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## Legislation

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## I

(Acts whose publication is obligatory)

**COMMISSION REGULATION (EC) No 1924/2003  
of 31 October 2003  
establishing the standard import values for determining the entry price of certain fruit and  
vegetables**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

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

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

HAS ADOPTED THIS REGULATION:

*Article 1*

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

*Article 2*

This Regulation shall enter into force on 1 November 2003.

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

Done at Brussels, 31 October 2003.

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

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

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

## ANNEX

**to the Commission Regulation of 31 October 2003 establishing the standard import values for determining the entry price of certain fruit and vegetables**

(EUR/100 kg)

| CN code                            | Third country code <sup>(1)</sup> | Standard import value |
|------------------------------------|-----------------------------------|-----------------------|
| 0702 00 00                         | 052                               | 71,5                  |
|                                    | 060                               | 57,2                  |
|                                    | 096                               | 50,7                  |
|                                    | 204                               | 59,3                  |
|                                    | 999                               | 59,7                  |
| 0707 00 05                         | 052                               | 130,9                 |
|                                    | 628                               | 139,3                 |
|                                    | 999                               | 135,1                 |
| 0709 90 70                         | 052                               | 101,8                 |
|                                    | 204                               | 73,9                  |
|                                    | 999                               | 87,9                  |
| 0805 50 10                         | 052                               | 83,0                  |
|                                    | 204                               | 84,1                  |
|                                    | 388                               | 86,8                  |
|                                    | 524                               | 51,7                  |
|                                    | 528                               | 81,9                  |
|                                    | 600                               | 76,5                  |
| 0806 10 10                         | 999                               | 77,3                  |
|                                    | 052                               | 101,4                 |
|                                    | 388                               | 94,8                  |
|                                    | 400                               | 199,3                 |
|                                    | 508                               | 339,8                 |
|                                    | 999                               | 183,8                 |
| 0808 10 20, 0808 10 50, 0808 10 90 | 052                               | 51,0                  |
|                                    | 060                               | 37,1                  |
|                                    | 064                               | 48,5                  |
|                                    | 388                               | 68,1                  |
|                                    | 400                               | 53,6                  |
|                                    | 404                               | 84,4                  |
|                                    | 512                               | 77,5                  |
|                                    | 720                               | 42,6                  |
|                                    | 800                               | 164,8                 |
|                                    | 804                               | 95,3                  |
|                                    | 999                               | 72,3                  |
| 0808 20 50                         | 052                               | 80,4                  |
|                                    | 060                               | 53,5                  |
|                                    | 064                               | 60,2                  |
|                                    | 388                               | 68,4                  |
|                                    | 512                               | 55,8                  |
|                                    | 528                               | 52,2                  |
|                                    | 720                               | 44,8                  |
|                                    | 999                               | 59,3                  |

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

**COMMISSION REGULATION (EC) No 1925/2003****of 31 October 2003****fixing the export refunds on cereals and on wheat or rye flour, groats and meal**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

- (1) Article 13 of Regulation (EEC) No 1766/92 provides that the difference between quotations or prices on the world market for the products listed in Article 1 of that Regulation and prices for those products in the Community may be covered by an export refund.
- (2) The refunds must be fixed taking into account the factors referred to in Article 1 of Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules under Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals <sup>(3)</sup>, as last amended by Regulation (EC) No 1431/2003 <sup>(4)</sup>.
- (3) As far as wheat and rye flour, groats and meal are concerned, when the refund on these products is being calculated, account must be taken of the quantities of cereals required for their manufacture. These quantities were fixed in Regulation (EC) No 1501/95.

- (4) The world market situation or the specific requirements of certain markets may make it necessary to vary the refund for certain products according to destination.
- (5) The refund must be fixed once a month. It may be altered in the intervening period.
- (6) It follows from applying the detailed rules set out above to the present situation on the market in cereals, and in particular to quotations or prices for these products within the Community and on the world market, that the refunds should be as set out in the Annex hereto.
- (7) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

*Article 1*

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

*Article 2*

This Regulation shall enter into force on 1 November 2003.

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

Done at Brussels, 31 October 2003.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ L 181, 1.7.1992, p. 21.

<sup>(2)</sup> OJ L 158, 27.6.2003, p. 1.

<sup>(3)</sup> OJ L 147, 30.6.1995, p. 7.

<sup>(4)</sup> OJ L 203, 12.8.2003, p. 16.

## ANNEX

**to the Commission Regulation of 31 October 2003 fixing the export refunds on cereals and on wheat or rye  
flour, groats and meal**

| Product code    | Destination | Unit of measurement | Amount of refunds | Product code    | Destination | Unit of measurement | Amount of refunds |
|-----------------|-------------|---------------------|-------------------|-----------------|-------------|---------------------|-------------------|
| 1001 10 00 9200 | —           | EUR/t               | —                 | 1101 00 15 9130 | A00         | EUR/t               | 0                 |
| 1001 10 00 9400 | —           | EUR/t               | —                 | 1101 00 15 9150 | A00         | EUR/t               | 0                 |
| 1001 90 91 9000 | —           | EUR/t               | —                 | 1101 00 15 9170 | A00         | EUR/t               | 0                 |
| 1001 90 99 9000 | —           | EUR/t               | —                 | 1101 00 15 9180 | A00         | EUR/t               | 0                 |
| 1002 00 00 9000 | —           | EUR/t               | —                 | 1101 00 15 9190 | —           | EUR/t               | —                 |
| 1003 00 10 9000 | —           | EUR/t               | —                 | 1101 00 90 9000 | —           | EUR/t               | —                 |
| 1003 00 90 9000 | —           | EUR/t               | —                 | 1102 10 00 9500 | A00         | EUR/t               | 0                 |
| 1004 00 00 9200 | —           | EUR/t               | —                 | 1102 10 00 9700 | A00         | EUR/t               | 0                 |
| 1004 00 00 9400 | A00         | EUR/t               | 0                 | 1102 10 00 9900 | —           | EUR/t               | —                 |
| 1005 10 90 9000 | —           | EUR/t               | —                 | 1103 11 10 9200 | A00         | EUR/t               | 0 <sup>(1)</sup>  |
| 1005 90 00 9000 | —           | EUR/t               | —                 | 1103 11 10 9400 | A00         | EUR/t               | 0 <sup>(1)</sup>  |
| 1007 00 90 9000 | —           | EUR/t               | —                 | 1103 11 10 9900 | —           | EUR/t               | —                 |
| 1008 20 00 9000 | —           | EUR/t               | —                 | 1103 11 90 9200 | A00         | EUR/t               | 0 <sup>(1)</sup>  |
| 1101 00 11 9000 | —           | EUR/t               | —                 | 1103 11 90 9800 | —           | EUR/t               | —                 |
| 1101 00 15 9100 | A00         | EUR/t               | 0                 |                 |             |                     |                   |

<sup>(1)</sup> No refund is granted when this product contains compressed meal.

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

**COMMISSION REGULATION (EC) No 1926/2003**  
**of 31 October 2003**  
**fixing the corrective amount applicable to the refund on cereals**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organization of the market in cereals <sup>(1)</sup>, as last amended by Regulation (EC) No 1104/2003 <sup>(2)</sup>, and in particular Article 13(8) thereof,

Whereas:

- (1) Article 13(8) of Regulation (EEC) No 1766/92 provides that the export refund applicable to cereals on the day on which application for an export licence is made must be applied on request to exports to be effected during the period of validity of the export licence. In this case, a corrective amount may be applied to the refund.
- (2) Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules under Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the cereals and the measures to be taken in the event of disturbance on the market for cereals <sup>(3)</sup>, as last amended by Regulation (EC) No 1431/2003 <sup>(4)</sup>, allows for the fixing of a corrective amount for the products listed in Article 1(1)(c) of Regulation (EEC) No 1766/92. That corrective amount must be calculated taking account of the factors referred to in Article 1 of Regulation (EC) No 1501/95.

- (3) The world market situation or the specific requirements of certain markets may make it necessary to vary the corrective amount according to destination.
- (4) The corrective amount must be fixed at the same time as the refund and according to the same procedure; it may be altered in the period between fixings.
- (5) It follows from applying the provisions set out above that the corrective amount must be as set out in the Annex hereto.
- (6) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

*Article 1*

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

*Article 2*

This Regulation shall enter into force on 1 November 2003.

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

Done at Brussels, 31 October 2003.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ L 181, 1.7.1992, p. 21.

<sup>(2)</sup> OJ L 158, 27.6.2003, p. 1.

<sup>(3)</sup> OJ L 147, 30.6.1995, p. 7.

<sup>(4)</sup> OJ L 203, 12.8.2003, p. 16.



## ANNEX

**to the Commission Regulation of 31 October 2003 fixing the corrective amount applicable to the refund on cereals**

(EUR/t)

| Product code    | Destination | Current<br>11 | 1st period<br>12 | 2nd period<br>1 | 3rd period<br>2 | 4th period<br>3 | 5th period<br>4 | 6th period<br>5 |
|-----------------|-------------|---------------|------------------|-----------------|-----------------|-----------------|-----------------|-----------------|
| 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 | A00         | 0             | 0                | 0               | 0               | 0               | —               | —               |
| 1005 10 90 9000 | —           | —             | —                | —               | —               | —               | —               | —               |
| 1005 90 00 9000 | —           | —             | —                | —               | —               | —               | —               | —               |
| 1007 00 90 9000 | —           | —             | —                | —               | —               | —               | —               | —               |
| 1008 20 00 9000 | —           | —             | —                | —               | —               | —               | —               | —               |
| 1101 00 11 9000 | —           | —             | —                | —               | —               | —               | —               | —               |
| 1101 00 15 9100 | A00         | 0             | 0                | 0               | 0               | 0               | —               | —               |
| 1101 00 15 9130 | A00         | 0             | 0                | 0               | 0               | 0               | —               | —               |
| 1101 00 15 9150 | A00         | 0             | 0                | 0               | 0               | 0               | —               | —               |
| 1101 00 15 9170 | A00         | 0             | 0                | 0               | 0               | 0               | —               | —               |
| 1101 00 15 9180 | A00         | 0             | 0                | 0               | 0               | 0               | —               | —               |
| 1101 00 15 9190 | —           | —             | —                | —               | —               | —               | —               | —               |
| 1101 00 90 9000 | —           | —             | —                | —               | —               | —               | —               | —               |
| 1102 10 00 9500 | A00         | 0             | 0                | 0               | 0               | 0               | —               | —               |
| 1102 10 00 9700 | A00         | 0             | 0                | 0               | 0               | 0               | —               | —               |
| 1102 10 00 9900 | —           | —             | —                | —               | —               | —               | —               | —               |
| 1103 11 10 9200 | A00         | 0             | 0                | 0               | 0               | 0               | —               | —               |
| 1103 11 10 9400 | A00         | 0             | 0                | 0               | 0               | 0               | —               | —               |
| 1103 11 10 9900 | —           | —             | —                | —               | —               | —               | —               | —               |
| 1103 11 90 9200 | A00         | 0             | 0                | 0               | 0               | 0               | —               | —               |
| 1103 11 90 9800 | —           | —             | —                | —               | —               | —               | —               | —               |

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

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

**COMMISSION REGULATION (EC) No 1927/2003**  
**of 31 October 2003**  
**fixing the export refunds on malt**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

- (1) Article 13 of Regulation (EEC) No 1766/92 provides that the difference between quotations or prices on the world market for the products listed in Article 1 of that Regulation and prices for those products within the Community may be covered by an export refund.
- (2) The refunds must be fixed taking into account the factors referred to in Article 1 of Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules under Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals <sup>(3)</sup>, as last amended by Regulation (EC) No 1431/2003 <sup>(4)</sup>.
- (3) The refund applicable in the case of malts must be calculated with amount taken of the quantity of cereals required to manufacture the products in question. The said quantities are laid down in Regulation (EC) No 1501/95.

- (4) The world market situation or the specific requirements of certain markets may make it necessary to vary the refund for certain products according to destination.
- (5) The refund must be fixed once a month. It may be altered in the intervening period.
- (6) It follows from applying these rules to the present situation on markets in cereals, and in particular to quotations or prices for these products within the Community and on the world market, that the refunds should be as set out in the Annex hereto.
- (7) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

*Article 1*

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

*Article 2*

This Regulation shall enter into force on 1 November 2003.

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

Done at Brussels, 31 October 2003.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ L 181, 1.7.1992, p. 21.

<sup>(2)</sup> OJ L 158, 27.6.2003, p. 1.

<sup>(3)</sup> OJ L 147, 30.6.1995, p. 7.

<sup>(4)</sup> OJ L 203, 12.8.2003, p. 16.

## ANNEX

**to the Commission Regulation of 31 October 2003 fixing the export refunds on malt**

| Product code    | Destination | Unit of measurement | Amount of refunds |
|-----------------|-------------|---------------------|-------------------|
| 1107 10 19 9000 | A00         | EUR/t               | 0,00              |
| 1107 10 99 9000 | A00         | EUR/t               | 0,00              |
| 1107 20 00 9000 | A00         | EUR/t               | 0,00              |

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

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

**COMMISSION REGULATION (EC) No 1928/2003**  
**of 31 October 2003**  
**fixing the corrective amount applicable to the refund on malt**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organization of the market in cereals <sup>(1)</sup>, as last amended by Regulation (EC) No 1104/2003 <sup>(2)</sup>, and in particular Article 13(8),

Whereas:

- (1) Article 13(8) of Regulation (EEC) No 1766/92 provides that the export refund applicable to cereals on the day on which application for an export licence is made, adjusted for the threshold price in force during the month of exportation, must be applied on request to exports to be effected during the period of validity of the export licence. In this case, a corrective amount may be applied to the refund.
- (2) Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules under Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals <sup>(3)</sup>, as last amended by Regulation (EC) No 1431/2003 <sup>(4)</sup>, allows for the fixing of a corrective amount for the malt

referred to in Article 1(1)(c) of Regulation (EEC) No 1766/92. That corrective amount must be calculated taking account of the factors referred to in Article 1 of Regulation (EC) No 1501/95.

- (3) It follows from applying the provisions set out above that the corrective amount must be as set out in the Annex hereto.
- (4) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

*Article 1*

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

*Article 2*

This Regulation shall enter into force on 1 November 2003.

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

Done at Brussels, 31 October 2003.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ L 181, 1.7.1992, p. 21.

<sup>(2)</sup> OJ L 158, 28.6.2003, p. 1.

<sup>(3)</sup> OJ L 147, 30.6.1995, p. 7.

<sup>(4)</sup> OJ L 203, 12.8.2003, p. 16.

## ANNEX

**to the Commission Regulation of 31 October 2003 fixing the corrective amount applicable to the refund on malt**

(EUR/t)

| Product code    | Destination | Current<br>11 | 1st period<br>12 | 2nd period<br>1 | 3rd period<br>2 | 4th period<br>3 | 5th period<br>4 |
|-----------------|-------------|---------------|------------------|-----------------|-----------------|-----------------|-----------------|
| 1107 10 11 9000 | A00         | 0             | 0                | 0               | 0               | 0               | 0               |
| 1107 10 19 9000 | A00         | 0             | 0                | 0               | 0               | 0               | 0               |
| 1107 10 91 9000 | A00         | 0             | 0                | 0               | 0               | 0               | 0               |
| 1107 10 99 9000 | A00         | 0             | 0                | 0               | 0               | 0               | 0               |
| 1107 20 00 9000 | A00         | 0             | 0                | 0               | 0               | 0               | 0               |

(EUR/t)

| Product code    | Destination | 6th period<br>5 | 7th period<br>6 | 8th period<br>7 | 9th period<br>8 | 10th<br>period<br>9 | 11th<br>period<br>10 |
|-----------------|-------------|-----------------|-----------------|-----------------|-----------------|---------------------|----------------------|
| 1107 10 11 9000 | A00         | 0               | 0               | 0               | 0               | 0                   | 0                    |
| 1107 10 19 9000 | A00         | 0               | 0               | 0               | 0               | 0                   | 0                    |
| 1107 10 91 9000 | A00         | 0               | 0               | 0               | 0               | 0                   | 0                    |
| 1107 10 99 9000 | A00         | 0               | 0               | 0               | 0               | 0                   | 0                    |
| 1107 20 00 9000 | A00         | 0               | 0               | 0               | 0               | 0                   | 0                    |

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

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

**COMMISSION REGULATION (EC) No 1929/2003****of 31 October 2003****fixing the refunds applicable to cereal and rice sector products supplied as Community and national food aid**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

Whereas:

- (1) Article 2 of Council Regulation (EEC) No 2681/74 of 21 October 1974 on Community financing of expenditure incurred in respect of the supply of agricultural products as food aid <sup>(5)</sup> lays down that the portion of the expenditure corresponding to the export refunds on the products in question fixed under Community rules is to be charged to the European Agricultural Guidance and Guarantee Fund, Guarantee Section.
- (2) In order to make it easier to draw up and manage the budget for Community food aid actions and to enable the Member States to know the extent of Community participation in the financing of national food aid actions, the level of the refunds granted for these actions should be determined.

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

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

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

HAS ADOPTED THIS REGULATION:

*Article 1*

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

*Article 2*

This Regulation shall enter into force on 1 November 2003.

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

Done at Brussels, 31 October 2003.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ L 181, 1.7.1992, p. 21.

<sup>(2)</sup> OJ L 158, 27.6.2003, p. 1.

<sup>(3)</sup> OJ L 329, 30.12.1995, p. 18.

<sup>(4)</sup> OJ L 62, 5.3.2002, p. 27.

<sup>(5)</sup> OJ L 288, 25.10.1974, p. 1.

## ANNEX

**to the Commission Regulation of 31 October 2003 fixing the refunds applicable to cereal and rice sector products supplied as Community and national food aid**

| (EUR/t)         |        |
|-----------------|--------|
| Product code    | Refund |
| 1001 10 00 9400 | 0,00   |
| 1001 90 99 9000 | 0,00   |
| 1002 00 00 9000 | 0,00   |
| 1003 00 90 9000 | 0,00   |
| 1005 90 00 9000 | 0,00   |
| 1006 30 92 9100 | 151,00 |
| 1006 30 92 9900 | 151,00 |
| 1006 30 94 9100 | 151,00 |
| 1006 30 94 9900 | 151,00 |
| 1006 30 96 9100 | 151,00 |
| 1006 30 96 9900 | 151,00 |
| 1006 30 98 9100 | 151,00 |
| 1006 30 98 9900 | 151,00 |
| 1006 30 65 9900 | 151,00 |
| 1007 00 90 9000 | 0,00   |
| 1101 00 15 9100 | 0,00   |
| 1101 00 15 9130 | 0,00   |
| 1102 10 00 9500 | 0,00   |
| 1102 20 10 9200 | 36,50  |
| 1102 20 10 9400 | 31,28  |
| 1103 11 10 9200 | 0,00   |
| 1103 13 10 9100 | 46,93  |
| 1104 12 90 9100 | 0,00   |

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

**COMMISSION REGULATION (EC) No 1930/2003****of 31 October 2003****fixing the production refund on white sugar used in the chemical industry**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1260/2001 of 19 June 2001 on the common organisation of the markets in the sugar sector <sup>(1)</sup>, as amended by Commission Regulation (EC) No 680/2002 <sup>(2)</sup>, and in particular Article 7(5) thereof,

Whereas:

- (1) Pursuant to Article 7(3) of Regulation (EC) No 1260/2001, production refunds may be granted on the products listed in Article 1(1)(a) and (f) of that Regulation, on syrups listed in Article 1(1)(d) thereof and on chemically pure fructose covered by CN code 1702 50 00 as an intermediate product, that are in one of the situations referred to in Article 23(2) of the Treaty and are used in the manufacture of certain products of the chemical industry.
- (2) Commission Regulation (EC) No 1265/2001 of 27 June 2001 laying down detailed rules for the application of Council Regulation (EC) No 1260/2001 as regards granting the production refund on certain sugar products used in the chemical industry <sup>(3)</sup> lays down the rules for determining the production refunds and specifies the chemical products the basic products used in the manufacture of which attract a production refund. Articles 5, 6 and 7 of Regulation (EC) No 1265/2001 provide that the production refund applying to raw sugar, sucrose syrups and unprocessed isoglucose is to be derived from the refund fixed for white sugar in accordance with a method of calculation specific to each basic product.
- (3) Article 9 of Regulation (EC) No 1265/2001 provides that the production refund on white sugar is to be fixed at monthly intervals commencing on the first day of

each month. It may be adjusted in the intervening period where there is a significant change in the prices for sugar on the Community and/or world markets. The application of those provisions results in the production refund fixed in Article 1 of this Regulation for the period shown.

- (4) As a result of the amendment to the definition of white sugar and raw sugar in Article 1(2)(a) and (b) of Regulation (EC) No 1260/2001, flavoured or coloured sugars or sugars containing any other added substances are no longer deemed to meet those definitions and should thus be regarded as 'other sugar'. However, in accordance with Article 1 of Regulation (EC) No 1265/2001, they attract the production refund as basic products. A method should accordingly be laid down for calculating the production refund on these products by reference to their sucrose content.
- (5) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Sugar,

HAS ADOPTED THIS REGULATION:

*Article 1*

The production refund on white sugar referred to in Article 4 of Regulation (EC) No 1265/2001 shall be equal to 45,510 EUR/100 kg net.

*Article 2*

This Regulation shall enter into force on 1 November 2003.

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

Done at Brussels, 31 October 2003.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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

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

<sup>(3)</sup> OJ L 178, 30.6.2001, p. 63.



**COMMISSION REGULATION (EC) No 1931/2003  
of 31 October 2003**

**fixing the minimum selling prices for butter for the 129th individual invitation to tender under  
the standing invitation to tender provided for in Regulation (EC) No 2571/97**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1255/1999 of 17 May 1999 on the common organisation of the market in milk and milk products <sup>(1)</sup>, as last amended by Regulation (EC) No 1787/2003 <sup>(2)</sup>, and in particular Article 10 thereof,

Whereas:

- (1) The intervention agencies are, pursuant to Commission Regulation (EC) No 2571/97 of 15 December 1997 on the sale of butter at reduced prices and the granting of aid for cream, butter and concentrated butter for use in the manufacture of pastry products, ice-cream and other foodstuffs <sup>(3)</sup>, as last amended by Regulation (EC) No 635/2000 <sup>(4)</sup>, to sell by invitation to tender certain quantities of butter from intervention stocks that they hold and to grant aid for cream, butter and concentrated butter. Article 18 of that Regulation stipulates that in the light of the tenders received in response to each individual invitation to tender a minimum selling price shall be fixed for butter and maximum aid shall be fixed for cream, butter and concentrated butter. It is further stipulated that the price or aid may vary according to the intended use of the butter, its fat content and the incor-

poration procedure, and that a decision may also be taken to make no award in response to the tenders submitted. The amount(s) of the processing securities must be fixed accordingly.

- (2) The Management Committee for Milk and Milk Products has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

*Article 1*

The minimum selling prices of butter from intervention stocks and processing securities applying for the 129th individual invitation to tender, under the standing invitation to tender provided for in Regulation (EC) No 2571/97, shall be fixed as indicated in the Annex hereto.

No award shall be made as regards the sale of concentrated butter from intervention stocks.

*Article 2*

This Regulation shall enter into force on 1 November 2003.

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

Done at Brussels, 31 October 2003.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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

<sup>(2)</sup> OJ L 270, 21.10.2003, p. 1.

<sup>(3)</sup> OJ L 350, 20.12.1997, p. 3.

<sup>(4)</sup> OJ L 76, 25.3.2000, p. 9.

## ANNEX

**to the Commission Regulation of 31 October 2003 fixing the minimum selling prices for butter for the 129th individual invitation to tender under the standing invitation to tender provided for in Regulation (EC) No 2571/97**

(EUR/100 kg)

| Formula                 |                  |              | A            |                 | B            |                 |
|-------------------------|------------------|--------------|--------------|-----------------|--------------|-----------------|
| Incorporation procedure |                  |              | With tracers | Without tracers | With tracers | Without tracers |
| Minimum selling price   | Butter<br>≥ 82 % | Unaltered    | 220          | 217             | —            | —               |
|                         |                  | Concentrated | —            | —               | —            | —               |
| Processing security     |                  | Unaltered    | 126          | 126             | —            | —               |
|                         |                  | Concentrated | —            | —               | —            | —               |

**COMMISSION REGULATION (EC) No 1932/2003  
of 31 October 2003**

**fixing the maximum aid for cream, butter and concentrated butter for the 129th individual invitation to tender under the standing invitation to tender provided for in Regulation (EC) No 2571/97**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1255/1999 of 17 May 1999 on the common organisation of the market in milk and milk products <sup>(1)</sup>, as last amended by Regulation (EC) No 1787/2003 <sup>(2)</sup>, and in particular Article 10 thereof,

Whereas:

- (1) The intervention agencies are, pursuant to Commission Regulation (EC) No 2571/97 of 15 December 1997 on the sale of butter at reduced prices and the granting of aid for cream, butter and concentrated butter for use in the manufacture of pastry products, ice-cream and other foodstuffs <sup>(3)</sup>, as last amended by Regulation (EC) No 635/2000 <sup>(4)</sup>, to sell by invitation to tender certain quantities of butter of intervention stocks that they hold and to grant aid for cream, butter and concentrated butter. Article 18 of that Regulation stipulates that in the light of the tenders received in response to each individual invitation to tender a minimum selling price shall be fixed for butter and maximum aid shall be fixed for cream, butter and concentrated butter. It is further stipu-

lated that the price or aid may vary according to the intended use of the butter, its fat content and the incorporation procedure, and that a decision may also be taken to make no award in response to the tenders submitted. The amount(s) of the processing securities must be fixed accordingly.

- (2) The Management Committee for Milk and Milk Products has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

*Article 1*

The maximum aid and processing securities applying for the 129th individual invitation to tender, under the standing invitation to tender provided for in Regulation (EC) No 2571/97, shall be fixed as indicated in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 1 November 2003.

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

Done at Brussels, 31 October 2003.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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

<sup>(2)</sup> OJ L 270, 21.10.2003, p. 1.

<sup>(3)</sup> OJ L 350, 20.12.1997, p. 3.

<sup>(4)</sup> OJ L 76, 25.3.2000, p. 9.

## ANNEX

**to the Commission Regulation of 31 October 2003 fixing the maximum aid for cream, butter and concentrated butter for the 129th individual invitation to tender under the standing invitation to tender provided for in Regulation (EC) No 2571/97**

(EUR/100 kg)

| Formula                 |                     | A            |                 | B            |                 |
|-------------------------|---------------------|--------------|-----------------|--------------|-----------------|
| Incorporation procedure |                     | With tracers | Without tracers | With tracers | Without tracers |
| Maximum aid             | Butter $\geq$ 82 %  | 79           | 75              | —            | 71              |
|                         | Butter < 82 %       | 77           | 72              | —            | 72              |
|                         | Concentrated butter | 98           | 91              | 97           | 89              |
|                         | Cream               | —            | —               | 34           | 31              |
| Processing security     | Butter              | 91           | —               | —            | —               |
|                         | Concentrated butter | 113          | —               | 112          | —               |
|                         | Cream               | —            | —               | 39           | —               |

**COMMISSION REGULATION (EC) No 1933/2003  
of 31 October 2003**

**fixing the maximum aid for concentrated butter for the 301st special invitation to tender opened  
under the standing invitation to tender provided for in Regulation (EEC) No 429/90**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1255/1999 of 17 May 1999 on the common organisation of the market in milk and milk products <sup>(1)</sup>, as last amended by Regulation (EC) No 1787/2003 <sup>(2)</sup>, and in particular Article 10 thereof,

Whereas:

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

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

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

HAS ADOPTED THIS REGULATION:

*Article 1*

For the 301st special invitation to tender under the standing invitation to tender opened by Regulation (EEC) No 429/90, the maximum aid and the amount of the end-use security shall be as follows:

- |                     |                 |
|---------------------|-----------------|
| — maximum aid:      | EUR 97/100 kg,  |
| — end-use security: | EUR 112/100 kg. |

*Article 2*

This Regulation shall enter into force on 1 November 2003.

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

Done at Brussels, 31 October 2003.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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

<sup>(2)</sup> OJ L 270, 21.10.2003, p. 1.

<sup>(3)</sup> OJ L 45, 21.2.1990, p. 8.

<sup>(4)</sup> OJ L 16, 21.1.1999, p. 19.

**COMMISSION REGULATION (EC) No 1934/2003  
of 31 October 2003**

**fixing the minimum selling price for skimmed-milk powder for the 48th individual invitation to tender issued under the standing invitation to tender referred to in Regulation (EC) No 2799/1999**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1255/1999 of 17 May 1999 on the common organisation of the market in milk and milk products <sup>(1)</sup>, as last amended by Regulation (EC) No 1787/2003 <sup>(2)</sup>, and in particular Article 10 thereof,

Whereas:

- (1) Pursuant to Article 26 of Commission Regulation (EC) No 2799/1999 of 17 December 1999 laying down detailed rules for applying Council Regulation (EC) No 1255/1999 as regards the grant of aid for skimmed milk and skimmed-milk powder intended for animal feed and the sale of such skimmed-milk powder <sup>(3)</sup>, as last amended by Regulation (EC) No 2238/2002 <sup>(4)</sup>, intervention agencies have put up for sale by standing invitation to tender certain quantities of skimmed-milk powder held by them.
- (2) According to Article 30 of the said Regulation, in the light of the tenders received in response to each individual invitation to tender a minimum selling price shall be fixed or a decision shall be taken to make no award. The amount of the processing security shall also be fixed

taking account of the difference between the market price of skimmed-milk powder and the minimum selling price.

- (3) In the light of the tenders received, the minimum selling price should be fixed at the level specified below and the processing security determined accordingly.
- (4) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Milk and Milk Products,

HAS ADOPTED THIS REGULATION:

*Article 1*

For the 48th individual invitation to tender pursuant to Regulation (EC) No 2799/1999, in respect of which the time limit for the submission of tenders expired on 28 October 2003, the minimum selling price and the processing security are fixed as follows:

- |                          |                    |
|--------------------------|--------------------|
| — minimum selling price: | EUR 197,52/100 kg, |
| — processing security:   | EUR 52,00/100 kg.  |

*Article 2*

This Regulation shall enter into force on 1 November 2003.

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

Done at Brussels, 31 October 2003.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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

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

<sup>(3)</sup> OJ L 340, 31.12.1999, p. 3.

<sup>(4)</sup> OJ L 341, 17.12.2002, p. 11.

**COMMISSION REGULATION (EC) No 1935/2003  
of 31 October 2003**

**amending Regulation (EC) No 571/97 establishing detailed rules for the application in the pigmeat sector of the Interim Agreement on trade and trade-related measures between the European Community, the European Coal and Steel Community and the European Atomic Energy Community, of the one part, and the Republic of Slovenia, of the other part**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Decision 2003/452/EC of 26 May 2003 on the conclusion of a Protocol adjusting the trade aspects of the Europe Agreement establishing an association between the European Communities and their Member States, acting within the framework of the European Union, of the one part, and the Republic of Slovenia, of the other part, to take account of the outcome of negotiations between the parties on new mutual agricultural concessions <sup>(1)</sup>, and in particular Article 3 thereof,

Whereas:

- (1) Decision 2003/452/EC provides for fresh concessions, applicable from the date of entry into force of the Protocol, for imported pigmeat products originating in Slovenia. As of the same date it will repeal Council Regulation (EC) No 2475/2000 of 7 November 2000 establishing certain concessions in the form of Community tariff quotas for certain agricultural products and providing for an adjustment, as an autonomous and transitional measure, of certain agricultural concessions provided for in the Europe Agreement with Slovenia <sup>(2)</sup>.

- (2) The Annex to Commission Regulation (EC) No 571/97 <sup>(3)</sup>, as last amended by Regulation (EC) No 1006/2001 <sup>(4)</sup>, should be amended accordingly.

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

HAS ADOPTED THIS REGULATION:

*Article 1*

Annex I to Regulation (EC) No 571/97 is replaced by the Annex to this Regulation.

*Article 2*

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

It shall apply from 1 November 2003.

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

Done at Brussels, 31 October 2003.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ L 152, 20.6.2003, p. 22.

<sup>(2)</sup> OJ L 286, 11.11.2000, p. 15.

<sup>(3)</sup> OJ L 85, 27.3.1997, p. 56.

<sup>(4)</sup> OJ L 140, 24.5.2001, p. 13.

## ANNEX

## 'ANNEX I

**Reductions in the Common Customs Tariff duty**

| Order No | Group | CN code                        | Description <sup>(1)</sup>  | Applicable duty<br>(% of MFN) | Annual quantity<br>(tonnes) |
|----------|-------|--------------------------------|---|-------------------------------|-----------------------------|
| 09.4113  | 23    | 0210 11 31                     | Domestic swine hams and cuts thereof, with bone in, dried or smoked           | Free                          | 350                         |
| 09.4089  | 24    | ex 1601 00 91<br>ex 1601 00 99 | Sausages and similar products, of meat, offal or blood; other than of poultry | Free                          | 400                         |
| 09.4114  | 25    | 0210 19 81                     | Dried or smoked boneless domestic swine meat                                  | Free                          | 200                         |
| 09.4120  | 26    | ex 1601 00                     | Sausages and similar products, of meat, offal or blood; of poultry            | Free                          | 1 000                       |
| 09.4121  | SL    | 0210 12 19                     | Domestic swine bellies and cuts thereof, dried or smoked                      | Free                          | 200                         |

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



**COMMISSION REGULATION (EC) No 1936/2003**  
**of 31 October 2003**  
**fixing the import duties in the cereals sector**

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 <sup>(1)</sup>, as last amended by Regulation (EC) No 1104/2003 <sup>(2)</sup>,

Having regard to Commission Regulation (EC) No 1249/96 of 28 June 1996 laying down detailed rules for the application of Council Regulation (EEC) No 1766/92 as regards import duties in the cereals sector <sup>(3)</sup>, as last amended by Regulation (EC) No 1110/2003 <sup>(4)</sup>, and in particular Article 2(1) thereof,

Whereas:

- (1) Article 10 of Regulation (EEC) No 1766/92 provides that the rates of duty in the Common Customs Tariff are to be charged on import of the products referred to in Article 1 of that Regulation. However, in the case of the products referred to in paragraph 2 of that Article, the import duty is to be equal to the intervention price valid for such products on importation and increased by 55 %, minus the cif import price applicable to the consignment in question. However, that duty may not exceed the rate of duty in the Common Customs Tariff.
- (2) Pursuant to Article 10(3) of Regulation (EEC) No 1766/92, the cif import prices are calculated on the basis of the representative prices for the product in question on the world market.

- (3) Regulation (EC) No 1249/96 lays down detailed rules for the application of Council Regulation (EEC) No 1766/92 as regards import duties in the cereals sector.
- (4) The import duties are applicable until new duties are fixed and enter into force. They also remain in force in cases where no quotation is available for the reference exchange referred to in Annex II to Regulation (EC) No 1249/96 during the two weeks preceding the next periodical fixing.
- (5) In order to allow the import duty system to function normally, the representative market rates recorded during a reference period should be used for calculating the duties.
- (6) Application of Regulation (EC) No 1249/96 results in import duties being fixed as set out in the Annex to this Regulation,

HAS ADOPTED THIS REGULATION:

*Article 1*

The import duties in the cereals sector referred to in Article 10(2) of Regulation (EEC) No 1766/92 shall be those fixed in Annex I to this Regulation on the basis of the information given in Annex II.

*Article 2*

This Regulation shall enter into force on 1 November 2003.

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

Done at Brussels, 31 October 2003.

*For the Commission*

J. M. SILVA RODRÍGUEZ

*Agriculture Director-General*

<sup>(1)</sup> OJ L 181, 1.7.1992, p. 21.

<sup>(2)</sup> OJ L 158, 27.6.2003, p. 1.

<sup>(3)</sup> OJ L 161, 29.6.1996, p. 125.

<sup>(4)</sup> OJ L 158, 27.6.2003, p. 12.

## ANNEX I

**Import duties for the products covered by Article 10(2) of Regulation (EEC) No 1766/92**

| CN code       | Description                                     | Import duty <sup>(1)</sup><br>(EUR/tonne) |
|---------------|---|---|
| 1001 10 00    | Durum wheat high quality                        | 0,00                                      |
|               | medium quality                                  | 0,00                                      |
|               | low quality                                     | 0,00                                      |
| 1001 90 91    | Common wheat seed                               | 0,00                                      |
| ex 1001 90 99 | Common high quality wheat other than for sowing | 0,00                                      |
| 1002 00 00    | Rye   | 17,22                                     |
| 1005 10 90    | Maize seed other than hybrid                    | 42,28                                     |
| 1005 90 00    | Maize other than seed <sup>(2)</sup>            | 42,28                                     |
| 1007 00 90    | Grain sorghum other than hybrids for sowing     | 17,22                                     |

<sup>(1)</sup> For goods arriving in the Community via the Atlantic Ocean or via the Suez Canal (Article 2(4) of Regulation (EC) No 1249/96), the importer may benefit from a reduction in the duty of:

- EUR 3 per tonne, where the port of unloading is on the Mediterranean Sea, or
- EUR 2 per tonne, where the port of unloading is in Ireland, the United Kingdom, Denmark, Sweden, Finland or the Atlantic coasts of the Iberian peninsula.

<sup>(2)</sup> The importer may benefit from a flat-rate reduction of EUR 24 per tonne, where the conditions laid down in Article 2(5) of Regulation (EC) No 1249/96 are met.

## ANNEX II

**Factors for calculating duties**

(period from 17 October to 30 October 2003)

## 1. Averages over the two-week period preceding the day of fixing:

| Exchange quotations                   | Minneapolis   | Chicago | Minneapolis  | Minneapolis        | Minneapolis      | Minneapolis  |
|---------------------------------------|---------------|---------|--------------|--------------------|------------------|--------------|
| Product (% proteins at 12 % humidity) | HRS2. 14 %    | YC3     | HAD2         | Medium quality (*) | Low quality (**) | US barley 2  |
| Quotation (EUR/t)                     | 129,90 (****) | 77,63   | 166,92 (***) | 156,92 (***)       | 136,92 (***)     | 112,39 (***) |
| Gulf premium (EUR/t)                  | —             | 16,54   | —            | —                  | —                | —            |
| Great Lakes premium (EUR/t)           | 17,19         | —       | —            | —                  | —                | —            |

(\*) A discount of 10 EUR/t (Article 4(3) of Regulation (EC) No 1249/96).

(\*\*) A discount of 30 EUR/t (Article 4(3) of Regulation (EC) No 1249/96).

(\*\*\*) Fob Duluth.

(\*\*\*\*) Premium of 14 EUR/t incorporated (Article 4(3) of Regulation (EC) No 1249/96).

## 2. Averages over the two-week period preceding the day of fixing:

Freight/cost: Gulf of Mexico–Rotterdam: 22,02 EUR/t; Great Lakes–Rotterdam: 28,87 EUR/t.

3. Subsidy within the meaning of the third paragraph of Article 4(2) of Regulation (EC) No 1249/96: 0,00 EUR/t (HRW2)  
0,00 EUR/t (SRW2).

**COMMISSION REGULATION (EC) No 1937/2003**  
**of 31 October 2003**  
**determining the world market price for unginned cotton**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Protocol 4 on cotton, annexed to the Act of Accession of Greece, as last amended by Council Regulation (EC) No 1050/2001 <sup>(1)</sup>,

Having regard to Council Regulation (EC) No 1051/2001 of 22 May 2001 on production aid for cotton <sup>(2)</sup>, and in particular Article 4 thereof,

Whereas:

- (1) In accordance with Article 4 of Regulation (EC) No 1051/2001, a world market price for unginned cotton is to be determined periodically from the price for ginned cotton recorded on the world market and by reference to the historical relationship between the price recorded for ginned cotton and that calculated for unginned cotton. That historical relationship has been established in Article 2(2) of Commission Regulation (EC) No 1591/2001 of 2 August 2001 <sup>(3)</sup>, as amended by Regulation (EC) No 1486/2002 <sup>(4)</sup>. Where the world market price cannot be determined in this way, it is to be based on the most recent price determined.
- (2) In accordance with Article 5 of Regulation (EC) No 1051/2001, the world market price for unginned cotton is to be determined in respect of a product of specific characteristics and by reference to the most favourable

offers and quotations on the world market among those considered representative of the real market trend. To that end, an average is to be calculated of offers and quotations recorded on one or more European exchanges for a product delivered cif to a port in the Community and coming from the various supplier countries considered the most representative in terms of international trade. However, there is provision for adjusting the criteria for determining the world market price for ginned cotton to reflect differences justified by the quality of the product delivered and the offers and quotations concerned. Those adjustments are specified in Article 3(2) of Regulation (EC) No 1591/2001.

- (3) The application of the above criteria gives the world market price for unginned cotton determined hereinafter,

HAS ADOPTED THIS REGULATION:

*Article 1*

The world price for unginned cotton as referred to in Article 4 of Regulation (EC) No 1051/2001 is hereby determined as equalling EUR 35,867/100 kg.

*Article 2*

This Regulation shall enter into force on 1 November 2003.

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

Done at Brussels, 31 October 2003.

*For the Commission*

J. M. SILVA RODRÍGUEZ

*Agriculture Director-General*

<sup>(1)</sup> OJ L 148, 1.6.2001, p. 1.

<sup>(2)</sup> OJ L 148, 1.6.2001, p. 3.

<sup>(3)</sup> OJ L 210, 3.8.2001, p. 10.

<sup>(4)</sup> OJ L 223, 20.8.2002, p. 3.

## COMMISSION REGULATION (EC) No 1938/2003

of 31 October 2003

**fixing the rates of the refunds applicable to certain milk products exported in the form of goods not covered by Annex I to the Treaty**

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 15 May 1999 on the common organisation of the market in milk and milk products <sup>(1)</sup>, as last amended by Regulation (EC) No 1787/2003 <sup>(2)</sup>, and in particular Article 31(3) thereof,

Whereas:

- (1) Article 31(1) of Regulation (EC) No 1255/1999 provides that the difference between prices in international trade for the products listed in Article 1(a), (b), (c), (d), (e), and (g) of that Regulation and prices within the Community may be covered by an export refund. Commission Regulation (EC) No 1520/2000 of 13 July 2000 laying down common implementing rules for granting export refunds on certain agricultural products exported in the form of goods not covered by Annex I to the Treaty, and criteria for fixing the amount of such refunds <sup>(3)</sup>, as last amended by Regulation (EC) No 740/2003 <sup>(4)</sup>, specifies the products for which a rate of refund should be fixed, to be applied where these products are exported in the form of goods listed in Annex II to Regulation (EC) No 1255/1999.
- (2) In accordance with the first subparagraph of Article 4(1) of Regulation (EC) No 1520/2000, the rate of the refund per 100 kilograms for each of the basic products in question must be fixed for each month.
- (3) Article 4(3) of Regulation (EC) No 1520/2000 provides that, when the rate of the refund is being fixed, account should be taken, where necessary, of production refunds, aids or other measures having equivalent effect applicable in all Member States in accordance with the Regulation on the common organisation of the market in the product in question to the basic products listed in Annex A to that Regulation or to assimilated products.

- (4) Article 12(1) of Regulation (EC) No 1255/1999 provides for the payment of aid for Community-produced skimmed milk processed into casein if such milk and the casein manufactured from it fulfil certain conditions.

- (5) Commission Regulation (EC) No 2571/97 of 15 December 1997 on the sale of butter at reduced prices and the granting of aid for cream, butter and concentrated butter for use in the manufacture of pastry products, ice cream and other foodstuffs <sup>(5)</sup>, as last amended by Regulation (EC) No 635/2000 <sup>(6)</sup>, lays down that butter and cream at reduced prices should be made available to industries which manufacture certain goods.

- (6) In accordance with Council Regulation (EC) No 1039/2003 of 2 June 2003 adopting autonomous and transitional measures concerning the importation of certain processed agricultural products originating in Estonia and the exportation of certain agricultural products to Estonia <sup>(7)</sup>, Council Regulation (EC) No 1086/2003 of 18 June 2003 adopting autonomous and transitional measures concerning the importation of certain processed agricultural products originating in Slovenia and the exportation of certain processed agricultural products to Slovenia <sup>(8)</sup>, Council Regulation (EC) No 1087/2003 of 18 June 2003 adopting autonomous and transitional measures concerning the importation of certain processed agricultural products originating in Latvia and the exportation of certain processed agricultural products to Latvia <sup>(9)</sup>, Council Regulation (EC) No 1088/2003 of 18 June 2003 adopting autonomous and transitional measures concerning the importation of certain processed agricultural products originating in Lithuania and the exportation of certain processed agricultural products to Lithuania <sup>(10)</sup>, Council Regulation (EC) No 1089/2003 of 18 June 2003 adopting autonomous and transitional measures concerning the importation of certain processed agricultural products originating in the Slovak Republic and the exportation of certain processed agricultural products to the Slovak Republic <sup>(11)</sup> and Council Regulation (EC) No 1090/2003 of 18 June 2003 adopting autonomous and transitional measures concerning the importation of certain processed agricultural products originating in the Czech Republic and the exportation of certain processed agricultural products to the Czech Republic <sup>(12)</sup> with effect from 1 July 2003, processed agricultural products not listed in Annex I to the Treaty which are exported to Estonia, Slovenia, Latvia, Lithuania, Slovakia or Czech Republic are not eligible for export refunds.

<sup>(1)</sup> OJ L 160, 26.6.1999, p. 48.<sup>(2)</sup> OJ L 270, 21.10.2003, p. 121.<sup>(3)</sup> OJ L 177, 15.7.2000, p. 1.<sup>(4)</sup> OJ L 106, 29.4.2003, p. 12.<sup>(5)</sup> OJ L 350, 20.12.1997, p. 3.<sup>(6)</sup> OJ L 76, 25.3.2000, p. 9.<sup>(7)</sup> OJ L 151, 19.6.2003, p. 1.<sup>(8)</sup> OJ L 163, 1.7.2003, p. 1.<sup>(9)</sup> OJ L 163, 1.7.2003, p. 19.<sup>(10)</sup> OJ L 163, 1.7.2003, p. 38.<sup>(11)</sup> OJ L 163, 1.7.2003, p. 56.<sup>(12)</sup> OJ L 163, 1.7.2003, p. 73.

- (7) In accordance with Council Regulation (EC) No 999/2003 of 2 June 2003 adopting autonomous and transitional measures concerning the import of certain processed agricultural products originating in Hungary and the export of certain processed agricultural products to Hungary <sup>(1)</sup>, with effect from 1 July 2003, the goods referred to in its Article 1(2) which are exported to Hungary shall not be eligible for export refunds.
- (8) In accordance with Council Regulation (EC) No 1890/2003 of 27 October 2003 adopting autonomous and transitional measures concerning the importation of certain processed agricultural products originating in Malta and the exportation of certain processed agricultural products to Malta <sup>(2)</sup>, with effect from 1 November 2003, processed agricultural products not listed in Annex I to the Treaty which are exported to Malta, shall not be eligible for export refunds.
- (9) It is necessary to ensure continuity of strict management taking account of expenditure forecasts and funds available in the budget.
- (10) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Milk and Milk Products,
- HAS ADOPTED THIS REGULATION:
- Article 1*
1. The rates of the refunds applicable to the basic products appearing in Annex A to Regulation (EC) No 1520/2000 and listed in Article 1 of Regulation (EC) No 1255/1999, and exported in the form of goods listed in Annex II to Regulation (EC) No 1255/1999, are fixed as set out in the Annex to this Regulation.
2. No rates of refund are fixed for any of the products referred to in paragraph 1 which are not listed in the Annex to this Regulation.
- Article 2*
- This Regulation shall enter into force on 1 November 2003.

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

Done at Brussels, 31 October 2003.

*For the Commission*

Erkki LIIKANEN

*Member of the Commission*

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<sup>(1)</sup> OJ L 146, 13.6.2003, p. 10.

<sup>(2)</sup> OJ L 278, 29.10.2003, p. 1.

## ANNEX

**Rates of the refunds applicable from 1 November 2003 to certain milk products exported in the form of goods not covered by Annex I to the Treaty**

|               |   | (EUR/100 kg)                  |
|---------------|---|-------------------------------|
| CN code       | Description   | Rate of refund <sup>(1)</sup> |
| ex 0402 10 19 | Powdered milk, in granules or other solid forms, not containing added sugar or other sweetening matter, with a fat content not exceeding 1,5 % by weight (PG 2):                |                               |
|               | (a) on exportation of goods of CN code 3501   | —                             |
|               | (b) on exportation of other goods   | 57,00                         |
| ex 0402 21 19 | Powdered milk, in granules or other solid forms, not containing added sugar or other sweetening matter, with a fat content of 26 % by weight (PG 3):                            |                               |
|               | (a) where goods incorporating, in the form of products assimilated to PG 3, reduced-price butter or cream obtained pursuant to Regulation (EC) No 2571/97 are exported          | 71,67                         |
|               | (b) on exportation of other goods   | 98,00                         |
| ex 0405 10    | Butter, with a fat content by weight of 82 % (PG 6):  |                               |
|               | (a) where goods containing reduced-price butter or cream which have been manufactured in accordance with the conditions provided for in Regulation (EC) No 2571/97 are exported | 93,00                         |
|               | (b) on exportation of goods of CN code 2106 90 98 containing 40 % or more by weight of milk fat   | 185,25                        |
|               | (c) on exportation of other goods   | 178,00                        |

<sup>(1)</sup> With effect from 1 July 2003 these rates are not applicable to goods not covered by Annex I to the Treaty when exported to the Czech Republic, Estonia, Latvia, Lithuania, Slovakia or Slovenia, and to the goods referred to in Article 1(2) of Regulation (EC) No 999/2003 when exported to Hungary. With effect from 1 November 2003 these rates are not applicable to goods not covered by Annex I to the Treaty when exported to Malta.



## COMMISSION REGULATION (EC) No 1939/2003

of 31 October 2003

**fixing the rates of the refunds applicable to eggs and egg yolks exported in the form of goods not covered by Annex I to the Treaty**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2771/75 of 29 October 1975 on the common organisation of the market in eggs <sup>(1)</sup>, as last amended by Regulation (EC) No 806/2003 <sup>(2)</sup>, and in particular Article 8(3) thereof,

Whereas:

(1) Article 8(1) of Regulation (EEC) No 2771/75 provides that the difference between prices in international trade for the products listed in Article 1(1) of that Regulation and prices within the Community may be covered by an export refund where these goods are exported in the form of goods listed in the Annex to that Regulation. Commission Regulation (EC) No 1520/2000 of 13 July 2000 laying down common detailed rules for the application of the system of granting export refunds on certain agricultural products exported in the form of goods not covered by Annex I to the Treaty, and the criteria for fixing the amount of such refunds <sup>(3)</sup>, as last amended by Regulation (EC) No 740/2003 <sup>(4)</sup>, specifies the products for which a rate of refund should be fixed, to be applied where these products are exported in the form of goods listed in Annex I to Regulation (EEC) No 2771/75.

(2) In accordance Article 4(1) of Regulation (EC) No 1520/2000, the rate of the refund per 100 kilograms for each of the basic products in question must be fixed for a period of the same duration as that for which refunds are fixed for the same products exported unprocessed.

(3) Article 11 of the Agreement on Agriculture concluded under the Uruguay Round lays down that the export refund for a product contained in a good may not exceed the refund applicable to that product when exported without further processing.

(4) In accordance with Council Regulation (EC) No 1039/2003 of 2 June 2003 adopting autonomous and transitional measures concerning the importation of certain processed agricultural products originating in Estonia and the exportation of certain agricultural products to Estonia <sup>(5)</sup>, Council Regulation (EC) No 1086/2003 of 18 June 2003 adopting autonomous and transitional measures concerning the importation of certain processed agricultural products originating in Slovenia and the exportation of certain processed agricultural products to Slovenia <sup>(6)</sup>, Council Regulation (EC) No 1087/2003 of 18 June 2003 adopting autonomous and transitional measures concerning the importation of certain processed agricultural products originating in Latvia and the exportation of certain processed agricultural products to Latvia <sup>(7)</sup>, Council Regulation (EC) No 1088/2003 of 18 June 2003 adopting autonomous and transitional measures concerning the importation of certain processed agricultural products originating in Lithuania and the exportation of certain processed agricultural products to Lithuania <sup>(8)</sup>, Council Regulation (EC) No 1089/2003 of 18 June 2003 adopting autonomous and transitional measures concerning the importation of certain processed agricultural products originating in the Slovak Republic and the exportation of certain processed agricultural products to the Slovak Republic <sup>(9)</sup> and Council Regulation (EC) No 1090/2003 of 18 June 2003 adopting autonomous and transitional measures concerning the importation of certain processed agricultural products originating in the Czech Republic and the exportation of certain processed agricultural products to the Czech Republic <sup>(10)</sup> with effect from 1 July 2003, processed agricultural products not listed in Annex I to the Treaty which are exported to Estonia, Slovenia, Latvia, Lithuania, Slovakia or the Czech Republic are not eligible for export refunds.

(5) In accordance with Council Regulation (EC) No 999/2003 of 2 June 2003 adopting autonomous and transitional measures concerning the import of certain processed agricultural products originating in Hungary and the export of certain processed agricultural products to Hungary <sup>(11)</sup>, with effect from 1 July 2003, the goods referred to in its Article 1(2) which are exported to Hungary shall not be eligible for export refunds.

<sup>(1)</sup> OJ L 282, 1.11.1975, p. 49.

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

<sup>(3)</sup> OJ L 177, 15.7.2000, p. 1.

<sup>(4)</sup> OJ L 106, 29.4.2003, p. 16.

<sup>(5)</sup> OJ L 151, 19.6.2003, p. 1.

<sup>(6)</sup> OJ L 163, 1.7.2003, p. 1.

<sup>(7)</sup> OJ L 163, 1.7.2003, p. 19.

<sup>(8)</sup> OJ L 163, 1.7.2003, p. 38.

<sup>(9)</sup> OJ L 163, 1.7.2003, p. 56.

<sup>(10)</sup> OJ L 163, 1.7.2003, p. 73.

<sup>(11)</sup> OJ L 146, 13.6.2003, p. 10.



- (6) In accordance with Council Regulation (EC) No 1890/2003 of 27 October 2003 adopting autonomous and transitional measures concerning the importation of certain processed agricultural products originating in Malta and the exportation of certain processed agricultural products to Malta <sup>(1)</sup>, with effect from 1 November 2003, processed agricultural products not listed in Annex I to the Treaty which are exported to Malta are not eligible for export refunds.
- (7) It is necessary to ensure continuity of strict management taking account of expenditure forecasts and funds available in the budget.
- (8) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Poultrymeat and Eggs,

HAS ADOPTED THIS REGULATION:

*Article 1*

The rates of the refunds applicable to the basic products listed in Annex A to Regulation (EC) No 1520/2000 and in Article 1(1) of Regulation (EEC) No 2771/75, exported in the form of goods listed in Annex I to Regulation (EEC) No 2771/75, are fixed as set out in the Annex to this Regulation.

*Article 2*

This Regulation shall enter into force on 1 November 2003.

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

Done at Brussels, 31 October 2003.

*For the Commission*

Erkki LIIKANEN

*Member of the Commission*

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<sup>(1)</sup> OJ L 278, 29.10.2003, p. 1.

## ANNEX

**Rates of the refunds applicable from 1 November 2003 to eggs and egg yolks exported in the form of goods not covered by Annex I to the Treaty**

| (EUR/100 kg)  |   |                            |                               |
|---------------|---|----------------------------|-------------------------------|
| CN code       | Description   | Destination <sup>(1)</sup> | Rate of refund <sup>(2)</sup> |
| 0407 00       | Birds' eggs, in shell, fresh, preserved or cooked:  |                            |                               |
|               | – Of poultry:   |                            |                               |
| 0407 00 30    | – – Other:  |                            |                               |
|               | (a) On exportation of ovalbumin of CN codes 3502 11 90 and 3502 19 90   | 02                         | 6,00                          |
|               |   | 03                         | 25,00                         |
|               |   | 04                         | 3,00                          |
|               | (b) On exportation of other goods   | 01                         | 3,00                          |
| 0408          | Birds' eggs, not in shell and egg yolks, fresh, dried, cooked by steaming or by boiling in water, moulded, frozen or otherwise preserved, whether or not containing added sugar or other sweetening matter: |                            |                               |
|               | – Egg yolks:  |                            |                               |
| 0408 11       | – – Dried:  |                            |                               |
| ex 0408 11 80 | – – – Suitable for human consumption:   |                            |                               |
|               | not sweetened   | 01                         | 40,00                         |
| 0408 19       | – – Other:  |                            |                               |
|               | – – – Suitable for human consumption:   |                            |                               |
| ex 0408 19 81 | – – – – Liquid:   |                            |                               |
|               | not sweetened   | 01                         | 20,00                         |
| ex 0408 19 89 | – – – – Frozen:   |                            |                               |
|               | not sweetened   | 01                         | 20,00                         |
|               | – Other:  |                            |                               |
| 0408 91       | – – Dried:  |                            |                               |
| ex 0408 91 80 | – – – Suitable for human consumption:   |                            |                               |
|               | not sweetened   | 01                         | 75,00                         |
| 0408 99       | – – Other:  |                            |                               |
| ex 0408 99 80 | – – – Suitable for human consumption:   |                            |                               |
|               | not sweetened   | 01                         | 19,00                         |

<sup>(1)</sup> The destinations are as follows:

01 Third countries,

02 Kuwait, Bahrain, Oman, Qatar, United Arab Emirates, Yemen, Turkey, Hong Kong SAR and Russia,

03 South Korea, Japan, Malaysia, Thailand, Taiwan and the Philippines,

04 All destinations except Switzerland and those of 02 and 03.

<sup>(2)</sup> With effect from 1 July 2003 these rates are not applicable to goods not covered by Annex I to the Treaty when exported to the Czech Republic, Estonia, Latvia, Lithuania, Slovakia or Slovenia, and to the goods referred to in Article 1(2) of Regulation (EC) No 999/2003 when exported to Hungary. With effect from 1 November 2003 these rates are not applicable to goods not covered by Annex I to the Treaty when exported to Malta.

**COMMISSION REGULATION (EC) No 1940/2003**  
**of 30 October 2003**  
**prohibiting fishing for orange roughy by vessels flying the flag of France**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2847/93 of 12 October 1993 establishing a control system applicable to the common fisheries policy <sup>(1)</sup>, as last amended by Regulation (EC) No 806/2003 <sup>(2)</sup>, and in particular Article 21(3) thereof,

Whereas:

- (1) Council Regulation (EC) No 2340/2002 of 16 December 2002 fixing for 2003 and 2004 the fishing opportunities for deep-sea fish stocks <sup>(3)</sup> lays down quotas for orange roughy for 2003.
- (2) In order to ensure compliance with the provisions relating to the quantity limits on catches of stocks subject to quotas, the Commission must fix the date by which catches made by vessels flying the flag of a Member State are deemed to have exhausted the quota allocated.
- (3) According to the information received by the Commission, catches of orange roughy in the waters of ICES zone VI (Community waters and waters not falling under the sovereignty or within the jurisdiction of third countries) by vessels flying the flag of France or registered in France have exhausted the quota allocated for 2003.

France has prohibited fishing for this stock from 20 October 2003. This date should be adopted in this Regulation also,

HAS ADOPTED THIS REGULATION:

*Article 1*

Catches of orange roughy in the waters of ICES zone VI (Community waters and waters not falling under the sovereignty or within the jurisdiction of third countries) by vessels flying the flag of France or registered in France are hereby deemed to have exhausted the quota allocated to France for 2003.

Fishing for orange roughy in the waters of ICES zone VI (Community waters and waters not falling under the sovereignty or within the jurisdiction of third countries) by vessels flying the flag of France or registered in France is hereby prohibited, as are the retention on board, transshipment and landing of this stock caught by the above vessels after the date of application of this Regulation.

*Article 2*

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

It shall apply from 20 October 2003.

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

Done at Brussels, 30 October 2003.

*For the Commission*  
Jörgen HOLMQUIST  
*Director-General for Fisheries*

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

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

<sup>(3)</sup> OJ L 356, 31.12.2002, p. 12.

**COMMISSION DIRECTIVE 2003/100/EC**  
**of 31 October 2003**

**amending Annex I to Directive 2002/32/EC of the European Parliament and of the Council on**  
**undesirable substances in animal feed**

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Directive 2002/32/EC of the European Parliament and of the Council of 7 May 2002 on undesirable substances in animal feed <sup>(1)</sup>, as amended by Commission Directive 2003/57/EC <sup>(2)</sup>, and in particular Article 8(1) thereof,

Whereas:

- (1) Directive 2002/32/EC provides that the use of products intended for animal feed which contain levels of undesirable substances exceeding the maximum levels laid down in Annex I thereto is prohibited.
- (2) When Directive 2002/32/EC was adopted, it was stated that the provisions laid down in Annex I would be reviewed on the basis of updated scientific risk assessments and taking into account the prohibition of any dilution of contaminated non-complying products intended for animal feed.
- (3) The Scientific Committee for Animal Nutrition (SCAN) was accordingly requested to provide updated scientific risk assessments without delay. SCAN adopted an opinion on undesirable substances in feed on 20 February 2003, which was updated on 25 April 2003. That opinion provides a comprehensive overview of the possible risks for animal and public health as the consequence of the presence of different undesirable substances in animal feed.
- (4) SCAN nevertheless acknowledged that additional detailed risk assessments are necessary to permit a complete review of Annex I to Directive 2002/32/EC. Since May 2003, the European Food Safety Authority (EFSA) has taken over from the European Commission the responsibility for the scientific assessment of feed and food safety issues. EFSA has been asked to carry out those detailed risk assessments.
- (5) In the meantime, it has been pointed out that the supply of some essential and valuable feed materials could be endangered because the level of an undesirable substance in some feed materials due to normal background contamination is close to or exceeds the maximum level laid down in the Annex I to Directive 2002/32/EC. Also some inconsistencies have been found between the provisions of the Annex.

- (6) The Annex should therefore be amended on a provisional basis, pending the detailed scientific risk assessments, maintaining a high level of protection for public and animal health and the environment.
- (7) With a view to maintaining such a high level of protection for public and animal health and the environment, it is acknowledged that if feed materials are fed directly to the animals or if complementary feedingstuffs are used, their use in a daily ration should not lead to the animal being exposed to a higher level of an undesirable substance than the corresponding maximum levels of exposure where only complete feedingstuffs are used in a daily ration.
- (8) SCAN confirms that arsenic in its organic forms has a limited toxicity. The determination of total arsenic in feed may, therefore, not always accurately reflect the risk posed by the inorganic forms. However, organic and inorganic forms of arsenic can be distinguished only by a complex method of analysis, which is not readily applicable in the framework of official controls. It is therefore appropriate for the maximum levels to refer to total arsenic with the residual possibility to require more detailed analysis particularly in case of the presence of *Hizikia fusiforme*. In the absence of a Community method of analysis for the determination of total arsenic, it is necessary to prove the satisfactory performance of the used sample treatment procedure and method of analysis by making use of certified reference materials, containing a significant part of the arsenic in its organic form.
- (9) It is also necessary to take account of the fact that more than 95 % of the arsenic present in feed materials of marine origin is in the less toxic organic forms and of recent developments in formulating fish feed incorporating higher ratios of fish oil and fishmeal.
- (10) The current maximum levels for arsenic, lead and fluorine in some mineral feed materials do not reflect the current normal background contamination levels. Given the low bioavailability of these undesirable substances in mineral feedingstuffs, it is appropriate to ensure that those essential and valuable feed materials can be supplied without endangering animal and public health and the environment.

<sup>(1)</sup> OJ L 140, 30.5.2002, p. 10.

<sup>(2)</sup> OJ L 151, 19.6.2003, p. 38.

- (11) Aflatoxin B1 is a genotoxic carcinogen which is detected in milk in the form of its metabolite aflatoxin M1. It is appropriate to keep the maximum levels for aflatoxin as low as reasonably achievable in order to protect public health. Proper handling and drying practices can keep the aflatoxin levels in the different feed materials low, and efficient decontamination procedures exist to reduce levels of the aflatoxin B1. It is appropriate that the same maximum level of aflatoxin B1 should apply to all feed materials.
- (12) Whole cottonseed contains high levels of free gossypol as natural constituent. It is therefore appropriate to set specific maximum limits for free gossypol in whole cottonseed.
- (13) The measures provided for in this Directive are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS DIRECTIVE:

*Article 1*

Annex I to Directive 2002/32/EC is hereby amended in accordance with the Annex to this Directive.

*Article 2*

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive 12 months after its entry into force at the latest. They

shall forthwith communicate to the Commission the text of those provisions and a correlation table between those provisions and this Directive.

When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

2. Member States shall communicate to the Commission the texts of the provisions of national law which they adopt in the field covered by this Directive.

*Article 3*

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

*Article 4*

This Directive is addressed to the Member States.

Done at Brussels, 31 October 2003.

*For the Commission*

David BYRNE

*Member of the Commission*

## ANNEX

Annex I to Directive 2002/32/EC is amended as follows:

1. Points 1, 2 and 3 are replaced by the following:

| Undesirable substances    | Products intended for animal feed  | Maximum content in mg/kg (ppm) relative to a feedingstuff with a moisture content of 12 % |
|---------------------------|--|---|
| (1)                       | (2)  | (3)   |
| 1. Arsenic <sup>(8)</sup> | Feed materials with the exception of:  | 2   |
|                           | — meal made from grass, from dried lucerne and from dried clover, and dried sugar beet pulp and dried molasses sugar beet pulp | 4   |
|                           | — palm kernel expeller   | 4 <sup>(9)</sup>  |
|                           | — phosphates and calcareous marine algae   | 10  |
|                           | — calcium carbonate  | 15  |
|                           | — magnesium oxide  | 20  |
|                           | — feedingstuffs obtained from the processing of fish or other marine animals   | 15 <sup>(9)</sup>   |
|                           | — seaweed meal and feed materials derived from seaweed   | 40 <sup>(9)</sup>   |
|                           | Complete feedingstuffs with the exception of:  | 2   |
|                           | — complete feedingstuffs for fish and complete feedingstuffs for fur animals   | 6 <sup>(9)</sup>  |
|                           | Complementary feedingstuffs with the exception of:   | 4   |
|                           | — mineral feedingstuffs  | 12  |
|                           | 2. Lead  | 10  |
|                           | Feed materials with the exception of:  | 40  |
| 2. Lead                   | — green fodder   | 40  |
|                           | — phosphates and calcareous marine algae   | 15  |
|                           | — calcium carbonate  | 20  |
|                           | — yeasts   | 5   |
|                           | Complete feedingstuffs   | 5   |
|                           | Complementary feedingstuffs with the exception of:   | 10  |
|                           | — mineral feedingstuffs  | 15  |
|                           | 3. Fluorine  | 150   |
|                           | Feed materials with the exception of:  | 500   |
|                           | — feedingstuffs of animal origin with the exception of marine crustaceans such as marine krill                                 | 500   |
|                           | — phosphates and marine crustaceans such as marine krill   | 2 000   |
|                           | — calcium carbonate  | 350   |
|                           | — magnesium oxide  | 600   |
|                           | — calcareous marine algae  | 1 000   |
| 3. Fluorine               | Complete feedingstuffs with the exception of:  | 150   |
|                           | — complete feedingstuffs for cattle, sheep and goats   |   |
|                           | — in lactation   | 30  |
|                           | — other  | 50  |

| Undesirable substances | Products intended for animal feed            | Maximum content in mg/kg (ppm) relative to a feedingstuff with a moisture content of 12 % |
|------------------------|--|---|
| (1)                    | (2)  | (3)   |
|                        | — complete feedingstuffs for pigs            | 100   |
|                        | — complete feedingstuffs for poultry         | 350   |
|                        | — complete feedingstuffs for chicks          | 250   |
|                        | Mineral mixtures for cattle, sheep and goats | 2 000 <sup>(1)</sup>  |
|                        | Other complementary feedingstuffs            | 125 <sup>(2)</sup>  |

<sup>(1)</sup> Member States may also prescribe a maximum fluorine content of 1,25 % of the phosphate content.

<sup>(2)</sup> Fluorine content per 1 % phosphorus.

<sup>(3)</sup> The maximum levels refer to total arsenic.

<sup>(9)</sup> Upon request of the competent authorities, the responsible operator must perform an analysis to demonstrate that the content of inorganic arsenic is lower than 2 ppm. This analysis is of particular importance for the seaweed species *Hizikia fusiforme*.

2. Point 7 is replaced by the following:

| Undesirable substances | Products intended for animal feed  | Maximum content in mg/kg (ppm) relative to a feedingstuff with a moisture content of 12 % |
|------------------------|--|---|
| (1)                    | (2)  | (3)   |
| '7. Aflatoxin B1       | All feed materials   | 0,02  |
|                        | Complete feedingstuffs for cattle, sheep and goats with the exception of:  | 0,02  |
|                        | — complete feedingstuffs for dairy animals   | 0,005   |
|                        | — complete feedingstuffs for calves and lambs  | 0,01  |
|                        | Complete feedingstuffs for pigs and poultry (except young animals)   | 0,02  |
|                        | Other complete feedingstuffs   | 0,01  |
|                        | Complementary feedingstuffs for cattle, sheep and goats (except complementary feedingstuffs for dairy animals, calves and lambs) | 0,02  |
|                        | Complementary feedingstuffs for pigs and poultry (except young animals)  | 0,02  |
|                        | Other complementary feedingstuffs  | 0,005'  |

3. Point 9 is replaced by the following:

| Undesirable substances | Products intended for animal feed                                    | Maximum content in mg/kg (ppm) relative to a feedingstuff with a moisture content of 12 % |
|------------------------|--|---|
| (1)                    | (2)  | (3)   |
| '9. Free gossypol      | Feed materials with the exception of:                                | 20  |
|                        | — cottonseed   | 5 000   |
|                        | — cottonseed cakes and cottonseed meal                               | 1 200   |
|                        | Complete feedingstuffs with the exception of:                        | 20  |
|                        | — complete feedingstuffs for cattle, sheep and goats                 | 500   |
|                        | — complete feedingstuffs for poultry (except laying hens) and calves | 100   |
|                        | — complete feedingstuffs for rabbits and pigs (except piglets)       | 60'   |

4. Point 22 is replaced by the following:

| Undesirable substances   | Products intended for animal feed  | Maximum content in mg/kg (ppm) relative to a feedingstuff with a moisture content of 12 % |
|--|--|---|
| (1)  | (2)  | (3)   |
| '22. Endosulfan (sum of alpha- and beta-isomers and of endosulfansulphate expressed as endosulfan) | All feedingstuffs with the exception of:<br>— maize and products derived from the processing thereof<br>— oilseeds and products derived from the processing thereof<br>— complete feedingstuffs for fish | 0,1<br>0,2<br>0,5<br>0,005'   |



## II

(Acts whose publication is not obligatory)

## COMMISSION

## COMMISSION DECISION

of 31 October 2003

**laying down animal health requirements and the veterinary certification for the import of animal casings from third countries**

(notified under document number C(2003) 3988)

(Text with EEA relevance)

(2003/779/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 92/118/EEC of 17 December 1992 laying down animal health and public health requirements governing trade in and imports into the Community of products not subject to the said requirements laid down in specific Community rules referred to in Annex A(1) to Directive 89/662/EEC and, as regards pathogens, to Directive 90/425/EEC <sup>(1)</sup>, as last amended by Commission Decision 2003/721/EC <sup>(2)</sup>, and in particular Article 10(2)(a) and (c) thereof,

Whereas:

- (1) Commission Decision 94/187/EC of 18 March 1994 laying down animal health requirements and the veterinary certification for the import of animal casings from third countries <sup>(3)</sup> has been substantially amended several times <sup>(4)</sup>. In the interests of clarity and rationality, the said Decision should be codified.
- (2) Annex I(2) to Directive 92/118/EEC allows the importation from any third country of animal casings which have undergone a prescribed treatment.
- (3) The animal health conditions and veterinary certification must be laid down in order to guarantee that the prescribed treatment of the casings is carried out.
- (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*

Member States shall authorise the importation from any third country of animal casings accompanied by a health certificate as laid down in Annex I, which shall consist of one sheet and shall be completed in at least one official language of the Member State carrying out the import control.

*Article 2*

Decision 94/187/EC is repealed.

References to the repealed Decision shall be construed as references to this Decision and read in accordance with the correlation table in Annex III.

*Article 3*

This Decision is addressed to the Member States.

Done at Brussels, 31 October 2003.

*For the Commission*

David BYRNE

*Member of the Commission*

<sup>(1)</sup> OJ L 62, 15.3.1993, p. 49.

<sup>(2)</sup> OJ L 260, 11.10.2003, p. 21.

<sup>(3)</sup> OJ L 89, 6.4.1994, p. 18.

<sup>(4)</sup> See Annex II to this Decision.

## ANNEX I

## ANIMAL HEALTH CERTIFICATE

for animal casings intended for dispatch to the European Community

Note to the importer: This certificate is for veterinary purposes only and must accompany the consignment until it reaches the border inspection post.

Country of destination: .....

Reference No of the health certificate: .....

Exporting country: .....

Responsible ministry: .....

Certifying department: .....

## I. Identification of casings

Casings of .....  
(species)

Nature of packaging: .....

Number of packages: .....

Net weight: .....

## II. Origin of casings

Address(es) and veterinary control number(s) of the approved establishment(s): .....

.....

.....

## III. Destination of casings

The casings will be sent from .....  
(place of loading)to .....  
(country and place of destination)

by the following means of transport: .....

Number of the seal <sup>(1)</sup>: .....

Name and address of consignor: .....

.....

Name and address of consignee: .....

.....

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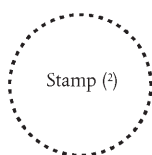
<sup>(1)</sup> Optional.

**IV. Attestation**

The undersigned official veterinarian certifies that the casings described above:

- (a) come from plants approved by the competent authority;
- (b) have been cleaned, scraped and:
  - salted <sup>(1)</sup> with NaCl for 30 days,  
or
  - bleached <sup>(1)</sup>  
or
  - dried after scraping <sup>(1)</sup>;
- (c) have undergone all precautions to avoid recontamination after treatment.

Done at ..... , .....  
(place) (date)



.....  
(signature of the official veterinarian <sup>(2)</sup>)

.....  
(name in capital letters)

\_\_\_\_\_

<sup>(1)</sup> Delete as appropriate.

<sup>(2)</sup> The signature and the stamp must be in a colour different to that of the printing.

## ANNEX II

**Repealed Decision and its successive amendments**

|                                    |                              |
|------------------------------------|------------------------------|
| Decision 94/187/EC                 | (OJ L 89, 6.4.1994, p. 18)   |
| Decision 94/461/EC, Article 2 only | (OJ L 189, 23.7.1994, p. 88) |
| Decision 94/775/EC, Article 2 only | (OJ L 310, 3.12.1994, p. 77) |
| Decision 95/88/EC, Article 1 only  | (OJ L 69, 29.3.1995, p. 45)  |
| Decision 95/230/EC, Article 1 only | (OJ L 154, 5.7.1995, p. 19)  |
| Decision 96/106/EC, Article 1 only | (OJ L 24, 31.1.1996, p. 34)  |

## ANNEX III

**CORRELATION TABLE**

| Decision 94/187/EC | This Decision |
|--------------------|---------------|
| Article 1          | Article 1     |
| —                  | Article 2     |
| Article 2          | —             |
| Article 3          | Article 3     |
| Annex              | Annex I       |
| —                  | Annex II      |
| —                  | Annex III     |

# CONFERENCE OF THE REPRESENTATIVES OF THE GOVERNMENTS OF THE MEMBER STATES

## DECISION OF THE REPRESENTATIVES OF THE GOVERNMENTS OF THE MEMBER STATES of 23 October 2003

### appointing a judge to the Court of Justice of the European Communities

(2003/780/EC, Euratom)

THE REPRESENTATIVES OF THE GOVERNMENTS OF THE MEMBER  
STATES OF THE EUROPEAN COMMUNITIES,

HAVE DECIDED AS FOLLOWS:

#### *Article 1*

Having regard to the Treaty establishing the European Com-  
munity, and in particular Article 223 thereof,

Mr Konrad SCHIEMANN is hereby appointed judge to the Court  
of Justice of the European Communities for the period running  
from 1 January 2004 to 6 October 2006.

#### *Article 2*

Having regard to the Treaty establishing the European Atomic  
Energy Community, and in particular Article 139 thereof,

This Decision shall be published in the *Official Journal of the  
European Union*.

Whereas:

Pursuant to Articles 5 and 7 of the Protocol on the Statute of  
the Court of Justice and as a consequence of the resignation of  
Mr David EDWARD, a judge should be appointed for the  
remaining period of Mr David EDWARD's term of office,

Done at Brussels, 23 October 2003.

*The President*  
U. VATTANI

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(Acts adopted pursuant to Title V of the Treaty on European Union)

**COUNCIL DECISION 2003/781/CFSP**

**of 29 September 2003**

**concerning the conclusion of the Agreement between the European Union and the Republic of Poland on the participation of Polish armed forces in the European Union-led forces (EUF) in the former Yugoslav Republic of Macedonia**

THE COUNCIL OF THE EUROPEAN UNION,

HAS DECIDED AS FOLLOWS:

Having regard to the Treaty on European Union, and in particular Article 24 thereof,

Having regard to the recommendation from the Presidency,

Whereas:

(1) On 27 January 2003, the Council adopted Joint Action 2003/92/CFSP on the European Union military operation in the former Yugoslav Republic of Macedonia <sup>(1)</sup>.

(2) Article 8 of the Joint Action provides that the detailed arrangements regarding the participation of third States shall be the subject of an agreement in conformity with Article 24 of the Treaty.

(3) Following the Council decision of 18 March 2003 authorising the Secretary-General/High Representative to open negotiations, the Secretary-General/High Representative negotiated an agreement between the European Union and the Republic of Poland on the participation of Polish armed forces in the European Union-led forces (EUF) in the former Yugoslav Republic of Macedonia.

(4) The Agreement should be approved,

*Article 1*

The Agreement between the European Union and the Republic of Poland on the participation of Polish armed forces in the European Union-led forces (EUF) in the former Yugoslav Republic of Macedonia is hereby approved on behalf of the European Union.

The text of the Agreement is attached to this Decision.

*Article 2*

The President of the Council is hereby authorised to designate the person empowered to sign the Agreement in order to bind the European Union.

*Article 3*

This Decision shall take effect on the day of its adoption.

*Article 4*

This Decision shall be published in the *Official Journal of the European Union*.

Done at Brussels, 29 September 2003.

*For the Council*

*The President*

F. FRATTINI

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<sup>(1)</sup> OJ L 34, 11.2.2003, p. 26.

**AGREEMENT****between the European Union and the Republic of Poland on the participation of Polish armed forces in the European Union force (EUF) in the former Yugoslav Republic of Macedonia**

THE EUROPEAN UNION

on the one hand, and

THE REPUBLIC OF POLAND

on the other hand,

hereinafter referred to as 'the Parties',

TAKING INTO ACCOUNT:

- (1) the adoption by the Council of the European Union of Joint Action 2003/92/CFSP of 27 January 2003 on the European Union military operation in the former Yugoslav Republic of Macedonia,
- (2) the invitation to the Republic of Poland to participate in the EU-led operation,
- (3) the successful completion of the force generation process and the recommendation by the operation commander and the EU Military Committee to agree on the participation of Polish forces in the EU-led operation,
- (4) the decision by the Political and Security Committee of 11 March 2003 to accept the contribution of the Republic of Poland to the EU-led operation,
- (5) the Exchange of Letters between the Government of the former Yugoslav Republic of Macedonia and the Secretary-General/High Representative on the conduct of the operation,
- (6) the Agreement concluded on 21 March 2003 between the EU and the Government of the former Yugoslav Republic of Macedonia on the status of the EUF and its personnel,

HAVE AGREED AS FOLLOWS:

*Article 1*

**Framework**

The Republic of Poland upon the decision of the President of the Republic of Poland on 28 March 2003 on the use of a Polish military contingent in the EU military operation in the former Yugoslav Republic of Macedonia shall associate itself with the provisions of Joint Action 2003/92/CFSP on the European Union force in the former Yugoslav Republic of Macedonia, adopted by the Council of the European Union on 27 January 2003, in accordance with the provisions stipulated in the following Articles.

*Article 2*

**Definitions**

For the purpose of this Agreement, the following definitions shall have the meanings hereunder assigned to them:

- (a) 'Operation Concordia' means the European Union military operation in the former Yugoslav Republic of Macedonia provided for in Council Joint Action 2003/92/CFSP.
- (b) 'European Union-led forces' (EUF) means EU military headquarters, constituent national units/elements contributing to Operation Concordia, their assets and their means of transport.

- (c) 'EUF personnel' means the civilian and military personnel assigned to the EUF.

- (d) 'mechanism' means the operational financing mechanism established by Council decision dated 27 January 2003 to provide for the financing of the common costs of the European Union military operation in the former Yugoslav Republic of Macedonia.

- (e) 'participating States' means Member States applying Joint Action 2003/92/CFSP and third States participating in Operation Concordia by providing forces, personnel or assets.

- (f) 'Joint Claims Commission' means the Joint Claims Commission set up pursuant to Article 13 of the Agreement between the European Union and the former Yugoslav Republic of Macedonia on the status of the European Union-led forces in the former Yugoslav Republic of Macedonia of 21 March 2003.

*Article 3*

**Participation in the operation**

1. The Republic of Poland shall participate in Operation Concordia with Polish armed forces. If necessary, rotation of seconded personnel shall be ensured.

2. The Republic of Poland shall ensure that its forces and personnel undertake their mission in conformity with the provisions of Joint Action 2003/92/CFSP, the operation plan and implementing measures.

3. The Republic of Poland shall inform the EU Operation Commander, the EU Force Commander and the EU Military Staff of any change to its participation in Operation Concordia.

#### Article 4

##### Status

1. The status of the forces of the Republic of Poland and their personnel participating in Operation Concordia shall be governed by the Agreement between the European Union and the former Yugoslav Republic of Macedonia on the status of the European Union-led forces in the former Yugoslav Republic of Macedonia of 21 March 2003, which constitutes an Annex to this Agreement, and its implementing arrangements.

2. The status of the forces of the Republic of Poland and their personnel contributed to headquarters or command elements located outside the former Yugoslav Republic of Macedonia shall be governed by arrangements between the headquarters and command elements concerned and the appropriate authority of the Republic of Poland.

#### Article 5

##### Chain of command

1. The participation of the Republic of Poland in Operation Concordia is without prejudice to the decision-making autonomy of the European Union.

2. Forces and personnel assigned by the Republic of Poland shall remain under the full command of their national authorities.

3. National authorities of the Republic of Poland shall transfer operational control (OPCON) of forces and personnel assigned by the Republic of Poland to the EU Operation Commander. The Operation Commander is entitled to delegate his authority.

4. The Republic of Poland shall have the same rights and obligations in terms of day-to-day management of Operation Concordia as participating Member States in accordance with Article 8(4) of Joint Action 2003/92/CFSP and the Political and Security Committee (PSC) Decision FYROM/01/03 on the establishment of the Committee of Contributors.

5. The Republic of Poland shall exercise jurisdiction over its forces and their personnel. The Operation Commander and the Force Commander may at any time request the withdrawal of Polish personnel.

6. A senior military representative (SMR) shall be appointed by Poland to represent its national contingent in the EUF. The SMR shall consult with the EU Force Commander on all matters affecting Operation Concordia and shall be responsible for day-to-day Polish contingent discipline.

#### Article 6

##### Classified information

The Republic of Poland shall take appropriate measures to ensure that, when EU classified information is handled by its forces and their personnel, those forces and their personnel respect the Council of the European Union's security regulations, which are set out in Council Decision 2001/264/EC of 19 March 2001<sup>(1)</sup>, and further guidance which may be issued by the Operation Commander.

#### Article 7

##### Financial aspects

1. Without prejudice to Article 8, the Republic of Poland shall assume all the costs associated with its participation in Operation Concordia unless the costs are subject to common funding as set out in the operational budget of the operation.

2. In the case where the Joint Claims Commission decides to grant damages to natural or legal persons from the former Yugoslav Republic of Macedonia, the Republic of Poland shall pay for these damages if death, injury, damage or loss are caused by its personnel or its assets, unless the mechanism, in accordance with Article 9(3) of the Council decision establishing the mechanism, decides to pay for those damages.

#### Article 8

##### Contributions to the common costs

1. The Republic of Poland shall contribute to the common costs of the operation the sum of EUR 160 981,90 per six months.

2. An arrangement shall be concluded between the administrator of the mechanism, established by the Council decision of 27 January 2003 to provide for the financing of the common costs of the operation and the national authority of the Republic of Poland. This arrangement shall include provisions on:

- (a) the arrangements for payment and management of the financial contribution;
- (b) the verification arrangements covering control and audit of the financial contribution, where appropriate.

3. The contributions of the Republic of Poland to the common costs of Operation Concordia shall be deposited by the Republic of Poland in the bank account which shall be indicated to that State by the administrator of the mechanism.

#### Article 9

##### Non-compliance

Should one of the Parties fail to comply with its obligations under this Agreement, the other Party shall have the right to terminate this Agreement by serving notice of one month.

<sup>(1)</sup> OJ L 101, 11.4.2001, p. 1.



*Article 10***Entry into force**

This Agreement shall enter into force upon signature.

It shall remain in force for the duration of the contribution of the Republic of Poland to the operation.

Done at Brussels, on **15-10-2003**, in the English language in four copies.

*For the European Union*



*For the Republic of Poland*


## ANNEX

## AGREEMENT

**between the European Union and the former Yugoslav Republic of Macedonia on the status of the European Union-led forces in the former Yugoslav Republic of Macedonia <sup>(1)</sup>**

THE EUROPEAN UNION, hereinafter referred to as 'the EU'

on the one hand, and

THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA, hereinafter referred to as 'the Host Party',

on the other hand,

together hereinafter referred to as 'the Parties',

TAKING INTO ACCOUNT:

- the invitation of the President of the Host Party dated 17 January 2003, and the reply of the Secretary-General/High Representative for EU Common Foreign and Security Policy on 28 January,
- the letters of the President of the Host Party and of the Secretary-General/High Representative,
- the adoption by the Council of the European Union on 27 January 2003 of Joint Action 2003/92/CFSP on the European Union military operation in the Host Party,
- the signature on 9 April 2001 in Luxembourg of a Stabilisation and Association Agreement between the Host Party and the European Communities and their Member States,
- the wish of the Host Party to promote stability, contributing to the further integration of the Host Party with the European Union,
- the preparedness of the EU to enhance further, including through the use of instruments of the European Security and Defence Policy, efforts to support the rapprochement of the Host Party with the European Union,
- the shared desire that the Host Party be part of a region of peaceful, prosperous countries, cooperating closely with each other and with a view to further integration with the European Union,
- that the purpose of the privileges and immunities as provided for in this Agreement are not to benefit individuals but to ensure the efficient performance of the EU operation,

HAVE AGREED AS FOLLOWS:

*Article 1*

- (c) 'European Union-led forces' (EUF) means EU military headquarters and national units/elements contributing to the operation, their assets and their means of transport;

**Scope of application and definitions**

1. The provisions of the present Agreement shall apply to the European Union-led forces and European Union-led forces' personnel.

2. The provisions of the present Agreement shall apply only in the territory of the Host Party.

3. For the purpose of this Agreement, the following definitions shall have the meanings hereunder assigned to them:

(a) 'Government' means the Government of the Host Party;

(b) 'territory' means the territory of the Host Party;

(d) 'operation' means the preparation, establishment, execution and support of a mission consisting in contributing to a stable, secure environment, in particular in the former crisis areas;

(e) 'EUF Commander' means the EU Force Commander at Skopje;

(f) 'EU military headquarters' means military headquarters and elements thereof, whatever their location, under the authority of EU military commanders exercising the military command and control of the operation;

<sup>(1)</sup> Agreement published in OJ L 82, 29.3.2003, p. 46.

- (g) 'national elements/units' means units and elements belonging to the Member States of the European Union and other States participating in the operation;
- (h) 'EUf personnel' means the civilian and military personnel assigned to the EUf, present, except as otherwise provided in the agreement, in the territory of the Host Party, with the exception of personnel hired locally, including contractors;
- (i) 'facilities' means all premises and land required for the EUf, as well as for accommodation of the EUf personnel;
- (j) 'competent authorities' means the authorities competent according to the law of the Host Party to address specific issues.

#### Article 2

### General provisions

The EUf shall respect the laws and regulations of the Host Party and shall refrain from any action or activity incompatible with the impartial and international nature of the operation.

The EUf shall notify the government of the Host Party of the location of its headquarters, the name of the EUf Commander, and the overall number of EUf personnel.

The EUf shall regularly, and in a timely manner, inform the government of the Host Party on the number, name, military rank and nationality of EUf personnel stationed in the territory of the Host Party.

#### Article 3

### Identification

1. EUf personnel shall be identified by an EUf identification card, which they are to carry with them at all times. The Government of the Host Party shall be provided with a specimen of the EUf identification card.
2. Vehicles and other means of transport of the EUf shall carry a distinctive EUf identification marking, which shall be notified to the relevant authorities of the Host Party.
3. The EUf may display the flag of the European Union alone or together with the flag of the Host Party.
4. The EUf may display its markings, such as coats of arms, titles and official symbols, on its premises, vehicles and transport facilities. Uniforms of EUf personnel shall carry a distinctive EUf emblem.
5. The official nameplate on EUf premises shall appear in the official language of the Host Party with identical character size as the EUf appropriate language or languages.

#### Article 4

### Border crossing, movement, and presence on the territory of the Host Party

1. EUf personnel and EUf assets and means of transport shall cross the border of the Host Party at official border crossings and via the international air corridors.
2. EUf personnel shall enter the territory of the Host Party only on the basis of the identification card issued pursuant to Article 3 above or, in the case of first entry, an individual or collective movement order or a valid travel document. They shall be exempt from passport and visa regulations and immigration inspections on entering or leaving the territory of the Host Party.
3. EUf personnel shall be exempt from the regulations of the Host Party on the registration and control of aliens, but shall not be considered as acquiring any right to permanent residence or domicile in the territory of the Host Party.
4. The EUf shall provide a certificate of exemption accompanied by an inventory for EUf assets and means of transport entering, transiting or exiting the Host Party territory in support of the operation. They shall be exempt from any other customs documentation as well as from any inspection. A copy of the certificate shall be transmitted to the competent authorities when entering or exiting the Host Party. The format of the certificate shall be agreed between EUf and the competent authorities of the Host Party.
5. The EUf personnel may drive motor vehicles in the territory of the Host Party provided they have a valid national, international or military driving licence. The EUf shall provide the Host Party with a list of the motor vehicles, including identification data and number of registration plates, used by the EUf on the territory of the Host Party.
6. The Host Party shall guarantee to the EUf and EUf personnel freedom of movement and travel in its territory.
7. Organised large movements of EUf personnel, equipment and vehicles through airports, or on railways or roads used for general traffic within the territory of the Host Party, shall be previously announced to and coordinated with the Joint Coordination Group set up pursuant to Article 13.
8. For the purpose of the operation, the EUf may use public roads, bridges and airports without payment of duties, fees, tolls, taxes and similar charges. The EUf shall not be exempt from reasonable charges, under the same conditions as those provided to the Host Party armed forces, for services requested and received.

*Article 5***Immunities and privileges of EUF**

1. The premises and accommodations of the EUF shall be inviolable. The agents of the Host Party shall not enter them, except with the consent of the EUF Commander.
2. The premises and accommodations of the EUF, their furnishings and other assets thereon as well as their means of transport shall be immune from search, requisition, attachment or execution.
3. The archives and documents of the EUF shall be inviolable at any time and wherever they may be.
4. Correspondence of the EUF shall be granted a status equivalent to that of official correspondence granted under the Vienna Convention on diplomatic relations dated 18 April 1961.
5. For imported goods and services and in respect of its premises and accommodation, provided these are intended for the purpose of the operation, the EUF shall be exempt from all national and communal dues and taxes and charges of similar nature.
6. For goods purchased and services contracted on the domestic market, provided these are intended for the purpose of the operation, the EUF shall be reimbursed by the Host Party for all national and communal dues and taxes, including VAT, and charges of similar nature according to the laws of the Host Party.
7. The Host Party shall permit entry of and grant exemption from all custom duties, taxes and related charges other than charges for storage, cartage and similar services on articles for the operation.

*Article 6***Immunities and privileges of EUF personnel**

1. EUF personnel shall be granted treatment, including immunities and privileges, equivalent to that of diplomatic agents granted under the Vienna Convention on diplomatic relations dated 18 April 1961.
2. EUF personnel has the right to purchase and/or import free of duty or other restrictions items required for their personal use, and to export such items. For goods and services purchased on the domestic market, the Host Party shall reimburse VAT and taxes according to the laws of the Host Party.

*Article 7***Uniform and arms**

1. The wearing of uniform will be subject to rules issued by the EUF Commander.
2. Military EUF personnel may carry arms and ammunitions on condition that they are authorised to do so by their orders.

*Article 8***Host Party support and contracting**

1. The Host Party agrees, if requested, to assist the EUF in finding suitable facilities.
2. If required and available, facilities owned by the Host Party shall be provided free of charge.
3. Within its means and capabilities, the Host Party will assist and support the preparation, establishment, execution and support of the operation. The assistance and the support from the Host Party to the operation shall be provided under the same conditions as those provided to the Host Party armed forces.
4. The EUF will endeavour, to the maximum extent possible, to contract locally for services, goods and personnel, subject to the requirements of the operation.

*Article 9***Protection of the environment and cultural heritages**

1. The EUF will, in consultation with the Host Party and subject to the requirements of the operation, respect international conventions and laws of the Host Party regarding the protection of the environment (air, water, land), management of waste, prevention of damaging noise, protection from radiation (ionic and non-ionic), protection of nature, natural heritages and protected natural heritages, as well as regarding the sustainable use of natural resources.
2. The EUF will, in consultation with the Host Party and subject to the requirements of the operation, respect international conventions and laws of the Host Party regarding the protection of cultural heritages and cultural values.

*Article 10***Deceased EUF personnel**

1. The EUF Commander shall have the right to take charge of and make suitable arrangements for the repatriation of any deceased EUF personnel, as well as that of the person's personal property.
2. Autopsy shall not be performed on deceased members of the EUF without the agreement of the State concerned and the presence of a representative of the EUF and/or the State concerned.

*Article 11***Military police and mutual assistance**

The EUF Commander may establish a military police unit in order to maintain order on EUF facilities.

Outside these facilities, the military police unit may, in consultation and cooperation with the military police or the police of the Host Country, act to ensure the maintenance of good order and discipline among EUF personnel.

## Article 12

### Communications

1. The EUF shall have the right to install and operate radio sending and receiving stations, as well as satellite systems, using appropriate frequencies, subject to arrangements in Article 16.

2. The EUF shall enjoy the right to unrestricted communication by radio (including satellite, mobile or hand-held radio), telephone, telegraph, facsimile and other means, as well as the right to install the necessary means for maintaining such communications within and between EUF facilities, including the laying of cables and ground lines for the purpose of the operation, in consultation with the Host Party.

## Article 13

### Claims for death, injury, damage or loss

1. Claims arising out of activities in connection with civil disturbances, protection of the EUF or which are incidental to operational necessities shall not be the subject of any reimbursement by Member States or other States participating to the operation or by the operational financing mechanism set up by decision of the Council of the European Union dated 27 January 2003 in order to fund the common costs of the operation.

2. All other claims will be dealt with by a Joint Claims Commission established by the Joint Coordination Group referred to in Article 14 below, composed of representatives of the EUF and the competent authorities of the Host Party. Settlement of claims will occur after previous consent of the State concerned or the mechanism.

## Article 14

### Liaison and disputes

1. All issues arising in connection with the application of this Agreement shall be discussed by a Joint Coordination Group. This group shall be composed of representatives of the EUF and the competent authorities of the Host Party.

2. Failing any prior settlement, disputes with regard to the interpretation or application of the present Agreement shall be settled between the Host Party and EU representatives by diplomatic means.

## Article 15

### Other provisions

1. Whenever the present agreement refers to the immunities, privileges and rights of the EUF and the EUF personnel, the Government of the Host Party shall be responsible for the implementation and fulfilment of such immunities, privileges and rights by the appropriate local authorities of the Host Party.

2. Nothing in this agreement is intended or shall be construed to derogate from any rights that may attach with respect to an EU Member State or any other State contributing to the EUF or their personnel, under other agreements.

3. The Host Party accepts that, where appropriate, the EUF may receive assistance and support from NATO forces and NATO HQ Skopje whose establishment and status are defined in the Exchange of Letters between the North Atlantic Treaty Organisation and the Government of the former Yugoslav Republic of Macedonia dated 18 May 2001 regarding the status of HQ KFOR Rear and KFOR personnel permanently stationed or temporarily present in the territory of the former Yugoslav Republic of Macedonia, including, where appropriate, the use of the official documents, forms and procedures agreed between NATO/KFOR and the authorities of the former Yugoslav Republic of Macedonia for such purposes.

## Article 16

### Implementing arrangements

In order to implement this Agreement, operational, administrative and technical matters will be dealt with in separate arrangements to be concluded between the EUF Commander and the administrative authorities of the Host Party. These arrangements will cover, *inter alia*:

- status of local staff and contractors,
- visits of officials,
- communication and information systems, including radio communications systems,
- coordination of information activities,
- exchange of information,
- medical services of all kinds, including dental services,
- protection of the environment (wildlife and nature),
- Host-Nation support,
- procedures for addressing and settling claims,
- modalities and procedures for the Joint Coordination Group,
- transport arrangements.

## Article 17

### Entry into force and termination

1. This Agreement shall enter into force upon written notification of the Parties that the internal requirements for the entry into force have been complied with.

2. This Agreement may be amended on the basis of mutual written agreement between the Parties.

3. The Agreement shall remain in force until the final departure of EUF or all national elements/units thereof.

4. This Agreement may be denounced by written notification to the other Party. The denunciation shall take effect 45 days after receipt by the other Party of the notification of denunciation.

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5. Termination or denunciation of this Agreement shall not affect any rights or obligations arising from the execution of this Agreement prior to its termination or denunciation.
  6. This Agreement is done in two originals in English.
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**CORRIGENDA****Corrigendum to Commission Decision 2003/754/EC of 26 June 2002 declaring a merger to be compatible with the common market and the EEA Agreement (Case COMP/M.2650 — Haniel/Cementbouw/JV (CVK))**

*(Official Journal of the European Union L 282 of 30 October 2003)*

On the cover page and on page 1:

*for:* '2003/754/EC',

*read:* '2003/756/EC'.

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**Corrigendum to Commission Decision 2003/755/EC of 17 February 2003 on the aid scheme implemented by Belgium for coordination centres established in Belgium**

*(Official Journal of the European Union L 282 of 30 October 2003)*

On the cover page and on page 25:

*for:* '2003/755/EC',

*read:* '2003/757/EC'.

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