

English edition

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## I

(Acts whose publication is obligatory)

**COUNCIL REGULATION (EC) No 1954/2003**

**of 4 November 2003**

**on the management of the fishing effort relating to certain Community fishing areas and resources and modifying Regulation (EC) No 2847/93 and repealing Regulations (EC) No 685/95 and (EC) No 2027/95**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Articles 37 and 299(2) thereof,

Having regard to the proposal from the Commission <sup>(1)</sup>,

Having regard to the opinion of the European Parliament <sup>(2)</sup>,

Whereas:

(1) Article 4 of Council Regulation (EEC) No 2371/2002 of 20 December 2002 on the conservation and sustainable exploitation of fisheries resources under the Common Fisheries Policy <sup>(3)</sup> provides that the Council shall establish Community measures governing access to waters and resources and the sustainable pursuit of fishing activities.

(2) The regime of access to certain areas and resources defined in the Articles 156 to 166 and Articles 347 to 353 of the Act of Accession of Spain and Portugal has expired on 31 December 2002. Consequently, certain provisions of Council Regulation (EC) No 685/95 of 27 March 1995, on the management of the fishing effort relating to certain Community fishing areas and resources <sup>(4)</sup>, and Council Regulation (EC) No 2027/95 of 15 June 1995, establishing a system for the management of fishing effort relating to certain Community fishing areas and resources <sup>(5)</sup> need to be adapted to the new legal situation.

(3) Other provisions laid down in Regulations (EC) No 685/95 and (EC) No 2027/95 are designed to establish a general system for the management of fishing effort in order to prevent an increase in fishing effort and are not related to the Act of Accession of Spain and Portugal. Those provisions are important for fisheries management and should be maintained.

(4) In order to ensure that there is no increase in the overall levels of existing fishing effort, it is necessary to establish a new fishing effort management regime in ICES areas V, VI, VII, VIII, IX and X and CECAF divisions 34.1.1, 34.1.2 and 34.2.0. This regime shall limit fishing effort on the basis of the fishing effort deployed in these fisheries during the period 1998 to 2002.

(5) In order to ensure consistency between different fishing effort management rules, the general fishing effort limitation provided for in this Regulation should be reviewed whenever the Council adopts fishing effort management rules for fisheries in the same area or part of it, as part of a recovery plan. A review of the implementation of the present scheme by December 2006 would also allow the Council to reassess the situation.

(6) It is necessary for the protection of the sensitive biological situation of the waters around the Azores, Madeira and the Canary Islands and the preservation of the local economy of these islands, having regard to their structural, social and economic situation, to limit certain fishing activities in those waters to vessels registered in the ports of these islands. A review of these measures by December 2006 would allow the Council to reassess the situation.

(7) An area to the South and West of Ireland has been identified as an area of high concentration of juvenile hake. This area has been made subject to special restrictions on the use of demersal gear. For the same conservation purpose it should also be subject to specific effort limitation requirements within the general system described above. A review of these requirements by December 2008 would allow the Council to reassess the situation.

<sup>(1)</sup> Proposal of 17 December 2002 (not yet published in the Official Journal).

<sup>(2)</sup> Opinion of 4 June 2002 (not yet published in the Official Journal).

<sup>(3)</sup> OJ L 358, 31.12.2002, p. 59.

<sup>(4)</sup> OJ L 71, 31.3.1995, p. 5.

<sup>(5)</sup> OJ L 199, 24.8.1995, p. 1. Regulation as amended by Regulation (EC) No 149/1999 (OJ L 18, 23.1.1999, p. 3).

(8) It is the responsibility of flag Member States to adopt measures to regulate fishing effort; as a result, it is necessary to ensure transparency and equity of management and monitoring procedures.

- (9) Taking account of the special conservation requirements of species having a geographic distribution that extends into the waters under the sovereignty or jurisdiction of more than one Member State, Member States should be authorised to limit fishing activities by vessels flying their flag to specific gear, seasons and areas.
- (10) It should be possible for the Commission to adjust the maximum fishing effort limits, based on a justified request from a Member State, to allow it to fully utilise its fishing possibilities.
- (11) As a consequence of the change in the fishing effort management regime it is necessary to make corresponding changes in Titles IIA and III of the Council Regulation (EEC) No 2847/93 of 12 October 1993, establishing a control system applicable to the common fisheries policy <sup>(1)</sup>.
- (12) In order to ensure legal certainty, to avoid alterations in the current balance in the areas and resources involved and to guarantee that the fishing effort deployed is in balance with available resources, Regulations (EC) No 685/95 and (EC) No 2027/95 should be repealed.
- (13) The measures necessary for the implementation of this Regulation should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission <sup>(2)</sup>,

HAS ADOPTED THIS REGULATION:

#### CHAPTER I

#### SCOPE AND DEFINITIONS

##### Article 1

##### Scope

This Regulation establishes the criteria and procedures for a system relating to the management of fishing effort in ICES areas V, VI, VII, VIII, IX and X and CECAF divisions 34.1.1, 34.1.2 and 34.2.0.

<sup>(1)</sup> OJ L 261, 20.10.1993, p. 1. Regulation as last amended by Regulation (EC) No 806/2003 (OJ L 122, 16.5.2003, p. 1).

<sup>(2)</sup> OJ L 184, 17.7.1999, p. 23.

##### Article 2

#### Definitions

For the purpose of this Regulation the following definitions shall apply:

- (a) ICES and CECAF zones are as defined in Council Regulation (EEC) No 3880/91 of 17 December 1991 on the submission of nominal catch statistics by Member States fishing in the Northeast Atlantic <sup>(3)</sup>;
- (b) 'fishing effort' means the product of the capacity and the activity of a fishing vessel; for a group of vessels it means the sum of fishing effort exerted by each vessel of the group.

#### CHAPTER II

#### FISHING EFFORT MANAGEMENT REGIME

##### Title I

#### Provisions concerning certain fisheries

##### Article 3

#### Measures concerning the catching of demersal species and certain molluscs and crustaceans

1. Except for the area defined in Article 6(1), Member States shall:
  - (a) assess the levels of fishing effort exerted by vessels equal to or more than 15 metres in length overall, as an annual average of the period 1998 to 2002, in each of the ICES areas and CECAF divisions referred to in Article 1 for demersal fisheries, excluding demersal fisheries, those covered by Council Regulation (EC) No 2347/2002 of 16 December 2002 establishing specific access requirements and associated conditions applicable to fishing for deep-sea stocks <sup>(4)</sup> and fisheries for scallops, edible crab and spider crab, as laid down in the Annex to this Regulation. For the calculation of fishing effort the fishing capacity of a vessel shall be measured as the installed power expressed in kilowatts (kW);
  - (b) allocate the level of fishing effort assessed conforming to subparagraph (a) in each ICES area or CECAF division, with regard to each of the fisheries mentioned in subparagraph (a).
2. The effort regime laid down in paragraph 1 shall be without prejudice to the regimes laid down in the recovery plans which may be adopted by the Council.
3. When a recovery plan which involves management of fishing effort in all or part of the areas or divisions referred to in Article 1 is adopted by the Council, this plan shall at the same time make any necessary adjustment to this Regulation.

<sup>(3)</sup> OJ L 365, 31.12.1991, p. 1. Regulation as amended by Commission Regulation (EC) No 1637/2001 (OJ L 222, 17.8.2001, p. 20).

<sup>(4)</sup> OJ L 351, 28.12.2002, p. 6.

4. By 31 December 2006 the Commission shall present to the European Parliament and the Council a report assessing the implementation of the effort regime laid down in paragraph 1. On the basis of this report the Council shall decide on any necessary adjustment to be made to the regime.

#### Article 4

##### Fishing vessels equal to or less than 15 metres

1. The fishing effort of fishing vessels equal to or less than 15 metres in length overall shall be assessed globally for each fishery and area or division referred to in Article 3(1) during the period 1998 to 2002.

2. The fishing effort of fishing vessels equal to or less than 10 metres in length overall shall be assessed globally for each fishery and area or division referred to in Article 6(1) during the period 1998 to 2002.

3. Member States shall ensure that the fishing effort of these vessels is limited to the level of fishing effort assessed conforming to paragraphs 1 and 2.

#### Article 5

##### Conditions for certain fishing activities

1. In the waters up to 100 nautical miles from the baselines of the Azores, Madeira and the Canary Islands, the Member States concerned may restrict fishing to vessels registered in the ports of these islands, except for Community vessels that traditionally fish in those waters in so far as these do not exceed the fishing effort traditionally exerted.

Implementing rules for the provisions of this paragraph shall be adopted by the Commission in accordance with the procedure laid down in Article 30(2) of Regulation (EC) No 2371/2002.

2. By 31 December 2006 the Commission shall present to the European Parliament and the Council a report on the application of the provisions laid down in paragraph 1 and, if necessary, shall submit to the Council proposals to adapt these provisions.

#### Title II

#### Article 6

##### Conditions in the biologically sensitive area

1. A specific effort regime shall apply to the area enclosed by the coast of Ireland to the south of 53° 30' N and to the west of 07° 00' W and straight lines sequentially joining the following geographical coordinates:

— a point on the coast of Ireland at latitude 53° 30' N

— latitude 53° 30' N, longitude 12° 00' W

— latitude 53° 00' N, longitude 12° 00' W

— latitude 51° 00' N, longitude 11° 00' W

— latitude 49° 30' N, longitude 11° 00' W

— latitude 49° 30' N, longitude 07° 00' W

— a point on the coast of Ireland at longitude 07° 00' W.

2. In the area defined in paragraph 1, Member States shall assess the levels of fishing effort exerted by vessels equal to or more than 10 metres in length overall, as an annual average of the period 1998 to 2002, for demersal fisheries, excluding those covered by Regulation (EC) No 2347/2002, and fisheries for scallops, edible crab and spider crab, and allocate the level of fishing effort thus assessed for each of those fisheries.

3. By 31 December 2008 the Commission shall present to the European Parliament and the Council a report assessing the effort regime laid down in paragraphs 1 and 2 in conjunction with other management measures in the area concerned. On the basis of this report the Council shall decide on any necessary adjustment to be made.

#### Title III

##### General provisions

#### Article 7

##### Lists of vessels

1. The Member States shall establish a list of fishing vessels flying their flag and registered in the Community which are authorised to carry out their fishing activities in the fisheries defined in Articles 3 and 6.

2. Member States may subsequently replace vessels entered on their list provided that the total fishing effort of vessels in any area and fishery defined in Articles 3 and 6 does not increase.

#### Article 8

##### Regulation of fishing effort

1. The Member States shall take the necessary measures to regulate the fishing effort where the fishing effort corresponding to free access for fishing vessels entered on the lists of vessels referred to in Article 7 exceeds the allocated effort.

2. Member States shall regulate fishing effort by monitoring the activity of their fleet and by taking appropriate action if the level of the fishing effort authorised under Article 11 is about to be reached, to ensure that effort does not exceed the set limits.

3. Each Member State shall issue special fishing permits for vessels flying its flag which engage in fishing activities in the fisheries referred to in Articles 3 and 6 in accordance with Council Regulation (EC) No 1627/94 of 27 June 1994 laying down general provisions concerning special fishing permits <sup>(1)</sup>.

#### Article 9

The Member States may limit fishing activities by vessels flying their flag to specific gear, seasons or parts of an ICES area or CECAF division.

#### Article 10

##### Notification

1. Before 30 November 2003, Member States shall notify the Commission of:

- (a) the list of vessels referred to in Article 7;
- (b) the assessment of the fishing effort as described in Articles 3 and 6;
- (c) the fishing effort regulation measures, as referred to in Article 8.

2. Member States shall periodically communicate to the Commission each amendment made to the information referred to in paragraph 1.

3. The Commission shall forward the information referred to in paragraphs 1 and 2 to all other Member States.

4. Member States, when submitting the list of vessels referred to in Article 7, shall highlight those changes that have been made from the last list notified under Article 1 of Commission Regulation (EC) No 2092/98 of 30 September 1998, concerning the declaration of fishing effort relating to certain Community fishing areas and resources <sup>(2)</sup>.

#### Article 11

##### Decision-making

1. On the basis of the information referred to in Article 10 and after close consultation with the Member States concerned the Commission shall submit to the Council, by 29 February 2004, a proposal for a Regulation fixing the maximum annual fishing effort for each Member State and for each area and fishery defined in Articles 3 and 6.

2. The Council, acting by qualified majority on the proposal from the Commission, shall, by 31 May 2004, decide on the maximum annual fishing effort referred to in paragraph 1.

The Regulation, which will be adopted by the Council, may provide for the adoption of implementing rules, in accordance with the procedure laid down in Article 30(2) of Regulation (EC) No 2371/2002.

<sup>(1)</sup> OJ L 171, 6.7.1994, p. 7.

<sup>(2)</sup> OJ L 226, 1.10.1998, p. 47.

3. Should the Council fail to reach a decision by 31 May 2004, the Commission shall adopt, by 31 July 2004, a Regulation fixing the maximum annual fishing effort for each Member State and for each area and fishery defined in Articles 3 and 6, on the basis of the proposal referred to in paragraph 1, in accordance with the procedure laid down in Article 30(2) of Regulation (EC) No 2371/2002.

#### Article 12

##### Adaptations

1. Upon request of a Member State, the maximum annual fishing effort fixed in the Regulation under Article 11(2) or (3) may be adjusted by the Commission, either by an increase of the maximum fishing effort in a particular area or division, or by a shift of fishing effort between areas or divisions, allowing the Member State to take up fully its fishing possibilities, in the case of species subject to TACs, or to pursue fisheries not subject to such limitations. The request shall be accompanied by information on the lack of full utilisation of quotas and, for stocks not subject to TACs, scientific information on the stock situation. Decisions shall be taken by the Commission within one month of receipt of the request, in accordance with the procedure laid down in Article 30(2) of Regulation (EC) No 2371/2002.

2. The maximum fishing effort referred to in Article 11 shall be adapted by the Member States concerned in view of exchanges of quotas carried out pursuant to Article 20(5) of Regulation (EC) No 2371/2002 and reallocations and/or deductions made pursuant to Article 23(4) of Regulation (EC) No 2371/2002 and Article 21(4), Article 23(1) and Article 32(2) of Regulation (EEC) No 2847/93, in conformity with paragraph 3 of this Article.

3. Where Member States decide to exchange all or part of the fishing opportunities allocated to them, they shall notify the Commission not only of that exchange expressed in fishing quotas but also expressed in fishing effort relating thereto, as agreed between them.

In the event of reallocations and/or deductions of quotas, the Member States shall notify the Commission of the fishing effort corresponding to such reallocations and/or deductions.

#### CHAPTER III

##### CONTROL REGIME

#### Article 13

##### Special control provisions

For the purpose of this Regulation, Title IIA of Regulation (EEC) No 2847/93 shall apply:

- (a) in the area defined in Article 6(1) of this Regulation;

(b) in all areas, except the area defined in Article 6(1), with exemption of Articles 19a(3), 19b, 19c, 19d and 19e(3) of Regulation (EEC) No 2847/93.

#### Article 14

### Amendments

Regulation (EEC) No 2847/93 is hereby amended as follows:

1. Article 19a shall be amended as follows:

(a) paragraph 1 shall be replaced by the following:

'1. For the purpose of this Title "fishing areas concerned" means the ICES areas or CECAF divisions to which fishing effort limitation schemes apply pursuant to Community regulations.'

(b) paragraph 2 shall be replaced by the following:

'2. Community fishing vessels are prohibited to carry out fishing activities in the fishing areas concerned if the vessel has not been duly authorised to that end by the Flag Member State.'

2. Article 19g shall be replaced by the following:

#### 'Article 19g

Each Member State shall record the fishing efforts deployed by vessels flying its flag in each fishing area concerned on the basis of available information contained in vessels' logbooks and information collected in accordance with Article 19e(4).'

3. Article 19h shall be replaced by the following:

#### 'Article 19h

Each Member State shall assess in overall terms the fishing efforts deployed by vessels flying its flag, which have a length of less than 15 metres in length overall, in each fishing area concerned and by vessels, which have a length of less than 10 metres in length overall, in the area referred to in Article 6 of Council Regulation (EC) No 1954/2003 of 4 November 2003 on the management of the fishing effort relating to certain Community fishing areas and resources (\*).

(\* ) OJ L 289, 7.11.2003, p. 1.'

4. in Article 19i, the first indent shall be replaced by the following:

'— in the previous month for each fishing area concerned for demersal species, before the 15th of each month'

5. the following Article shall be inserted after Article 19i:

#### 'Article 19j

Each Member State shall notify, without delay, to the other Member States, the identification details of the vessels flying its flag for which the authorisation to carry out fishing activities in one or more of the fisheries referred to in Articles 3 and 6 of Regulation (EC) No 1954/2003 is suspended or withdrawn.'

6. the current Article 19j becomes Article 19k;

7. in Article 20a, (1) and (2) shall be replaced by the following:

'1. Where fishing vessels to which Title IIA applies carry out fishing activities in the fishing areas concerned they may carry with them and use only the corresponding fishing gear or gears.

2. However, fishing vessels also fishing in fishing areas other than those referred to in paragraph 1 during the same trip may carry gear corresponding to their activities in the areas concerned, provided that gear kept on board and not authorised for use in the fishing areas referred to in paragraph 1 is stowed so that it may not be readily used, in accordance with the second subparagraph of Article 20(1).'

8. Article 21a shall be replaced by the following:

#### 'Article 21a

Each Member State shall determine the date on which the vessels flying its flag or registered in the Community shall be deemed to have reached the maximum fishing effort level in a fishing area as laid down in the Regulation referred to in Article 11(2) or (3) of Regulation (EC) No 1954/2003. As from that date, it shall provisionally prohibit the fishing activities of the said vessels in that area. The Commission shall be notified forthwith of this measure and shall then inform the other Member States.'

## CHAPTER IV

### FINAL PROVISIONS

#### Article 15

### Repeal

1. Regulations (EC) No 685/95 and (EC) No 2027/95 shall be repealed with effect from:

(a) the date of entry into force of the Regulation referred to in Article 11(2) or (3);

or

(b) 1 August 2004,

whichever is the earlier.

2. References made to the repealed Regulations shall be construed as being made to this Regulation.

#### Article 16

### Entry into force

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

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

Done at Brussels, 4 November 2003.

*For the Council*

*The President*

G. TREMONTI

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## ANNEX

## A

Fishery	
Target species	ICES area or CECAF division
Demersal species excluding those covered by Regulation (EC) No 2347/2002	ICES V, VI
	ICES VII
	ICES VIII
	ICES IX
	ICES X
	CECAF 34.1.1
	CECAF 34.1.2
	CECAF 34.2.0

## B

Fishery	
Target species	ICES area or CECAF division
Scallops	ICES V, VI
	ICES VII
	ICES VIII
	ICES IX
	ICES X
	CECAF 34.1.1
	CECAF 34.1.2
	CECAF 34.2.0

## C

Fishery	
Target species	ICES area or CECAF division
Edible crab and spider crab	ICES V, VI
	ICES VII
	ICES VIII
	ICES IX
	ICES X
	CECAF 34.1.1
	CECAF 34.1.2
	CECAF 34.2.0

**COMMISSION REGULATION (EC) No 1955/2003**  
**of 6 November 2003**  
**establishing the standard import values for determining the entry price of certain fruit and vegetables**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

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

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

HAS ADOPTED THIS REGULATION:

*Article 1*

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

*Article 2*

This Regulation shall enter into force on 7 November 2003.

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

Done at Brussels, 6 November 2003.

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

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

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

## ANNEX

**to the Commission Regulation of 6 November 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	55,8	
	060	57,2	
	063	93,3	
	096	47,8	
	204	40,6	
	653	52,4	
	999	57,9	
0707 00 05	052	127,5	
	220	139,2	
	628	139,3	
	999	135,3	
0709 90 70	052	106,4	
	204	139,4	
	999	122,9	
0805 20 10	204	76,2	
	999	76,2	
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	052	50,3	
	464	124,6	
	999	87,5	
	0805 50 10	052	76,0
0805 50 10	388	67,9	
	524	80,9	
	528	81,9	
	999	76,7	
	0806 10 10	052	110,3
0806 10 10	388	94,8	
	400	234,4	
	508	296,3	
	999	184,0	
	0808 10 20, 0808 10 50, 0808 10 90	052	51,0
		060	36,8
064		48,5	
388		66,0	
400		76,6	
404		83,9	
512		77,5	
720		50,3	
800		177,7	
804		238,9	
999		90,7	
0808 20 50	052	112,9	
	060	49,6	
	064	60,3	
	388	68,4	
	400	71,1	
	512	55,8	
	528	52,2	
	720	57,5	
	999	66,0	

<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 1956/2003  
of 6 November 2003**

**establishing the quantities to be allocated to importers from the first tranche of the 2004 Community quantitative quotas on certain products originating in the People's Republic of China**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 520/94 of 7 March 1994 establishing a Community procedure for administering quantitative quotas <sup>(1)</sup>, as last amended by Regulation (EC) No 806/2003 <sup>(2)</sup>, and in particular Articles 9 and 13 thereof,

Having regard to Commission Regulation (EC) No 1351/2003 of 30 July 2003 establishing administration procedures for the first tranche of the 2004 quantitative quotas for certain products originating in the People's Republic of China <sup>(3)</sup>, and in particular Article 6 thereof,

Whereas:

- (1) Regulation (EC) No 1351/2003 established the portion of each of the quotas concerned reserved for traditional and other importers and the conditions and methods for participating in the allocation of the quantities available. Importers have lodged applications for import licences with the competent national authorities between 31 July 2003 and 3 p.m., Brussels time, on 19 September 2003, in accordance with Article 3 of Regulation (EC) No 1351/2003.
- (2) The Commission has received from the Member States, pursuant to Article 5 of Regulation (EC) No 1351/2003, particulars of the numbers and aggregate volume of import licence applications submitted and the total volume imported by traditional importers in 1998 or 1999, the reference years.
- (3) The Commission is now able, on the basis of that information, to establish uniform quantitative criteria by which the competent national authorities may satisfy licence applications submitted by importers in the Member States for the first tranche of the 2004 quantitative quotas.
- (4) Examination of the figures supplied by Member States shows that the aggregate volume of applications submitted by traditional importers for the products listed in Annex I to this Regulation exceeds the portion of the quota set aside for them. The applications must therefore be met by applying the uniform rate of reduction shown

in Annex I to the volume of each importer's imports, expressed in quantity or value terms, over the reference period.

- (5) Examination of the figures supplied by Member States shows that the aggregate volume of applications submitted by non-traditional importers for the products listed in Annex II to this Regulation exceeds the portion of the quota set aside for them. The applications must therefore be met by applying the uniform rate of reduction shown in Annex II to the amounts requested by each importer, as limited by Regulation (EC) No 1351/2003.
- (6) Quantities not taken up by non-traditional importers were transferred to traditional importers,

HAS ADOPTED THIS REGULATION:

*Article 1*

In response to licence applications in respect of the products listed in Annex I duly submitted by traditional importers, the competent national authorities shall allocate each importer a quantity or value equal to his imports for 1998 or 1999, as indicated by the importer, adjusted by the rate of reduction specified in the said Annex for each quota.

Where the use of this quantitative criterion would entail allocating an amount greater than that applied for, the quantity or value allocated shall be limited to that specified in the application.

*Article 2*

In response to licence applications in respect of the products listed in Annex II duly submitted by non-traditional importers, the competent national authorities shall allocate each importer a quantity or value equal to the amount requested within the limits set by Regulation (EC) No 1351/2003, adjusted by the rate of reduction specified in the said Annex for each quota.

*Article 3*

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

<sup>(1)</sup> OJ L 66, 10.3.1994, p. 1.

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

<sup>(3)</sup> OJ L 192, 31.7.2003, p. 8.

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

Done at Brussels, 6 November 2003.

*For the Commission*  
Pascal LAMY  
*Member of the Commission*

ANNEX I

**Rate of reduction (–) applicable to imports in 1998 or 1999  
(traditional importers)**

Product description	HS/CN code	Rate of reduction
Footwear falling within HS/CN codes	ex 6402 99 <sup>(1)</sup>	– 63,77 %
	6403 51 6403 59	– 43,90 %
	ex 6403 91 <sup>(1)</sup> ex 6403 99 <sup>(1)</sup>	– 66,42 %
	ex 6404 11 <sup>(2)</sup>	– 63,09 %
	6404 19 10	– 35,39 %
Tableware or kitchenware of porcelain or china falling within HS/CN code	6911 10	– 58,07 %
Ceramic tableware, kitchenware, other household articles and toilet articles other than of porcelain or china falling within HS/CN code	6912 00	– 52,88 %

<sup>(1)</sup> Excluding footwear involving special technology: shoes which have a cif price per pair of not less than EUR 9 for use in sporting activities, with a single- or multi-layer moulded sole, not injected, manufactured from synthetic materials specially designed to absorb the impact of vertical or lateral movements and with technical features such as hermetic pads containing gas or fluid, mechanical components which absorb or neutralise impact or materials such as low-density polymers.

<sup>(2)</sup> Excluding:

- (a) footwear which is designed for a sporting activity and has, or has provision for the attachment of, spikes, sprigs, stops, clips, bars or the like, with a non-injected sole;
- (b) footwear involving special technology: shoes which have a cif price per pair of not less than EUR 9 for use in sporting activities, with a single- or multi-layer moulded sole, not injected, manufactured from synthetic materials specially designed to absorb the impact of vertical or lateral movements and with technical features such as hermetic pads containing gas or fluid, mechanical components which absorb or neutralise impact or materials such as low-density polymers.

## ANNEX II

**Rate of reduction (–) applicable to the volume requested within the limits of the maximum amounts fixed by  
Regulation (EC) No 1351/2003  
(non-traditional importers)**

Product description	HS/CN code	Rate of reduction
Footwear falling within HS/CN codes	ex 6402 99 <sup>(1)</sup>	– 82,04 %
	6403 51 6403 59	– 97,09 %
	ex 6403 91 <sup>(1)</sup> ex 6403 99 <sup>(1)</sup>	– 94,40 %
	ex 6404 11 <sup>(2)</sup>	– 91,15 %
	6404 19 10	– 83,49 %
Tableware or kitchenware of porcelain or china falling within HS/CN code	6911 10	– 71,85 %
Ceramic tableware, kitchenware, other household articles and toilet articles, other than of porcelain or china, falling within HS/CN code	6912 00	– 78,15 %

<sup>(1)</sup> Excluding footwear involving special technology: shoes which have a cif price per pair of not less than EUR 9 for use in sporting activities, with a single- or multi-layer moulded sole, not injected, manufactured from synthetic materials specially designed to absorb the impact of vertical or lateral movements and with technical features such as hermetic pads containing gas or fluid, mechanical components which absorb or neutralise impact or materials such as low-density polymers.

<sup>(2)</sup> Excluding:

- (a) footwear which is designed for a sporting activity and has, or has provision for the attachment of, spikes, sprigs, stops, clips, bars or the like, with a non-injected sole;
- (b) footwear involving special technology: shoes which have a cif price per pair of not less than EUR 9 for use in sporting activities, with a single- or multi-layer moulded sole, not injected, manufactured from synthetic materials specially designed to absorb the impact of vertical or lateral movements and with technical features such as hermetic pads containing gas or fluid, mechanical components which absorb or neutralise impact or materials such as low-density polymers.

**COMMISSION REGULATION (EC) No 1957/2003  
of 6 November 2003**

**amending Regulation (EC) No 851/2002 approving operations to check conformity to the marketing standards applicable to fresh fruit and vegetables carried out in Cyprus prior to import into the European Community**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2200/96 of 28 October 1996 on the common organisation of the market in fruit and vegetables <sup>(1)</sup>, as last amended by Commission Regulation (EC) No 47/2003 <sup>(2)</sup>, and in particular Article 10 thereof,

Whereas:

- (1) Commission Regulation (EC) No 851/2002 <sup>(3)</sup>, as amended by Regulation (EC) No 605/2003 <sup>(4)</sup>, contains in its Annex I the contact details of the Cypriot inspection bodies pursuant to Article 7(2) of Commission Regulation (EC) No 1148/2001 of 12 June 2001 on checks on conformity to the marketing standards applicable to fresh fruit and vegetables <sup>(5)</sup>, as last amended by Regulation (EC) No 408/2003 <sup>(6)</sup>.
- (2) The Cypriot authorities have informed the Commission that the contact details in question have been altered.

(3) Regulation (EC) No 851/2002 therefore needs to be amended to reflect this.

(4) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Fresh Fruit and Vegetables,

HAS ADOPTED THIS REGULATION:

*Article 1*

In the second indent of Annex I to Regulation (EC) No 851/2002, the e-mail address for the 'Headquarters of Produce Inspection Service (PIS)' is replaced by the following: 'pis.ts@mcit.gov.cy'.

*Article 2*

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

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

Done at Brussels, 6 November 2003.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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<sup>(1)</sup> OJ L 297, 21.11.1996, p. 1.

<sup>(2)</sup> OJ L 7, 11.1.2003, p. 64.

<sup>(3)</sup> OJ L 135, 23.5.2002, p. 14.

<sup>(4)</sup> OJ L 86, 3.4.2003, p. 13.

<sup>(5)</sup> OJ L 156, 13.6.2001, p. 9.

<sup>(6)</sup> OJ L 62, 6.3.2003, p. 8.

**COMMISSION REGULATION (EC) No 1958/2003**  
**of 6 November 2003**  
**on the issue of system B export licences in the fruit and vegetables sector (lemons)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2200/96 of 28 October 1996 on the common organisation of the market in fruit and vegetables <sup>(1)</sup>, as last amended by Commission Regulation (EC) No 47/2003 <sup>(2)</sup>,

Having regard to Commission Regulation (EC) No 1961/2001 of 8 October 2001 on detailed rules for implementing Council Regulation (EC) No 2200/96 as regards export refunds on fruit and vegetables <sup>(3)</sup>, as last amended by Regulation (EC) No 1176/2002 <sup>(4)</sup>, and in particular Article 6(6) thereof,

Whereas:

- (1) Commission Regulation (EC) No 1482/2003 <sup>(5)</sup> fixes the indicative quantities for which system B export licences may be issued.
- (2) In the light of the information available to the Commission today, there is a risk that the indicative quantities laid down for the current export period for lemons will

shortly be exceeded. This overrun will prejudice the proper working of the export refund scheme in the fruit and vegetables sector.

- (3) To avoid this situation, applications for system B licences for lemons after 6 November 2003 should be rejected until the end of the current export period,

HAS ADOPTED THIS REGULATION:

*Article 1*

Applications for system B export licences for lemons submitted pursuant to Article 1 of Regulation (EC) No 1482/2003, export declarations for which are accepted after 6 November 2003 and before 15 November 2003, are hereby rejected.

*Article 2*

This Regulation shall enter into force on 7 November 2003.

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

Done at Brussels, 6 November 2003.

*For the Commission*

J. M. SILVA RODRÍGUEZ  
*Agriculture Director-General*

<sup>(1)</sup> OJ L 297, 21.11.1996, p. 1.

<sup>(2)</sup> OJ L 7, 11.1.2003, p. 64.

<sup>(3)</sup> OJ L 268, 9.10.2001, p. 8.

<sup>(4)</sup> OJ L 170, 29.6.2002, p. 69.

<sup>(5)</sup> OJ L 212, 22.8.2003, p. 41.

**COMMISSION REGULATION (EC) No 1959/2003  
of 6 November 2003**

**altering the export refunds on white sugar and raw sugar exported in the natural state**

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 the third subparagraph of Article 27(5) thereof,

Whereas:

- (1) The refunds on white sugar and raw sugar exported in the natural state were fixed by Commission Regulation (EC) No 1908/2003 <sup>(3)</sup>.
- (2) It follows from applying the detailed rules contained in Regulation (EC) No 1908/2003 to the information known to the Commission that the export refunds at

present in force should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

*Article 1*

The export refunds on the products listed in Article 1(1)(a) of Regulation (EC) No 1260/2001, undenatured and exported in the natural state, as fixed in the Annex to Regulation (EC) No 1908/2003 are hereby altered to the amounts shown in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 7 November 2003.

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

Done at Brussels, 6 November 2003.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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

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

<sup>(3)</sup> OJ L 283, 31.10.2003, p. 12.

## ANNEX

## REFUNDS ON WHITE SUGAR AND RAW SUGAR EXPORTED WITHOUT FURTHER PROCESSING

Product code	Destination	Unit of measurement	Amount of refund
1701 11 90 9100	S00	EUR/100 kg	45,72 <sup>(1)</sup>
1701 11 90 9910	S00	EUR/100 kg	45,41 <sup>(1)</sup>
1701 12 90 9100	S00	EUR/100 kg	45,72 <sup>(1)</sup>
1701 12 90 9910	S00	EUR/100 kg	45,41 <sup>(1)</sup>
1701 91 00 9000	S00	EUR/1 % of sucrose × 100 kg product net	0,4970
1701 99 10 9100	S00	EUR/100 kg	49,70
1701 99 10 9910	S00	EUR/100 kg	49,36
1701 99 10 9950	S00	EUR/100 kg	49,36
1701 99 90 9100	S00	EUR/1 % of sucrose × 100 kg of net product	0,4970

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).

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

The other destinations are:

S00: all destinations (third countries, other territories, victualling and destinations treated as exports from the Community) with the exception of Albania, Croatia, Bosnia and Herzegovina, Serbia and Montenegro (including Kosovo, as defined in UN Security Council Resolution 1244 of 10 June 1999) and the former Yugoslav Republic of Macedonia, save for sugar incorporated in the products referred to in Article 1(2)(b) of Council Regulation (EC) No 2201/96 (OJ L 297, 21.11.1996, p. 29).

<sup>(1)</sup> This amount is applicable to raw sugar with a yield of 92 %. Where the yield for exported raw sugar differs from 92 %, the refund amount applicable shall be calculated in accordance with Article 28(4) of Regulation (EC) No 1260/2001.

**COMMISSION REGULATION (EC) No 1960/2003  
of 6 November 2003**

**fixing the maximum export refund for white sugar to certain third countries for the 13th partial invitation to tender issued within the framework of the standing invitation to tender provided for in Regulation (EC) No 1290/2003**

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 27(5) thereof,

Whereas:

- (1) Commission Regulation (EC) No 1290/2003 of 18 July 2003 on a standing invitation to tender to determine levies and/or refunds on exports of white sugar <sup>(3)</sup>, for the 2003/2004 marketing year, requires partial invitations to tender to be issued for the export of this sugar to certain third countries.
- (2) Pursuant to Article 9(1) of Regulation (EC) No 1290/2003 a maximum export refund shall be fixed, as the case may be, account being taken in particular of the state and foreseeable development of the Community and world markets in sugar, for the partial invitation to tender in question.

(3) Following an examination of the tenders submitted in response to the 13th partial invitation to tender, the provisions set out in Article 1 should be adopted.

(4) 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*

For the 13th partial invitation to tender for white sugar issued pursuant to Regulation (EC) No 1290/2003 the maximum amount of the export refund to certain third countries is fixed at 52,614 EUR/100 kg.

*Article 2*

This Regulation shall enter into force on 7 November 2003.

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

Done at Brussels, 6 November 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 181, 19.7.2003, p. 7.

**COMMISSION REGULATION (EC) No 1961/2003  
of 6 November 2003**

**fixing the export refunds on rice and broken rice and suspending the issue of export licences**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organisation of the market in rice <sup>(1)</sup>, as last amended by Commission Regulation (EC) No 411/2002 <sup>(2)</sup>, and in particular the second subparagraph of Article 13(3) and (15) thereof,

Whereas:

(1) Article 13 of Regulation (EC) No 3072/95 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) Article 13(4) of Regulation (EC) No 3072/95, provides that when refunds are being fixed account must be taken of the existing situation and the future trend with regard to prices and availabilities of rice and broken rice on the Community market on the one hand and prices for rice and broken rice on the world market on the other. The same Article provides that it is also important to ensure equilibrium and the natural development of prices and trade on the rice market and, furthermore, to take into account the economic aspect of the proposed exports and the need to avoid disturbances of the Community market with limits resulting from agreements concluded in accordance with Article 300 of the Treaty.

(3) Commission Regulation (EEC) No 1361/76 <sup>(3)</sup> lays down the maximum percentage of broken rice allowed in rice for which an export refund is fixed and specifies the percentage by which that refund is to be reduced where the proportion of broken rice in the rice exported exceeds that maximum.

(4) Export possibilities exist for a quantity of 8 800 tonnes of rice to certain destinations. The procedure laid down in Article 8(3) of Commission Regulation (EC) No 1342/2003 <sup>(4)</sup> should be used. Account should be taken of this when the refunds are fixed.

(5) Article 13(5) of Regulation (EC) No 3072/95 defines the specific criteria to be taken into account when the export refund on rice and broken rice is being calculated.

(6) 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.

(7) A separate refund should be fixed for packaged long grain rice to accommodate current demand for the product on certain markets.

(8) The refund must be fixed at least once a month; whereas it may be altered in the intervening period.

(9) It follows from applying these rules and criteria to the present situation on the market in rice and in particular to quotations or prices for rice and broken rice within the Community and on the world market, that the refund should be fixed as set out in the Annex hereto.

(10) For the purposes of administering the volume restrictions resulting from Community commitments in the context of the WTO, the issue of export licences with advance fixing of the refund should be restricted.

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

HAS ADOPTED THIS REGULATION:

*Article 1*

The export refunds on the products listed in Article 1 of Regulation (EC) No 3072/95 with the exception of those listed in paragraph 1(c) of that Article, exported in the natural state, shall be as set out in the Annex hereto.

*Article 2*

With the exception of the quantity of 8 800 tonnes provided for in the Annex, the issue of export licences with advance fixing of the refund is suspended.

*Article 3*

This Regulation shall enter into force on 7 November 2003.

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

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

<sup>(3)</sup> OJ L 154, 15.6.1976, p. 11.

<sup>(4)</sup> OJ L 189, 29.7.2003, p. 12.

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

Done at Brussels, 6 November 2003.

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

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## ANNEX

## to the Commission Regulation of 6 November 2003 fixing the export refunds on rice and broken rice and suspending the issue of export licences

Product code	Destination	Unit of measurement	Amount of refunds (1)	Product code	Destination	Unit of measurement	Amount of refunds (1)
1006 20 11 9000	R01	EUR/t	106	1006 30 65 9900	R01	EUR/t	132
1006 20 13 9000	R01	EUR/t	106		064 and 066	EUR/t	158
1006 20 15 9000	R01	EUR/t	106		A97	EUR/t	138
1006 20 17 9000	—	EUR/t	—	1006 30 67 9100	021 and 023	EUR/t	138
1006 20 92 9000	R01	EUR/t	106		064 and 066	EUR/t	158
1006 20 94 9000	R01	EUR/t	106	1006 30 67 9900	064 and 066	EUR/t	158
1006 20 96 9000	R01	EUR/t	106	1006 30 92 9100	R01	EUR/t	132
1006 20 98 9000	—	EUR/t	—		R02	EUR/t	138
1006 30 21 9000	R01	EUR/t	106		R03	EUR/t	143
1006 30 23 9000	R01	EUR/t	106		064 and 066	EUR/t	158
1006 30 25 9000	R01	EUR/t	106		A97	EUR/t	138
1006 30 27 9000	—	EUR/t	—		021 and 023	EUR/t	138
1006 30 42 9000	R01	EUR/t	106	1006 30 92 9900	R01	EUR/t	132
1006 30 44 9000	R01	EUR/t	106		A97	EUR/t	138
1006 30 46 9000	R01	EUR/t	106		064 and 066	EUR/t	158
1006 30 48 9000	—	EUR/t	—	1006 30 94 9100	R01	EUR/t	132
1006 30 61 9100	R01	EUR/t	132		R02	EUR/t	138
	R02	EUR/t	138		R03	EUR/t	143
	R03	EUR/t	143		064 and 066	EUR/t	158
	064 and 066	EUR/t	158		A97	EUR/t	138
	A97	EUR/t	138		021 and 023	EUR/t	138
1006 30 61 9900	021 and 023	EUR/t	138	1006 30 94 9900	R01	EUR/t	132
	R01	EUR/t	132		A97	EUR/t	138
	A97	EUR/t	138		064 and 066	EUR/t	158
1006 30 63 9100	064 and 066	EUR/t	158	1006 30 96 9100	R01	EUR/t	132
	R01	EUR/t	132		R02	EUR/t	138
	R02	EUR/t	138		R03	EUR/t	143
	R03	EUR/t	143		064 and 066	EUR/t	158
	064 and 066	EUR/t	158		A97	EUR/t	138
	A97	EUR/t	138		021 and 023	EUR/t	138
1006 30 63 9900	021 and 023	EUR/t	138	1006 30 96 9900	R01	EUR/t	132
	R01	EUR/t	132		A97	EUR/t	138
	064 and 066	EUR/t	158		064 and 066	EUR/t	158
	A97	EUR/t	138		021 and 023	EUR/t	138
1006 30 65 9100	R01	EUR/t	132	1006 30 98 9100	021 and 023	EUR/t	138
	R02	EUR/t	138	1006 30 98 9900	—	EUR/t	—
	R03	EUR/t	143	1006 40 00 9000	—	EUR/t	—
	064 and 066	EUR/t	158				
	A97	EUR/t	138				
	021 and 023	EUR/t	138				

(1) The procedure laid down in Article 8(3) of Regulation (EC) No 1342/2003 applies to licences applied for under that Regulation for quantities according to the destination:

destination R01:	2 000 t,
all destinations R02 and R03:	2 000 t,
destinations 021 and 023:	500 t,
destinations 064 and 066:	4 000 t,
destination A97:	300 t.

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

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

The other destinations are defined as follows:

R01 Switzerland, Liechtenstein, communes of Livigno and Campione d'Italia.

R02 Morocco, Algeria, Tunisia, Malta, Egypt, Israel, Lebanon, Libya, Syria, Ex-Spanish Sahara, Cyprus, Jordan, Iraq, Iran, Yemen, Kuwait, United Arab Emirates, Oman, Bahrain, Qatar, Saudi Arabia, Eritrea, West Bank/Gaza Strip, Estonia, Latvia, Lithuania, Poland, Czech Republic, Slovenia, Slovakia, Norway, Faroe Islands, Iceland, Russia, Belarus, Bosnia and Herzegovina, Croatia, Serbia and Montenegro, Former Yugoslav Republic of Macedonia, Albania, Bulgaria, Georgia, Armenia, Azerbaijan, Moldova, Ukraine, Kazakstan, Turkmenistan, Uzbekistan, Tajikistan, Kyrgyzstan.

R03 Colombia, Ecuador, Peru, Bolivia, Chile, Argentina, Uruguay, Paraguay, Brazil, Venezuela, Canada, Mexico, Guatemala, Honduras, El Salvador, Nicaragua, Costa Rica, Panama, Cuba, Bermuda, South Africa, Australia, New Zealand, Hong Kong SAR, Singapore, A40 except the Netherlands Antilles, Aruba, Turks and Caicos Islands, A11 except Suriname, Guyana, Madagascar.

**COMMISSION REGULATION (EC) No 1962/2003**  
**of 6 November 2003**  
**concerning tenders notified in response to the invitation to tender for the export of oats issued in**  
**Regulation (EC) No 1814/2003**

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 1501/95 of 29 June 1995 laying down certain detailed rules for the application of 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>, and in particular Article 4 thereof,

Having regard to Commission Regulation (EC) No 1814/2003 of 15 October 2003 on a special intervention measure for cereals in Finland and Sweden for the marketing year 2003/04 <sup>(5)</sup>, and in particular Article 9 thereof,

Whereas:

- (1) An invitation to tender for the refund for the export of oats produced in Finland and Sweden for export from Finland and Sweden to all third countries, with the exception of Bulgaria, Cyprus, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, the Czech Republic, Romania, Slovakia and Slovenia was opened pursuant to Regulation (EC) No 1814/2003.

- (2) According to Article 9 of Regulation (EC) No 1814/2003 the Commission may, on the basis of the tenders notified, in accordance with the procedure laid down in Article 23 of Regulation (EEC) No 1766/92, decide to make no award.
- (3) On the basis of the criteria laid down in Article 1 of Regulation (EC) No 1501/95, a maximum refund should not be fixed.
- (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*

No action shall be taken on the tenders notified from 31 October to 6 November 2003 in response to the invitation to tender for the refund for the export of oats issued in Regulation (EC) No 1814/2003.

*Article 2*

This Regulation shall enter into force on 7 November 2003.

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

Done at Brussels, 6 November 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.

<sup>(5)</sup> OJ L 265, 16.10.2003, p. 25.

## II

(Acts whose publication is not obligatory)

## COMMISSION

## COMMISSION DECISION

of 6 November 2003

authorising Italy to continue trials involving a new oenological practice

(notified under document number C(2003) 4099)

(Only the Italian text is authentic)

(2003/784/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1493/1999 of 17 May 1999 on the common organisation of the market in wine <sup>(1)</sup>, as last amended by Commission Regulation (EC) No 1795/2003 <sup>(2)</sup>, and in particular Article 46(2)(f) thereof,

Whereas:

(1) In accordance with Article 41(1) of Commission Regulation (EC) No 1622/2000 of 24 July 2000 laying down certain detailed rules for implementing Regulation (EC) No 1493/1999 on the common organisation of the market in wine and establishing a Community code of oenological practices and processes <sup>(3)</sup>, as last amended by Regulation (EC) No 1410/2003 <sup>(4)</sup>, Italy has authorised trials involving the use of pieces and chips of wood in the ageing of wine.

(2) These trials have measured the release of wood elements from oak pieces and chips in solutions of alcohol in terms of the area and porosity of those materials and then, on several types of wines, the influence of these elements on the organoleptic qualities immediately after vinification and then after ageing for nine months. It is important to continue these tests in order to clarify the initial results of the experimental trials.

(3) Italy has sent the Commission a communication regarding the trials. The Commission has informed the Member States of the results of the latter.

(4) Italy has requested the Commission for authorisation to extend those trials for a further period in view of the positive results achieved and has submitted the relevant justification in support of its request.

(5) Grapes from the 2003 harvest are now due to be vinified under those trials.

(6) In accordance with Article 41(3) of Regulation (EC) No 1622/2000, the Commission must take a decision on this request.

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

HAS ADOPTED THIS DECISION:

Article 1

Italy is authorised to continue, on a trial basis, the use of pieces and chips of wood in the process of ageing wine until 31 July 2005, in accordance with the conditions laid down in Article 41(1) of Regulation (EC) No 1622/2000.

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

<sup>(2)</sup> OJ L 262, 14.10.2003, p. 13.

<sup>(3)</sup> OJ L 194, 31.7.2000, p. 1.

<sup>(4)</sup> OJ L 201, 8.8.2002, p. 9.

*Article 2*

This Decision is addressed to the Republic of Italy.

Done at Brussels, 6 November 2003.

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

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