

# Official Journal

## of the European Union

ISSN 1725-2555

L 297

Volume 46

15 November 2003

English edition

## Legislation

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## I

*(Acts whose publication is obligatory)*

**REGULATION (EC) No 2004/2003 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL  
of 4 November 2003  
on the regulations governing political parties at European level and the rules regarding their  
funding**

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE  
EUROPEAN UNION,

Having regard to the Treaty establishing the European Com-  
munity, and in particular Article 191 thereof,

Having regard to the proposal from the Commission,

Acting in accordance with the procedure laid down in Article  
251 of the Treaty <sup>(1)</sup>,

Whereas:

- (1) Article 191 of the Treaty states that political parties at European level are important as a factor for integration within the Union and that they contribute to forming a European awareness and to expressing the political will of the citizens of the Union.
- (2) A number of basic rules should be laid down, in the form of regulations, for political parties at European level, in particular with regard to their funding. Experience acquired in applying this Regulation should reveal the extent to which these regulations should, or should not, be supplemented by further rules.
- (3) Experience has shown that a political party at European level will have as its members either citizens gathered together in the form of a political party or political parties which together form an alliance. The terms 'political party' and 'alliance of political parties' used in this Regulation should therefore be clarified.
- (4) In order to be able to identify a 'political party at European level', it is important to set certain conditions. In particular, it is necessary for political parties at European level to observe the principles on which the European Union is founded, as set out in the Treaties and recognised in the Charter of Fundamental Rights of the European Union.
- (5) The procedure to be followed by political parties at European level which wish to receive funding pursuant to this Regulation should be laid down.

- (6) Provision should also be made for regular verification of the conditions applied for identifying a political party at European level.
- (7) Political parties at European level which have received funding under this Regulation should submit to obligations aimed at ensuring transparency of sources of funding.
- (8) In accordance with Declaration No 11 on Article 191 of the Treaty establishing the European Community annexed to the Final Act of the Treaty of Nice, the funding granted pursuant to this Regulation should not be used to fund, either directly or indirectly, political parties at national level. By virtue of same declaration, the provisions on the funding of political parties at European level should apply, on the same basis, to all the political forces represented in the European Parliament.
- (9) The nature of the expenditure that can be funded under this Regulation should be defined.
- (10) The appropriations allocated to funding under this Regulation should be determined in accordance with the annual budgetary procedure.
- (11) It is necessary to ensure maximum transparency and financial control of political parties at European level funded from the general budget of the European Union.
- (12) A scale should be set for distributing the appropriations available each year, taking into account, on the one hand, the number of beneficiaries and, on the other, the number of elected members in the European Parliament.
- (13) Technical assistance to be afforded by the European Parliament to political parties at European level should be guided by the principle of equal treatment.
- (14) The application of this Regulation and the activities funded should be examined in a report from the European Parliament which should be published.

<sup>(1)</sup> Opinion of the European Parliament of 19 June 2003 (not yet published in the Official Journal) and Council Decision of 29 September 2003.

- (15) The judicial control which falls within the jurisdiction of the Court of Justice will help ensure the correct application of this Regulation.
- (16) In order to facilitate transition towards the new rules, the application of some of the provisions of this Regulation should be postponed until the European Parliament has been formed after the elections due in June 2004,

HAVE ADOPTED THIS REGULATION:

#### Article 1

### Subject matter and scope

This Regulation establishes rules on the regulations governing political parties at European level and rules regarding their funding.

#### Article 2

### Definitions

For the purposes of this Regulation:

1. 'political party' means an association of citizens:
  - which pursues political objectives, and
  - which is either recognised by, or established in accordance with, the legal order of at least one Member State;
2. 'alliance of political parties' means structured cooperation between at least two political parties;
3. 'political party at European level' means a political party or an alliance of political parties which satisfies the conditions referred to in Article 3.

#### Article 3

### Conditions

A political party at European level shall satisfy the following conditions:

- (a) it must have legal personality in the Member State in which its seat is located;
- (b) it must be represented, in at least one quarter of Member States, by Members of the European Parliament or in the national Parliaments or regional Parliaments or in the regional assemblies, or  
it must have received, in at least one quarter of the Member States, at least three per cent of the votes cast in each of those Member States at the most recent European Parliament elections;
- (c) it must observe, in particular in its programme and in its activities, the principles on which the European Union is founded, namely the principles of liberty, democracy, respect for human rights and fundamental freedoms, and the rule of law;

- (d) it must have participated in elections to the European Parliament, or have expressed the intention to do so.

#### Article 4

### Application for funding

1. In order to receive funding from the general budget of the European Union, a political party at European level shall file an application with the European Parliament each year.

The European Parliament shall adopt a decision within three months and authorise and manage the corresponding appropriations.

2. The first application shall be accompanied by the following documents:

- (a) documents proving that the applicant satisfies the conditions laid down in Article 3;
- (b) a political programme setting out the objectives of the political party at European level;
- (c) a statute defining in particular the bodies responsible for political and financial management as well as the bodies or natural persons holding, in each of the Member States concerned, the power of legal representation, in particular for the purposes of the acquisition or disposal of movable and immovable property and of being a party to legal proceedings.

3. Any amendment concerning the documents referred to in paragraph 2, in particular a political programme or statute, which have already been presented, shall be notified to the European Parliament within two months. In the absence of such notification, funding shall be suspended.

#### Article 5

### Verification

1. The European Parliament shall verify regularly that the conditions set out in Article 3(a) and (b) continue to be met by political parties at European level.

2. With regard to the condition specified in Article 3(c), at the request of one quarter of its members, representing at least three political groups in the European Parliament, the European Parliament shall verify, by a majority of its members, that the condition in question continues to be met by a political party at European level.

Before carrying out such verification, the European Parliament shall hear the representatives of the relevant political party at European level and ask a committee of independent eminent persons to give an opinion on the subject within a reasonable period.

The committee shall consist of three members, with the European Parliament, the Council and the Commission each appointing one member. The secretariat and funding of the committee shall be provided by the European Parliament.

3. If the European Parliament finds that any of the conditions referred to in Article 3(a), (b) and (c) is no longer satisfied, the relevant political party at European level, which has for this reason forfeited this status, shall be excluded from funding under this Regulation.

#### Article 6

##### Obligations linked to funding

A political party at European level shall:

- (a) publish its revenue and expenditure and a statement of its assets and liabilities annually;
- (b) declare its sources of funding by providing a list specifying the donors and the donations received from each donor, with the exception of donations not exceeding EUR 500;
- (c) not accept:
  - anonymous donations,
  - donations from the budgets of political groups in the European Parliament,
  - donations from any undertaking over which the public authorities may exercise directly or indirectly a dominant influence by virtue of their ownership of it, their financial participation therein, or the rules which govern it,
  - donations exceeding EUR 12 000 per year and per donor from any natural or legal person other than the undertakings referred to in the third indent and without prejudice to the second subparagraph.

Contributions from political parties which are members of a political party at European level shall be admissible. They may not exceed 40 % of that party's annual budget.

#### Article 7

##### Prohibition of funding

The funding of political parties at European level from the general budget of the European Union or from any other source may not be used for the direct or indirect funding of other political parties, and in particular national political parties, which shall continue to be governed by national rules.

#### Article 8

##### Nature of expenditure

Appropriations received from the general budget of the European Union in accordance with this Regulation may only be used to meet expenditure directly linked to the objectives set out in the political programme referred to in Article 4(2)(b).

Such expenditure shall include administrative expenditure and expenditure linked to technical assistance, meetings, research, cross-border events, studies, information and publications.

#### Article 9

##### Implementation and control

1. Appropriations for funding political parties at European level shall be determined under the annual budgetary procedure and shall be implemented in accordance with the Financial Regulation applicable to the general budget of the European Communities <sup>(1)</sup>.

2. The valuation of movable and immovable property and its depreciation shall be carried out in accordance with Commission Regulation (EC) No 2909/2000 of 29 December 2000 on the accounting management of the European Communities' non-financial fixed assets <sup>(2)</sup>.

3. Control of funding granted under this Regulation shall be exercised in accordance with the Financial Regulation and the implementing rules thereto.

Control shall also be exercised on the basis of annual certification by an external and independent audit. This certification shall be transmitted, within six months of the end of the financial year concerned, to the European Parliament.

4. Further to application of this Regulation, any funds improperly received by political parties at European level from the general budget of the European Union shall be refunded to that budget.

5. Any document or information required by the Court of Auditors in order to carry out its task shall be supplied to it at its request by the political parties at European level receiving funding granted under this Regulation.

Where expenditure is committed by political parties at European level jointly with national political parties and other organisations, evidence of the expenditure incurred by the political parties at European level shall be made available to the Court of Auditors.

6. Funding of political parties at European level in their capacity as bodies pursuing an objective of general European interest shall not be subject to the provisions of Article 113 of the Financial Regulation relating to the decreasing of the funding.

<sup>(1)</sup> Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities (OJ L 248, 16.9.2002, p. 1).

<sup>(2)</sup> OJ L 336, 30.12.2000, p. 75.

*Article 10***Distribution**

1. Available appropriations shall be distributed annually as follows among the political parties at European level which have obtained a positive decision on their application for funding as referred to in Article 4:

- (a) 15 % shall be distributed in equal shares;
- (b) 85 % shall be distributed among those which have elected members in the European Parliament, in proportion to the number of elected members.

For the application of these provisions, a Member of the European Parliament may be a member of only one political party at European level.

2. Funding charged to the general budget of the European Union shall not exceed 75 % of the budget of a political party at European level. The burden of proof shall rest with the relevant political party at European level.

*Article 11***Technical support**

All technical support from the European Parliament to political parties at European level shall be based on the principle of equal treatment. It shall be granted on conditions no less

favourable than those granted to other external organisations and associations that may be accorded similar facilities and shall be supplied against invoice and payment.

The European Parliament shall publish details of the technical support provided to each political party at European level in an annual report.

*Article 12***Report**

The European Parliament shall publish a report not later than 15 February 2006 on the application of this Regulation and the activities funded. The report shall indicate, where appropriate, possible amendments to be made to the funding system.

*Article 13***Entry into force and application**

This Regulation shall enter into force three months following the date of its publication in the *Official Journal of the European Union*.

Articles 4 to 10 shall apply from the date of the opening of the first session held after the European Parliament elections of June 2004.

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

Done at Brussels, 4 November 2003.

*For the European Parliament*

*The President*

P. COX

*For the Council*

*The President*

G. TREMONTI

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**COMMISSION REGULATION (EC) No 2005/2003**  
**of 14 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 15 November 2003.

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

Done at Brussels, 14 November 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 14 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	85,6
	096	49,6
	204	52,5
	999	62,6
0707 00 05	052	147,8
	999	147,8
0709 90 70	052	120,2
	204	77,9
	999	99,1
0805 20 10	204	55,0
	999	55,0
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	052	75,9
	388	66,8
	464	146,8
	528	66,8
	999	89,1
0805 50 10	052	86,0
	524	60,1
	528	81,9
	600	87,7
	999	78,9
0806 10 10	052	119,4
	400	231,0
	508	326,8
	999	225,7
0808 10 20, 0808 10 50, 0808 10 90	052	60,5
	060	36,6
	064	48,5
	096	84,1
	388	117,0
	400	94,8
	404	94,6
	720	51,5
	800	162,7
	999	83,4
0808 20 50	052	95,9
	060	52,6
	064	60,3
	720	42,9
	999	62,9

<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 2006/2003****of 14 November 2003****fixing the minimum selling prices for butter for the 130th 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 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 measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Milk and Milk Products,

HAS ADOPTED THIS REGULATION:

*Article 1*

The minimum selling prices of butter from intervention stocks and processing securities applying for the 130th 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 15 November 2003.

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

Done at Brussels, 14 November 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 14 November 2003 fixing the minimum selling prices for butter for the 130th individual invitation to tender under the standing invitation to tender provided for in Regulation (EC) No 2571/97**

(EUR/100 kg)

Formula			A		B	
Incorporation procedure			With tracers	Without tracers	With tracers	Without tracers
Minimum selling price	Butter ≥ 82 %	Unaltered	—	217,5	—	—
		Concentrated	214	—	—	—
Processing security		Unaltered	—	126	—	—
		Concentrated	126	—	—	—

**COMMISSION REGULATION (EC) No 2007/2003  
of 14 November 2003**

**fixing the maximum aid for cream, butter and concentrated butter for the 130th 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 measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Milk and Milk Products,

HAS ADOPTED THIS REGULATION:

*Article 1*

The maximum aid and processing securities applying for the 130th 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 15 November 2003.

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

Done at Brussels, 14 November 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 14 November 2003 fixing the maximum aid for cream, butter and concentrated butter for the 130th 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	87	—	—	—
	Concentrated butter	108	—	107	—
	Cream	—	—	37	—

**COMMISSION REGULATION (EC) No 2008/2003  
of 14 November 2003**

**fixing the minimum selling price for skimmed-milk powder for the 49th 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 49th 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 11 November 2003, the minimum selling price and the processing security are fixed as follows:

- |                          |                    |
|--------------------------|--------------------|
| — minimum selling price: | EUR 198,05/100 kg, |
| — processing security:   | EUR 52,00/100 kg.  |

*Article 2*

This Regulation shall enter into force on 15 November 2003.

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

Done at Brussels, 14 November 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 2009/2003  
of 14 November 2003**

**fixing the maximum aid for concentrated butter for the 302nd 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 302nd 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 107/100 kg. |

*Article 2*

This Regulation shall enter into force on 15 November 2003.

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

Done at Brussels, 14 November 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 2010/2003**  
**of 14 November 2003**  
**amending Regulation (EC) No 800/1999 laying down common detailed rules for the application of**  
**the system of export refunds on agricultural products**

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, and the corresponding provisions of the other regulations on the common organisation of markets in agricultural products,

Whereas:

- (1) The existing rules in the framework of the prefinancing with processing, provide for a system of equivalence for basic products stored in bulk and intermediate products stored in bulk and which are going to be exported after processing. Equivalence may be made for products placed in different locations; equivalence may be made also for products placed in the same location. Equivalence is forbidden for products in some situations, such as intervention products intended for export. As a general rule, equivalence is not allowed in the framework of the prefinancing for storage, without prejudice to specific sector regulations that provide that certain products can be stored in bulk in the same silo or storage location with other products having another customs status. The European Court of Auditors in its Special Report No 1/2003 has noted that the system of equivalence is unnecessarily complex and difficult to control. Furthermore the Court has found that the rules have been applied very differently in different Member States, and even in different regions within the same Member State. It is therefore advisable to remove the equivalence possibility from the prefinancing with processing.
- (2) Council Regulation (EEC) No 565/80 of 4 March 1980 on the advance payment of export refunds in respect of agricultural products <sup>(3)</sup>, as last amended by Commission Regulation (EC) No 444/2003 <sup>(4)</sup>, has introduced the use of real rates of yield for products processed under the prefinancing arrangements. In order to take into account the variability in yields, it is advisable to implement a certain flexibility where the declared yield turns out to be higher than the real yield.
- (3) With a view to providing a more efficient administration of the applications for payment of export refunds, it is considered appropriate that Member States may decide that only electronic applications must be used.

- (4) With a view to simplifying the administrative procedure for payment of refunds involving small quantities, the requirement of furnishing proof of import in the context of a request for equivalent documents should be waived for refunds less than or equal to EUR 2 400.
- (5) With a view to simplifying the handling of files with penalties of small amounts, the minimum amount for which Member States may waive recovery should be increased.
- (6) Commission Regulation (EC) No 800/1999 <sup>(5)</sup>, as last amended by Regulation (EC) No 444/2003, should therefore be amended accordingly.
- (7) The Management Committees concerned have not delivered opinions within the time limits set by their chairmen,

HAS ADOPTED THIS REGULATION:

*Article 1*

Regulation (EC) No 800/1999 is amended as follows:

1. Article 28 is amended as follows:
  - (a) in paragraph 3 the second, third and fourth subparagraphs are deleted;
  - (b) paragraphs 4 and 5 are deleted.
2. In Article 35(1), the following subparagraph is added:
 

‘However where the difference between the sum due and the sum paid in advance is due to a difference between the rate of yield declared in the payment declaration and the rate of yield obtained after processing, the increase of 15 % referred to in the second subparagraph shall not apply if the difference between the rates of yield is lower than 2 %.

Article 51 shall not apply when there is a difference between the rate of yield declared and the rate of yield obtained after processing.’
3. Article 49 is amended as follows:
  - (a) in paragraph 1, the following subparagraph is inserted after the second subparagraph:
 

‘However Member States may decide that refund applications must be made exclusively using one of the methods referred to in the second subparagraph.’
  - (b) in paragraph 3, second subparagraph, point (a), ‘EUR 1 200’ is replaced by ‘EUR 2 400’.

<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 62, 7.3.1980, p. 5.

<sup>(4)</sup> OJ L 67, 12.3.2003, p. 3.

<sup>(5)</sup> OJ L 102, 17.4.1999, p. 11.



4. In Article 51(9), 'EUR 60' is replaced by 'EUR 100'.

5. In Article 52(3), 'EUR 60' is replaced by 'EUR 100'.

*Article 2*

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

Article 1(1) shall apply to products covered by a payment declaration accepted from 1 January 2004.

Article 1(2) shall apply to products covered by a payment declaration accepted from 1 October 2003.

Article 1(3), (4) and (5) shall apply to products covered by an export declaration accepted from 1 December 2003.

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

Done at Brussels, 14 November 2003.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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**COMMISSION REGULATION (EC) No 2011/2003  
of 14 November 2003**

**amending Annexes I and III to Council Regulation (EEC) No 2377/90 laying down a Community procedure for the establishment of maximum residue limits of veterinary medicinal products in foodstuffs of animal origin**

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2377/90 of 26 June 1990 laying down a Community procedure for the establishment of maximum residue limits of veterinary medicinal products in foodstuffs of animal origin <sup>(1)</sup>, as last amended by Commission Regulation (EC) No 1873/2003 <sup>(2)</sup>, and in particular Articles 6, 7 and 8 thereof,

Whereas:

- (1) In accordance with Regulation (EEC) No 2377/90, maximum residue limits must be established progressively for all pharmacologically active substances which are used within the Community in veterinary medicinal products intended for administration to food-producing animals.
- (2) Maximum residue limits should be established only after the examination within the Committee for Veterinary Medicinal Products of all the relevant information concerning the safety of residues of the substance concerned for the consumer of foodstuffs of animal origin and the impact of residues on the industrial processing of foodstuffs.
- (3) In establishing maximum residue limits for residues of veterinary medicinal products in foodstuffs of animal origin, it is necessary to specify the animal species in which residues may be present, the levels which may be present in each of the relevant meat tissues obtained from the treated animal (target tissue) and the nature of the residue which is relevant for the monitoring of residues (marker residue).
- (4) For the control of residues, as provided for in appropriate Community legislation, maximum residue limits should usually be established for the target tissues of liver or kidney. However, the liver and kidney are frequently removed from carcasses moving in international trade, and maximum residue limits should therefore also always be established for muscle or fat tissues.

- (5) In the case of veterinary medicinal products intended for use in laying birds, lactating animals or honey bees, maximum residue limits must also be established for eggs, milk or honey.
- (6) Alphacypermethrin and Metamizole should be inserted into Annex I to Regulation (EEC) No 2377/90.
- (7) In order to allow for the completion of scientific studies, Phoxim should be inserted into Annex III to Regulation (EEC) No 2377/90.
- (8) An adequate period should be allowed before the entry into force of this Regulation in order to allow Member States to make any adjustment which may be necessary to the authorisations to place the veterinary medicinal products concerned on the market which have been granted in accordance with Directive 2001/82/EC <sup>(3)</sup> of the European Parliament and of the Council to take account of the provisions of this Regulation.
- (9) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Veterinary Medicinal Products,

HAS ADOPTED THE FOLLOWING REGULATION:

*Article 1*

Annexes I and III to Regulation (EEC) No 2377/90 are hereby amended as set out in the Annex hereto.

*Article 2*

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

It shall apply from the 60th day following its publication.

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

<sup>(2)</sup> OJ L 275, 25.10.2003, p. 9.

<sup>(3)</sup> OJ L 311, 28.11.2001, p. 1.

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

Done at Brussels, 14 November 2003.

*For the Commission*

Erkki LIIKANEN

*Member of the Commission*

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ANNEX

A. Annex I to Regulation (EEC) No 2377/90 is amended as follows:

- 2. Antiparasitic agents
- 2.2. Agents acting against ectoparasites
- 2.2.3. Pyrethroids

Pharmacologically active substance(s)	Marker residue	Animal species	MRLs	Target tissues
'Alphacypermethrin	Cypermethrin (sum of isomers)	Bovine, ovine	20 µg/kg 200 µg/kg 20 µg/kg 20 µg/kg 20 µg/kg	Muscle Fat Liver Kidney Milk <sup>(1)</sup>

<sup>(1)</sup> Further provisions in Commission Directive 98/82/EC are to be observed (OJ L 290, 29.10.1998, p. 25)'

- 4. Anti-inflammatory agents
- 4.1. Nonsteroidal anti-inflammatory agents
- 4.1.5. Pyrazolone derivatives

Pharmacologically active substance(s)	Marker residue	Animal species	MRLs	Target tissues
'Metamizole	4-Methylaminoantipyrin	Bovine	100 µg/kg	Muscle
			100 µg/kg	Fat
			100 µg/kg	Liver
			100 µg/kg	Kidney
			50 µg/kg	Milk
	Porcine		100 µg/kg	Muscle
			100 µg/kg	Skin and fat
			100 µg/kg	Liver
	Equidae		100 µg/kg	Kidney
			100 µg/kg	Muscle
			100 µg/kg	Fat
			100 µg/kg	Liver
			100 µg/kg	Kidney'

B. Annex III to Regulation (EEC) No 2377/90 is amended as follows:

- 2. Antiparasitic agents
- 2.2. Agents acting against ectoparasites
- 2.2.4. Organophosphates

Pharmacologically active substance(s)	Marker residue	Animal species	MRLs	Target tissues
Phoxim <sup>(1)</sup>	Phoxim	Chicken	50 µg/kg 550 µg/kg 25 µg/kg 50 µg/kg 60 µg/kg	Muscle Skin and fat Liver Kidney Eggs

<sup>(1)</sup> Provisional MRLs expire on 1.7.2005;

**COMMISSION REGULATION (EC) No 2012/2003  
of 14 November 2003**

**correcting Regulation (EC) No 2535/2001 laying down detailed rules for applying Council Regulation (EC) No 1255/1999 as regards the import arrangements for milk and milk products and opening tariff quotas and derogating from that Regulation**

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 29(1) thereof,

Whereas:

(1) In order to implement the concessions provided for by Council Decision 2003/263/EC of 27 March 2003 on the signature and conclusion of a Protocol adjusting the trade aspects of the European Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republic of Poland, of the other part, to take account of the outcome of negotiations between the parties on new mutual agricultural concessions <sup>(3)</sup>, Commission Regulation (EC) No 787/2003 <sup>(4)</sup> replaces, *inter alia*, point 1 of part I.B of Annex I to Commission Regulation (EC) No 2535/2001 <sup>(5)</sup>, as last amended by Regulation (EC) No 1157/2003 <sup>(6)</sup>, with effect from 1 May 2003. On that occasion, a reference to a footnote stating that importation under the quota is reserved for products not having received any form of export subsidy in Poland, erroneously also referred to products not subject to that condition. The condition should therefore be abolished for the products concerned with effect from 1 May 2003.

(2) Following its last amendment, Regulation (EC) No 2535/2001 now incorporates the implementing provisions deriving from Council Decision 2003/465/EC <sup>(7)</sup>, which relates to the conclusion of an Agreement between the Community and Norway concerning certain agricultural products.

(3) The said Agreement relates, *inter alia*, to the replacement, from 1 July 2003, of the quota management method, previously based on issuing IMA 1 certificates as

provided for in Title 2, Chapter III of Regulation (EC) No 2535/2001, by management on the basis of an import licence alone as provided for in Chapter I of the said Title 2.

(4) That management is characterised by an approval procedure which requires operators to submit approval applications by 1 April each year.

(5) Regulation (EC) No 1157/2003 exempts operators from the approval procedure for opening on 1 July 2003 the first tranche of quotas for importation from Norway, referred to in Annex I, part H, to Regulation (EC) No 2535/2001, given that it was no longer possible to meet the 1 April deadline for submitting approval applications. For opening the second tranche of those quotas, scheduled for January 2004, transitional approval procedures should be laid down for the operators concerned.

(6) Regulation (EC) No 2535/2001 should be corrected and derogated from as a result.

(7) 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*

In Annex I, part I.B, to Regulation (EC) No 2535/2001, point 1 shall be replaced by the text in the Annex to this Regulation.

*Article 2*

1. By derogation from Article 8(1) of Regulation (EC) No 2535/2001, for the tariff quotas referred to in Annex I, part H, of the said Regulation, and opened on 1 January 2004, approval shall be granted to any operator who submits by 1 December 2003 an approval application in accordance with the procedures laid down in said Article.

<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 97, 15.4.2003, p. 53.

<sup>(4)</sup> OJ L 115, 9.5.2003, p. 18.

<sup>(5)</sup> OJ L 341, 22.12.2001, p. 29.

<sup>(6)</sup> OJ L 162, 1.7.2003, p. 19.

<sup>(7)</sup> OJ L 156, 25.6.2003, p. 48.

2. By derogation from Article 9 of Regulation (EC) No 2535/2001:

(a) the competent authority shall inform approval applicants for the quotas referred to in Annex I, part H, of the said Regulation of the outcome of the approval procedure by 15 December 2003;

(b) the approval shall be valid for only six months.

3. By derogation from Article 10(1) of Regulation (EC) No 2535/2001:

(a) Member States shall communicate to the Commission, by 20 December 2003, in accordance with paragraph 3 of the said Article, the list of operators approved to take part in the allocation of the quotas referred to in Annex I, part H, of the said Regulation, opened on 1 January 2004;

(b) only the operators shown on the list referred to under point (a) shall be authorised to submit licence applications during the period 1 January to 30 June 2004 for the quotas referred to in Annex I, part H, of the said Regulation, opened on 1 January 2004.

#### Article 3

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

It shall apply from its date of entry into force except for Article 1, which shall apply from 1 May 2003.

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

Done at Brussels, 14 November 2003.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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## ANNEX

## 1. Products originating in Poland

Quota number	CN code	Description <sup>(1)</sup>	Applicable rate of duty (% of NPF duty)	Annual quantities (tonnes) from 1.7.2002 to 30.6.2003	Quantities opened on 1.7.2002 <sup>(2)</sup>	Quantities opened on 1.1.2003 <sup>(1)</sup>	Quantities opened on 1.5.2003	Annual quantities (tonnes) from 1.7.2003 to 30.6.2004	Annual increase from 1.7.2004
09.4813	0402 10 19 0402 21 19 0402 21 99	Milk powder	Exemption	12 575	6 000	6 000	575	14 300	1 430
09.4814	0405 10 11 0405 10 19 0405 10 30 0405 10 50 0405 10 90 0405 20 90	Butter and dairy spreads <sup>(2)</sup>	Exemption	7 545	3 600	3 600	345	8 580	860
09.4815	0406	Cheese <sup>(2)</sup>	Exemption	11 318	5 400	5 400	518	12 870	1 290'

**COMMISSION REGULATION (EC) No 2013/2003  
of 14 November 2003**

**on the issuing of system A3 export licences in the fruit and vegetables sector (tomatoes, oranges, lemons and table grapes)**

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 the third subparagraph of Article 35(3) thereof,

Whereas:

- (1) Commission Regulation (EC) No 1913/2003 <sup>(3)</sup> opens an invitation to tender setting the indicative refund rates and indicative quantities for system A3 export licences, which may be issued, other than those tendered for as part of food aid.
- (2) In the light of the tenders submitted, the maximum refund rates and the percentages of quantities to be awarded for tenders quoting those maximum rates should be set.

- (3) In the case of table grapes, oranges and lemons, the maximum rate necessary to award licences for the indicative quantity up to the quantities tendered for is not more than one-and-a-half times the indicative refund rate.

- (4) In the case of tomatoes and table grapes, the asked refund rates are considerably higher than the indicative refund rate and, therefore, all tenders shall be rejected by fixing a zero maximum rate,

HAS ADOPTED THIS REGULATION:

*Article 1*

In the case of tomatoes, oranges, lemons and table grapes, the maximum refund rates and the percentages for reducing the quantities awarded under the invitation to tender opened by Regulation (EC) No 1913/2003 shall be fixed in the Annex.

*Article 2*

This Regulation shall enter into force on 15 November 2003.

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

Done at Brussels, 14 November 2003.

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

<sup>(1)</sup> OJ L 268, 9.10.2001, p. 8.

<sup>(2)</sup> OJ L 170, 29.6.2002, p. 69.

<sup>(3)</sup> OJ L 283, 31.10.2003, p. 25.

## ANNEX

**Issuing of system A3 export licences in the fruit and vegetable sector (tomatoes, oranges, lemons and table grapes)**

Product	Maximum refund rate (EUR/t net)	Percentage awarded of quantities tendered for quoting the maximum refund rate
Tomatoes	0	—
Oranges	25	16 %
Lemons	27	65 %
Table grapes	0	—

**COMMISSION REGULATION (EC) No 2014/2003****of 14 November 2003****on the issuing of system A3 export licences in the fruit and vegetables sector (apples)**

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 the third subparagraph of Article 35(3) thereof,

Whereas:

- (1) Commission Regulation (EC) No 1913/2003 <sup>(3)</sup> opens a tendering procedure setting the indicative refund rates and indicative quantities for which system A3 export licences may be issued.
- (2) In the light of the tenders submitted, the maximum refund rates and the percentages of quantities to be awarded for tenders quoting those maximum rates should be set.
- (3) In the case of apples, the maximum rate necessary to award licences for the indicative quantity up to the quantities tendered for is more than one-and-a-half times the indicative refund rate. The rate must therefore be set

in accordance with Article 4(4) of Commission Regulation (EC) No 1961/2001 of 8 October 2001 laying down detailed rules for implementing Council Regulation (EC) No 2200/96 as regards export refunds on fruit and vegetables <sup>(4)</sup>, as last amended by Regulation (EC) No 1176/2002 <sup>(5)</sup>.

- (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 case of apples, the maximum refund rates and the percentages of quantities to be awarded under the tendering procedure opened by Regulation (EC) No 1913/2003 shall be as set out in the Annex.

*Article 2*

This Regulation shall enter into force on 15 November 2003.

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

Done at Brussels, 14 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, 11.1.2002, p. 64.

<sup>(3)</sup> OJ L 283, 31.10.2003, p. 25.

<sup>(4)</sup> OJ L 268, 9.10.2001, p. 8.

<sup>(5)</sup> OJ L 170, 29.6.2002, p. 69.

## ANNEX

**Issuing of system A3 export licences in the fruit and vegetables sector (apples)**

Product	Maximum refund rate (EUR/ tonne net)	Percentage awarded of quantities tendered for quoting the maximum refund rate
Apples	30	57 %

**COMMISSION REGULATION (EC) No 2015/2003  
of 14 November 2003**

**on import licences in respect of beef and veal products originating in Botswana, Kenya, Madagascar, Swaziland, Zimbabwe and Namibia**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

ovine and caprine animals and swine, fresh meat or meat products from third countries <sup>(3)</sup>, as last amended by Regulation (EC) No 807/2003 <sup>(4)</sup>,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2286/2002 of 10 December 2002 on the arrangements applicable to agricultural products and goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States (ACP States) and repealing Regulation (EC) No 1706/98 <sup>(1)</sup>, and in particular Article 5 thereof,

Having regard to Commission Regulation (EC) No 1918/98 of 9 September 1998 laying down detailed rules for the application in the beef and veal sector of Council Regulation (EC) No 1706/98 on the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States and repealing Regulation (EC) No 589/96 <sup>(2)</sup>, and in particular Article 4 thereof,

Whereas:

(1) Article 1 of Regulation (EC) No 1918/98 provides for the possibility of issuing import licences for beef and veal products. However, imports must take place within the limits of the quantities specified for each of these exporting non-member countries.

(2) The applications for import licences submitted between 1 and 10 November 2003, expressed in terms of boned meat, in accordance with Regulation (EC) No 1918/98, do not exceed, in respect of products originating from Botswana, Kenya, Madagascar, Swaziland, Zimbabwe and Namibia, the quantities available from those States. It is therefore possible to issue import licences in respect of the quantities applied for.

(3) The quantities in respect of which licences may be applied for from 1 December 2003 should be fixed within the scope of the total quantity of 52 100 tonnes.

(4) This Regulation is without prejudice to Council Directive 72/462/EEC of 12 December 1972 on health and veterinary inspection problems upon importation of bovine,

HAS ADOPTED THIS REGULATION:

*Article 1*

The following Member States shall issue on 21 November 2003 import licences for beef and veal products, expressed as boned meat, originating in certain African, Caribbean and Pacific States, in respect of the following quantities and countries of origin:

United Kingdom:

- 730 tonnes in Botswana,
- 378 tonnes in Namibia,
- 25 tonnes originating in Swaziland.

*Article 2*

Licence applications may be submitted, pursuant to Article 3(2) of Regulation (EC) No 1918/98, during the first 10 days of December 2003 for the following quantities of boned beef and veal:

Botswana:	10 455,5 tonnes,
Kenya:	142 tonnes,
Madagascar:	7 579 tonnes,
Swaziland:	2 723 tonnes,
Zimbabwe:	9 100 tonnes,
Namibia:	2 942 tonnes.

*Article 3*

This Regulation shall enter into force on 21 November 2003.

<sup>(1)</sup> OJ L 348, 21.12.2002, p. 5.

<sup>(2)</sup> OJ L 250, 10.9.1998, p. 16.

<sup>(3)</sup> OJ L 302, 31.12.1972, p. 28.

<sup>(4)</sup> OJ L 122, 16.5.2003, p. 36.

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

Done at Brussels, 14 November 2003.

*For the Commission*

J. M. SILVA RODRÍGUEZ

*Agriculture Director-General*

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**COMMISSION REGULATION (EC) No 2016/2003  
of 14 November 2003**

**fixing the maximum export refund on wholly milled and parboiled long grain B rice to certain  
third countries in connection with the invitation to tender issued in Regulation (EC) No 1877/  
2003**

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 Article 13(3) thereof,

Whereas:

- (1) An invitation to tender for the export refund on rice was issued pursuant to Commission Regulation (EC) No 1877/2003 <sup>(3)</sup>.
- (2) Article 5 of Commission Regulation (EEC) No 584/75 <sup>(4)</sup>, as last amended by Regulation (EC) No 1948/2002 <sup>(5)</sup>, allows the Commission to fix, in accordance with the procedure laid down in Article 22 of Regulation (EC) No 3072/95 and on the basis of the tenders submitted, a maximum export refund. In fixing this maximum, the criteria provided for in Article 13 of Regulation (EC) No 3072/95 must be taken into account. A contract is awarded to any tenderer whose tender is equal to or less than the maximum export refund.

(3) The application of the abovementioned criteria to the current market situation for the rice in question results in the maximum export refund being fixed at the amount specified in Article 1.

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

HAS ADOPTED THIS REGULATION:

*Article 1*

The maximum export refund on wholly milled and parboiled long grain B rice to be exported to certain third countries pursuant to the invitation to tender issued in Regulation (EC) No 1877/2003 is hereby fixed on the basis of the tenders submitted from 10 to 13 November 2003 at 290,00 EUR/t.

*Article 2*

This Regulation shall enter into force on 15 November 2003.

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

Done at Brussels, 14 November 2003.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<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 275, 25.10.2003, p. 20.

<sup>(4)</sup> OJ L 61, 7.3.1975, p. 25.

<sup>(5)</sup> OJ L 299, 1.11.2002, p. 18.

**COMMISSION REGULATION (EC) No 2017/2003  
of 14 November 2003**

**fixing the maximum subsidy on exports of husked long grain rice B to Réunion pursuant to the  
invitation to tender referred to in Regulation (EC) No 1878/2003**

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 Article 10(1) thereof,

Having regard to Commission Regulation (EEC) No 2692/89 of 6 September 1989 laying down detailed rules for exports of rice to Réunion <sup>(3)</sup> as amended by Regulation (EC) No 1453/1999 <sup>(4)</sup>, and in particular Article 9(1) thereof,

Whereas:

- (1) Commission Regulation (EC) No 1878/2003 <sup>(5)</sup> opens an invitation to tender for the subsidy on rice exported to Réunion.
- (2) Article 9 of Regulation (EEC) No 2692/89 allows the Commission to fix, in accordance with the procedure laid down in Article 22 of Regulation (EC) No 3072/95 and on the basis of the tenders submitted, a maximum subsidy.

(3) The criteria laid down in Articles 2 and 3 of Regulation (EEC) No 2692/89 should be taken into account when fixing this maximum subsidy. Successful tenderers shall be those whose bids are at or below the level of the maximum subsidy.

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

HAS ADOPTED THIS REGULATION:

*Article 1*

A maximum subsidy on exports to Réunion of husked long grain rice B falling within CN code 1006 20 98 is hereby set on the basis of the tenders lodged from 10 to 13 November 2003 at 301,00 EUR/t pursuant to the invitation to tender referred to in Regulation (EC) No 1878/2003.

*Article 2*

This Regulation shall enter into force on 15 November 2003.

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

Done at Brussels, 14 November 2003.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<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 261, 7.9.1989, p. 8.

<sup>(4)</sup> OJ L 167, 2.7.1999, p. 19.

<sup>(5)</sup> OJ L 275, 25.10.2003, p. 23.

**COMMISSION REGULATION (EC) No 2018/2003  
of 14 November 2003**

**fixing the maximum export refund on wholly milled round grain rice to certain third countries in  
connection with the invitation to tender issued in Regulation (EC) No 1875/2003**

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 Article 13(3) thereof,

Whereas:

(1) An invitation to tender for the export refund on rice was issued pursuant to Commission Regulation (EC) No 1875/2003 <sup>(3)</sup>.

(2) Article 5 of Commission Regulation (EEC) No 584/75 <sup>(4)</sup>, as last amended by Regulation (EC) No 1948/2002 <sup>(5)</sup>, allows the Commission to fix, in accordance with the procedure laid down in Article 22 of Regulation (EC) No 3072/95 and on the basis of the tenders submitted, a maximum export refund. In fixing this maximum, the criteria provided for in Article 13 of Regulation (EC) No 3072/95 must be taken into account. A contract is awarded to any tenderer whose tender is equal to or less than the maximum export refund.

(3) The application of the abovementioned criteria to the current market situation for the rice in question results in the maximum export refund being fixed at the amount specified in Article 1.

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

HAS ADOPTED THIS REGULATION:

*Article 1*

The maximum export refund on wholly milled round grain rice to be exported to certain third countries pursuant to the invitation to tender issued in Regulation (EC) No 1875/2003 is hereby fixed on the basis of the tenders submitted from 10 to 13 November 2003 at 158,00 EUR/t.

*Article 2*

This Regulation shall enter into force on 15 November 2003.

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

Done at Brussels, 14 November 2003.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<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 275, 25.10.2003, p. 14.

<sup>(4)</sup> OJ L 61, 7.3.1975, p. 25.

<sup>(5)</sup> OJ L 299, 1.11.2002, p. 18.

**COMMISSION REGULATION (EC) No 2019/2003  
of 14 November 2003**

**fixing the maximum export refund on wholly milled round grain, medium grain and long grain A rice to be exported to certain third countries in connection with the invitation to tender issued in Regulation (EC) No 1876/2003**

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 Article 13(3) thereof,

Whereas:

- (1) An invitation to tender for the export refund on rice was issued pursuant to Commission Regulation (EC) No 1876/2003 <sup>(3)</sup>.
- (2) Article 5 of Commission Regulation (EEC) No 584/75 <sup>(4)</sup>, as last amended by Regulation (EC) No 1948/2002 <sup>(5)</sup>, allows the Commission to fix, in accordance with the procedure laid down in Article 22 of Regulation (EC) No 3072/95 and on the basis of the tenders submitted, a maximum export refund. In fixing this maximum, the criteria provided for in Article 13 of Regulation (EC) No 3072/95 must be taken into account. A contract is awarded to any tenderer whose tender is equal to or less than the maximum export refund.

(3) The application of the abovementioned criteria to the current market situation for the rice in question results in the maximum export refund being fixed at the amount specified in Article 1.

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

HAS ADOPTED THIS REGULATION:

*Article 1*

The maximum export refund on wholly milled grain, medium grain and long grain A rice to be exported to certain third countries pursuant to the invitation to tender issued in Regulation (EC) No 1876/2003 is hereby fixed on the basis of the tenders submitted from 10 to 13 November 2003 at 158,00 EUR/t.

*Article 2*

This Regulation shall enter into force on 15 November 2003.

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

Done at Brussels, 14 November 2003.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<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 275, 25.10.2003, p. 17.

<sup>(4)</sup> OJ L 61, 7.3.1975, p. 25.

<sup>(5)</sup> OJ L 299, 1.11.2002, p. 18.

**COMMISSION REGULATION (EC) No 2020/2003**  
**of 14 November 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 16 November 2003.

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

Done at Brussels, 14 November 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> (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	8,03
1005 10 90	Maize seed other than hybrid	34,52
1005 90 00	Maize other than seed <sup>(2)</sup>	34,52
1007 00 90	Grain sorghum other than hybrids for sowing	8,03

<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 31 October to 14 November 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)	136,70 (****)	81,00	175,12	165,12 (***)	145,12 (***)	117,69 (***)
Gulf premium (EUR/t)	—	18,11	—	—	—	—
Great Lakes premium (EUR/t)	18,72	—	—	—	—	—

(\*) 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: 24,83 EUR/t; Great Lakes–Rotterdam: 32,74 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).



## II

(Acts whose publication is not obligatory)

## EUROPEAN CENTRAL BANK

## DECISION OF THE EUROPEAN CENTRAL BANK

of 7 November 2003

concerning the administration of the borrowing-and-lending operations concluded by the European Community under the medium-term financial assistance facility

(ECB/2003/14)

(2003/797/EC)

THE GENERAL COUNCIL OF THE EUROPEAN CENTRAL BANK,

Having regard to the Treaty establishing the European Community and in particular Article 119 and Article 123(2) thereof,

Having regard to the Statute of the European System of Central Banks and of the European Central Bank and in particular Article 21.2, Article 44 and the first indent of Article 47.1 thereof,

Having regard to Council Regulation (EC) No 332/2002 of 18 February 2002 establishing a facility providing medium-term financial assistance for Member States' balances of payments <sup>(1)</sup> and in particular Article 9 thereof,

Whereas:

(1) In accordance with Article 123(2) of the Treaty and the first paragraph of Article 44 of the Statute, and pursuant to Article 1(1) of Decision ECB/1998/NP2 of 23 June 1998 concerning the performance by the European Central Bank of certain tasks taken over from the European Monetary Institute, the European Central Bank (ECB) took over the tasks of the European Monetary Institute (EMI) referred to in the fifth indent of Article 117(2) of the Treaty, the fifth indent of Article 4.1 and the third indent of Article 6.1 of the Statute of the EMI, until no later than the day immediately preceding the first day of the third stage of economic and monetary union (third stage).

(2) Pursuant to Decision ECB/1998/NP15 of 1 December 1998 concerning the performance by the ECB of certain functions relating to medium-term financial assistance

for Member States' balances of payments <sup>(2)</sup>, the EMI's Decision No 8/95 of 2 May 1995 concerning the administration of the borrowing-and-lending operations concluded by the European Community under the medium-term financial assistance mechanism remained valid and continued to apply as of the first day of the third stage.

(3) The functions mentioned under recital 2 were performed on the basis of Article 11 of Council Regulation (EEC) No 1969/88 of 24 June 1988 establishing a single facility providing medium-term financial assistance for Member States' balances of payments <sup>(3)</sup>.

(4) Regulation (EC) No 332/2002, which entered into force on 24 February 2002, repealed Regulation (EEC) No 1969/88.

(5) According to Article 9 of Regulation (EC) No 332/2002, the ECB must make the necessary arrangements for the administration of the loans granted under the medium-term financial assistance facility established by this Regulation.

(6) This decision implementing Article 9 of Regulation (EC) No 332/2002 will repeal Decision ECB/1998/NP15. In view of the fact that the other tasks and decisions of the EMI referred to in Decision ECB/1998/NP2 are also no longer valid or applicable in the third stage, Decision ECB/1998/NP2 may, in the interest of clarity, also be repealed,

<sup>(1)</sup> OJ L 53, 23.2.2002, p. 1.

<sup>(2)</sup> Published as Annex V to Decision ECB/2000/12 of 10 November 2000 on the publication of certain legal acts and instruments of the European Central Bank (OJ L 55, 24.2.2001, p. 76).

<sup>(3)</sup> OJ L 178, 8.7.1988, p. 1; Regulation as amended by the 1994 Act of Accession.

HAS ADOPTED THIS DECISION:

#### Article 1

The ECB shall perform the tasks stipulated in Article 9 of Regulation (EC) No 332/2002, in the manner described in Articles 2 to 8 hereafter.

#### Article 2

Payments connected with the European Community's borrowing-and-lending operations shall be effected through the accounts that the ECB shall open in the ECB's name.

#### Article 3

1. Funds received by the ECB, for the account of the European Community, under borrowing arrangements entered into by the latter, shall be transferred on the same value date to the account specified by the national central bank of the Member State receiving the corresponding loan.

2. Funds received by the ECB, for the account of the European Community, in respect of payment of interest or repayment of the principal from the Member State that has received the loan, shall be transferred on the same value date to the accounts specified by the creditors under the borrowing arrangements entered into by the European Community.

#### Article 4

For each borrowing and lending operation the ECB shall open the following accounts in euro in its books:

- (a) a nostro account entitled 'Balances in euro held with ...' corresponding to the funds received for the account of the European Community;
- (b) an account on the liabilities side forming the counterpart of the account referred to under (a);
- (c) a memorandum account, entitled 'European Community liabilities in respect of European Community borrowing operations', divided, where applicable, into sub-accounts corresponding to the individual creditors in respect of borrowing arrangements;
- (d) a memorandum account, entitled 'European Community claims in respect of European Community lending operations'.

#### Article 5

The ECB shall book the financial operations described in Article 3 on their value date by debiting or crediting the accounts mentioned in Article 4.

#### Article 6

1. The ECB shall check the due dates laid down in the borrowing-and-lending arrangements for the payment of interest and the repayment of the principal.

2. At least 15 calendar days before each due date the ECB shall notify the national central bank of the Member State that is in debt to the European Community.

#### Article 7

The ECB shall immediately inform the European Commission in writing of any operation which it has carried out for the account of the European Community. The ECB shall address such communications to the attention of the Directorate-General for Economic and Financial Affairs at the European Commission.

#### Article 8

At the end of each calendar year, the ECB shall prepare a report to inform the European Commission of the financial operations it has carried out during the year in connection with borrowing-and-lending operations. This report shall contain a statement of the European Community's claims and liabilities arising out of the borrowing-and-lending operations.

#### Article 9

Decision ECB/1998/NP2 and Decision ECB/1998/NP15 are hereby repealed.

#### Article 10

The Executive Board of the ECB shall make all the arrangements necessary to give effect to this Decision.

#### Article 11

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

Done at Frankfurt am Main, 7 November 2003.

*On behalf of the General Council of the ECB*  
Jean-Claude TRICHET