that Regulation shall be adjusted in the months from October to July inclusive by an amount equal to the monthly increase applying to the intervention price for paddy rice fixed for that marketing year, based on the processing stage and the applicable processing coefficient.

The first adjustment shall be made on the first day of the calendar month following that in which the licence application is made. Subsequent adjustments shall apply each month.

3. The adjustment provided for in paragraph 2 shall not apply where the amount of the refund is equal to zero.

4. Where the term of validity of the licence extends beyond the end of the marketing year and export occurs in the following marketing year, refunds, excluding the monthly increases referred to in paragraph 2, shall be reduced by the break in the intervention price for paddy rice between the two marketing years, based on the processing stage and the applicable processing coefficient.

This price break shall occur on 1 September and shall be defined as:

- (a) the difference between the intervention price for paddy rice, exclusive of any monthly increase for the previous and the new marketing years;
- (b) an amount equal to the monthly increase multiplied by the number of months elapsing between October and the month of the licence application, inclusive.

These two factors shall be converted using the relevant processing coefficient applicable at the time the product is exported.

Where the price break is greater than the refund in question, the corrected refund shall be reduced to zero.

Refunds shall be reduced by (a) and (b) of the second subparagraph, on the basis of the milling stage and shall be increased from October of the new marketing year by the monthly increase applying to the new marketing year, in accordance with the rules set out in paragraph 2.

Article 16

1. With regard to export licences, the Member States shall notify the Commission:

- (a) on each working day:
 - (i) of all applications for licences, or the absence of applications for licences;

- (ii) of applications for licences as referred to in Article 49 of Regulation (EC) No 1291/2000, submitted on the working day preceding that of notification;

- (iii) of the quantities covered by licences issued in respect of applications for licences as referred to in Article 49 of Regulation (EC) No 1291/2000;

(b) before the 15th day of each month in respect of the preceding month:

- (i) of the quantities for which licences for food aid have been issued;

- (ii) of the quantities covered by licences issued but not used, and of the refund or the export tax by code;

- (iii) of the quantities to which Article 8(1) of this Regulation does not apply and for which licences have been issued;

(c) once per marketing year and by 30 April at the latest, of the precise quantities used under licences taking into account the tolerance provided for in Article 8(4) of Regulation (EC) No 1291/2000.

Notifications of applications and quantities referred to in the first subparagraph must specify:

- (a) the quantity by 12-digit product code of the agricultural product nomenclature for export refunds. Where licences are issued for more than one 12-digit code, only the first code shall be shown;

- (b) the quantity by code broken down by destination where the refund or export tax varies by destination.

2. With regard to import licences issued, each day the Member States shall forward the quantities covered by licences by product code and, in the case of common wheat, by quality grade and by origin. The origin shall also be indicated in import licences for rice.

Article 17

Regulation (EC) No 1162/95 is repealed.

It shall remain applicable to licences issued before the entry into force of this Regulation.

The references to the repealed Regulation shall be construed as references to this Regulation and shall be read in accordance with the correlation table in Annex VI.

Article 18

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, 28 July 2003.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX I

PERIOD OF VALIDITY OF IMPORT LICENCES

A. For cereals

CN code	Description	Term of validity
0709 90 60	Sweetcorn, fresh or chilled	45 days
0712 90 19	Dried sweetcorn, whole, cut, sliced, broken or in powder, but not further prepared, other than hybrid maize for sowing	
1001 90 91	Common wheat and meslin seed	
1001 90 99	Spelt, common wheat and meslin other than for sowing	
1002 00 00	Rye	
1003 00	Barley	
1004 00	Oats	
1005 10 90	Maize other than hybrid seed	
1005 90 00	Maize other than seed	
1007 00 90	Grain sorghum other than hybrids for sowing	
1008	Buckwheat, millet and canary seed; other cereals	
1001 10	Durum wheat	
1101 00	Wheat or meslin flour	60 days
1102 10 00	Rye flour	
1103 11	Wheat groats and meal	
1107	Malt, whether or not roasted	
	The products listed in Annex A to Regulation (EEC) No 1766/92	Until the end of the fourth month following that of issue

B. For rice

CN code	Description	Term of validity
1006 10 21	Rice in the husk (paddy rice)	Until the end of the second month following that of issue
1006 10 23		
1006 10 25		
1006 10 27		
1006 10 92		
1006 10 94		
1006 10 96		
1006 10 98		
1006 20	Husked (cargo or brown) rice	
1006 30	Semi-milled or wholly milled rice, whether or not polished or glazed	
1006 40 00	Broken rice	Until the end of the third month following that of issue

CN code	Description	Term of validity
1102 30 00	Rice flour	} Until the end of the fourth month following that of issue
1103 19 50	Rice groats and meal	
1103 20 50	Rice pellets	
1104 19 91	Flaked rice	
1108 19 10	Rice starch	

ANNEX II

PERIOD OF VALIDITY OF EXPORT LICENCES

A. For cereals

CN code	Product description	Period of validity
0709 90 60	Sweetcorn, fresh or chilled	Until the end of the fourth month following that of issue
0712 90 19	Dried sweetcorn, whole, cut, sliced, broken or in powder, but not further prepared, other than hybrid maize for sowing	
1001 90 91	Common wheat and meslin seed	
1001 90 99	Spelt, common wheat and meslin other than for sowing	
1002 00 00	Rye	
1003 00	Barley	
1004 00	Oats	
1005 10 90	Maize other than hybrid seed	
1005 90 00	Maize other than seed	
1007 00 90	Grain sorghum other than hybrids for sowing	
1008	Buckwheat, millet and canary seed; other cereals	
1001 10	Durum wheat	
1101 00	Wheat or meslin flour	
1102 10 00	Rye flour	
1103 11 90	Common wheat and spelt groats and meal	
	The products listed in Annex A to Regulation (EEC) No 1766/92	
1103 11 10	Durum wheat groats and meal	
1107	Malt, whether or not roasted	
	Products mentioned above exported with licences containing the following indication in box 20: 'GATT licence — Food aid'	Until the end of the fourth month following that of issue

B. For rice

CN code	Description	Term of validity
1006 10 21	Rice in the husk (paddy rice)	Until the end of the fourth month following that of issue
1006 10 23		
1006 10 25		
1006 10 27		
1006 10 92		
1006 10 94		
1006 10 96		
1006 10 98		
1006 20	Husked (cargo or brown) rice	
1006 30	Semi-milled or wholly milled rice, whether or not polished or glazed	
1006 40 00	Broken rice	30 days

CN code	Description	Term of validity
1102 30 00	Rice flour	} Until the end of the fourth month following that of issue
1103 19 50	Rice groats and meal	
1103 20 50	Rice pellets	
1104 19 91	Flaked rice	
1108 19 10	Rice starch	
	The abovementioned products exported under licences in which Section 20 contains the words 'Licence under GATT — Food aid'	Until the end of the fourth month following that of issue

ANNEX III

Groups of ACP signatories to the Lomé Convention

Group I	Group II	Group III	Group IV	Group V	Group VI	Group VII
Mauritania	Chad	Angola	Sudan	Seychelles	Haiti	Papua New Guinea
Mali	Central African Republic	Zambia	Djibouti	Comoros	Dominican Republic	Fiji
Niger	Benin	Malawi	Ethiopia	Madagascar	Antigua and Barbuda	Kiribati
Senegal	Nigeria	Mozambique	Somalia	Mauritius	Bahamas	Solomon Islands
Burkina Faso	Cameroon	Namibia	Uganda		Barbados	Samoa
Gambia	Equatorial Guinea	Botswana	Kenya		Belize	Tonga
Guinea-Bissau	São Tomé and Príncipe	Zimbabwe	Tanzania		Dominica	Tuvalu
Guinea	Gabon	Lesotho			Grenada	Vanuatu
Cape Verde	Congo	Swaziland			Jamaica	
Sierra Leone	Democratic Republic of Congo				Saint Kitts and Nevis	
Liberia	Rwanda				Saint Lucia	
Côte d'Ivoire	Burundi				Saint Vincent and the Grenadines	
Ghana					Trinidad and Tobago	
Togo					Guyana	
					Suriname	

ANNEX IV

Products affected by the abolition of export refunds referred to in Article 9

Third country	Products (CN code)
Bulgaria	1001 10 00 9200, 1001 10 00 9400, 1001 90 91 9000, 1001 90 99 9000, 1002 00 00 9000, 1003 00 10 9000, 1003 00 90 9000, 1004 00 00 9200, 1004 00 00 9400, 1005 10 90 9000, 1005 90 00 9000, 1008 20 00 9000, 1102 10 00 9500, 1102 10 00 9700, 1102 10 00 9900, 1107 10 19 9000, 1107 10 99 9000, 1107 20 00 9000, 1102 90 10 9100, 1102 90 10 9900, 1102 90 30 9100, 1103 20 20 9000, 1107 10 11 9000, 1107 10 91 9000
Czech Republic	1001 90 91 9000, 1001 90 99 9000, 1002 00 00 9000, 1003 00 10 9000, 1003 00 90 9000, 1004 00 00 9200, 1004 00 00 9400, 1005 10 90 9000, 1005 90 00 9000, 1008 20 00 9000, 1107 10 19 9000, 1107 10 99 9000, 1107 20 00 9000
Estonia	All products referred to in Article 1(1) of Regulation (EEC) No 1766/92 and rice starch falling within CN code 1108 19 10
Hungary	1001 10 00, 1001 90 91, 1001 90 99, 1002 00 00, 1003 00 10, 1003 00 90, 1004 00 00, 1005 10 90, 1005 90 00, 1007 00 90, 1008 20 00, 1101 00 11, 1101 00 15, 1101 00 90, 1102 10 00, 1102 20 10, 1102 20 90, 1102 90 10, 1102 90 30, 1103 11 10, 1103 11 90, 1103 13 10, 1103 13 90, 1103 19 10, 1103 19 30, 1103 19 40, 1103 20 20, 1103 20 60, 1104 12 90, 1104 19 10, 1104 19 50, 1104 19 69, 1104 22 20, 1104 22 30, 1104 23 10, 1104 29 01, 1104 29 03, 1104 29 05, 1104 29 11, 1104 29 51, 1104 29 55, 1104 30 10, 1104 30 90, 1107 10 11, 1107 10 19, 1107 10 91, 1107 10 99, 1107 20 00
Latvia	1001 10 00, 1001 90 91, 1001 90 99, 1002 00 00, 1003 00 10, 1003 00 90, 1004 00 00, 1101 00 11, 1101 00 15, 1101 00 90, 1102 10 00, 1102 90 10, 1102 90 30, 1103 11 10, 1103 11 90, 1103 19 10, 1103 19 40, 1103 20 60
Lithuania	1001 10 00, 1001 90 91, 1001 90 99, 1002 00 00, 1004 00 00, 1008 20 00, 1101 00 11, 1101 00 15, 1101 00 90, 1102 10 00, 1103 11 10, 1103 11 90, 1103 19 40, 1102 90 30, 1103 19 10, 1103 20 60, 1104 12 90, 1104 19 10 (1104 22 20) (1104 22 30)
Poland	1001 90, 1101, 1102, 1107 10 11, 1107 10 19, 1107 10 91, 1107 10 99, 1107 20 00 and ex 2302 with the exception of products falling within CN code 2302 50
Romania	1001 10 00 9200, 1001 10 00 9400, 1001 90 91 9000, 1001 90 99 9000, 1005 10 90 9000, 1005 90 00 9000, 1101 00 11 9000, 1101 00 15 9100, 1101 00 15 9130, 1101 00 15 9150, 1101 00 15 9170, 1101 00 15 9180, 1101 00 15 9190, 1101 00 90 9000, 1103 11 10 9200, 1103 11 10 9400, 1103 11 10 9900, 1103 11 90 9200, 1103 11 90 9800, 1103 20 60 9000, 1107 10 11 9000, 1107 10 19 9000, 1107 10 91 9000, 1107 10 99 9000, 1107 20 00 9000
Slovakia	1001 10 00 9200, 1001 10 00 9400, 1001 90 91 9000, 1001 90 99 9000, 1002 00 00 9000, 1003 00 10 9000, 1003 90 90 00, 1004 00 00 9200, 1004 00 00 9400, 1005 10 90 9000, 1005 90 00 9000, 1008 20 00 9000, 1107 10 99 9000
Slovenia	1001 10 00 9200, 1001 10 00 9400, 1001 90 91 9000, 1001 90 99 9000, 1002 00 00 9000, 1003 00 10 9000, 1003 00 90 9000, 1004 00 00 9200, 1004 00 00 9400, 1005 10 90 9000, 1005 90 00 9000, 1008 20 00 9000, 1102 10 00 9500, 1102 10 00 9700, 1102 10 00 9900, 1107 10 19 9000, 1107 10 99 9000, 1107 20 00 9000, 1102 20 10 9200, 1102 20 10 9400, 1102 20 90 9200, 1102 90 10 9100, 1102 90 10 9900, 1102 90 30 9100, 1103 13 10 9100, 1103 13 10 9300, 1103 13 10 9500, 1103 20 20 9000, 1107 10 11 9000, 1107 10 91 9000

ANNEX V

Repealed Regulation with its successive amendments

Commission Regulation (EC) No 1162/95	(OJ L 117, 24.5.1995, p. 2)
Commission Regulation (EC) No 1517/95, only as regards Article 9 thereof	(OJ L 147, 30.6.1995, p. 51)
Commission Regulation (EC) No 1518/95, only as regards Article 7 thereof	(OJ L 147, 30.6.1995, p. 55)
Commission Regulation (EC) No 1617/95	(OJ L 154, 5.7.1995, p. 5)
Commission Regulation (EC) No 1861/95	(OJ L 177, 28.7.1995, p. 86)
Commission Regulation (EC) No 2147/95	(OJ L 215, 9.9.1995, p. 4)
Commission Regulation (EC) No 2917/95	(OJ L 305, 19.12.1995, p. 53)
Commission Regulation (EC) No 285/96	(OJ L 37, 15.2.1996, p. 18)
Commission Regulation (EC) No 1029/96	(OJ L 137, 8.6.1996, p. 1)
Commission Regulation (EC) No 1527/96	(OJ L 190, 31.7.1996, p. 23)
Commission Regulation (EC) No 932/97	(OJ L 135, 27.5.1997, p. 2)
Commission Regulation (EC) No 444/98 (corrected by Regulation (EC) No 2067/2002, OJ L 318, 22.11.2002, p. 6)	(OJ L 56, 26.2.1998, p. 12)
Commission Regulation (EC) No 1432/1999	(OJ L 166, 1.7.1999, p. 56)
Commission Regulation (EC) No 2110/2000	(OJ L 250, 5.10.2000, p. 23)
Commission Regulation (EC) No 409/2001	(OJ L 60, 1.3.2001, p. 27)
Commission Regulation (EC) No 2298/2001, only as regards the reference made in Article 5 thereof to Article 11a of Regulation (EC) No 1162/95	(OJ L 308, 27.11.2001, p. 16)
Commission Regulation (EC) No 904/2002	(OJ L 142, 31.5.2002, p. 25)
Commission Regulation (EC) No 1006/2002	(OJ L 153, 13.6.2002, p. 5)
Commission Regulation (EC) No 1322/2002	(OJ L 194, 23.7.2002, p. 22)
Commission Regulation (EC) No 2305/2002	(OJ L 348, 21.12.2002, p. 92)
Commission Regulation (EC) No 498/2003	(OJ L 74, 20.3.2003, p. 15)

ANNEX VI

CORRELATION TABLE

Regulation (EC) No 1162/95	This Regulation
Article 1, first and second indents	Article 1(a) and (b)
Article 2	Article 2
Article 3	Article 3
Article 4(1)	Article 4(1)
Article 4(2), first subparagraph, first, second, third and fourth indents	Article 4(2)(a) to (d)
Article 4(2), second subparagraph	Article 4(2), second subparagraph
Article 5	Article 5
Article 6	Article 6
Article 7(1)	Article 7(1)
Article 7(1a)	Article 7(2)
Article 7(2), first subparagraph, first, second and third indents	Article 7(3)(a) to (c)
Article 7(2), second subparagraph	Article 7(3), second subparagraph
Article 7(2a)	Article 7(4)
Article 7(3)	Article 8(1)
Article 7(3a)	Article 8(2)
Article 7(4)	Article 8(3)
Article 7a(1) and (2)	Article 9(1) and (2)
Article 7a(3), points (a) to (f)	Article 9(3)(a) to (f)
Article 7a(3), point (g)	Article 9(3), second subparagraph
Article 7a(4) to (6)	Article 9(4) to (6)
Article 8	Article 10
Article 9(1)	Article 11(1)
Article 9(2) first subparagraph	Article 11(2) first subparagraph
Article 9(2) second subparagraph, first and second indents	Article 11(2) second subparagraph, points (a) and (b)
Article 9(2) third subparagraph	Article 11(2) third subparagraph
Article 9(3) to (8)	Article 11(3) to (8)
Article 10, point (a), first, second and third indents	Article 12(a)(i) to (iii)
Article 10, point (b), first and second indents	Article 12(b)(i) and (ii)
Article 10, points (c) and (d)	Article 12, points (c) and (d)
Article 11	Article 13
Article 12(1)	Article 14(1)
Article 12(1a)	Article 14(2)
Article 12(2)	Article 14(3)
Article 12(2a) first, second, third and fourth indents	Article 14(4)(a) to (d)
Article 12(3)	Article 15(1)
Article 12(4)	Article 15(2)
Article 12(4a)	Article 15(3)
Article 12(5) first subparagraph	Article 15(4) first subparagraph

Regulation (EC) No 1162/95	This Regulation
Article 12(5) second subparagraph, point (a), first sub-point	Article 15(4) second subparagraph, point (a)
Article 12(5) second subparagraph, point (a), subparagraph 2	—
Article 12(5) second subparagraph, point (b)	Article 15(4) second subparagraph, point (b)
Article 12(5), third, fourth and fifth subparagraphs	Article 15(4), third, fourth and fifth subparagraphs
Article 13(1), point (a), first subparagraph, point (i), first indent	Article 16(1) first subparagraph, point (a)(i)
Article 13(1) point (a), first subparagraph, point (i), second indent	Article 16(1) first subparagraph, point (a)(ii)
Article 13(1) point (a), first subparagraph, point (ii)	Article 16(1) first subparagraph, point (a)(iii)
Article 13(1) point (b)	Article 16(1), first subparagraph, point (b)
Article 13(1) point (c)	Article 16(1), first subparagraph, point (c)
Article 13(1) point (a), second subparagraph, first and second indents	Article 16(1), second subparagraph, points (a) and (b)
Article 13(2)	Article 16(2)
—	Article 17
Article 14	—
Article 15	Article 18
Annexes I, II, III and IV	Annexes I, II, III and IV
—	Annex V
—	Annex VI

COMMISSION REGULATION (EC) No 1343/2003

of 23 July 2003

suspending for an additional period of six months, with regard to sugar of CN codes 1701 and 1702 imported from Serbia and Montenegro, the arrangements provided for in Council Regulation (EC) No 2007/2000 introducing exceptional trade measures for countries and territories participating in or linked to the European Union's Stabilisation and Association process

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2007/2000 of 18 September 2000 introducing exceptional trade measures for countries and territories participating in or linked to the European Union's Stabilisation and Association process, amending Regulation (EC) No 2820/98 and repealing Regulations (EC) No 1763/1999 and (EC) No 6/2000⁽¹⁾, as last amended by Commission Regulation (EC) No 607/2003⁽²⁾, and in particular Article 12(3) thereof,

Whereas:

- (1) Commission Regulation (EC) No 764/2003⁽³⁾ suspended, for a period of three months, the preferential arrangements provided for in Council Regulation (EC) No 2007/2000 for sugar of CN codes 1701 and 1702 imported from Serbia and Montenegro.
- (2) At the basis of that decision were findings made in Serbia and Montenegro according to which the system of certification and control of the preferential origin of sugar of CN codes 1701 and 1702 did not allow the competent authorities of this beneficiary country to verify the originating status of the products and to provide administrative cooperation as required for the verification of evidence of origin.
- (3) The suspension measure was consequently decided in application of the provisions laid down in Article 12(1) of Regulation (EC) No 2007/2000.
- (4) Article 12(3) of Regulation (EC) No 2007/2000 states that, on conclusion of the period of suspension, the Commission shall decide either to terminate or to extend the suspension measure.

- (5) There has been no significant change in the situation in Serbia and Montenegro with regard to the deficiencies found in their system of certification and control of the preferential origin of sugar, despite the ongoing efforts of the authorities in Serbia and Montenegro. Moreover, a reasonable amount of time is needed for the situation to be redressed.
- (6) The Commission therefore considers that the suspension measure should be extended for an additional period of six months, insofar as sugar of CN codes 1701 or 1702 declared as originating in Serbia and Montenegro is concerned, in application of Article 12(3) of Council Regulation (EC) No 2007/2000.
- (7) The Customs Code Committee has been informed accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

The preferential arrangements provided for in Council Regulation (EC) No 2007/2000 for sugar of CN codes 1701 and 1702 imported from Serbia and Montenegro are suspended for an additional period of six months.

Article 2

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

It is applicable from 8 August 2003.

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

Done at Brussels, 23 July 2003.

For the Commission

Frederik BOLKESTEIN

Member of the Commission

⁽¹⁾ OJ L 240, 23.9.2000, p. 1.

⁽²⁾ OJ L 86, 3.4.2003, p. 18.

⁽³⁾ OJ L 109, 1.5.2003, p. 13.

COMMISSION REGULATION (EC) No 1344/2003
of 28 July 2003
on the issue of import licences for frozen thin skirt of bovine animals

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 996/97 of 3 June 1997 on the opening and administration of an import tariff quota for frozen thin skirt of bovine animals falling within CN code 0206 29 91 ⁽¹⁾, as last amended by Regulation (EC) No 649/2003 ⁽²⁾, and in particular Article 8(3) thereof,

Whereas:

- (1) Article 1(3)(b) of Regulation (EC) No 996/97 fixes the amount of frozen thin skirt which may be imported on special terms in 2003/2004 at 800 tonnes.
- (2) Article 8(3) of Regulation (EC) No 996/97 lays down that the quantities applied for may be reduced. The applications lodged relate to total quantities which

exceed the quantities available. Under these circumstances and taking care to ensure an equitable distribution of the available quantities, it is appropriate to reduce proportionally the quantities applied for,

HAS ADOPTED THIS REGULATION:

Article 1

All applications for import licences made pursuant to Article 8 of Regulation (EC) No 996/97 are hereby met to the extent of 0,4697 % of the quantity requested.

Article 2

This Regulation shall enter into force on 29 July 2003.

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

Done at Brussels, 28 July 2003.

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

⁽¹⁾ OJ L 144, 4.6.1997, p. 6.

⁽²⁾ OJ L 95, 11.4.2003, p. 13.

**COMMISSION REGULATION (EC) No 1345/2003
of 28 July 2003**

determining the extent to which the applications for import licences submitted in July 2003 for certain dairy products under certain tariff quotas opened by Regulation (EC) No 2535/2001 can be accepted

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Having regard to Commission Regulation (EC) No 2535/2001 of 14 December 2001 laying down detailed rules for applying Council Regulation (EC) No 1255/1999 as regards the import arrangements for milk and milk products and opening tariff quotas ⁽³⁾, as last amended by Regulation (EC) No 1157/2003 ⁽⁴⁾, and in particular Article 16(2) thereof,

Whereas:

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

HAS ADOPTED THIS REGULATION:

Article 1

The allocation coefficients set out in the Annex to this Regulation shall be applied to the quantities for which import licences have been sought for the period 1 July to 31 December 2003 in respect of products falling within the quotas referred to in Annex I to Regulation (EC) No 2535/2001.

Article 2

This Regulation shall enter into force on 29 July 2003.

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

Done at Brussels, 28 July 2003.

For the Commission

J. M. SILVA RODRÍGUEZ
Agriculture Director-General

⁽¹⁾ OJ L 160, 26.6.1999, p. 48.

⁽²⁾ OJ L 122, 16.5.2003, p. 1.

⁽³⁾ OJ L 341, 22.12.2001, p. 29.

⁽⁴⁾ OJ L 162, 1.7.2003, p. 19.

ANNEX

Quantities available for the period 1 July to 31 December 2003

ANNEX I. A

Quota number	Allocation coefficient
09.4590	0,1904
09.4599	0,0077
09.4591	1,0000
09.4592	1,0000
09.4593	1,0000
09.4594	1,0000
09.4595	0,0076
09.4596	0,0183

ANNEX I. B

1. Products originating in Poland

Quota number	Allocation coefficient
09.4813	0,0077
09.4814	0,0077
09.4815	0,0078

2. Products originating in Czech Republic

Quota number	Allocation coefficient
09.4611	0,0089
09.4636	—
09.4637	1,0000
09.4612	0,0081
09.4613	1,0000

3. Products originating in Slovak Republic

Quota number	Allocation coefficient
09.4641	0,0125
09.4645	—
09.4642	0,0085
09.4643	0,8384

4. Products originating in Hungary

Quota number	Allocation coefficient
09.4775	0,0093
09.4776	—
09.4777	0,0170
09.4778	0,0105
09.4733	0,9566

5. Products originating in Romania

Quota number	Quantity (t)
09.4758	0,3814

6. Products originating in Bulgaria

Quota number	Allocation coefficient
09.4660	1,0000
09.4675	—

7. Products originating in Estonia

Quota number	Allocation coefficient
09.4578	0,0098
09.4546	0,0078
09.4579	1,0000
09.4580	0,2564
09.4547	0,0090
09.4581	0,0103
09.4582	0,0096

8. Products originating in Latvia

Quota number	Allocation coefficient
09.4872	—
09.4873	—
09.4874	—
09.4551	0,0104
09.4552	0,0082

9. Products originating in Lithuania

Quota number	Allocation coefficient
09.4862	0,0086
09.4863	0,1992
09.4864	0,6666
09.4865	—
09.4866	0,0079
09.4557	0,0080

10. Products originating in Slovenia

Quota number	Allocation coefficient
09.4086	0,0459
09.4087	—
09.4088	0,0533

ANNEX I. C

Quota number	Allocation coefficient
09.4026	—
09.4027	—

ANNEX I. D

Quota number	Allocation coefficient
09.4101	—

ANNEX I. E

Quota number	Allocation coefficient
09.4151	1,0000

ANNEX I. F

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

ANNEX I. G

Quota number	Allocation coefficient
09.4159	—

ANNEX I. H

Quota number	Allocation coefficient
09.4781	1,0000
09.4782	1,0000

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION RECOMMENDATION

of 23 July 2003

on guidelines for the development of national strategies and best practices to ensure the coexistence of genetically modified crops with conventional and organic farming

(notified under document number C(2003) 2624)

(2003/556/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community, and in particular Article 211 thereof,

Having regard to the Communication from the Commission to the European Parliament, the Council, the Economic and Social Committee and the Committee of the Regions on 'Life sciences and biotechnology — A strategy for Europe' ⁽¹⁾, and in particular Action 17 thereof,

Whereas:

(1) No form of agriculture, be it conventional, organic or agriculture using genetically modified organisms (GMOs), should be excluded in the European Union.

(2) The ability to maintain different agricultural production systems is a prerequisite for providing a high degree of consumer choice.

(3) Coexistence refers to the ability of farmers to make a practical choice between conventional, organic and GM-crop production, in compliance with the legal obligations for labelling and/or purity standards.

(4) Specific coexistence measures to protect the environment and the human health, if needed, are included in the final consent of the authorisation procedure in accordance with Directive 2001/18/EC of the European Parliament and of the Council ⁽²⁾, with a legal obligation for their implementation.

(5) The issue of coexistence addressed in this Recommendation concerns the potential economic loss and impact of the admixture of GM and non-GM crops, and the most appropriate management measures that can be taken to minimise admixture.

(6) Farm structures and farming systems, and the economic and natural conditions under which farmers in the European Union operate, are extremely diverse, and efficient and cost-effective measures for coexistence vary greatly between the different parts of the European Union.

(7) The European Commission considers that measures for coexistence should be developed and implemented by the Member States.

(8) The European Commission should support and advise Member States in this process by issuing guidelines for addressing coexistence.

(9) Such guidelines should provide a list of general principles and elements for the development of national strategies and best practices for coexistence.

(10) Two years after the publication of the present Recommendation in the *Official Journal of the European Union*, and based on information from Member States, the Commission will report to the Council and the European Parliament on the experience gained in the Member States concerning the implementation of measures to address coexistence, including, if appropriate, an evaluation and assessment of all possible and necessary steps to take,

⁽¹⁾ COM(2002) 27 final (OJ C 55, 2.3.2002, p. 3).

⁽²⁾ OJ L 106, 17.4.2001, p. 1.

HEREBY RECOMMENDS:

1. In developing national strategies and best practices for coexistence Member States should follow the guidelines provided in the Annex to this Recommendation.
2. This Recommendation is addressed to the Member States.

Done at Brussels, 23 July 2003.

For the Commission
Franz FISCHLER
Member of the Commission

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1. INTRODUCTION

1.1. The concept of coexistence

The cultivation of genetically modified organisms (GMOs) in the EU is likely to have implications for the organisation of agricultural production. On the one hand, the possibility of the adventitious (unintended) presence of genetically modified (GM) crops in non-GM crops, and vice versa, raises the question as to how producer choice for the different production types can be ensured. In principle, farmers should be able to cultivate the types of agricultural crops they choose, be it GM crops, conventional or organic crops. None of these forms of agriculture should be excluded in the EU.

On the other hand, the issue is also linked to consumer choice. To provide European consumers with a real choice between GM food and non-GM food, there should not only be a traceability and labelling system that functions properly, but also an agricultural sector that can provide the different types of goods. The ability of the food industry to deliver a high degree of consumer choice goes hand in hand with the ability of the agricultural sector to maintain different production systems.

Coexistence refers to the ability of farmers to make a practical choice between conventional, organic and GM-crop production, in compliance with the legal obligations for labelling and/or purity standards.

The adventitious presence of GMOs above the tolerance threshold set out in Community legislation triggers the need for a crop that was intended to be a non-GMO crop, to be labelled as containing GMOs. This could cause a loss of income, due to a lower market price of the crop or difficulties in selling it. Moreover, additional costs might incur to farmers if they have to adopt monitoring systems and measures to minimise the admixture of GM and non-GM crops. Coexistence is, therefore, concerned with the potential *economic impact* of the admixture of GM and non-GM crops, the identification of workable management measures to minimise admixture and the cost of these measures.

The coexistence of different production types is not a new issue in agriculture. Seed producers, for example, have a great deal of experience of implementing farm management practices to ensure seed purity standards. Other examples of segregated agricultural production lines include yellow dent field maize for animal feed, which successfully coexists in European agriculture with several types of 'speciality maize' grown for human consumption, and waxy maize grown for the starch industry.

1.2. Economic aspects of coexistence versus environmental and health aspects

It is important to make a clear distinction between the economic aspects of coexistence and the environmental and health aspects dealt with under Directive 2001/18/EC on the deliberate release of GMOs into the environment.

According to the procedure laid down in Directive 2001/18/EC, the authorisation to release GMOs into the environment is subject to a comprehensive health and environmental risk assessment. The outcome of the risk assessment can be one of the following:

- a risk of an adverse effect to the environment or health that cannot be managed is identified, in which case authorisation is refused,
- no risk of adverse effects on the environment or health is identified, in which case authorisation is granted without requiring any additional management measures other than those specifically prescribed in the legislation,
- risks are identified, but they can be managed with appropriate measures (e.g. physical separation and/or monitoring); in this case the authorisation will carry the obligation to implement environmental risk management measures.

If a risk to the environment or health is identified *after* the authorisation has been granted, a procedure for the withdrawal of the authorisation or for modifying the conditions of consent can be initiated under the safeguard clause set out in Article 23 of the Directive.

Since only authorised GMOs can be cultivated in the EU ⁽¹⁾, and the environmental and health aspects are already covered by Directive 2001/18/EC, the pending issues still to be addressed in the context of coexistence concern the *economic* aspects associated with the admixture of GM and non-GM crops.

⁽¹⁾ In order to be cultivated in the EU, the GMO must have been authorised *for cultivation* in accordance with Directive 2001/18/EC.

1.3. **The Round Table on coexistence**

A Round Table to examine the latest research results on the coexistence of GM and non-GM crops was hosted by the European Commission in Brussels on 24 April 2003. It focused on coexistence issues raised by the introduction of GM maize and GM oilseed rape into EU agriculture. Expert panels presented the scientific findings, which were then discussed with a range of stakeholders representing the farming sector, industry, NGOs, consumers and other players. The Round Table sought to provide a scientific and technical basis, drawing on practical farming experience, for whatever agronomic and other measures may become necessary to facilitate the sustainable coexistence of these different agricultural production types.

The present guidelines draw on the results of the Round Table, a summary of which, prepared by a group of participating scientists, is available on the following Internet site: <http://europa.eu.int/comm/research/biosociety/index>.

1.4. **Subsidiarity**

The conditions under which European farmers work are extremely diverse. Farm and field sizes, production systems, crop rotations and cropping patterns, as well as natural conditions, vary enormously across Europe. This variability needs to be taken into account when devising, implementing, monitoring and coordinating coexistence measures. The measures that are applied must be specific to the farm structures, farming systems, cropping patterns and natural conditions in a region.

For this reason, the Commission, at its meeting of 5 March 2003, expressed itself in favour of an approach that would leave it up to Member States to develop and implement management measures for coexistence. The role of the Commission would include gathering and coordinating relevant information based on ongoing studies at Community and national level, offering advice and issuing guidelines which should assist Member States in establishing best practices for coexistence.

Strategies and best practices for coexistence need to be developed and implemented at national or regional level, with the participation of farmers and other stakeholders and taking account of national and regional factors.

1.5. **Purpose and scope of the guidelines**

The present guidelines, which take the form of non-binding recommendations addressed to the Member States, should be seen in this context. Their scope extends from agricultural crop production on the farm up to the first point of sale, i.e. 'from the seed to the silo' ⁽¹⁾.

The document is intended to help Member States develop national strategies and approaches to address coexistence. Focusing mainly on technical and procedural aspects, the guidelines provide a list of general principles and elements to aid Member States in establishing best practices for coexistence.

The document does not intend to provide a detailed set of measures that could be directly applied at Member State level. Many of the factors that are important in developing best practices for coexistence which are both efficient and cost-effective are specific to national and regional conditions.

Moreover, developing stewardship schemes and best practices for coexistence is a dynamic process that should leave room for improvement over time and take into account new developments based on scientific and technological progress.

2. **GENERAL PRINCIPLES**

This section provides a list of general principles and factors that Member States are advised to take into account in developing national strategies and best practices for coexistence.

2.1. **Principles for the development of coexistence strategies**

2.1.1. *Transparency and stakeholder involvement*

National strategies and best practices for coexistence should be developed in cooperation with all relevant stakeholders and in a transparent manner. Member States should ensure adequate dissemination of information about the measures on coexistence that they decide to put in place.

⁽¹⁾ The guidelines address commercial seed and crop production. Experimental releases of GM-crops are not considered.

2.1.2. *Science-based decisions*

Management measures for coexistence should reflect the best available scientific evidence on the probability and sources of admixture between GM and non-GM crops. They should permit the cultivation of GM and non-GM crops, whilst ensuring that non-GM crops remain below the legal thresholds for labelling and purity standards with respect to genetically modified food and feed and seeds, as defined by Community legislation.

The available scientific evidence should be continuously evaluated and updated to take account of results from monitoring studies on the experimental and commercial cultivation of GM crops, as well as the findings of new studies and models validated by field experience.

2.1.3. *Building on existing segregation methods/practices*

Management measures for coexistence should build on and take into account already existing segregation practices/methods and available agricultural experience about handling of identity preserved crops and seed production practices.

2.1.4. *Proportionality*

Measures for coexistence should be efficient, cost-effective and proportionate. They shall not go beyond what is necessary in order to ensure that adventitious traces of GMOs stay below the tolerance thresholds set out in Community legislation. They should avoid any unnecessary burden for farmers, seed producers, cooperatives and other actors associated with any production type.

The choice of measures should take into account the regional and local constraints and situations, as well as the specific nature of the crop concerned.

2.1.5. *Appropriate scale*

While considering all the options available, priority should be given to farm-specific management measures and to measures aimed at coordination between neighbouring farms.

Measures of a regional dimension could be considered. Such measures should apply only to specific crops whose cultivation would be incompatible with ensuring coexistence, and their geographical scale should be as limited as possible. Region-wide measures should only be considered if sufficient levels of purity cannot be achieved by other means. They will need to be justified for each crop and product type (e.g. seed versus crop production) separately.

2.1.6. *Specificity of the measures*

Best practices for coexistence should take into account the differences between crop species, crop varieties and product type (e.g. crop or seed production). Differences in regional aspects (e.g. climatic conditions, topography, cropping patterns and crop rotation systems, farm structures, crop-specific GMO share in a region) that may influence the degree of admixture between GM and non-GM crops, should also be taken into account to ensure the suitability of the measures.

Member States should focus first on crops for which GM varieties are already approved, or close to authorisation and which are likely to be cultivated on a significant scale in their national territory.

2.1.7. *Implementation of measures*

National strategies for coexistence should ensure an equitable balance between the interests of farmers of all production types. Cooperation between farmers should be encouraged.

Member States are advised to set up mechanisms to favour coordination and voluntary arrangements between neighbouring farmers, and to specify procedures and rules in cases of disagreement between farmers on the implementation of the measures in question.

As a general principle, during the phase of introduction of a new production type in a region, operators (farmers) who introduce the new production type should bear the responsibility of implementing the farm management measures necessary to limit gene flow.

Farmers should be able to choose the production type they prefer, without imposing the necessity to change already established production patterns in the neighbourhood.

Farmers who plan to introduce GM crops for cultivation on their farms should inform the neighbouring farmers about their intention.

Member States should ensure cross-border cooperation with neighbouring countries to guarantee the effective functioning of coexistence measures in border areas.

2.1.8. *Policy instruments*

A priori there is no particular policy instrument that can be recommended for coexistence. Member States may prefer to explore the use of different policy instruments, e.g. voluntary agreements, soft-law approaches and legislation, and choose the combination of instruments and depth of regulation that will most likely achieve effective implementation, monitoring, evaluation and control of the measures.

2.1.9. *Liability rules*

The type of instruments adopted may have an impact on the application of national liability rules in the event of economic damage resulting from admixture. Member States are advised to examine their civil liability laws to find out whether the existing national laws offer sufficient and equal possibilities in this regard. Farmers, seed suppliers and other operators should be fully informed about the liability criteria that apply in their country in the case of damage caused by admixture.

In this context, Member States may want to explore the feasibility and usefulness of adapting existing insurance schemes, or setting up new schemes.

2.1.10. *Monitoring and evaluation*

The management measures and instruments adopted should be subject to ongoing monitoring and evaluation to verify their effectiveness and to obtain the information necessary for improving the measures over time.

Member States should establish adequate control and inspection systems to guarantee the proper functioning of coexistence measures.

Best practices for coexistence should be revised periodically to take account of new developments brought about by scientific and technical progress and which could facilitate coexistence.

2.1.11. *Provision and exchange of information at European level*

Without prejudice to the already existing Community notification legislation and procedures, Member States should inform the Commission about their national strategies for coexistence and the individual measures adopted, as well as about the results of monitoring and evaluation exercises. The Commission will coordinate the exchange of information on measures, experiences and best practices supplied by the Member States. A timely exchange of information can create synergies and help avoid unnecessary duplication of efforts in the different Member States.

2.1.12. *Research and sharing of research results*

Member States should encourage and support, in partnership with stakeholders, research activities to improve their knowledge on how best to ensure coexistence. Member States should inform the Commission about ongoing and planned research activities in this area. Sharing research results between Member States should be strongly encouraged.

Research studies on coexistence can also be supported under the Sixth Community Research Framework Programme. Additional studies on coexistence will be carried out by the Joint Research Centre.

The Commission will facilitate the exchange of information about ongoing and planned research projects at national and Community level. The information exchange could improve the coordination of national research activities among the Member States, as well as with those carried out under the Sixth Community Research Framework Programme.

2.2. **Factors to consider**

This section provides a non-exhaustive list of factors that should be taken into account in developing national strategies and best practices for coexistence.

2.2.1. *Level of coexistence to be achieved*

The problem of coexistence of GM and non-GM crops may arise at different levels. For instance:

- GM and non-GM crops produced simultaneously or in successive years on a single farm,
- GM and non-GM crops produced on neighbouring farms in the same year,
- GM and non-GM production types used in the same region, but on farms that are separated by some distance.

Measures for coexistence should be specific to the level of coexistence to be achieved.

2.2.2. *Sources of adventitious mixture*

There are different sources of admixture between GM and non-GM crops including:

- pollen transfer between neighbouring fields, whether over shorter or greater distances (depending on the species and other factors that may affect gene transfer),
- mixing of crops during harvest and post-harvest operations,
- transfer of seeds or other viable plant material during harvest, transport and storage, and to some extent by animals,
- volunteers (seeds remaining in the soil after harvest and producing new plants in successive years). This source of admixture may be more important in some crops (e.g. in oilseed rape) than in others, depending *inter alia* on climatic conditions (e.g. in maize, seeds may not survive frost),
- seed impurities.

It is important to recognise the cumulative effect of the various sources of admixture, including cumulative effects over time that may affect the seed bank or the use of farm-saved seed.

2.2.3. *Labelling threshold values*

National strategies and best practices for coexistence should refer to the legal labelling thresholds and to applicable purity standards for GM food, feed and seed.

Presently, Council Regulation (EC) No 1139/98 ⁽¹⁾, as last amended by Commission Regulation (EC) No 49/2000 ⁽²⁾, defines a labelling threshold for food of 1 %. Future labelling thresholds covering both food and feed are established in the Regulation on GM Food and Feed. These labelling thresholds would apply to conventional and organic farming alike. No legal thresholds exist for the adventitious presence of non-GMOs in GMOs. For seed of GM varieties, the general crop-specific requirements for purity standards in seed production apply.

The organic farming regulation ⁽³⁾ establishes that no GMOs shall be used in production. Thus, materials, including seeds, which are labelled as containing GMOs cannot be used. However, seed lots containing GM seeds below the seed thresholds (which would not need to be labelled for this GMO presence) could be used. The organic farming regulation does allow for the setting of a specific threshold for the unavoidable presence of GMOs, but no threshold has been set. In the absence of such a specific threshold, the general thresholds apply.

2.2.4. *Specificity to crop species and crop varieties*

- The crop-specific degree of outcrossing: for instance, wheat, barley and soybeans are mainly self-pollinating crops, whereas maize, sugar beet and rye are cross-pollinating crops,
- the crop-specific forms of cross-pollination (i.e. wind, insects),
- the crop-specific potential to form volunteers, and the time seeds remain viable in the soil,

⁽¹⁾ OJ L 159, 3.6.1998, p. 4.

⁽²⁾ OJ L 6, 11.1.2000, p. 13.

⁽³⁾ Council Regulation (EC) No 1804/1999 (OJ L 222, 24.8.1999, p. 1).

- the species- and variety-specific cross-pollination potential with close relatives, be they farmed or wild ones. (this is affected, *inter alia*, by the degree of self- and cross-pollination, the receptivity of flowers at the time of pollen release, and the compatibility between the pollen and the style of the receiving plant),
- the flowering time of the pollen source and of the receiving population: — degree of overlap of the respective flowering periods,
- the duration of pollen viability, which depends on the plant species, the variety, and on environmental conditions, such as the humidity of the air,
- the competition among pollen, which is influenced by the production of pollen in the receiving population and the pollen pressure generated by the pollen source. (it may depend on the crop variety. In hybrid plant production a large number of male sterile plants may be produced that do not produce pollen on their own, and this makes them more vulnerable to pollen pressure from outside),
- fodder versus grain production (e.g. silage and grain maize): difference in the farming system and in the length of the cultivation process,
- the degree to which genetic exchange through pollen flow influences the admixture rate in the harvested crop: for instance, there is no influence in the case of harvested potatoes or beets (in silage maize production, the harvested material is, to varying degrees, composed of cobs, which can be affected by genetic exchange, and plant material, which is not affected).

2.2.5. Crop versus seed production

- Labelling thresholds will differ between crop and seed production;
- for seed production, specific legislation currently being prepared by the Commission will be adopted.

2.2.6. Regional aspects

- The crop-specific GMO share in the region,
- the number and type of crop varieties (GM and non-GM) that have to coexist in a particular region,
- the shape and size of the fields in a region (smaller fields are subject to a higher relative degree of pollen import than larger fields),
- the fragmentation and geographical dispersion of fields belonging to individual farms,
- regional farm management practices,
- crop rotation systems and cropping patterns in a region, taking into account crop-specific seed longevity,
- the activity, behaviour and population size of pollinators (insects, etc.),
- the climatic conditions (e.g. rainfall distribution, humidity, direction and strength of the wind, air and soil temperature), which influence the activity of pollinators as well as the transport of airborne pollen, and may affect the type of crops cultivated, the starting date and length of the cultivation process, the annual number of production cycles, etc.,
- the topography (e.g. valleys or water surfaces influence air currents and the strength of winds),
- surrounding structures, such as hedges, forests, uncultivated areas, and the spatial arrangements of fields.

2.2.7. Genetic outcrossing barriers

Biological methods to reduce gene flow may diminish the risk of cross-pollination (e.g. *apomixis* (asexual seed production), cytoplasmic male sterility, chloroplast transformation).

3. INDICATIVE CATALOGUE OF MEASURES FOR COEXISTENCE

This section provides an open-ended catalogue of farm management and other measures for coexistence that may, to varying degrees and in various combinations, become part of national coexistence strategies and best practices.

3.1. Additivity of measures

Measures to prevent pollen flow to neighbouring fields are to some extent additive and may also have synergistic effects. For instance, the minimum isolation distances between fields with the same crop can be reduced if, at the same time, other suitable measures are taken (scheduling different flowering times, use of crop varieties with reduced pollen production, pollen traps, hedgerows, etc.).

The most efficient and cost-effective set of measures will be influenced by the factors listed in Section 2.2, and may differ significantly from one crop to another and from one region to another.

3.2. On-farm measures

3.2.1. *Preparation for sowing, planting and soil cultivation*

- Isolation distances between GM and non-GM fields of the same species and, if appropriate, of the same genera ⁽¹⁾:
 - isolation distances should be specified as a function of the outcrossing potential of the crop. For open pollinating crops, such as oilseed rape, larger distances are required. For self-pollinating crops and plants where the harvested product is not a seed, such as beets and potatoes, shorter distances are possible. Isolation distances should minimise but not necessarily eliminate gene flow by pollen transfer. The objective is to ensure a level of adventitious presence below the tolerance threshold;
 - if different thresholds exist, e.g. for crop production and for seed production, isolation distances should be adapted accordingly,
- buffer zones, as an alternative or complement to isolation distances (including the possibility of farmland retirement and set-aside),
- pollen traps or barriers (e.g. hedgerows),
- suitable crop rotation systems (e.g. lengthening the rotation by introducing a spring crop in which volunteers cannot flower, or minimum time intervals between the cultivation of GM and non-GM varieties of the same species and also between certain different species of the same genera),
- planning the crop production cycle (e.g. planting arrangements for different flowering and harvesting periods),
- reducing the size of the seed bank through adequate soil tillage (e.g. avoidance of mould-board ploughing after the harvest of oilseed rape),
- managing populations in field borders through appropriate cultivation methods, use of selective herbicides or integrated weed control techniques,
- choosing optimal sowing dates and appropriate cultivation techniques, in order to minimise bolters,
- careful handling of seeds to avoid mixing, including distinctive packaging and labelling of the seeds and separate storage of seeds,
- using varieties with reduced pollen production, or male sterile varieties,
- cleaning of seed drills before and after use to prevent the carry-over of seed from previous operations and the unplanned dispersion of seed on the farm,
- sharing seed drills only with farmers using the same production type,
- preventing seed spillage when travelling to and from the field and on field boundaries,
- control/destruction of volunteers, in combination with suitable sowing times for the following season to avoid the development of volunteers.

3.2.2. *Harvest and post-harvest field treatment*

- Saving seeds only from suitable fields and field areas (e.g. field centres),
- minimising seed loss during the harvest (e.g. through optimisation of the harvest time to minimise seed shedding),
- cleaning of harvesting machinery before and after use, to prevent any carry-over of seed from previous operations, and to avoid the unintended dispersal of seed,
- sharing harvest machinery only with farmers using the same production type,
- in case other measures are deemed insufficient to maintain the adventitious presence below the labelling threshold, the field margins could be harvested separately from the rest of the field. The main crop should then be segregated from that harvested on the field margins.

⁽¹⁾ Genera is a taxonomic term for a group of related species.

3.2.3. *Transport and storage*

- Ensuring the physical segregation of GM and non-GM crops after the harvest up to the first point of sale,
- using adequate seed storage arrangements and practices,
- avoiding spillage during transport of the harvested crop on the farm and from the farm to the first point of sale.

3.2.4. *Field monitoring*

Monitoring of seed spillage sites, fields, and field margins for volunteer development.

3.3. **Cooperation between farms in the neighbourhood**

3.3.1. *Information about sowing plans*

Notification of farms located within the relevant perimeter of the planting plans for the next growing season. Notifications should be made before the seeds for the next growing season are ordered.

3.3.2. *Coordinated management measures*

- Voluntary clustering of fields of different farms for the cultivation of similar crop varieties (GM, conventional or organic) in a production area,
- use of crop varieties with different flowering times,
- arranging for differences in sowing dates in order to avoid cross-pollination during flowering,
- coordinating crop rotations.

3.3.3. *Voluntary agreements among farmers on zones of a single production type*

Groups of farmers in a neighbourhood may achieve a significant reduction in the costs related to the segregation of GM and non-GM production types if they coordinate their production on the basis of voluntary agreements.

3.4. **Monitoring schemes**

- Establishing notification systems that encourage farmers to report problems or unexpected occurrences in the implementation of coexistence measures,
- using the feedback obtained from monitoring as a basis for further adjustment and refinement of national strategies and best practices for coexistence,
- setting up effective control schemes/bodies targeted at critical control points to ensure the proper functioning of coexistence management measures.

3.5. **Land register**

- The register established in accordance with Article 31(3)(b) of Directive 2001/18/EC can be a useful instrument to monitor developments of GM crops and to help farmers coordinate local production patterns and monitor developments concerning the different types of crops. It could be accompanied by a global-positioning-system-based map of GM, non-GM and organic fields. The information could be made publicly available via the Internet or other communication supports,
- creating an identification system for fields where GM crops are grown.

3.6. **Record keeping**

Developing arrangements for on-farm record keeping concerning relevant information on:

- the cultivation process and the handling, storage, transport and marketing of GM crops; there will be a legal requirement for farmers to have systems in place to identify from whom they have received GMOs and to whom they have supplied GMOs, including GM crops and seeds, once the legislative proposal on traceability and labelling of GMOs has been adopted ⁽¹⁾,
- the management practices for coexistence implemented on the farm.

⁽¹⁾ Proposal for a Regulation of the European Parliament and of the Council concerning traceability and labelling of genetically modified organisms and traceability of food and feed products produced from genetically modified organisms and amending Directive 2001/18/EC (COM(2001) 182 final).

3.7. Training courses and extension programmes

Member States should encourage training courses for farmers, on a voluntary or a mandatory basis and extension programmes in order to raise awareness among farmers and other interested parties and provide technical knowledge for the implementation of coexistence measures. This may include training of specialised staff who would then provide advice to farmers on management measures for coexistence.

3.8. Information provision and exchange, and advisory services

- Member States should ensure that farmers are fully informed about the implications of adopting a particular production type (GM or non-GM), in particular with regard to their responsibilities for implementing coexistence measures and the liability rules that are applicable in case of economic damage resulting from admixture,
- all operators concerned should be sufficiently informed about the specific coexistence measures to be implemented. One possibility for disseminating such specific information would be to require that the information be attached to the seed lots by the seed supplier,
- Member States should encourage effective and regular exchange of information and networking among farmers and other stakeholders,
- Member States should consider the setting up of Internet-based or telephone information services ('GMO hotlines') that would provide answers to specific requests for information and provide advice to farmers and other operators on technical, commercial and legal questions related to GMOs.

3.9. Reconciliation procedures in the case of disputes

Member States are advised to take measures to implement conciliation procedures in order to solve cases of disagreement between neighbouring farmers concerning the implementation of measures for coexistence.

COMMISSION DECISION
of 24 July 2003
on the provisional allocation to the Netherlands of additional days absent from port for fishing
vessels carrying beam trawls

(notified under document number C(2003) 2636)

(Only the Dutch text is authentic)

(2003/557/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2341/2002 ⁽¹⁾ fixing for 2003 the fishing opportunities and associated conditions for certain fish stocks and groups of fish stocks, applicable in Community waters and, for Community vessels, in waters where catch limitations are required thereof, as amended by Regulation (EC) No 1091/2003 ⁽²⁾, and in particular paragraph 6(c) of Annex XVII,

Whereas:

- (1) Annex XVII to Regulation (EC) No 2341/2002 specifies the number of days on which certain Community fishing vessels may be absent from port in certain geographical areas.
- (2) Paragraph 6(c) of that Annex enables the Commission to allocate an additional number of days on which a vessel may be absent from port while carrying on board any of the gears defined in paragraph 4, on the basis of the achieved results or the expected results of decommissioning programmes in 2002 and 2003 for vessels affected by the provisions of that Annex.
- (3) The Netherlands has submitted data on the decommissioning in 2002 of fishing vessels carrying on board beam trawls of mesh size equal to or greater than 80 mm.

- (4) In the view of the data submitted, two additional days at sea should be provisionally allocated to the Netherlands for fishing vessels carrying on board such fishing gear,

HAS ADOPTED THIS DECISION:

Article 1

Two additional days, in relation to those set out in paragraph 6(a) of Annex XVII to Regulation (EC) No 2341/2002, shall be provisionally allocated to the Netherlands in each calendar month for the areas defined in paragraph 2a and 2b of the Annex for fishing vessels carrying on board beam trawls of mesh size equal to or greater than 80 mm.

Article 2

This Decision is addressed to the Kingdom of the Netherlands.

Done at Brussels, 24 July 2003.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 356, 31.12.2002, p. 12.

⁽²⁾ OJ L 157, 26.6.2003, p. 1.

COMMISSION RECOMMENDATION

of 25 July 2003

on the processing of caller location information in electronic communication networks for the purpose of location-enhanced emergency call services*(notified under document number C(2003) 2657)***(Text with EEA relevance)**

(2003/558/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Directive 2002/21/EC on a common regulatory framework for electronic communications and services (the 'Framework Directive') ⁽¹⁾, and in particular Article 19 thereof,

Whereas:

(1) Decision 91/396/EEC on the introduction of a single European emergency call number ⁽²⁾ required Member States to ensure that the number 112 was introduced in public telephone networks as the single European emergency call number by 31 December 1992, with under certain conditions, a possibility for derogation until 31 December 1996.

(2) Directive 2002/22/EC on universal service and users' rights relating to electronic communications networks and services (the 'Universal Service Directive') ⁽³⁾, requires public telephone network operators (hereafter 'operators') to make caller location information available to authorities handling emergencies, to the extent technically feasible, for all calls made to the single European emergency call number 112. Directive 2002/58/EC concerning the processing of personal data and the protection of privacy in the electronic communications sector (the 'Directive on privacy and electronic communications') ⁽⁴⁾ establishes that providers of public communications networks and services may override the elimination of the presentation of calling line identification and the temporary denial or absence of consent of a subscriber or user for the processing of location data, on a per-line basis for organisations dealing with emergency calls and recognised as such by a Member State, including law enforcement agencies, ambulance services and fire brigades, for the purpose of responding to such calls.

(3) Although this Recommendation is concerned with location-enhanced 112, it is understood that parallel national emergency call numbers will be enhanced with the same

functionality and following the same principles. Organisations operating private telecommunication installations are not affected by this Recommendation.

(4) For the successful implementation of E112 services throughout the Community, implementation issues must be addressed and timescales for the introduction of new systems coordinated. The Coordination Group on Access to Location Information by Emergency Services (CGALIES) established by the Commission in May 2000 as a partnership of public service and private sector players has allowed players of different sectors to discuss and find agreement on the principles for harmonised and timely implementation.

(5) Following on from the recommendation by CGALIES, providers of the public telephone network or service should use their best effort to determine and forward the most reliable caller location information available for all calls to the single European emergency call number 112.

(6) During the introductory phase of E112 services, application of the best efforts principle is considered preferable to mandating specific performance characteristics for location determination. However, as public safety answering points and emergency services gain practical experiences with location information, their requirements will become more defined. Moreover, location technology will continue to evolve, both within mobile cellular networks and satellite location systems. Therefore, the best effort approach will need to be reviewed after the initial phase.

(7) It is important for all Member States to develop common technical solutions and practices for the provision of E112. The elaboration of common technical solutions should be pursued through the European standardisation organisations, in order to facilitate the introduction of E112, create interoperable solutions and decrease the costs of implementation to the European Union.

⁽¹⁾ OJ L 108, 24.4.2002, p. 33.

⁽²⁾ OJ L 217, 6.8.1991, p. 31.

⁽³⁾ OJ L 108, 24.4.2002, p. 31.

⁽⁴⁾ OJ L 201, 31.7.2002, p. 37.

- (8) A harmonised solution across Europe would serve interoperability for advanced safety applications, such as calls which can be originated manually or automatically by an in-vehicle telematics terminal. These calls can provide additional information, for instance on the number of passengers in a car or bus, on compass-direction, on crash-sensor indicators, on the type of load of dangerous goods or on health records of drivers and passengers. With the high volume of cross-border traffic in Europe, there is a growing need for a common data transfer protocol for passing such information to public safety answering points and emergency services in order to avoid the risk of confusion or a wrong interpretation of data passed.
- (9) The arrangements for forwarding location information by operators to public safety answering points should be established in a transparent and non-discriminatory way including, where appropriate, any cost aspects.
- (10) The effective implementation of location-enhanced emergency call services requires that the caller's location as determined by the provider of the public telephone network or service is transmitted automatically to any appropriate public safety answering point that can receive and use the location data provided.
- (11) Directive 2002/58/EC concerning the processing of personal data and the protection of privacy in the electronic communications sector (the 'Directive on privacy and electronic communications') generally requires that privacy and data protection rights of individuals should be fully respected and adequate technical and organisational security measures should be implemented for that purpose. However, it allows the use of location data by emergency services without consent of the user concerned. In particular, Member States should ensure that there are transparent procedures governing the way in which a provider of a public telecommunications network and/or service may override the temporary denial or absence of consent of a user for the processing of location data, on a per-line basis for organisations dealing with emergency calls and that are recognised as such by a Member State.
- (12) Actions conducted in the context of the Community action programme in the field of Civil Protection (hereinafter 'Civil Protection Action Programme')⁽¹⁾ should aim to contribute to the integration of civil protection objectives in other Community policies and actions as well as to the consistency of the programme with other Community actions. This entitles the Commission to implement actions aiming at increasing the degree of preparedness of organisations involved in civil protection in the Member States, by enhancing their ability to respond to emergencies and improving the techniques and methods of response and immediate aftercare. This may include the handling and use of location information associated to E112 emergency calls by public safety answering points and emergency services.
- (13) To achieve the objectives of this Recommendation, the need for a continued dialogue between public network operators and service providers and public authorities including emergency services becomes even stronger.
- (14) When reporting on the situation of E112 implementation, national authorities should address any relevant technical feasibility issue that hinders the introduction of E112 for specific categories of end-users, as well as the technical requirements for handling emergency calls that may originate from SMS and telematic data services.
- (15) The measures set out in this Recommendation are in accordance with the advisory opinion of the Communications Committee set up by Article 22 of Directive 2002/21/EC,
- HEREBY RECOMMENDS THAT:
1. Member States should apply the following harmonised conditions and principles to the provision of caller location information to emergency services for all calls to the single European emergency call number 112.
 2. For the purposes of this Recommendation, the following definitions should apply:
 - (a) 'emergency service' means a service, recognised as such by the Member State, that provides immediate and rapid assistance in situations where there is a direct risk to life or limb, individual or public health or safety, to private or public property, or the environment but not necessarily limited to these situations.
 - (b) 'location information' means in a public mobile network the data processed indicating the geographic position of a user's mobile terminal and in a public fixed network the data about the physical address of the termination point.
 - (c) 'E112' means an emergency communications service using the single European emergency call number, 112, which is enhanced with location information of the calling user.
 - (d) 'public safety answering point' means a physical location where emergency calls are received under the responsibility of a public authority.

⁽¹⁾ OJ L 327, 21.12.1999, p. 53.

3. Member States should draw up detailed rules for public network operators, to include, *inter alia*, the provisions in points 4 to 9 below.
4. For every emergency call made to the European emergency call number 112, public telephone network operators should, initiated by the network, forward (push) to public safety answering points the best information available as to the location of the caller, to the extent technically feasible. For the intermediate period up to the conclusion of the review as referred to in point 13 below, it is acceptable that operators make available location information on request only (pull).
5. Fixed public telephone network operators should make available the installation address of the line from which the emergency call is made.
6. Public telephone network operators should provide location information in a non-discriminatory way, and in particular should not discriminate between the quality of information provided concerning their own subscribers and other users. In the case of the fixed networks, other users include users of public pay phones; in the case of mobile networks or mobility applications, other users include roamers or visiting users, or, where appropriate, users of mobile terminals which can not be identified by the subscriber or user number.
7. All location information provided should be accompanied by an identification of the network on which the call originates.
8. Public telephone network operators should keep sources of location information, including address information, accurate and up-to-date.
9. For each emergency call for which the subscriber or user number has been identified, public telephone network operators should provide the capability to public safety answering points and emergency services of renewing the location information through a call back functionality (pulling) for the purpose of handling the emergency.
10. In order to facilitate data transfer between operators and public safety answering points, Member States should encourage the use of a common open interface standard, and in particular for a common data transfer protocol, adopted by the European Telecommunications Standards Institute (ETSI), where available. Such a standard should include the necessary flexibility to accommodate future requirements as they may arise, for instance from in-vehicle telematics terminals. Member States should ensure that the interface is best suited to the effective handling of emergencies.
11. In the context of the obligation for E112 services prescribed by the Universal Service Directive, Member States should provide adequate information to their citizens about the existence, use and benefits of E112 services. Citizens should be informed that 112 connects them to emergency services all across the European Union and that their location will be forwarded. They should also be informed about the identity of the emergency services that will receive their location information and of other necessary details to guarantee fair processing of their personal data.
12. In the context of the continuous evolution of concepts and technologies, Member States are encouraged to foster and support the development of services for emergency assistance, for instance to tourists and travellers and for the transport of dangerous goods by road or rail, including handling procedures for forwarding location and other emergency or accident related information to public safety answering points; to support the development and implementation of common interface specifications in ensuring Europe-wide interoperability of such services; and to encourage the use of location technologies with high precision such as third generation cellular network location technologies and Global Navigation Satellite Systems.
13. Member States should require their national authorities to report to the Commission on the situation of E112 implementation by the end of 2004 so that the Commission can undertake a review taking into account the emerging requirements from public safety answering points and emergency services and the evolutions and availability of technological capabilities for location determination.
14. This Recommendation is addressed to the Member States.

Done at Brussels, 25 July 2003.

For the Commission

Erkki LIIKANEN

Member of the Commission

COMMISSION DECISION

of 28 July 2003

amending Decision 2002/251/EC to reduce the protective measures with regard to poultrymeat and certain fishery and aquaculture products imported from Thailand*(notified under document number C(2003) 2721)***(Text with EEA relevance)**

(2003/559/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⁽¹⁾, and in particular Article 53(1) thereof,Having regard to Council Directive 97/78/EC of 18 December 1997 laying down the principles governing the organisation of veterinary checks on products entering the Community from third countries⁽²⁾, and in particular Article 22(1) thereof,

Whereas:

- (1) Commission Decision 2002/251/EC of 27 March 2002 concerning certain protective measures with regard to poultrymeat and certain fishery and aquaculture products intended for human consumption and imported from Thailand⁽³⁾ was adopted because of the presence of nitrofurans in poultrymeat and shrimps imported from Thailand.

This Decision has been modified by Decision 2003/477/EC⁽⁴⁾ to revoke the systematic checks imposed to shrimps consignments certified after 21 September 2002. This modification was based on the results of the tests carried out by Member States and on the guarantees provided by the Thai competent authority.

- (2) The results of the checks carried out by Member States in poultrymeat imported from Thailand have been favourable. Therefore, the systematic checks imposed by Decision 2002/251/EC on all poultrymeat consignments, should be reduced to 20 % for those consignments certified by the Thai authority after the date of 21 September 2002 as having been submitted to a systematic pre-shipment check.
- (3) Decision 2002/251/EC should therefore be amended accordingly.

- (4) 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

Article 2(1) of Decision 2002/251/EC is replaced by the following:

'1. Member States shall, using appropriate sampling plans and detection methods, subject 20 % of consignments of poultrymeat imported from Thailand certified from the date of 21 September 2002, and each consignment of shrimps and poultrymeat imported from Thailand and accompanied by a health certificate issued before the date of 21 September 2002, to a chemical test in order to ensure that the products concerned do not present a danger to human health. This test must be carried out, in particular, with a view to detecting the presence of antimicrobial substances and in particular nitrofurans and their metabolites.'

Article 2

This Decision shall apply from 1 August 2003.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 28 July 2003.

For the Commission

David BYRNE

Member of the Commission⁽¹⁾ OJ L 31, 1.2.2002, p. 1.⁽²⁾ OJ L 24, 30.1.1998, p. 9.⁽³⁾ OJ L 84, 28.3.2002, p. 77.⁽⁴⁾ OJ L 158, 27.6.2003, p. 61.

COMMITTEE OF THE REGIONS

RULES OF PROCEDURE

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INTRODUCTION

The Committee of the Regions has adopted the following Rules of Procedure on the basis of Article 264, second paragraph, of the Treaty establishing the European Community (EC Treaty) (Decisions of 18 November 1999, 12 February 2003 and 9 April 2003):

PRELIMINARY COMMENT

The terms used in these Rules of Procedure for the various offices are not gender-specific.

TITLE I

MEMBERS AND CONSTITUENT BODIES OF THE COMMITTEE

CHAPTER 1

Constituent bodies

Rule 1

Constituent bodies of the Committee

The constituent bodies of the Committee shall be the plenary assembly, the President, the Bureau and the commissions.

CHAPTER 2

Members of the Committee

Rule 2

Status of members and alternates

Pursuant to Article 263 of the EC Treaty, the members and alternates shall be representatives of regional and local bodies. They shall hold a regional or local authority electoral mandate or shall be politically accountable to an elected assembly. They may not be bound by any mandatory instructions and shall be completely independent in the performance of their duties, in the general interest of the Community.

Rule 3

Term of office

1. The term of office of a member or alternate shall commence on the date on which his appointment by the Council takes effect.

2. The term of office of a member or alternate shall be terminated by resignation, the end of the electoral mandate on the basis of which he was appointed, or death.

3. A resigning member or alternate must notify the President of the Committee of his intention in writing, specifying the date on which his resignation is to take effect, which must be no later than three months after the date of notification. The President shall inform the Council, which shall confirm the vacancy and implement the replacement procedure.

4. A member or alternate whose term of office at the Committee ends because the electoral mandate, on the basis of which he was appointed, expires shall immediately inform the President of the Committee of the fact in writing.

5. In the cases referred to in Rule 3(2), a replacement shall be appointed by the Council for the remainder of the term.

Rule 4

Privileges and immunities

Members and their duly mandated alternates shall enjoy privileges and immunities in accordance with the Protocol on the Privileges and Immunities of the European Communities, annexed to the Treaty of 8 April 1965 establishing a Single Council and a Single Commission of the European Communities.

Rule 5

Attendance of alternates

1. Any member prevented from attending a plenary session may be represented by an alternate from his national delegation.

2. Any member prevented from attending a commission meeting, a working party meeting or any other meeting which has been approved by the Bureau may be represented by another member or an alternate from his national delegation.

3. An alternate or a member acting as an alternate can stand in for one member only. They shall exercise the same powers as a member at the relevant meeting. The Secretary-General must be notified in writing of the delegation of vote before the relevant meeting.

4. The appointment of alternates for a plenary session shall be limited to individual days. At a plenary session the expenses of only the member or the alternate shall be reimbursed. The detailed provisions shall be laid down by the Bureau in the implementing arrangements regarding travel and subsistence expenses.

5. An alternate who has been appointed rapporteur may present the draft opinion or report for which he is responsible at the plenary session at which the draft opinion or report is on the agenda. This shall apply even if the member whom he has been designated to replace is also at the meeting. The member may delegate his vote to his alternate while the draft opinion or report in question is being discussed. The Secretary-General must be notified in writing of the delegation of vote before the relevant meeting.

*Rule 6***Delegation of vote**

Except as provided for in Rules 5 and 29, the right to vote may not be delegated.

*Rule 7***National delegations and political groups**

National delegations and political groups shall help in a balanced way with the organisation of the Committee's work.

*Rule 8***National delegations**

1. The members and alternates from each Member State shall form a national delegation. Each national delegation shall adopt its own internal rules and shall elect a chairman. The Committee President shall be officially informed of the name of the person elected.

2. The Secretary-General shall make arrangements, within the Committee's administration, for national delegations to receive assistance. These arrangements shall also permit each individual member to receive information and assistance in his official language. The arrangements shall form part of a specific service consisting of Committee of the Regions officials or other servants and shall ensure that national delegations can make appropriate use of the Committee's facilities. Specifically, the Secretary-General shall provide the national delegations with suitable means for holding meetings immediately before or during plenary sessions.

*Rule 9***Political groups and non-attached members**

1. Members and alternates may form groups which reflect their political affinities. The criteria for membership shall be laid down in the internal rules of each political group.

2. At least 20 members/alternates from no fewer than two Member States, 18 members/alternates from no fewer than three Member States or 16 members/alternates from no fewer

than four Member States — half of whom at least, in all cases, must be members — shall be needed to form a political group. A member/alternate may belong to only one political group. A political group shall be dissolved if its membership falls below the required number.

3. The Committee President shall be notified in a statement when a political group is set up, dissolved or otherwise changed. The statement notifying the formation of a political group shall specify the name of the political group, its members and its bureau. Notification of the formation (including name, bureau and number of members) and dissolution of a political group shall be published by the President in the *Official Journal of the European Union*.

4. Each political group shall be assisted by a secretariat staffed by Secretariat-General personnel. The political groups may submit proposals to the appointing authority for the selection, appointment and promotion of such staff and for extending their contracts. The appointing authority shall make its decision after consulting the chairmen of the political groups.

5. The Secretary-General shall provide the political groups and their constituent bodies with adequate resources for meetings, activities and publications and for the work of their secretariats. The resources for each political group shall be earmarked in the budget. The political groups and their secretariats may make appropriate use of the Committee's facilities.

6. The political groups and their bureaux may meet immediately before or during plenary sessions. They may hold extraordinary meetings twice a year. An alternate attending these meetings is only entitled to travel and subsistence expenses if he is representing a member from his political group.

7. Non-attached members shall be provided with administrative support. The detailed arrangements shall be laid down by the Bureau on a proposal from the Secretary-General.

*Rule 10***Interregional groups**

Members and alternates may form interregional groups. They shall inform the Committee President thereof.

TITLE II

ORGANISATION AND PROCEDURE OF THE COMMITTEE

CHAPTER 1

*Rule 12****Initial convening and installation in office of the Committee****Rule 11***Convening the first meeting**

The Committee shall be convened, after each four-yearly renewal, by the oldest member and shall meet not later than one month after the appointment of its members by the Council. The first meeting shall be chaired by the oldest member present (interim president) assisted by the four youngest members present and the Secretary-General of the Committee, who together shall constitute the interim bureau.

Installation in office of the Committee and verification of credentials

1. At the first meeting, the interim president shall inform the Committee of the communication from the Council concerning the appointment of its members. If requested, the interim president may decide to verify the appointment and credentials of members, after which he shall declare the Committee installed in office for the new term.

2. The interim bureau shall remain in office until the results of the elections of the President, the first Vice-President and the remaining members of the Bureau have been declared.

CHAPTER 2

Plenary assembly

Rule 13

Tasks of the plenary assembly

The Committee shall meet as a plenary assembly. Its main tasks shall be:

- (a) to adopt opinions, reports and resolutions;
- (b) to adopt the draft estimates of expenditure and revenue of the Committee;
- (c) to adopt the political programme of the Committee at the beginning of every term;
- (d) to elect the President, the first Vice-President and the remaining members of the Bureau;
- (e) to set up commissions;
- (f) to adopt and revise the Rules of Procedure of the Committee.

Rule 14

Convening the plenary assembly

1. The President of the Committee shall convene the plenary assembly at least once every three months. The dates of the plenary sessions are to be fixed by the Bureau during the third quarter of the previous year. A plenary session can meet on one or more days.

2. At the written request of at least one quarter of the members, the President shall be obliged to convene an extraordinary plenary session, which shall take place not sooner than one week and not later than one month after the date of the request. The written request shall state the subject matter which is to be discussed at the extraordinary plenary session. No other matter may be dealt with.

Rule 15

Agenda for the plenary session

1. The preliminary draft agenda containing a provisional list of the draft opinions and resolutions to be discussed at the next but one plenary session together with all the other documents requiring a decision shall be prepared by the Bureau.

2. The draft agenda accompanied by all the documents requiring a decision listed therein shall be sent by the President to the members and alternates in their official language at least four weeks before the opening of the plenary session.

3. The draft opinions and resolutions shall in principle be put on the agenda in the order in which they were adopted by the commissions or submitted in accordance with the Rules of Procedure. Account shall also be taken of agenda items which deal with related subject matter.

4. In exceptional and duly motivated cases where the deadline referred to in paragraph 2 cannot be met, the President may decide to include a document requiring a decision on the draft agenda provided the relevant document has been received by the members and alternates in their official language not later than one week before the opening of the plenary session.

5. Written amendments to the draft agenda must be submitted to the Secretary-General not later than three working days before the opening of the plenary session.

6. The Bureau shall finalise the draft agenda at its meeting immediately prior to the opening of the plenary session. At this meeting the Bureau may decide, by a two-thirds majority of the votes cast, to include on the agenda matters of an urgent or topical nature whose discussion cannot be deferred until the next plenary session.

Rule 16

Opening of the plenary session

The President shall open the plenary session and call for the adoption of the final draft agenda.

Rule 17

Admission of the public, guests and guest speakers, topical debate slot

1. Plenary sessions shall be open to the public, unless the plenary assembly decides otherwise in respect of the whole meeting or a specific item on the agenda.

2. Representatives of the European Parliament, Council and Commission may attend plenary sessions. They may be asked to take the floor.

3. The President, acting on his own initiative or at the request of the Bureau, may also invite other distinguished guests to address the plenary assembly. A general debate may follow, during which the general rules on speaking time shall apply.

4. The Bureau may, in accordance with Rule 15(1) and (6), propose to the plenary assembly that a general debate be held on topical political issues of regional and local relevance (topical debate slot). The general rules on speaking time shall apply.

*Rule 18***Speaking time**

1. The plenary assembly shall, at the beginning of its meeting and acting on a proposal from the Bureau, allocate speaking time for every item on the agenda. During a plenary session the President, acting on his own initiative or at the request of a member, shall arrange for a decision to be taken to limit speaking time.
2. The President, acting on a proposal from the Bureau, may propose to the plenary assembly that when debates are held on general or specific issues, speaking time should be divided among the political groups and national delegations.
3. As a general rule, speaking time shall be limited to two minutes for comments on minutes, for points of order and for comments on amendments to the final draft agenda or the agenda.
4. If a speaker exceeds his allotted speaking time, the President may, after an initial call to order, forbid him to speak.
5. Any request by a member that the debate be brought to a close shall be put to the vote by the President.

*Rule 19***List of speakers**

1. The names of members who ask to speak shall be entered in a list in the order in which their requests are received. The President shall call upon members to speak on the basis of this list, ensuring as far as possible that speakers of different political views and from different national delegations are heard in turn.
2. Priority, may be given, however, to the rapporteur of the commission concerned, to the chairmen of political groups and national delegations wishing to speak on behalf of their group or delegation, or to speakers deputising for them.
3. No one may take the floor more than twice on the same subject, except by leave of the President. The chairman and the rapporteur of the commission concerned shall, however, be allowed to speak at their request for a period to be decided by the President.

*Rule 20***Points of order**

1. A member shall be allowed to speak to raise a point of order or to draw the attention of the President to any failure to respect the Rules of Procedure. The point of order must concern the agenda or the subject under discussion.
2. A request to raise a point of order shall take precedence over all other requests to speak.
3. The President shall take an immediate decision on points of order in accordance with the Rules of Procedure and shall announce his ruling immediately after the point of order has been raised. No vote shall be taken on the President's ruling.

*Rule 21***Quorum**

1. A quorum shall exist at a plenary session if a majority of the members is present. The quorum shall be verified only during the meeting and only if at least 10 members so request. If the verification of a quorum is not requested, all votes shall be valid regardless of the number of voters. The President may interrupt the plenary session for up to 10 minutes before proceeding with a verification of the quorum. Members who have requested verification of the quorum but are no longer present in the plenary session chamber shall be considered to be present for the purposes of the count. If fewer than ten members are present, the President may rule that there is no quorum.
2. If it is established that there is no quorum, all items on the agenda which require voting shall be postponed until the following meeting day, when the plenary assembly may hold a valid vote on these items whatever the number of members present.
3. All members and alternates taking part in the meeting and other persons present shall sign an attendance list.

*Rule 22***Voting**

1. The plenary assembly shall decide by a majority of the votes cast, save where otherwise provided in these rules.
2. The valid forms of vote shall be 'for', 'against' and 'abstention'. In calculating the majority, only the votes cast for and against shall be taken into account. In the event of a tied vote, the text or proposal shall be deemed rejected.
3. A fresh vote may be called for by the President or requested by at least 10 members if the result of the count is queried.
4. At the proposal of the President the plenary assembly may decide to hold a roll call vote. Members shall vote in alphabetical order, with the President voting last.
5. Votes relating to persons shall be by secret ballot.
6. The President may at any time decide that a vote shall be conducted by electronic means.

*Rule 23***Tabling of amendments**

1. Only members and duly mandated alternates may table amendments to documents requiring a decision. These amendments must be in writing.
2. Except as provided for in the first sentence of Rule 26(1), amendments to documents requiring a decision must be submitted by at least six members and must bear their names.

3. They must reach the Secretary-General not later than the seventh working day before the opening of the plenary session and shall be electronically retrievable as soon as they have been translated, but not later than two working days prior to the plenary session. The deadline for the submission of amendments can be reduced to three working days by the President in cases where Rule 15(4) is applied. The deadline shall also not apply in the case of amendments to urgent matters pursuant to the second sentence of Rule 15(6).

4. All amendments shall be distributed to members before the beginning of the plenary session.

Rule 24

Procedure for dealing with amendments

1. If more than 20 amendments are submitted to a document requiring a decision, the Bureau or the plenary assembly may refer the document back to the commission for further consideration. This shall not apply in the case of documents requiring a decision whose adoption cannot be deferred.

2. An amendment tabled in due and proper form which is not supported at the meeting by its authors or by another member shall not be considered.

3. If one or more amendments have been tabled to a part of a text, the President, the rapporteur or the authors of these amendments may propose compromise amendments during the debate. A compromise amendment can only be proposed with the consent of the movers of the original amendment. A compromise amendment shall be given priority when voting takes place and, if adopted, shall invalidate any amendment on which the compromise is based.

4. Voting on amendments shall follow the order of the points in the text. The President may order a joint vote on amendments with a similar content and objective.

5. A rapporteur may draw up a list of amendments tabled to his draft opinion or report which he recommends be adopted (voting recommendation). The list should be circulated to members together with the amendments, in accordance with Rule 23(4).

If the rapporteur has made a voting recommendation, the President may decide that all the amendments covered by the recommendation are to be voted on together. Any member may, however, object to the voting recommendation, specifying amendments which should be voted on separately.

6. Amendments shall have priority over the text to which they relate and shall be put to the vote before that text.

7. If two or more mutually exclusive amendments have been tabled to the same part of a text, the amendment that departs furthest from the original text shall have priority and shall be put to the vote first.

8. The final vote shall be on the text as a whole, whether amended or not.

Rule 25

Urgent opinions and reports

In urgent cases where a deadline set by the Council, Commission or European Parliament cannot be met under the normal procedure, and the relevant commission has adopted its draft opinion or report unanimously, the President shall transmit this draft opinion or report to the Council, Commission and European Parliament for information. The draft opinion or report shall be submitted to the following plenary session for adoption without amendment. All documents relating to the said opinion or report must testify to the urgent nature of the opinion or report.

Rule 26

Simplified procedures

1. Draft opinions or reports adopted unanimously by a (lead) commission in the presence of a majority of its members shall, after being presented by the rapporteur, be submitted to the plenary assembly for adoption without change unless at least 32 members table an amendment in accordance with the first sentence of Rule 23(3). In this case, the amendment shall be dealt with by the plenary assembly. The commission's draft opinion or report shall be forwarded to members, with a reference to this procedure, together with the draft agenda.

2. If the (lead) commission is of the view that the Committee has no reason to comment on or propose changes to a document referred to it by the Bureau, it may propose that no objections be raised to the document. The proposal shall be submitted to the plenary assembly for adoption without debate.

Rule 27

Closing of the plenary session

Before the closing of the plenary session, the President shall announce the time and place of the following plenary session together with any items already on the agenda.

CHAPTER 3

The Bureau and the President

Rule 28

Composition of the Bureau

The Bureau shall consist of:

- (a) the President;
- (b) the first Vice-President;
- (c) other Vice-Presidents;
- (d) other members;
- (e) the chairmen of the political groups.

One member per country shall have the rank of Vice-President.

Seats on the Bureau (excluding the seats of the President and the chairmen of the political groups) shall be divided among the national delegations as follows:

- three seats: Germany, Spain, France, Italy, United Kingdom,
- two seats: Belgium, Denmark, Greece, Ireland, Luxembourg, the Netherlands, Austria, Portugal, Finland, Sweden.

Rule 29

Replacements at Bureau meetings

1. For each member of the Bureau, apart from the President, a member or alternate from the same national delegation shall be named at the same time as an *ad personam* replacement. This replacement shall not be entitled to participate, speak and vote unless he is replacing the Bureau member in question. The delegation of vote must be notified in writing to the Secretary-General prior to the relevant meeting.

2. For each political group chairman, the political group in question shall name a replacement from among its members to whom the second and third sentences of paragraph 1 shall apply *mutatis mutandis*.

Rule 30

Election rules

1. The Bureau shall be elected by the plenary assembly for two years.

2. The elections of the President, the first Vice-President, the 14 Vice-Presidents, the other members of the Bureau and the chairmen of the political groups as members of the Bureau shall be held under the chairmanship of the interim president in accordance with Rules 11 and 12. All candidatures must be submitted in writing to the Secretary-General at least one hour before the beginning of the plenary session. The elections shall take place only if at least two-thirds of the members are present.

Rule 31

Election of the President and the first Vice-President

1. Before the elections, candidates for the posts of President and first Vice-President may make a short statement before the plenary assembly. The speaking time for candidates shall be of equal length and shall be laid down by the interim president.

2. The election of the President and the first Vice-President shall take place separately. They shall be elected by a majority of more than 50 % of the votes cast.

3. The valid forms of vote shall be a vote for and an abstention. In calculating the majority required, only the votes cast for shall be taken into account.

4. If no candidate obtains the required majority in the first ballot, a second ballot shall be held in which the candidate receiving the highest number of votes shall be deemed to be elected. In the event of a tied vote, a decision shall be taken by drawing lots.

Rule 32

Election of the 14 Vice-Presidents, the other Bureau members and the chairmen of the political groups as members of the Bureau

1. For the election of the 14 Vice-Presidents and the other 20 Bureau members, a joint list may be drawn up for the candidates from those national delegations which nominate only one candidate for each of the seats allocated to them on the Bureau. This list may be adopted in a single ballot if it obtains a majority of more than 50 % of the votes cast.

2. In cases where a joint list of candidates is not adopted, or where the number of candidates exceeds the number of seats allocated to a national delegation on the Bureau, each of these seats shall be decided in separate ballots; in this case the provisions on the election of the President and the first Vice-President shall be applicable in accordance with Rules 30 and 31(2) to (4).

3. For the election of the chairmen of the political groups as members of the Bureau, the interim president shall present the plenary assembly with a list of their names for adoption, which is to be voted on as a whole.

Rule 33

Election of replacements

When a candidate for a seat on the Bureau is elected, his replacement shall also be elected automatically.

Rule 34

Vacant Bureau seats

In the event of termination of Committee membership or of resignation from the Bureau, a member of the Bureau and/or his replacement shall be replaced for the remainder of his term of office in accordance with the procedures laid down in Rules 28 to 33.

Rule 35

Tasks of the Bureau

The Bureau shall have the following tasks:

- (a) establishment of the draft policy programme at the beginning of each term and monitoring of its implementation. An impact assessment shall, on referral by the Bureau, be presented to the plenary assembly by the President annually and at the end of each four-year term;
- (b) preparation, organisation and coordination of the work of the plenary assembly and the commissions. To this end the Bureau may:
 - set up working groups of Bureau members or of Committee members to advise it in specific areas,
 - invite other members of the Committee, by virtue of their expertise or mandate, and persons not belonging to the Committee, to attend its meetings;

- (c) overall responsibility for financial, organisational and administrative matters concerning members and alternates; internal organisation of the Committee, its Secretariat-General, including the establishment plan, and its constituent bodies;
- (d) engagement of the Secretary-General and the officials and other servants listed in Rule 63(1) and (2);
- (e) submission of the draft estimates of expenditure and revenue to the plenary assembly in accordance with Rule 64;
- (f) authorisation of meetings away from the usual place of work;
- (g) laying down of the implementing arrangements regarding travel and subsistence expenses for members, duly mandated alternates and experts, in compliance with the provisions laid down under the budget procedure.

Rule 36

Convening of the Bureau/Quorum

1. The Bureau shall be convened by the President, who shall set the date of the meeting and the agenda in agreement with the first Vice-President. The Bureau shall meet at least once every three months, or within 14 days following receipt of a written request by at least 10 of its members.
2. A quorum shall exist at a Bureau meeting if at least one half of its members are present. The Bureau shall decide by a majority of the votes cast, save where otherwise provided for in these rules. Rule 22(2) shall also apply *mutatis mutandis*.
3. In preparation for the Bureau decisions, the President shall ask the Secretary-General to draw up discussion documents and recommendations for a decision on each item to be discussed; these documents and recommendations shall be enclosed with the draft agenda.
4. Members must receive the documents at least 10 days before the opening of the meeting. Amendments to recommendations for decisions must be submitted in writing to the Secretary-General not later than the third working day before the opening of the Bureau meeting and shall be electronically retrievable as soon as they have been translated.
5. After an exploratory debate the Bureau shall, where necessary, issue the Secretary-General or a working group with further instructions, clearly specifying the subject to be covered and the time-frame. The working group or Secretary-General shall subsequently, in accordance with the first sentence of Rule 36(4), submit documents for discussion together with a recommendation for a decision. Amendments to recommendations for decisions must be submitted in writing to the Secretary-General not later than the third working day before the opening of the Bureau meeting and shall be electronically retrievable as soon as they have been translated.

Rule 37

The President

1. The President shall direct the work of the Committee.
2. The President shall be the Committee's representative. He may delegate these powers.
3. If the President is absent or unable to attend, he shall be represented by the first Vice-President; if the first Vice-President is absent or unable to attend, the President shall be represented by one of the other Vice-Presidents.

OPINIONS, REPORTS AND RESOLUTIONS — PROCEDURE IN BUREAU

Rule 38

Opinions — Legal bases

The Committee shall adopt its opinions pursuant to Article 265 of the EC Treaty:

- (a) on the basis of a referral from the Commission or the Council in the cases provided for in the EC Treaty or on the basis of a referral from these institutions or the European Parliament in all other cases;
- (b) on its own initiative;
- (c) when, in the event of the Economic and Social Committee being consulted under Article 262 of the EC Treaty, it considers that specific regional interests are involved.

Rule 39

Opinions and reports — Designation of commission

1. The Bureau shall establish the annual work programme of the commissions after consulting them.
2. The President shall assign documents received from the Council, Commission or European Parliament to the responsible commission and set a deadline for the submission of the commission's draft opinion or report; the Bureau shall be informed of this at its next meeting.
3. If the subject of an opinion or report concerns more than one commission, the President shall designate a lead commission and, where necessary, one or more supplementary commissions. In such a case, the President may either:
 - (a) propose that the Bureau set up a working party comprising representatives of the commissions concerned; or
 - (b) in exceptional cases, designate one or more commissions, other than the lead commission, to issue a draft supplementary opinion or report. The lead commission shall vote on the recommendations made in the draft opinions or reports of the other commissions and integrate the adopted recommendations into its own draft opinion or report. However, only the lead commission shall report to the plenary assembly.

4. If a commission does not agree with a decision of the President taken under Rule 39(2) and (3), it may via its chairman submit an application for a Bureau decision.

Rule 40

Appointment of a rapporteur-general

1. If the commission concerned cannot draw up a draft opinion or report by the deadline set by the Council, Commission or European Parliament, the Bureau may propose that the plenary assembly appoint a rapporteur-general, who shall submit his draft opinion or report straight to the plenary assembly.

2. When a deadline set by the Council, Commission or European Parliament does not give the plenary assembly time to appoint a rapporteur-general, the rapporteur-general may be appointed by the President; when this is the case, the plenary assembly shall be informed at its next meeting.

3. In both cases, the commission concerned shall meet, where possible, to hold a general exploratory debate on the subject.

Rule 41

Own-initiative opinions and reports

1. Applications for own-initiative opinions or reports may be submitted to the Bureau by three of its members, by a commission via its chairman or by 32 members of the Committee. These applications must be submitted, with reasons, and together with all the other discussion documents in accordance with Rule 36(4), wherever possible, before the annual work programme is adopted.

2. The Bureau shall decide on applications for own-initiative opinions or reports by a majority of its members. The opinions or reports shall be referred to the relevant commissions in accordance with Rule 39. The President shall inform the plenary assembly of all Bureau decisions approving and allocating own-initiative opinions or reports.

3. This rule shall apply *mutatis mutandis* in the case of opinions which come under Rule 38(c).

Rule 42

Tabling of resolutions

1. Resolutions are to be put on the agenda only if they refer to the activities of the European Union, deal with important concerns of regional and local authorities and are of topical interest.

2. Draft resolutions or applications for the drafting of a resolution may be submitted to the Committee by at least 32 members or a political group. All drafts or applications, indicating the names of the members or political group supporting

them, shall be submitted to the Bureau in writing. They must reach the Secretary-General not later than three working days before the opening of the Bureau meeting.

3. If the Bureau decides that the Committee is to discuss a draft resolution or an application for the drafting of a resolution, it may:

- (a) put the draft resolution on the plenary session preliminary draft agenda in accordance with Rule 15(1);
- (b) appoint a commission to draw up a draft resolution by a specific deadline under the procedure used for drawing up draft opinions or reports. Rules 51 and 52 shall not apply in such cases;
- (c) in urgent cases, in accordance with the second sentence of Rule 15(6), place a draft resolution on the agenda for the next plenary session. Such draft resolutions shall be dealt with on the second day of the session.

4. Draft resolutions referring to an unforeseeable event occurring after the expiry of the deadline stipulated in Rule 42(2) (extremely urgent resolutions) and complying with the provisions of Rule 42(1) may be submitted up to three hours before the beginning of the Bureau meeting. If the Bureau decides that the proposal concerns the key tasks of the Committee, the proposal shall be dealt with under Rule 42(3)(c).

Amendments to extremely urgent resolutions may be tabled by any member during the plenary session.

Rule 43

Promotion of opinions, reports and resolutions

The Bureau shall be responsible for promoting the Committee's opinions, reports and resolutions.

CHAPTER 4

Commissions

Rule 44

Composition and powers

1. At the beginning of each four-year term, the plenary assembly shall set up commissions to prepare its work. It shall decide on their composition and powers on a proposal from the Bureau.

2. The composition of the commissions shall reflect the national composition of the Committee.

3. Members of the Committee must belong to at least one commission but may not belong to more than two. Exceptions may be made by the Bureau for members belonging to the smaller national delegations.

*Rule 45***Chairman and vice-chairmen**

1. At its first meeting each commission shall appoint from among its members a chairman, a first vice-chairman and no more than two vice-chairmen, who together shall form the commission bureau.
2. Where the number of candidates corresponds to the number of seats to be filled, the election may take place by acclamation. Where this is not the case, or one sixth of the members of the commission so request, the election shall be in accordance with the provisions laid down in Rule 31(2) to (4) for the election of the Committee President and first Vice-President.
3. If a commission bureau member terminates his Committee membership or resigns as a commission bureau member, the vacancy shall be filled in accordance with the provisions of this rule.

*Rule 46***Tasks of commissions**

The commissions shall in particular draw up the draft versions of opinions, reports and resolutions. These drafts shall be submitted to the plenary assembly for adoption.

*Rule 47***Convening of commissions and their agendas**

1. The dates of meetings and their agendas shall be set by the chairman of each commission acting in agreement with the first vice-chairman.
2. A commission shall be convened by its chairman. The convening notice for an ordinary meeting together with the agenda must reach members not later than four weeks before the date of the meeting.
3. At the written request of at least one quarter of its members, the chairman shall be obliged to convene an extraordinary commission meeting, which must be held not later than four weeks after the submission of the request. The agenda for an extraordinary meeting shall be set by the members submitting the request for such a meeting. It shall be forwarded to members together with the convening notice.
4. All draft opinions and other discussion documents to be translated and distributed before a meeting shall be sent to the secretariat of the commission in question not later than five weeks before the date set for the meeting. They shall then be forwarded to members not later than two weeks before the date of the meeting. In exceptional cases the above time limits may be amended by the chairman.

*Rule 48***Admission of the public**

1. The proceedings of the commissions shall be open to the public, unless a commission decides otherwise in respect of the whole meeting or of a specific item on the agenda.
2. Representatives of the European Parliament, Council and Commission may attend the deliberations of the commissions and reply to questions from members.

*Rule 49***Public hearings**

In specific cases and with the agreement of the Bureau, a commission may hold a public hearing or invite outside speakers by virtue of their expertise with regard to one or more items on the agenda.

*Rule 50***Time limits for drawing up opinions and reports**

1. The commissions shall present their draft opinions or reports within the time limit set by the President. The production of a draft opinion or report shall require no more than two meetings, not including the first meeting at which the work shall be organised.
2. In exceptional cases the Bureau may authorise further meetings to discuss a draft opinion or report, or may extend the time limit for the presentation of the draft.

*Rule 51***Layout of opinions**

1. A Committee opinion shall consist of:
 - a preamble setting out the legal basis of the opinion and the procedure followed in its preparation, and, if necessary, containing introductory comments, and
 - a main part setting out the Committee's views and recommendations on the question under consideration, if appropriate together with specific proposals for changes to the document under consideration.
2. In assessing the document under consideration, the main part of the Committee's text shall, wherever possible, address compliance with the subsidiarity principle and the expected impact on administration and regional and local finances.
3. A separate explanatory statement shall be drawn up for each opinion explaining the views of the Committee as a whole and individual points. The explanatory statement shall be the responsibility of the rapporteur and shall not be put to the vote. It must, however, accord with the text of the opinion that was put to the vote. If it fails to do so, the chairman of the commission may delete the explanatory statement.

Rule 52**Layout of reports**

A Committee report shall consist of:

- a preamble setting out the procedure followed in the elaboration of the report and a list of contents,
- an introduction, explaining the general context of the issues in question,
- a main part, providing specific observations and analysis of the issues in question,
- a conclusion setting out the Committee's views and recommendations on the matter.

Where necessary, appendices may include relevant documentation, reference documents and additional information.

Rule 53**Rapporteurs**

1. Each commission, acting on a proposal from its chairman, shall appoint a rapporteur or, in duly motivated cases, two rapporteurs to draw up a draft opinion or report. The chairman's proposal shall be circulated to members with the agenda. In the case of late referrals, the chairman's proposal shall be forwarded to members at the latest one week before the beginning of the meeting.
2. In appointing rapporteurs each commission ensures a fair and balanced allocation of opinions and reports.
3. In urgent cases the chairman may, after informing the Secretary-General, apply a written procedure to appoint a rapporteur. Under this procedure the chairman shall write to the members of the commission, asking them to submit any objections to the appointment of the proposed rapporteur in writing within three working days. In such cases the chairman and first vice-chairman shall decide by mutual agreement.

Rule 54**Working parties**

1. In duly motivated cases the commissions may set up working parties, with the approval of the Bureau. Working party members may also come from other commissions.
2. Each working party can appoint a chairman and a vice-chairman from among its members.

Rule 55**Experts**

1. The members of the commissions may call on the services of an expert.
2. A commission may appoint experts to assist it in its work and to assist any working parties which it has set up. At the invitation of the chairman, these experts may take part in meet-

ings of the commission or of one of its working parties. The floor may also be given to these experts and to the experts working for and accompanying rapporteurs.

3. Only rapporteurs' experts and experts invited by the commission shall be entitled to travel and subsistence expenses.

Rule 56**Quorum**

1. A quorum shall exist at a commission meeting if more than one half of its members are present.
2. The quorum shall be verified only during the meeting and only if at least six members so request. If the verification of a quorum is not requested, all votes shall be valid regardless of the number of voters. If it is established that there is no quorum, the commission may continue its discussions but voting shall take place at the next meeting.
3. All members and alternates taking part in the meeting and other persons present shall sign an attendance list.

Rule 57**Voting**

Decisions shall be taken by a majority of the votes cast. Rule 22(2) shall also apply *mutatis mutandis*.

Rule 58**Amendments**

1. Amendments must be sent to commission secretariats not later than the fifth working day before the date of the meeting. In exceptional cases the above time limit may be amended by the chairman.
2. Voting on amendments shall follow the order of the points in the draft opinion or report under discussion. Thereafter the whole text shall be voted on. If two or more mutually exclusive amendments have been tabled to the same part of a text, the amendment that departs furthest from the original text shall have priority and shall be put to the vote first.
3. Once a draft opinion or report has been adopted by a commission, it shall be forwarded by the commission chairman to the President of the Committee.

Rule 59**Decision not to draw up an opinion or report**

Where the (lead) commission considers that a document referred to it by the Bureau has no regional or local interest, or is not of political importance, it may decide not to draw up an opinion or report.

CHAPTER 5

Rule 63

Administration of the Committee

Rule 60

Secretariat-General

1. The Committee shall be assisted by a Secretariat-General.
2. The Secretariat-General shall be headed by a Secretary-General.
3. The Bureau, acting on a proposal from the Secretary-General, shall organise the Secretariat-General in such a way that it can ensure the efficient functioning of the Committee and its constituent bodies and help the members of the Committee in the performance of their duties. The services to be provided by the Secretariat-General for members, national delegations, political groups and non-attached members shall be determined in the process.
4. The Secretariat-General shall draw up the minutes of the meetings of the Committee's constituent bodies.

Rule 61

Secretary-General

1. The Secretary-General shall be responsible for giving effect to the decisions taken by the Bureau or the President pursuant to these Rules of Procedure and the applicable legal provisions. The Secretary-General shall attend the meetings of the Bureau in an advisory capacity and shall keep the minutes of those meetings.
2. The Secretary-General shall discharge his duties under the direction of the President, representing the Bureau.

Rule 62

Engagement of Secretary-General

1. The Bureau shall engage the Secretary-General on the basis of a decision adopted by a two-thirds majority of its members, pursuant to the provisions of Articles 2 and 8 of the Conditions of Employment of other servants of the European Communities.
2. The Secretary-General shall be engaged for five years. The detailed provisions of his contract of employment shall be laid down by the Bureau.
3. The powers which the Conditions of Employment of other servants of the European Communities confer on the authority responsible for concluding contracts shall be exercised, in the case of the Secretary-General, by the Bureau.

Staff Regulations of officials and Conditions of Employment of other servants

1. The powers which the Staff Regulations of officials of the European Communities confer on the appointing authority shall be exercised as follows:

- for officials in grades 6 to 8 of Category A and of the language service and for officials in categories B, C and D, by the Secretary-General,
- for other officials, by the Bureau, acting on a proposal from the Secretary-General.

2. The powers which the Conditions of Employment of other servants of the European Communities confer on the authority competent to conclude contracts of employment shall be exercised as follows:

- for temporary staff in grades 6 to 8 of category A and of the language service and for temporary staff in categories B, C and D, by the Secretary-General,
- for other temporary staff, by the Bureau, acting on a proposal from the Secretary-General,
- for temporary staff in the private office of the President:
 - temporary staff in grades 6 to 8 of category A and for temporary staff in grades B, C and D, by the Secretary-General, acting on a proposal from the President;
 - for other temporary staff, by the Bureau, acting on a proposal from the President.

Temporary staff employed in the private office of the President shall be engaged until the end of the President's term of office.

- for auxiliary and local staff, by the Secretary-General,
- for special advisers, by the Secretary-General in accordance with the conditions set out in Article 82 of the Conditions of Employment of other servants of the European Communities.

Rule 64

Budget

1. The Secretary-General shall submit the preliminary draft estimates of the Committee's expenditure and revenue for the following financial year to the Bureau. The Bureau shall submit the draft to the plenary assembly for adoption.

2. The plenary assembly shall adopt the draft estimates of the Committee's expenditure and revenue and forward them to the Commission, Council and European Parliament in good time to ensure that the deadlines laid down in the financial provisions are met.

3. The Committee's budget shall be implemented in accordance with the Financial Regulation applicable to the general budget of the European Communities. The President shall be the highest authority empowered to implement the budget in accordance with Articles 28, 29, 39, 48 and 52 of the Financial Regulation of the European Communities. He shall act on a proposal from the Secretary-General.

TITLE III

GENERAL PROVISIONS

CHAPTER 1

Cooperation with other EU bodies

Rule 65

Cooperation agreements with other EU bodies

The Bureau, acting on a proposal from the Secretary-General, may conclude cooperation agreements with institutions and other bodies of the European Union within the framework of interinstitutional cooperation.

Rule 66

Forwarding and publication of opinions, reports and resolutions

1. The Committee's opinions and reports, as well as any communication relating to the use of a simplified procedure under Rule 26 or a decision not to draw up an opinion or report under Rule 59, shall be addressed to the Council, Commission and European Parliament. As in the case of resolutions, they shall be forwarded by the President.

2. The opinions, reports and resolutions of the Committee shall be published in the *Official Journal of the European Union*.

CHAPTER 2

Rules of Procedure

Rule 67

Revision of Rules of Procedure

1. The plenary assembly shall decide by a majority of its members if there is a need to amend these Rules of Procedure, either in part or in full.

2. It shall appoint an ad hoc commission to draw up a report and a draft text as a basis for the adoption of new rules by a majority of its members. The new rules shall enter into force the day after their publication in the *Official Journal of the European Union*.

Rule 68

Bureau instructions

The Bureau may give instructions determining the procedure for implementing the provisions of these Rules of Procedure, in compliance with the latter.

Rule 69

Entry into force of Rules of Procedure

These Rules of Procedure shall enter into force the day after their publication in the *Official Journal of the European Union*.

Done at Brussels, 9 April 2003.

By the Committee of the Regions
The President
Albert BORE