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I

(Acts whose publication is obligatory)

**COMMISSION REGULATION (EC) No 2033/2003
of 19 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 ⁽¹⁾, as last amended by Regulation (EC) No 1947/2002 ⁽²⁾, and in particular Article 4(1) thereof,

Whereas:

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 20 November 2003.

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

Done at Brussels, 19 November 2003.

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

⁽¹⁾ OJ L 337, 24.12.1994, p. 66.

⁽²⁾ OJ L 299, 1.11.2002, p. 17.

ANNEX

to the Commission Regulation of 19 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 ⁽¹⁾	Standard import value
0702 00 00	052	86,8
	096	54,2
	204	53,8
	999	64,9
0707 00 05	052	138,6
	999	138,6
0709 90 70	052	127,1
	204	58,6
	999	92,9
0805 20 10	204	54,4
	999	54,4
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	052	70,7
	388	66,8
	464	140,7
	999	92,7
0805 50 10	052	80,2
	388	49,1
	400	46,9
	528	86,7
	600	75,2
	999	67,6
0806 10 10	052	131,6
	400	244,3
	504	216,9
	508	297,1
	999	222,5
0808 10 20, 0808 10 50, 0808 10 90	052	60,5
	060	37,8
	064	48,3
	388	117,0
	400	92,4
	404	91,5
	720	62,6
	800	100,2
	999	76,3
0808 20 50	052	87,9
	060	53,4
	064	79,4
	400	87,9
	720	48,7
	999	71,5

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

**COMMISSION REGULATION (EC) No 2034/2003
of 19 November 2003**

initiating a 'new exporter' review of Council Regulation (EC) No 2605/2000 imposing definitive anti-dumping duties on imports of certain electronic weighing scales (REWS) originating, *inter alia*, in Taiwan, repealing the duty with regard to imports from one exporter in this country and making these imports subject to registration

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

D. GROUNDS FOR THE REVIEW

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 384/96 ⁽¹⁾ of 22 December 1995 on protection against dumped imports from countries not members of the European Community (the basic Regulation), and in particular Article 11(4),

After consulting the Advisory Committee,

Whereas:

(4) The applicant alleges that it did not export the product concerned to the Community during the period of investigation on which the anti-dumping measures were based, i.e. the period from 1 September 1998 to 31 August 1999 (the original investigation period), and that it is not related to any of the exporting producers of the product concerned which are subject to the abovementioned anti-dumping measures.

(5) The applicant further alleges that it has begun exporting the product concerned to the Community after the end of the original investigation period.

A. REQUEST FOR A REVIEW

(1) The Commission has received an application for a 'new exporter' review pursuant to Article 11(4) of the basic Regulation. The application was lodged by Charder Electronic Co., Ltd. (the applicant), an exporting producer in Taiwan (the country concerned).

B. PRODUCT

(2) The product under review is electronic weighing scales having a maximum weighing capacity not exceeding 30 kg, for use in the retail trade which incorporate a digital display of the weight, unit price and price to be paid (whether or not including a means of printing this data) originating in Taiwan (the product concerned), normally declared within CN code ex 8423 81 50 (TARIC code 8423 81 50 10). This CN code is given only for information.

C. EXISTING MEASURES

(3) The measures currently in force are definitive anti-dumping duties imposed by Council Regulation (EC) No 2605/2000 ⁽²⁾ under which imports into the Community of the product concerned originating in Taiwan, and produced by the applicant, are subject to definitive anti-dumping duties of 13,4 % with the exception of several companies expressly mentioned which are subject to individual duty rates.

⁽¹⁾ OJ L 56, 6.3.1996, p. 1, as last amended by Regulation (EC) No 1972/2002 (OJ L 305, 7.11.2002, p. 1).

⁽²⁾ OJ L 301, 30.11.2000, p. 42.

E. PROCEDURE

(6) Community producers known to be concerned have been informed of the above application and have been given an opportunity to comment. No comments have been received.

(7) Having examined the evidence available, the Commission concludes that there is sufficient evidence to justify the initiation of a 'new exporter' review, pursuant to Article 11(4) of the basic Regulation, with a view to determine the applicant's individual margin of dumping and, should dumping be found, the level of the duty to which its imports of the product concerned into the Community should be subject.

(a) *Questionnaires*

(8) In order to obtain the information it deems necessary for its investigation, the Commission will send a questionnaire to the applicant.

(b) *Collection of information and holding of hearings*

(9) All interested parties are hereby invited to make their views known in writing and to provide supporting evidence.

(10) Furthermore, the Commission may hear interested parties, provided that they make a request in writing showing that there are particular reasons why they should be heard.

F. REPEAL OF THE DUTY IN FORCE AND REGISTRATION OF IMPORTS

- (11) Pursuant to Article 11(4) of the basic Regulation, the anti-dumping duties in force should be repealed with regard to imports of the product concerned which are produced by the applicant. At the same time, such imports should be made subject to registration in accordance with Article 14(5) of the basic Regulation, in order to ensure that, should the review result in a determination of dumping in respect of the applicant, anti-dumping duties can be levied retroactively from the date of the initiation of this review. The amount of the applicant's possible future liabilities cannot be estimated at this stage of the proceeding.

G. TIME LIMITS

- (12) In the interest of sound administration, time limits should be stated within which:
- interested parties may make themselves known to the Commission, present their views in writing and submit the replies to the questionnaire mentioned in recital 8 of this Regulation or any other information to be taken into account during the investigation,
 - interested parties may make a written request to be heard by the Commission.

H. NON-COOPERATION

- (13) In cases in which any interested party refuses access to or otherwise does not provide the necessary information within the time limits, or significantly impedes the investigation, findings, affirmative or negative, may be made in accordance with Article 18 of the basic Regulation, on the basis of the facts available.
- (14) Where it is found that any interested party has supplied false or misleading information, the information shall be disregarded and use may be made of the facts available. If an interested party does not cooperate or cooperates only partially, the result may be less favourable to the party than if it had cooperated,

HAS ADOPTED THIS REGULATION:

Article 1

A review of Council Regulation (EC) No 2605/2000 is hereby initiated pursuant to Article 11(4) of Council Regulation (EC) No 384/96 in order to determine if and to what extent the imports of electronic weighing scales having a maximum weighing capacity not exceeding 30 kg, for use in the retail trade which incorporate a digital display of the weight, unit price and price to be paid (whether or not including a means of printing this data) falling within CN code ex 8423 81 50

(TARIC code 8423 81 50 10) originating in Taiwan, produced by Charder Electronic Co., Ltd. should be subject to the anti-dumping duties imposed by Council Regulation (EC) No 2605/2000.

Article 2

The anti-dumping duties imposed by Council Regulation (EC) No 2605/2000 are hereby repealed with regard to the imports identified in Article 1 of the present Regulation (TARIC additional code A499).

Article 3

The customs authorities are hereby directed, pursuant to Article 14(5) of Council Regulation (EC) No 384/96, to take the appropriate steps to register the imports identified in Article 1 of this Regulation. Registration shall expire nine months following the date of entry into force of this Regulation.

Article 4

1. Interested parties, if their representations are to be taken into account during the investigation, must make themselves known to the Commission, present their views in writing and submit the replies to the questionnaire mentioned in recital 8 of this Regulation or any other information, unless otherwise specified, within 40 days of the entry into force of this Regulation. Attention is drawn to the fact that the exercise of most procedural rights set out in Council Regulation (EC) No 384/96 depends on the party's making itself known within the aforementioned period.

Interested parties may also apply in writing to be heard by the Commission within the same 40-day time limit.

2. All submissions and requests made by interested parties must be made in writing (not in electronic format, unless otherwise specified), and must indicate the name, address, e-mail address, telephone and fax, and/or telex number of the interested party. All written submissions, including the information requested in this notice, questionnaire replies and correspondence provided by interested parties on a confidential basis shall be labeled as '**Limited**'⁽¹⁾ and, in accordance with Article 19(2) of Council Regulation (EC) No 384/96, shall be accompanied by a non-confidential version, which will be labeled 'FOR INSPECTION BY INTERESTED PARTIES'.

Any information relating to the matter, any request for a hearing should be sent to the following address:

European Commission
Directorate-General for Trade
Directorate B
J-79 5/16
B-1049 Brussels
Fax (32-2) 295 65 05
Telex COMEU B 21877.

⁽¹⁾ This means that the document is for internal use only. It is protected pursuant to Article 4 of Regulation (EC) No 1049/2001 of the European Parliament and of the Council (OJ L 145, 31.5.2001, p. 43). It is a confidential document pursuant to Article 19 of Council Regulation (EC) No 384/96 (OJ L 56, 6.3.1996, p. 1) and Article 6 of the WTO Agreement on Implementation of Article VI of the GATT 1994 (Anti-dumping Agreement).

Article 5

This Regulation shall enter into force on the 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, 19 November 2003.

For the Commission

Pascal LAMY

Member of the Commission

**COMMISSION REGULATION (EC) No 2035/2003
of 19 November 2003**

**amending Regulation (EC) No 296/96 on data to be forwarded by the Member States and the
monthly booking of expenditure financed under the Guarantee Section of the Agricultural
Guidance and Guarantee Fund (EAGGF)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1258/1999 of 17 May 1999 on the financing of the common agricultural policy ⁽¹⁾, and in particular Article 5(3) and Article 7(5) thereof,

Whereas:

- (1) Article 181 and Article 41(2) of Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities ⁽²⁾ make provision, starting in financial year 2004, for the classification of Commission expenditure by use. The effect of classifying expenditure in this manner is to make the chapters of the budget nomenclature less detailed.
- (2) In order to maintain the same level of information and transparency as hitherto in the booking of expenditure financed under the Guarantee Section of the European Agricultural Guidance and Guarantee Fund (EAGGF), the financial information communicated by the Member States every month in accordance with Article 3(3) of Commission Regulation (EC) No 296/96 ⁽³⁾, as last amended by Regulation (EC) No 1997/2002 ⁽⁴⁾, should be broken down by budget article or item.

(3) Regulation (EC) No 296/96 should therefore be amended.

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

HAS ADOPTED THIS REGULATION:

Article 1

In Article 3(4) of Regulation (EC) No 296/96, the first subparagraph is replaced by the following:

‘The notification referred to in paragraph 3 shall include a breakdown of expenditure by budget article in the nomenclature of the budget of the European Communities and, for the chapter on the audit of agricultural expenditure, an additional breakdown by budget item; however, for the chapter on fisheries, expenditure shall be given by chapter.’

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 1 December 2003.

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

Done at Brussels, 19 November 2003.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 160, 26.6.1999, p. 103.

⁽²⁾ OJ L 248, 16.9.2002, p. 1.

⁽³⁾ OJ L 39, 17.2.1996, p. 5.

⁽⁴⁾ OJ L 308, 9.11.2002, p. 9.

**COMMISSION REGULATION (EC) No 2036/2003
of 19 November 2003**

derogating from Regulation (EC) No 896/2001 as regards the fixing of adjustment coefficients to be applied to the reference quantity for each traditional operator under the tariff quotas for banana imports for 2004

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 404/93 of 13 February 1993 on the common organisation of the market in bananas ⁽¹⁾, as last amended by Regulation (EC) No 2587/2001 ⁽²⁾, and in particular Article 20 thereof,

Whereas:

(1) Article 4(1) of Commission Regulation (EC) No 896/2001 of 7 May 2001 laying down detailed rules for applying Council Regulation (EEC) No 404/93 as regards the arrangements for importing bananas into the Community ⁽³⁾, as last amended by Regulation (EC) No 1439/2003 ⁽⁴⁾, lays down the method for calculating the reference quantity for traditional operators A/B and C for 2004 and 2005 on the basis of the use of import licences for those operators during a reference year.

(2) According to the reports from the Member States pursuant to Article 5(2) of Regulation (EC) No 896/2001, the sum of the reference quantities thus determined for 2004 is 2 197 147,342 tonnes for all traditional operators A/B and 630 713,105 tonnes for all traditional operators C. As these amounts are below the quantities available under the tariff quotas, applying Article 5(3) of the said Regulation would entail the fixing of an adjustment coefficient which would increase the reference quantities for traditional operators.

(3) Traditional operators could be allocated an exceptionally small quantity owing to the extreme hardship affecting their activity during the reference year. In accordance with Article 5(5) of Regulation (EC) No 896/2001, the Commission may take appropriate measures which are justified for tackling specific situations within the limits of tariff quotas A/B and C. Furthermore, the notification

by certain Member States of the sum of the reference quantities established for traditional operators in accordance with Article 4(1) of Regulation (EC) No 896/2001 could be adjusted on completion of the legal proceedings now in hand.

(4) Until those situations have progressed, and in order to enable, as appropriate, the necessary measures to be taken regarding the operators concerned, it is advisable, for the time being, not to fix adjustment coefficients to be applied, for 2004, to the reference quantity for each traditional operator.

(5) A derogation from Regulation (EC) No 896/2001 should therefore be made.

(6) In order that operators have sufficient time to submit licence applications for the first quarter of 2004, this Regulation should enter into force forthwith.

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

HAS ADOPTED THIS REGULATION:

Article 1

By derogation from Article 5(3) of Regulation (EC) No 896/2001, adjustment coefficients to be applied to the reference quantity for traditional operators for tariff quotas A/B and C for 2004 shall not be fixed for the time being.

Article 2

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

⁽¹⁾ OJ L 47, 25.2.1993, p. 1.

⁽²⁾ OJ L 345, 29.12.2001, p. 13.

⁽³⁾ OJ L 126, 8.5.2001, p. 6.

⁽⁴⁾ OJ L 204, 13.8.2003, p. 30.

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

Done at Brussels, 19 November 2003.

For the Commission

Franz FISCHLER

Member of the Commission

**COMMISSION REGULATION (EC) No 2037/2003
of 19 November 2003**

applying a reduction coefficient to refund certificates for goods not covered by Annex I to the Treaty, as provided for by Article 8(5) of Regulation (EC) No 1520/2000

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3448/93 of 6 December 1993 laying down the trade arrangements applicable to certain goods resulting from the processing of agricultural products ⁽¹⁾, as last amended by Regulation (EC) No 2580/2000 ⁽²⁾,

Having regard to Commission Regulation (EC) No 1520/2000 of 13 July 2000 laying down common detailed rules for the application of the system of granting export refunds on certain agricultural products exported in the form of goods not covered by Annex I to the Treaty and the criteria for fixing the amount of such refunds ⁽³⁾, as last amended by Regulation (EC) No 740/2003 ⁽⁴⁾, and in particular Article 8(5) thereof,

Whereas:

- (1) Member States' notifications pursuant to Article 8(2) of Regulation (EC) No 1520/2000 indicate that the total amount of applications received reaches EUR 497 785 090 while the available amount for the

tranche of refund certificates for use from 1 December 2003 as referred to in Article 8(4) of Regulation (EC) No 1520/2000 is EUR 74 532 833.

- (2) A reduction coefficient shall be calculated on the basis of Article 8(3) and (4) of Regulation (EC) No 1520/2000. Such coefficient should therefore be applied to amounts requested in the form of refund certificates for use from 1 December 2003 as established in Article 8(6) of Regulation (EC) No 1520/2000,

HAS ADOPTED THIS REGULATION:

Article 1

The amounts for applications of refund certificates for use from 1 December 2003 are subject to a reduction coefficient of 0,851.

Article 2

This Regulation shall enter into force on 20 November 2003.

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

Done at Brussels, 19 November 2003.

For the Commission

Erkki LIIKANEN

Member of the Commission

⁽¹⁾ OJ L 318, 20.12.1993, p. 18.

⁽²⁾ OJ L 298, 25.11.2000, p. 5.

⁽³⁾ OJ L 177, 15.7.2000, p. 1.

⁽⁴⁾ OJ L 106, 29.4.2003, p. 12.

COMMISSION REGULATION (EC) No 2038/2003
of 18 November 2003
establishing unit values for the determination of the customs value of certain perishable goods

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code ⁽¹⁾, as last amended by Regulation (EC) No 2700/2000 of the European Parliament and of the Council ⁽²⁾,

Having regard to Commission Regulation (EEC) No 2454/93 of 2 July 1993 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code ⁽³⁾, as last amended by Regulation (EC) No 1335/2003 ⁽⁴⁾, and in particular Article 173(1) thereof,

Whereas:

- (1) Articles 173 to 177 of Regulation (EEC) No 2454/93 provide that the Commission shall periodically establish unit values for the products referred to in the classification in Annex 26 to that Regulation.

- (2) The result of applying the rules and criteria laid down in the abovementioned Articles to the elements communicated to the Commission in accordance with Article 173(2) of Regulation (EEC) No 2454/93 is that unit values set out in the Annex to this Regulation should be established in regard to the products in question,

HAS ADOPTED THIS REGULATION:

Article 1

The unit values provided for in Article 173(1) of Regulation (EEC) No 2454/93 are hereby established as set out in the table in the Annex hereto.

Article 2

This Regulation shall enter into force on 21 November 2003.

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

Done at Brussels, 18 November 2003.

For the Commission

Erkki LIIKANEN

Member of the Commission

⁽¹⁾ OJ L 302, 19.10.1992, p. 1.

⁽²⁾ OJ L 311, 12.12.2000, p. 17.

⁽³⁾ OJ L 253, 11.10.1993, p. 1.

⁽⁴⁾ OJ L 187, 26.7.2003, p. 16.

ANNEX

Code	Description	Amount of unit values per 100 kg			
	Species, varieties, CN code	EUR	DKK	SEK	GBP
1.10	New potatoes 0701 90 50	—	—	—	—
1.30	Onions (other than seed) 0703 10 19	22,73	169,07	203,56	15,84
1.40	Garlic 0703 20 00	118,70	883,04	1 063,17	82,73
1.50	Leeks ex 0703 90 00	61,58	458,12	551,57	42,92
1.80	White cabbages and red cabbages 0704 90 10	72,12	536,54	645,98	50,27
1.90	Sprouting broccoli or calabrese (<i>Brassica oleracea</i> L. convar. <i>botrytis</i> (L.) Alef var. <i>italica</i> Plenck) ex 0704 90 90	61,43	457,01	550,23	42,82
1.100	Chinese cabbage ex 0704 90 90	54,27	403,74	486,10	37,83
1.130	Carrots ex 0706 10 00	18,15	135,03	162,57	12,65
1.140	Radishes ex 0706 90 90	53,43	397,49	478,57	37,24
1.160	Peas (<i>Pisum sativum</i>) 0708 10 00	371,33	2 762,53	3 326,02	258,82
1.170	Beans:				
1.170.1	— Beans (<i>Vigna</i> spp., <i>Phaseolus</i> spp.) ex 0708 20 00	126,77	943,08	1 135,45	88,36
1.170.2	— Beans (<i>Phaseolus</i> ssp. <i>vulgaris</i> var. <i>Compressus</i> Savi) ex 0708 20 00	118,17	879,13	1 058,45	82,36
1.200	Asparagus:				
1.200.1	— green ex 0709 20 00	234,18	1 742,16	2 097,53	163,22
1.200.2	— other 0709 20 00	446,82	3 324,15	4 002,21	311,44
1.210	Aubergines (eggplants) 0709 30 00	108,40	806,42	970,91	75,55
1.220	Ribbed celery (<i>Apium graveolens</i> L., var. <i>dulce</i> (Mill.) Pers.) ex 0709 40 00	79,14	588,76	708,86	55,16
1.230	Chantarelles 0709 59 10	994,91	7 401,63	8 911,41	693,45
1.240	Sweet peppers 0709 60 10	141,25	1 050,85	1 265,20	98,45
1.270	Sweet potatoes, whole, fresh (intended for human consumption) 0714 20 10	83,87	623,96	751,23	58,46
2.30	Pineapples, fresh ex 0804 30 00	72,45	539,02	648,96	50,50

Code	Description	Amount of unit values per 100 kg			
	Species, varieties, CN code	EUR	DKK	SEK	GBP
2.40	Avocados, fresh ex 0804 40 00	187,25	1 393,06	1 677,22	130,51
2.50	Guavas and mangoes, fresh ex 0804 50 00	—	—	—	—
2.60	Sweet oranges, fresh:				
2.60.1	— Sanguines and semi-sanguines 0805 10 10	44,68	332,40	400,20	31,14
2.60.2	— Navels, navelines, navelates, salustianas, vernas, Valencia lates, Maltese, shamoutis, ovalis, trovita and hamlins 0805 10 30	50,67	376,95	453,84	35,32
2.60.3	— Others 0805 10 50	48,21	358,66	431,82	33,60
2.70	Mandarins (including tangerines and satsumas), fresh; clementines, wilkings and similar citrus hybrids, fresh:				
2.70.1	— Clementines ex 0805 20 10	—	—	—	—
2.70.2	— Monreales and satsumas ex 0805 20 30	—	—	—	—
2.70.3	— Mandarines and wilkings ex 0805 20 50	—	—	—	—
2.70.4	— Tangerines and others ex 0805 20 70 ex 0805 20 90	—	—	—	—
2.85	Limes (<i>Citrus aurantifolia</i> , <i>Citrus latifolia</i>), fresh 0805 50 90	74,77	556,27	669,74	52,12
2.90	Grapefruit, fresh:				
2.90.1	— white ex 0805 40 00	58,34	433,98	522,51	40,66
2.90.2	— pink ex 0805 40 00	104,75	779,32	938,29	73,01
2.100	Table grapes 0806 10 10	225,70	1 679,10	2 021,59	157,31
2.110	Water melons 0807 11 00	37,00	275,26	331,41	25,79
2.120	Melons (other than water melons):				
2.120.1	— Amarillo, cuper, honey dew (including cantalene), onteniente, piel de sapo (including verde liso), rochet, tendral, futuro ex 0807 19 00	39,83	296,35	356,79	27,76
2.120.2	— Other ex 0807 19 00	90,60	674,05	811,54	63,15
2.140	Pears				
2.140.1	— Pears — nashi (<i>Pyrus pyrifolia</i>), Pears — Ya (<i>Pyrus bretschneideri</i>) ex 0808 20 50	—	—	—	—
2.140.2	— Other ex 0808 20 50	—	—	—	—
2.150	Apricots 0809 10 00	316,15	2 352,00	2 831,76	220,36
2.160	Cherries 0809 20 95 0809 20 05	786,36	5 850,13	7 043,43	548,09

Code	Description	Amount of unit values per 100 kg			
	Species, varieties, CN code	EUR	DKK	SEK	GBP
2.170	Peaches 0809 30 90	210,06	1 562,72	1 881,48	146,41
2.180	Nectarines ex 0809 30 10	190,44	1 416,78	1 705,77	132,74
2.190	Plums 0809 40 05	94,73	704,73	848,49	66,03
2.200	Strawberries 0810 10 00	388,67	2 891,51	3 481,32	270,90
2.205	Raspberries 0810 20 10	304,95	2 268,68	2 731,44	212,55
2.210	Fruit of the species <i>Vaccinium myrtillus</i> 0810 40 30	413,01	3 072,59	3 699,33	287,87
2.220	Kiwi fruit (<i>Actinidia chinensis</i> Planch.) 0810 50 00	146,47	1 089,67	1 311,95	102,09
2.230	Pomegranates ex 0810 90 95	124,69	927,61	1 116,83	86,91
2.240	Khakis (including sharon fruit) ex 0810 90 95	140,13	1 042,50	1 255,15	97,67
2.250	Lychees ex 0810 90 30	—	—	—	—

COMMISSION REGULATION (EC) No 2039/2003
of 19 November 2003
fixing the export refunds on olive oil

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organisation of the market in oils and fats ⁽¹⁾, as last amended by Regulation (EC) No 1513/2001 ⁽²⁾, and in particular Article 3(3) thereof,

Whereas:

- (1) Article 3 of Regulation No 136/66/EEC provides that, where prices within the Community are higher than world market prices, the difference between these prices may be covered by a refund when olive oil is exported to third countries.
- (2) The detailed rules for fixing and granting export refunds on olive oil are contained in Commission Regulation (EEC) No 616/72 ⁽³⁾, as last amended by Regulation (EEC) No 2962/77 ⁽⁴⁾.
- (3) Article 3(3) of Regulation No 136/66/EEC provides that the refund must be the same for the whole Community.
- (4) In accordance with Article 3(4) of Regulation No 136/66/EEC, the refund for olive oil must be fixed in the light of the existing situation and outlook in relation to olive oil prices and availability on the Community market and olive oil prices on the world market. However, where the world market situation is such that the most favourable olive oil prices cannot be determined, account may be taken of the price of the main competing vegetable oils on the world market and the difference recorded between that price and the price of olive oil during a representative period. The amount of the refund may not exceed the difference between the price of olive oil in the Community and that on the world market, adjusted, where appropriate, to take account of export costs for the products on the world market.

- (5) In accordance with Article 3(3) third indent, point (b) of Regulation No 136/66/EEC, it may be decided that the refund shall be fixed by tender. The tendering procedure should cover the amount of the refund and may be limited to certain countries of destination, quantities, qualities and presentations.
- (6) The second indent of Article 3(3) of Regulation No 136/66/EEC provides that the refund on olive oil may be varied according to destination where the world market situation or the specific requirements of certain markets make this necessary.
- (7) The refund must be fixed at least once every month. It may, if necessary, be altered in the intervening period.
- (8) It follows from applying these detailed rules to the present situation on the market in olive oil and in particular to olive oil prices within the Community and on the markets of third countries that the refund should be as set out in the Annex hereto.
- (9) The Management Committee for Oils and Fats has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1(2)(c) of Regulation No 136/66/EEC shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 20 November 2003.

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

Done at Brussels, 19 November 2003.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 72, 30.9.1966, p. 3025/66.

⁽²⁾ OJ L 201, 26.7.2001, p. 4.

⁽³⁾ OJ L 78, 31.3.1972, p. 1.

⁽⁴⁾ OJ L 348, 30.12.1977, p. 53.

ANNEX

to the Commission Regulation of 19 November 2003 fixing the export refunds on olive oil

Product code	Destination	Unit of measurement	Amount of refund
1509 10 90 9100	A00	EUR/100 kg	0,00
1509 10 90 9900	A00	EUR/100 kg	0,00
1509 90 00 9100	A00	EUR/100 kg	0,00
1509 90 00 9900	A00	EUR/100 kg	0,00
1510 00 90 9100	A00	EUR/100 kg	0,00
1510 00 90 9900	A00	EUR/100 kg	0,00

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

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

COMMISSION REGULATION (EC) No 2040/2003
of 19 November 2003
amending the import duties in the rice sector

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 ⁽¹⁾, as last amended by Regulation (EC) No 411/2002 ⁽²⁾,

Having regard to Commission Regulation (EC) No 1503/96 of 29 July 1996 laying down detailed rules for the application of Council Regulation (EC) No 3072/95 as regards import duties in the rice sector ⁽³⁾, as last amended by Regulation (EC) No 1298/2002 ⁽⁴⁾, and in particular Article 4(1) thereof,

Whereas:

- (1) Import duties in the rice sector have been fixed by Commission Regulation (EC) No 1990/2003 ⁽⁵⁾.

- (2) Article 4(1) of Regulation (EC) No 1503/96 provides that if during the period of application, the average import duty calculated differs by EUR 10 per tonne from the duty fixed, a corresponding adjustment is to be made. Such a difference has arisen. It is therefore necessary to adjust the import duties fixed in Regulation (EC) No 1990/2003,

HAS ADOPTED THIS REGULATION:

Article 1

Annexes I and II to Regulation (EC) No 1990/2003 are hereby replaced by Annexes I and II to this Regulation.

Article 2

This Regulation shall enter into force on 20 November 2003.

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

Done at Brussels, 19 November 2003.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 329, 30.12.1995, p. 18.

⁽²⁾ OJ L 62, 5.3.2002, p. 27.

⁽³⁾ OJ L 189, 30.7.1996, p. 71.

⁽⁴⁾ OJ L 189, 18.7.2002, p. 8.

⁽⁵⁾ OJ L 295, 13.11.2003, p. 78.

ANNEX I

Import duties on rice and broken rice

(EUR/t)

CN code	Duties ⁽⁵⁾				
	Third countries (except ACP and Bangla- desh) ⁽⁷⁾	ACP ⁽¹⁾ ⁽²⁾ ⁽³⁾	Bangladesh ⁽⁴⁾	Basmati India and Pakistan ⁽⁶⁾	Egypt ⁽⁸⁾
1006 10 21	(7)	69,51	101,16		158,25
1006 10 23	(7)	69,51	101,16		158,25
1006 10 25	(7)	69,51	101,16		158,25
1006 10 27	(7)	69,51	101,16		158,25
1006 10 92	(7)	69,51	101,16		158,25
1006 10 94	(7)	69,51	101,16		158,25
1006 10 96	(7)	69,51	101,16		158,25
1006 10 98	(7)	69,51	101,16		158,25
1006 20 11	178,83	58,25	85,08		134,12
1006 20 13	178,83	58,25	85,08		134,12
1006 20 15	178,83	58,25	85,08		134,12
1006 20 17	264,00	88,06	127,66	14,00	198,00
1006 20 92	178,83	58,25	85,08		134,12
1006 20 94	178,83	58,25	85,08		134,12
1006 20 96	178,83	58,25	85,08		134,12
1006 20 98	264,00	88,06	127,66	14,00	198,00
1006 30 21	359,33	113,37	164,76		269,50
1006 30 23	359,33	113,37	164,76		269,50
1006 30 25	359,33	113,37	164,76		269,50
1006 30 27	(7)	133,21	193,09		312,00
1006 30 42	359,33	113,37	164,76		269,50
1006 30 44	359,33	113,37	164,76		269,50
1006 30 46	359,33	113,37	164,76		269,50
1006 30 48	(7)	133,21	193,09		312,00
1006 30 61	359,33	113,37	164,76		269,50
1006 30 63	359,33	113,37	164,76		269,50
1006 30 65	359,33	113,37	164,76		269,50
1006 30 67	(7)	133,21	193,09		312,00
1006 30 92	359,33	113,37	164,76		269,50
1006 30 94	359,33	113,37	164,76		269,50
1006 30 96	359,33	113,37	164,76		269,50
1006 30 98	(7)	133,21	193,09		312,00
1006 40 00	(7)	41,18	(7)		96,00

⁽¹⁾ The duty on imports of rice originating in the ACP States is applicable, under the arrangements laid down in Council Regulation (EC) No 2286/2002 (OJ L 348, 21.12.2002, p. 5) and amended Commission Regulation (EC) No 638/2003 (OJ L 93, 10.4.2003, p. 3).

⁽²⁾ In accordance with Regulation (EC) No 1706/98, the duties are not applied to products originating in the African, Caribbean and Pacific States and imported directly into the overseas department of Réunion.

⁽³⁾ The import levy on rice entering the overseas department of Réunion is specified in Article 11(3) of Regulation (EC) No 3072/95.

⁽⁴⁾ The duty on imports of rice not including broken rice (CN code 1006 40 00), originating in Bangladesh is applicable under the arrangements laid down in Council Regulation (EEC) No 3491/90 (OJ L 337, 4.12.1990, p. 1) and amended Commission Regulation (EEC) No 862/91 (OJ L 88, 9.4.1991, p. 7).

⁽⁵⁾ No import duty applies to products originating in the OCT pursuant to Article 101(1) of amended Council Decision 91/482/EEC (OJ L 263, 19.9.1991, p. 1).

⁽⁶⁾ For husked rice of the Basmati variety originating in India and Pakistan, a reduction of EUR/t 250 applies (Article 4a of amended Regulation (EC) No 1503/96).

⁽⁷⁾ Duties fixed in the Common Customs Tariff.

⁽⁸⁾ The duty on imports of rice originating in and coming from Egypt is applicable under the arrangements laid down in Council Regulation (EC) No 2184/96 (OJ L 292, 15.11.1996, p. 1) and Commission Regulation (EC) No 196/97 (OJ L 31, 1.2.1997, p. 53).

ANNEX II

Calculation of import duties for rice

	Paddy	Indica rice		Japonica rice		Broken rice
		Husked	Milled	Husked	Milled	
1. Import duty (EUR/tonne)	(¹)	264,00	416,00	178,83	359,33	(¹)
2. Elements of calculation:						
(a) Arag cif price (EUR/tonne)	—	267,83	195,89	382,07	437,26	—
(b) fob price (EUR/tonne)	—	—	—	356,60	411,79	—
(c) Sea freight (EUR/tonne)	—	—	—	25,47	25,47	—
(d) Source	—	USDA and operators	USDA and operators	Operators	Operators	—

(¹) Duties fixed in the Common Customs Tariff.

COMMISSION REGULATION (EC) No 2041/2003
of 19 November 2003
amending 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 ⁽¹⁾, as last amended by Regulation (EC) No 1104/2003 ⁽²⁾,

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 ⁽³⁾, as last amended by Regulation (EC) No 1110/2003 ⁽⁴⁾, and in particular Article 2(1) thereof,

Whereas:

- (1) The import duties in the cereals sector are fixed by Commission Regulation (EC) No 2020/2003 ⁽⁵⁾, as amended by Regulation (EC) No 2031/2003 ⁽⁶⁾.

- (2) Article 2(1) of Regulation (EC) No 1249/96 provides that if during the period of application, the average import duty calculated differs by EUR 5 per tonne from the duty fixed, a corresponding adjustment is to be made. Such a difference has arisen. It is therefore necessary to adjust the import duties fixed in Regulation (EC) No 2020/2003,

HAS ADOPTED THIS REGULATION:

Article 1

Annexes I and II to the amended Regulation (EC) No 2020/2003 are hereby replaced by Annexes I and II to this Regulation.

Article 2

This Regulation shall enter into force on 20 November 2003.

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

Done at Brussels, 19 November 2003.

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

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 158, 27.6.2003, p. 1.

⁽³⁾ OJ L 161, 29.6.1996, p. 125.

⁽⁴⁾ OJ L 158, 27.6.2003, p. 12.

⁽⁵⁾ OJ L 297, 15.11.2003, p. 32.

⁽⁶⁾ OJ L 301, 19.11.2003, p. 11.

ANNEX I

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

CN code	Description	Import duty ⁽¹⁾ (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	13,67
1005 10 90	Maize seed other than hybrid	39,73
1005 90 00	Maize other than seed ⁽²⁾	39,73
1007 00 90	Grain sorghum other than hybrids for sowing	13,67

⁽¹⁾ 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.

⁽²⁾ 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 14 November to 18 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 (****)	79,59	175,12 (***)	165,12 (***)	145,12 (***)	114,67 (***)
Gulf premium (EUR/t)	—	17,51	—	—	—	—
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: 21,64 EUR/t; Great Lakes–Rotterdam: 30,13 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)

COMMISSION

COMMISSION DECISION

of 14 November 2003

laying down the animal health conditions and certification requirements for imports of molluscs, their eggs and gametes for further growth, fattening, relaying or human consumption

(notified under document number C(2003) 4153)

(Text with EEA relevance)

(2003/804/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 91/67/EEC of 28 January 1991 concerning the animal health conditions governing the placing on the market of aquaculture animals and products ⁽¹⁾, as last amended by Regulation (EC) No 806/2003 ⁽²⁾, and in particular Article 19(1), Article 20(1) and Article 21(2) thereof,

Whereas:

- (1) A list of third countries or parts thereof, from which Member States are authorised to import live molluscs, their eggs and gametes for further growth, fattening, relaying or human consumption in the Community, should be established.
- (2) It is necessary to lay down specific animal health conditions and model certificates for those third countries, taking into account the animal health situation of the third country concerned and of the molluscs, eggs or gametes to be imported, in order to prevent the introduction of disease agents that could cause significant impact to the mollusc stock in the Community.
- (3) Attention should be paid to emerging diseases and diseases which are exotic to the Community and which could have a serious impact on the mollusc stock in the Community. Furthermore, the disease situation as regards the mollusc diseases referred to in Annex D to Council Directive 95/70/EC of 22 December 1995 intro-

ducing minimum Community measures for the control of certain diseases affecting bivalve molluscs ⁽³⁾, as last amended by Regulation (EC) No 806/2003, and in list II, column 1, of Annex A to Directive 91/67/EEC, at the place of production and where appropriate at the place of destination should be taken into account.

- (4) It is necessary that the countries or parts thereof from which Member States are authorised to import molluscs, their eggs and gametes for further growth or fattening, relaying or human consumption, apply conditions for disease control and monitoring at least equivalent to Community standards as laid down in Directives 91/67/EEC and 95/70/EC. The sampling and testing methods used should be at least equivalent to Commission Decision 2002/878/EC ⁽⁴⁾. In cases where sampling and testing methods are not laid down in the Community legislation, the sampling and testing methods used should be in accordance with those laid down in the International Office of Epizootics (OIE) Manual of diagnostic tests for aquatic animals.
- (5) It is necessary that the responsible competent authorities of these third countries undertake to notify, by fax, telegram or electronic mail, the Commission and the Member States within 24 hours of any occurrence of diseases referred to in Annex D to Directive 95/70/EC, and list II, column 1 of Annex A to Directive 91/67/EEC, as well as any other disease outbreaks causing a significant abnormal mortality in molluscs within their

⁽¹⁾ OJ L 46, 19.2.1991, p. 1.

⁽²⁾ OJ L 122, 16.5.2003, p. 1.

⁽³⁾ OJ L 332, 30.12.1995, p. 33.

⁽⁴⁾ OJ L 305, 7.11.2002, p. 57.

territory or parts thereof from which imports covered by this Decision are authorised. In such event, the responsible competent authorities of those third countries must take measures to prevent the disease spreading into the Community.

- (6) Taking into account the international practical and scientific experiences gained, the animal health provisions laid down by Commission Decision 95/352/EC of 25 July 1995 laying down the animal health conditions and the certification requirements for the importation from third countries of *Crassostrea gigas* for relaying in Community waters ⁽¹⁾ needs to be updated and amended as appropriate. For the sake of clarity, those provisions should be included in this Decision and Decision 95/352/EC should be repealed.
- (7) Therefore, it is necessary to supplement the public health certification requirements relating to the importation of live molluscs and unprocessed products thereof, in Council Directive 91/492/EEC of 15 July 1991 laying down the health conditions for the production and placing of the market of live bivalve molluscs ⁽²⁾, as last amended by Regulation (EC) No 806/2003, with the animal health certification requirements for import of live molluscs.
- (8) This Decision should apply without prejudice to the public health conditions established under Directive 91/492/EEC and Council Directive 91/493/EEC of 22 July 1991 laying down the health conditions for the production and the placing on the market of fishery products ⁽³⁾, as last amended by Decision 806/2003/EC.
- (9) The risk of introducing diseases that can cause significant impact on molluscs within the community by imports of non-viable molluscs is considered low. The requirements laid down in Directive 91/493/EEC, in particular Articles 11 of that Directive, gives the appropriate level of protection as regards non-viable molluscs, and therefore additional animal health certification for non-viable molluscs is not necessary.
- (10) Council Directive 96/93/EC of 17 December 1996 on the certification of animals and animal products ⁽⁴⁾ lays down standards of certification. The rules and principles applied by third country certifying officers in accordance with this Decision should provide guarantees which are equivalent to those laid down in that Directive.
- (11) The principles laid down in Council Directive 2002/99/EC of 16 December 2002 laying down the animal health rules governing the production, processing, distribution and introduction of products of animal origin for human consumption ⁽⁵⁾, in particular Article 3 of that Directive should be taken into account.

- (12) It would reduce the possibility to control and eradicate diseases which are exotic to the Community and which could have serious impact on the mollusc stocks in the Community, if molluscs that could carry the disease are released into free waters in the Community. Live molluscs, eggs and gametes, should therefore be imported into the Community only if they are introduced into a farm registered by the competent authority in the Member State in accordance with Article 3(1) of Directive 95/70/EC.
- (13) This Decision should not apply to the importation of ornamental molluscs kept permanently in aquariums.
- (14) A transitional period of time should be provided for the implementation of these new import certification requirements.
- (15) Annex I to this Decision should be reviewed before the date of application.
- (16) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS DECISION:

Article 1

Scope

1. This Decision establishes harmonised animal health rules for the importation of:
 - (a) live molluscs, their eggs and gametes, for further growth, fattening or relaying; and
 - (b) live molluscs and non-viable molluscs for immediate human consumption or further processing before human consumption.
2. This Decision shall not apply to the importation of ornamental molluscs kept permanently in aquariums.

Article 2

Definitions

1. For the purpose of this Decision, the definitions in Article 2 of Directives 91/67/EEC and 95/70/EC shall apply.
2. The following definitions shall also apply:
 - (a) 'approved import centre' means any establishment, dispatch centre or purification centre in the Community, approved according to Directives 91/492/EEC or 91/493/EEC where special biosecurity measures have been put in place, approved by the competent authority of the Member State concerned for further processing of imported live molluscs;

⁽¹⁾ OJ L 204, 30.8.1995, p. 13.

⁽²⁾ OJ L 268, 24.9.1991, p. 1.

⁽³⁾ OJ L 268, 24.9.1991, p. 15.

⁽⁴⁾ OJ L 13, 16.1.1997, p. 28.

⁽⁵⁾ OJ L 18, 23.1.2003, p. 11.

- (b) 'coastal zone' means a zone consisting of a part of the coast or sea water or an estuary:
- (i) which has a precise geographical delimitation and consists of a homogeneous hydrological system or a series of such systems; or
 - (ii) which is situated between the mouths of two water-courses; or
 - (iii) where there are one or more farms and all farms are surrounded by appropriate buffer zones on both sides of the farm or farms;
- (c) 'designated farm' means a coastal farm or an inland farm to which the water is supplied by means of an artificial water system which ensures the complete inactivation of the pathogens referred to in Annex D to Directive 95/70/EC;
- (d) 'further processing' means preparation and processing before human consumption, by any kind of measures and techniques that produce waste or by-products which could cause a risk of spreading of diseases, including: putting live molluscs into water in order to allow them to recover during or after transport (immersion), conditioning, cleaning, purification, thawing, and operations affecting the anatomical wholeness such as shucking;
- (e) 'immediate human consumption' means that molluscs imported for the purpose of human consumption do not undergo any further processing within the Community before being placed on the retail market for human consumption;
- (f) 'molluscs' means aquatic organisms belonging to the *Phylum Mollusca*, classes *Bivalvia* and *Gastropoda*; originating from a farm, including any establishment, harvested natural bed or, in general, any geographical defined installation in which molluscs are reared or kept with a view to their being placed on the market;
- (g) 'non-viable molluscs' means molluscs no longer able to survive as living animals if returned to the environment from which they were obtained, and includes mollusc products intended for immediate human consumption or further processing before human consumption;
- (h) 'relaying' means an operation whereby live molluscs are transferred to approved sea or lagoon areas or approved estuarine areas under the supervision of the competent authority for the time necessary to remove contamination as defined in Directive 91/492/EEC, but excluding the specific operation of transferring molluscs to areas more suitable for further growth or fattening, as this is considered as farming;
- (i) 'territory' means either a whole country, a coastal zone, a designated farm, a farming area, or a harvested natural bed which is authorised by the central competent authority of the third country concerned for exportation to the Community.

Article 3

Conditions for importation of live molluscs, their eggs and gametes intended for further growth, fattening or relaying in European Community waters

1. Member States shall authorise the importation into their territory of live molluscs, their eggs and gametes for further growth or fattening or relaying only if:
 - (a) the molluscs originate and have been harvested in a territory listed in Annex I;
 - (b) the consignment complies with the guarantees, including those for packaging and labelling and the appropriate specific additional requirements, as laid down in the animal health certificate, drawn up in conformity with the model in Annex II, taking into account the explanatory notes in Annex III; and
 - (c) the molluscs have been transported under conditions not altering their health status.
2. Member States shall ensure that imported molluscs, their eggs and gametes intended for further growth, fattening or relaying in Community waters, only are introduced into farms registered by the competent authority in accordance with Article 3(1) of Directive 95/70/EC.
3. Member States shall ensure that imported live molluscs, eggs and gametes are transported directly to the farm of destination, as stated on the animal health certificate.

Article 4

Conditions related to importation of live molluscs intended for human consumption

Member States shall authorise the importation into their territory of live molluscs intended for immediate human consumption or for further processing before human consumption only if the consignment:

- (a) complies with the conditions laid down in Article 3(1) and Article 6 of this Decision; or
- (b) is sent directly to an approved import centre for further processing.

Article 5

Conditions related to importation of non-viable molluscs intended for human consumption

Member States shall authorise the importation into their territory of non-viable molluscs for immediate human consumption or for further processing before human consumption only if the molluscs originate in third countries and establishments authorised under Article 9 of Directive 91/492/EEC and Article 11 of Directive 91/493/EEC and comply with the public health certification requirements laid down under those Directives.

*Article 6***Certification**

In the case of live molluscs, their eggs and gametes, the competent authority at the border inspection post in the Member State of arrival shall complete the document referred to in the Annex to Decision 92/527/EEC with one of the statements laid down in Annex IV in this Decision as appropriate.

*Article 7***Preventing contamination of natural waters**

1. Member States shall ensure that imported molluscs intended for immediate human consumption or further processing before human consumption are not introduced into, and do not contaminate any natural waters within their territory.

2. Member States shall ensure that transport water from imported consignments does not lead to contamination of natural waters within their territory.

*Article 8***Approval of import centres**

1. The competent authority of the Member States shall approve an establishment as an approved import centre provided that it satisfies the minimum animal health conditions of Annex V to this Decision.

2. The competent authority of the Member States shall draw up a list of approved import centres, each of which shall be given an official number.

3. The list of approved import centres, and any subsequent amendments thereto, shall be communicated by the competent authority of each Member State, to the Commission and to the other Member States.

*Article 9***Repeal**

Decision 95/352/EC is repealed.

*Article 10***Review**

Annex I to this Decision should be reviewed before 1 May 2004.

*Article 11***Date of application**

This Decision shall apply from 1 May 2004.

Article 12

This Decision is addressed to the Member States.

Done at Brussels, 14 November 2003.

For the Commission

David BYRNE

Member of the Commission

ANNEX I

Territories from which importation of certain species of live molluscs, their eggs and gametes intended for further growth, fattening, or relaying in European Community waters are authorised

[illegible]

(i) Insert 'Yes' or 'No' as relevant if designated farm, coastal or continental zone is approved by the central competent authority of the exporting country as a territory that also fulfils the specific animal health requirements for introduction into Community zones and farms having a Community approved programme or status as regards *Bonamia ostreae* and/or *Marteilia refringens*.

(2) No limitations if left empty. If country or territory is allowed to export only certain species and/or eggs or gametes, the species should be specified and/or a comment with for example 'eggs only' shall be inserted in this column.

ANNEX II

**MODEL ANIMAL HEALTH CERTIFICATE FOR THE IMPORTATION INTO THE EUROPEAN COMMUNITY (EC)
OF [LIVE MOLLUSCS, EGGS AND GAMETES FOR FURTHER GROWTH, FATTENING OR RELAYING] ⁽¹⁾ [LIVE
MOLLUSCS FOR HUMAN CONSUMPTION] ⁽¹⁾**

Note for the importer: this certificate is only for veterinary purposes and has — in its original — to accompany the consignment until it reaches the border inspection post

		Reference code No	ORIGINAL		
1. Exporting country and authorities involved		4. Destination of the consignment			
1.1. Exporting country:		4.1. Member State:			
1.2. Competent authority:		[4.2. Zone or part ⁽³⁾ of the Member State:]] ⁽¹⁾			
1.3. Competent issuing authority:		[4.3. Farm, name:]] ⁽¹⁾			
2. Place of origin of the consignment		4.4. Address:			
2.1. Code of territory of origin ⁽²⁾ :		4.5. Name, address and phone number of the consignee:			
[2.2. Farm of origin, name:]] ⁽¹⁾				
[2.3. Address or location of farm:]] ⁽¹⁾				
2.4. Name, address and phone number of the Consignor:....		5. Means of transport and consignment identification ⁽⁴⁾			
.....		5.1. [Lorry] ⁽¹⁾ [Rail-wagon] ⁽¹⁾ [Ship] ⁽¹⁾ [Aircraft] ⁽¹⁾ :			
.....				
3. Place of harvest (if different from place of origin)		5.2. [Registration number(s)] ⁽¹⁾ [Ship name] ⁽¹⁾ [Flight number] ⁽¹⁾ :			
3.1. Country:.....		5.3. Consignment identification details:			
3.2. Code of territory of harvest ⁽²⁾ :			
[3.3. Farm of harvest, name:]] ⁽¹⁾				
[3.4. Address or location of farm:.....]] ⁽¹⁾				
6. Description of the consignment					
<input type="checkbox"/> Farmed stocks <input type="checkbox"/> Harvested natural beds <input type="checkbox"/> Gametes <input type="checkbox"/> Eggs <input type="checkbox"/> Larvae					
Mollusc specie(s)		Total weight (kg) of molluscs	[Volume of eggs] ⁽¹⁾ [Volume of gametes] ⁽¹⁾	[Number of molluscs] ⁽¹⁾ [Mean size of molluscs (cm)] ⁽¹⁾	Age of live molluscs
Scientific name:	Common name:				
					<input type="checkbox"/> >24 months <input type="checkbox"/> 12-24 months <input type="checkbox"/> 0-11 months; <input type="checkbox"/> unknown

7. **Animal health attestation for importation of ⁽¹⁾ [live molluscs, their eggs and gametes for further growth or fattening or relaying] ⁽¹⁾ [live molluscs for human consumption]**

I, the undersigned official inspector, hereby certify that the live molluscs, their eggs and gametes referred to in point 6 of this certificate fulfil the following requirements:

7.1. *either:*

- (1) [they originate from, and are harvested in, the territory ⁽²⁾ with the code:.....:
- (a) where all farms rearing live molluscs, their eggs or gametes are officially registered by the competent authority;
- (b) where all farms rearing live molluscs, their eggs or gametes keep an updated record open to scrutiny by the official service at all times of: observed abnormal mortality ⁽⁵⁾; and of all the live molluscs, eggs and gametes entering the farm and leaving the farm for introduction into other farms or waters and all information relating to their delivery and dispatch, their number or weight, their size, their origin, their suppliers and their destination ⁽⁶⁾;
- (c) which during the last two years have been considered free from bonamiosis (*Bonamia exitiosus* and *Mikrocytos roughleyi*), marteiliosis (*Marteilia sydneyi*), mikrocytosis (*Mikrocytos mackini*), perkinsosis (*Perkinsus marinus* and *P. olseni/atlanticus*), haplosporidiosis (*Haplosporidium nelsoni* and *H. costale*) and withering syndrome (*Candidatus Xenohalotis californiensis*);
- (d) which is subject to a risk-based health monitoring and sampling programme — put in place, or officially recognised, by the competent authority — carried out in order to detect abnormal mortality ⁽⁵⁾ and keep track of the health situation of the susceptible ⁽⁷⁾ stocks, in particular as regards bonamiosis (*Bonamia ostreae*, *B. exitiosus* and *Mikrocytos roughleyi*), marteiliosis (*Marteilia refringens* and *Marteilia sydneyi*), mikrocytosis (*Mikrocytos mackini*), perkinsosis (*Perkinsus marinus* and *P. olseni/atlanticus*), haplosporidiosis (*Haplosporidium nelsoni* and *H. costale*) and withering syndrome (*Candidatus Xenohalotis californiensis*);
- (e) where all farms rearing live molluscs, their eggs or gametes have to notify as soon as possible to the competent authority any abnormal mortality ⁽⁵⁾ and suspicion of the diseases above;
- (f) subject to appropriate disease control measures as necessary and at least equivalent to those required in Council Directives 91/67/EEC and 95/70/EC, and as regards sampling and testing for monitoring and in case of suspicion of disease, including abnormal mortality ⁽⁵⁾, Decision 2002/878/EC; in cases where sampling and testing methods are not established in the Community legislation, the methods are those laid down in the relevant chapters of the OIE ⁽⁸⁾ Manual of diagnostic tests for aquatic animals, fourth edition, 2003;
- (g) where all farms rearing live molluscs, their eggs or gametes have had no unexplained abnormal mortality ⁽⁵⁾ or abnormal mortality ⁽⁵⁾ caused by a pathogen during the last two years prior to shipment;
- (h) where all farms rearing live molluscs, their eggs or gametes have, during the last two years prior to shipment introduced live molluscs, eggs or gametes with a lower health status;
- (i) where there are, on the day of loading, no abnormal mortality ⁽⁵⁾ and no suspicion of the presence of any of the diseases listed in point 7.(1)(d) of this certificate, and]

or

- (1) [they originate from, and are harvested in, the territory ⁽²⁾ with the code:..... ⁽¹⁾ and:
- (a) they originate from and are harvested in a designated farm, or a farm that is not connected with coastal or estuarial waters, and does not contain any molluscs, eggs or gametes thereof, of the species referred to as susceptible to the following diseases: bonamiosis (*Bonamia exitiosa* and *Mikrocytos roughleyi*); marteiliosis (*Marteilia sydneyi*); mikrocytosis (*Mikrocytos mackini*); perkinsosis (*Perkinsus marinus* and *P. olseni/atlanticus*); haplosporidiosis (*Haplosporidium nelsoni* and *H. costale*) and withering syndrome (*Candidatus Xenohalotis californiensis*);
- (b) the farm is officially registered by the competent authority;
- (c) the farm keeps an updated record open to scrutiny by the official service at all time of: observed abnormal mortality ⁽⁵⁾, and of all the live molluscs, eggs and gametes entering the farm and leaving the farm for introduction into other farms or waters and all information relating to their delivery and dispatch, their number or weight, their size, their source, their suppliers and their destination ⁽⁶⁾; and
- (d) the farm has to notify, as soon as possible, to the competent authority any abnormal mortality ⁽⁵⁾ and suspicion of the diseases referred to above; and]

7.2. *they:*

- (a) have not, since the time of harvest, been in contact with other live molluscs, eggs or gametes of a lower health status;
- (b) are not intended for destruction or slaughter for the eradication of any of the diseases bonamiosis (*Bonamia ostreae*, *B. exitiosa* and *Mikrocytos roughleyi*); marteiliosis (*Marteilia refringens* and *Marteilia sydneyi*); mikrocytosis (*Mikrocytos mackini*); perkinsosis (*Perkinsus marinus* and *P. olseni/atlanticus*); haplosporidiosis (*Haplosporidium nelsoni* and *H. costale*) and withering syndrome (*Candidatus Xenohalotis californiensis*), or due to abnormal mortality ⁽⁵⁾ caused by any other pathogen;
- (c) are not subject to any prohibitions for animal health reasons;

- (d) were examined on the day of loading and showed no clinical signs of disease, including abnormal mortality ⁽⁵⁾, and
- ^(1,8)(e) were subject to an individual visual check of at least 1 000 molluscs randomly selected from each part of the consignment having a different origin, and no mollusc species other than those specified in point 6 of this certificate were detected].

⁽¹⁰⁾8. **Specific animal health requirements as regards *Bonamia ostreae* and *Marteilia refringens***

I, the undersigned official inspector, hereby certify that the live molluscs, or the eggs or gametes, referred to in point 6 of this certificate, originate from a territory that, in addition to the guarantees given in point 7 of this certificate is approved by the central competent authority as having a health status equivalent to the status of those farms and zones with approved status ⁽¹¹⁾ or approved program ⁽¹¹⁾ in the Community or in accordance with the relevant chapters of the most recent edition of the OIE ⁽⁸⁾ International aquatic animal health code, with regard to [*Bonamia ostreae*] ⁽¹⁾ [and] ⁽¹⁾ [*Marteilia refringens*] ⁽¹⁾ – as they originate from:

either

⁽¹⁾[a coastal zone in which all farms and harvested natural beds:

- are under the supervision of the competent authority;
- are subject to health inspections, carried out at intervals adapted to the development of [*Bonamia ostreae*] ⁽¹⁾ [and] ⁽¹⁾ [*Marteilia refringens*] ⁽¹⁾ and samples are taken and examined for these pathogens with a negative result by an officially authorised laboratory in accordance with the procedures laid down in the OIE ⁽⁸⁾, Manual of diagnostic tests for aquatic animals, fourth Edition, 2003, Chapters: 1.1.4; 3.1.1; and 3.1.3, and
- since at least 2 years have been free of clinical and other signs of [*Bonamia ostreae*] ⁽¹⁾ [and] ⁽¹⁾ [*Marteilia refringens*] ⁽¹⁾;

or [a designated farm, where the water is supplied by means of a system which ensures also the complete inactivation of [*Bonamia ostreae*] ⁽¹⁾ [and] ⁽¹⁾ [*Marteilia refringens*] ⁽¹⁾; and:

- is under the supervision of the competent authority;
- is subject to health inspections, carried out at intervals adapted to the development of [*Bonamia ostreae*] ⁽¹⁾ [and] ⁽¹⁾ [*Marteilia refringens*] ⁽¹⁾ and samples are taken and examined for these pathogens with a negative result by an officially authorised laboratory in accordance with the procedures laid down in the OIE ⁽⁸⁾, Manual of diagnostic tests for aquatic animals, fourth Edition, 2003, Chapters: 1.1.4; 3.1.1; and 3.1.3, and
- since at least 2 years have been free of clinical and other signs of [*Bonamia ostreae*] ⁽¹⁾ [and] ⁽¹⁾ [*Marteilia refringens*] ⁽¹⁾.]

or

⁽¹⁾ [a farm that is not connected with coastal or estuarial waters and does not contain any molluscs of the species referred to as susceptible ⁽⁷⁾ to [*Bonamia ostreae*] ⁽¹⁾ [and] ⁽¹⁾ [*Marteilia refringens*] ⁽¹⁾.]

9. **Transport requirements**

Furthermore, they:

- are transported under conditions that do not alter their health status, and
- have been placed in sealed watertight containers which were cleaned and disinfected beforehand using an authorised disinfectant and which bear on the exterior a legible label with the relevant ⁽¹²⁾ information referred to at points 1, 2, 3 and 4 of this certificate and with the following statement ⁽¹⁾:

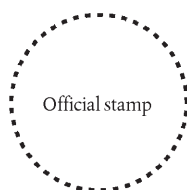
either:

['[Live molluscs] ⁽¹⁾ [and] ⁽¹⁾ [Eggs] ⁽¹⁾ [and] ⁽¹⁾ [Gametes] ⁽¹⁾ certified for further growth, fattening or relaying into EC coastal zones and farms except those with a Community approved programme or status, with regard to *Bonamia ostreae* and *Marteilia refringens*;

or:

['[Live molluscs] ⁽¹⁾ [and] ⁽¹⁾ [Eggs] ⁽¹⁾ [and] ⁽¹⁾ [Gametes] ⁽¹⁾ certified for further growth, fattening or relaying into EC coastal zones and farms including those with a Community approved programme or status, with regard to [*Bonamia ostreae*] ⁽¹⁾ [and] ⁽¹⁾ [*Marteilia refringens*] ⁽¹⁾'].

Done at , on
(Place) (Date)



Official stamp

.....
(Signature of official inspector)

.....
(Name in capital letters, qualifications and title)

Indicative notes

- (¹) Retain as appropriate.
 (²) Territory (a whole country, a coastal zone, a farming area or a harvested natural bed) and code of territory as appearing in Annex I to Commission Decision 2003/804/EC.
 (³) Specify as applicable: zone and/or farming areas, harvested natural beds, dispatch centres, purification centres or storage tanks, or in case of import for human consumption, establishment.
 (⁴) The registration number(s) of rail-wagon or lorry or the name of the ship should be given as appropriate. If known, the flight number of the aircraft shall be specified. In case of transport in containers or boxes, the total number, their registration and seal numbers, if present, shall be indicated under point 5.3.
 (⁵) As laid down in Article 2(2) of Council Directive 95/70/EC.
 (⁶) As applicable.
 (⁷) Known susceptible species, see table below:

Disease	Pathogen	Susceptible host species (*)
Bonamiosis	<i>Bonamia exitiosa</i>	<i>Tiostrea chilensis</i> and <i>Ostrea angasi</i>
	<i>Mikrocytos roughleyi</i>	<i>Saccostrea (commercialis) glomerata</i>
Marteiliosis	<i>Marteilia sydneyi</i>	<i>Saccostrea (commercialis) glomerata</i>
Microcitosis	<i>Mikrocytos mackini</i>	<i>Crassostrea gigas</i> , <i>C. virginica</i> , <i>Ostrea edulis</i> , <i>O. conchaphila</i>
Perkinsosis	<i>Perkinsus marinus</i>	<i>Crassostrea virginica</i> and <i>C. gigas</i>
	<i>Perkinsus olseni/atlanticus</i>	<i>Haliotis ruber</i> , <i>H. cyclobates</i> , <i>H. scalaris</i> , <i>H. laevigata</i> , <i>Ruditapes philippinarum</i> and <i>R. decussatus</i>
MSX disease	<i>Haplosporidium nelsoni</i>	<i>Crassostrea virginica</i> y <i>C. Gigas</i>
SSO disease	<i>Haplosporidium costale</i>	<i>Crassostrea virginica</i>
Withering syndrome of abalones	<i>Candidatus Xenohaliotis californiensis</i>	Members of the genus <i>Haliotis</i> including black abalone (<i>H. cracherodii</i>), red abalone (<i>H. rufescens</i>), pink abalone (<i>H. corrugata</i>), green abalone (<i>H. fulgens</i>) and white abalone (<i>H. sorenseni</i>).

(*) And any other species referred to in the most recent edition of the OIE International aquatic animal health code as being susceptible for the pathogen/disease in question.

(⁸) International Office of Epizootics.

(⁹) Only applicable to live molluscs. For consignments smaller than 1 000 molluscs, all molluscs shall be visually inspected.

(¹⁰) Specific requirements needed in the case of exports to farms or zones within the EC with a Community approved programme or status for:

- *Bonamia ostreae*, except for the following species (*): *Crassostrea gigas*, *Mytilus edulis*, *M. galloprovincialis*, *Ruditapes decussatus* and *Ruditapes philippinarum*,
- *Marteilia refringens*, except for the following species (*): *Crassostrea gigas*,

(*) in accordance with Commission Decision 2003/390/EC.

(¹¹) As laid down in Council Directive 91/67/EEC.

(¹²) Country and territory of origin (code) and of destination; name and telephone number of the consignor and consignee.

ANNEX III

Explanatory notes for certification and labelling

- (a) The certificates shall be produced by the competent authorities of the exporting country, based on the appropriate model appearing in Annex II to this Decision taking into account the use to which the molluscs are to be put after the arrival to the EC.
- (b) Considering the status of the place of destination as regards *Bonamia ostreae* and *Marteilia refringens* in the EC Member State, the appropriate specific additional requirements shall be incorporated and completed in the certificate.
- (c) The original of each certificate shall consist of a single page, double-sided, or, where more than one page is required, it shall be in such a form that all pages form part of an integrated whole and are indivisible.

It shall, on the right-hand side of the top of each page, be marked as 'original' and bear a specific code number issued by the competent authority. All pages of the certificate shall be numbered — (page number) of (total number of pages).

- (d) The original of the certificate and the labels referred to in the model certificate shall be drawn up in at least one official language of the EC Member State in which the inspection at the border post shall be carried out and of the EC Member State of destination. However, these Member States may allow other languages, if necessary, accompanied by an official translation.
- (e) The original of the certificate must be completed on the day of loading the consignment for exportation to the European Community with an official stamp and signed by an official inspector designated by the competent authority. In doing so, the competent authority of the exporting country shall ensure that the principles of certification equivalent to those laid down in Council Directive 96/93/EC are followed.

The stamp, unless embossed, and the signature shall be in a colour different to that of the printing.

- (f) If for reasons of identification of the items of the consignment, additional pages are attached to the certificate, these pages shall be considered as forming part of the original and be signed and stamped by the certifying official inspector on each page.
 - (g) The original of the certificate must accompany the consignment until it reaches the EC border inspection post.
 - (h) The certificate shall be valid for 10 days from the date of issue. In the case of transport by ship, the time of validity is prolonged by the time of the journey at sea.
 - (i) The molluscs, their eggs and gametes, shall not be transported together with other molluscs, eggs or gametes that, either are not destined to the European Community, or are of a lower health status. Furthermore, they must not be transported under any other conditions that alter their health status.
 - (j) The possible presence of pathogens in the water is a relevant factor when considering the health status of molluscs. The certifying officer should therefore consider the following:
 - the 'place of origin' should be the localisation of the farm or harvested natural bed where the molluscs were reared reaching their commercial size relevant for the consignment covered by this certificate.
 - The 'place of harvest' should be the last place the molluscs were in contact with natural waters in the exporting country, like purification centres or intermediate storage places where molluscs are kept before exported to the Community.
-

ANNEX IV

Statements as regard live molluscs, their eggs and gametes intended for further growth, fattening, relaying or human consumption in the European Community to be issued by the competent authority at the border inspection post to complete the document referred to in the Annex to Decision 92/527/EEC

The competent authority at the border inspection post in the Member State of arrival shall complete the document referred to in the Annex to Decision 92/527/EEC with one of the following statements as appropriate:

Statements:

either:

'[Live molluscs] ⁽¹⁾ [and] ⁽¹⁾ [Eggs] ⁽¹⁾ [and] ⁽¹⁾ [Gametes] ⁽¹⁾ certified for further growth, fattening or relaying into European Community coastal zones and farms except those with a Community approved program or status, with regard to *Bonamia ostreae* and *Marteilia refringens*;

or:

'[Live molluscs] ⁽¹⁾ [and] ⁽¹⁾ [Eggs] ⁽¹⁾ [and] ⁽¹⁾ [Gametes] ⁽¹⁾ certified for further growth, fattening or relaying into European Community coastal zones and farms including those with a Community approved program or status, with regard to [*Bonamia ostreae*] ⁽¹⁾ [and] ⁽¹⁾ [*Marteilia refringens*] ⁽¹⁾;

or:

'Live molluscs certified for export to the European Community ⁽¹⁾ [including to zones having Community approved status or program as regards [*Bonamia ostreae*] ⁽¹⁾ [and] ⁽¹⁾ [*Marteilia refringens*] ⁽¹⁾ [for immediate human consumption] ⁽¹⁾ [for further processing in approved import centres before human consumption] ⁽¹⁾.'

⁽¹⁾ Retain as appropriate.

ANNEX V

MINIMUM ANIMAL HEALTH CONDITIONS FOR THE APPROVAL OF 'APPROVED IMPORT CENTRES'**A. General Provisions**

1. Member States shall only approve centres and establishments as import centres for further processing of imported molluscs provided that the conditions at the import centre are such that risks of contamination of molluscs in Community waters via discharges or other waste, or by other means, with pathogens capable of causing significant abnormal mortality in molluscs are avoided.
2. Establishments approved as 'approved import centres', must not be allowed to move live molluscs out of the establishment.
3. The minimum animal health conditions as laid down in part B of this Annex shall apply, in addition to the public health provisions laid down under Directive 91/492/EEC for any centres and establishments, including dispatch centres and purification centres, as well as to the health rules laid down by Community legislation concerning animal by-products not intended for human consumption.

B. Management Provisions

1. Approved import centres must be under the control and responsibility of the competent authority.
 2. Approved import centres must have an efficient disease control, and monitoring system; in application of Directive 95/70/EC, cases of suspected disease and mortality shall be investigated by the competent authority; the necessary analysis and treatment must be carried out in consultation with and under the control of the competent authority, taking into consideration the requirement in Article 3(1)(a) of Directive 91/67/EEC.
 3. Approved import centres must apply a management system, approved by the competent authority, including hygiene and disposal routines for transport, transport containers, facilities, and equipment. The guidelines laid down for disinfection of mollusc farms in the OIE International aquatic animal health code, sixth edition, 2003, Appendix 5.2.2, should be followed. The disinfectants used must be approved for the purpose by the competent authority and appropriate equipment must be available for cleaning and disinfection. Discharges of by-products and other waste materials including dead molluscs and their products must be carried out in accordance with Regulation (EC) No 1774/2002. The management system at the approved import centre shall be such that risks of contamination of molluscs in Community waters with pathogens capable of causing significant impact to mollusc stocks, in particular diseases referred to in Annex D to Directive 95/70/EC, are avoided.
 4. Approved import centres must keep an updated record of observed abnormal mortality, and of all the live molluscs, eggs and gametes entering the centre and products leaving the centre including their source, their suppliers and their destination.
 5. Approved import centres must be cleaned and disinfected regularly in accordance with the programme described in point 3 above.
 6. Only authorised persons may enter approved import centres and must wear protective clothing including appropriate footwear.
-

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

COUNCIL COMMON POSITION 2003/805/CFSP
of 17 November 2003
on the universalisation and reinforcement of multilateral agreements in the field of non-proliferation of weapons of mass destruction and means of delivery

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the European Union, and in particular Article 15 thereof,

Whereas:

- (1) At Thessaloniki, the European Council stated that the proliferation of weapons of mass destruction and means of delivery is a growing threat to international peace and security; the risk that terrorists will acquire chemical, biological, radiological or nuclear materials adds a new dimension to this threat. Therefore, the European Council decided that the EU collective effort would focus, *inter alia*, on working towards the universal ratification of, and adherence to, the key disarmament and non-proliferation treaties and agreements and, when necessary, towards the strengthening thereof.
- (2) In its Action Plan for the implementation of the Basic Principles for an EU Strategy against Proliferation of Weapons of Mass Destruction, the EU and its Member States undertook to promote at political level universal adherence to instruments relating to weapons of mass destruction and their means of delivery.
- (3) The restatement of this policy would serve as a yardstick in the negotiations of EU positions in international forums, and it is therefore appropriate to formulate it in a Council Common Position,

HAS ADOPTED THIS COMMON POSITION:

Article 1

The objectives of this Common Position are:

- (a) to promote the universal ratification of, and adherence to, the following multilateral agreements and, where necessary, to reinforce their provisions, including by ensuring compliance:
 - (i) Nuclear Non-Proliferation Treaty and Safeguards Agreements (NPT);

- (ii) Additional Protocols with the International Atomic Energy Agency (IAEA Additional Protocols);
- (iii) Chemical Weapons Convention;
- (iv) Biological and Toxin Weapons Convention;
- (v) The Hague Code of Conduct against Ballistic Missile Proliferation;

- (b) to promote the early entry into force of the Comprehensive Nuclear Test-Ban Treaty.

These key instruments provide a basis for the international community's disarmament and non-proliferation efforts, which contribute to international confidence, stability and peace, including the fight against terrorism.

Article 2

In pursuit of the objectives set up in Article 1, the EU and its Member States will pay particular attention to the need to reinforce compliance with the multilateral treaty regime by:

- enhancing the detectability of violations, and
- strengthening the enforcement of obligations established by this treaty regime.

To this end, particular emphasis will be placed on making best use of existing verification mechanisms and, where necessary, establishing additional verification instruments as well as strengthening the role of the UN Security Council which has the primary responsibility for the maintenance of international peace and security.

Article 3

The EU and its Member States will focus their diplomatic action on the pursuance of the objectives referred to in Articles 1 and 2, in accordance with the modalities set out below.

Article 4

The Treaty on the Non-Proliferation of Nuclear Weapons (NPT) is the cornerstone of the global non-proliferation regime and the essential foundation for the pursuit of nuclear disarmament, under Article VI thereof. Achieving universal adherence to the NPT is of crucial importance. To that end, the EU will:

- call on all those States not yet parties to the NPT to accede unconditionally to the NPT as non-nuclear-weapon States and to place all their nuclear facilities and activities under the provisions of the IAEA Comprehensive Safeguards System,
- urge those States not yet having entered into Safeguards Agreements with the IAEA to fulfil their obligations in accordance with Article III of the NPT and to conclude such agreements as a matter of urgency,
- promote all the objectives laid down in the NPT,
- support the Final Document of the 2000 NPT Review Conference and the Decisions and Resolution adopted at the 1995 NPT Review and Extension Conference,
- promote further consideration of security assurances,
- promote measures to ensure that any possible misuse of civilian nuclear programmes for military purposes will be effectively excluded.

Article 5

The EU considers the IAEA Additional Protocols to be an integral part of the IAEA Safeguards System. By raising the standard for compliance and by making it easier to detect violations, the Additional Protocols strengthen the NPT. In order to promote the universal adoption and implementation of the Additional Protocols, the EU will:

- urge the early ratification of the Additional Protocols by the EU Member States and Acceding Countries by the end of 2003,
- urge other regional organisations to do likewise,
- work towards making the Additional Protocols and Safeguards Agreements the standard for the IAEA verification system and work towards universal adherence to the Additional Protocols,
- encourage strong political and financial support for the work of the IAEA.

Article 6

The Chemical Weapons Convention is a unique disarmament and non-proliferation instrument the integrity and strict application of which must be fully guaranteed. Effective national implementation is essential for the effective operation of the Convention. In order to strengthen the Convention, the EU will:

- encourage those countries that have not yet adhered to or ratified the Convention to do so without delay,
- encourage all countries which are parties to the Convention to enact without delay necessary national implementation measures, including penal legislation. Such measures must reflect the comprehensive nature of the Convention's provisions,
- urge those States concerned to ensure compliance with their obligation to destroy chemical weapons and to destroy or convert chemical weapons production facilities within the time limits provided for by the Convention,
- work towards the bans on chemical weapons being declared universally binding rules of international law.

Article 7

The Biological and Toxin Weapons Convention (BTWC) is a cornerstone in the effort to prevent biological agents or toxins from being used as weapons. The EU continues to support the principle of verification of the BTWC.

In order to strengthen the Convention, the EU will:

- make specific efforts to convince States which have not yet adhered to or ratified the Convention to do so without delay,
- work towards identifying effective mechanisms to strengthen and verify compliance within the BTWC,
- work to ensure concrete outcomes from the annual meetings to be held between 2003 and 2005, in preparation for the Sixth Review Conference in 2006,
- put emphasis on, where necessary, strengthening national implementation measures, including penal legislation, and control over pathogenic microorganisms and toxins in the framework of the BTWC,
- work towards the bans on biological and toxin weapons being declared universally binding rules of international law.

Article 8

The Hague Code of Conduct against Ballistic Missile Proliferation is an important tool against the growing proliferation of ballistic missiles capable of carrying weapons of mass destruction. The Code establishes fundamental principles where previously there were none and represents a crucial step towards a possible multilateral arrangement to prevent ballistic missiles proliferation. The EU will:

- convince as many countries as possible to subscribe to it, especially those with ballistic missile capabilities,
- work together with other subscribing States to develop further and implement the Code, in particular the confidence building measures provided for in the Code,
- promote, where possible and appropriate, a closer relationship between the Code and the UN system.

Article 9

The EU will promote the early entry into force of the Comprehensive Nuclear Test-Ban Treaty in accordance with the terms set out in Council Decision 2003/567/CFSP of 21 July 2003 implementing Common Position 1999/533/CFSP relating to the European Union's contribution to the promotion of the early entry into force of the Comprehensive Nuclear Test-Ban Treaty (CTBT) ⁽¹⁾.

Article 10

This Common Position shall take effect on the date of its adoption.

Article 11

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

Done at Brussels, 17 November 2003.

For the Council

The President

F. FRATTINI

⁽¹⁾ OJ L 192, 31.7.2003, p. 53.

COUNCIL DECISION 2003/806/CFSP**of 17 November 2003****extending and amending Decision 1999/730/CFSP implementing Joint Action 1999/34/CFSP with a view to a European Union contribution to combating the destabilising accumulation and spread of small arms and light weapons in Cambodia**

THE COUNCIL OF THE EUROPEAN UNION

Having regard to the Treaty on European Union, and in particular Article 23(2) thereof,

Having regard to Council Joint Action 2002/589/CFSP of 12 July 2002 on the European Union's contribution to combating the destabilising accumulation and spread of small arms and light weapons ⁽¹⁾, and in particular Article 6 thereof,

Whereas:

- (1) On 15 November 1999 the Council adopted Decision 1999/730/CFSP ⁽²⁾ concerning a European Union contribution to combating the destabilising accumulation and spread of small arms and light weapons in Cambodia, which was aimed at implementing Joint Action 1999/34/CFSP ⁽³⁾.
- (2) Some objectives could not be fulfilled by 15 November 2003, the date on which Decision 2002/904/CFSP expired, and others should be consolidated and expanded after that date.
- (3) The European Union has made a total contribution of EUR 5 135 992 since 1999 to combating the destabilising accumulation and spread of small arms in Cambodia, implementing Joint Action 1999/34/CFSP. The European Union's continued contribution is part of the follow-up to the Programme of Action to prevent, combat and eradicate the illicit trade in small arms and light weapons in all its aspects adopted by the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in all its Aspects (New York, 9 to 20 July 2001). This should encourage other donors to support the drive to reduce and control small arms and light weapons and, where appropriate, allow the implementation of joint projects with other donors.

- (4) Decision 1999/730/CFSP should therefore be extended and amended,

HAS DECIDED AS FOLLOWS:

Article 1

Decision 1999/730/CFSP is hereby amended as follows:

- (a) in Article 3(1), the financial reference amount 'EUR 1 568 000' shall be replaced by 'EUR 1 436 953';
- (b) in Article 4 second subparagraph, '15 November 2003' shall be replaced by '15 November 2004';
- (c) the Annex shall be replaced by the Annex to this Decision.

Article 2

This Decision shall take effect on 16 November 2003.

Article 3

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

Done at Brussels, 17 November 2003.

For the Council
The President
F. FRATTINI

⁽¹⁾ OJ L 191, 19.7.2002, p. 1.

⁽²⁾ OJ L 294, 16.11.1999, p. 5. Decision as last extended and amended by Decision 2002/904/CFSP (OJ L 313, 16.11.2002, p. 1).

⁽³⁾ OJ L 9, 15.1.1999, p. 1. Joint Action repealed by Joint Action 2002/589/CFSP (OJ L 191, 19.7.2002, p. 1).

ANNEX

TERMS OF REFERENCE FOR THE PROJECT MANAGER (2004)

1. The Project Manager, in cooperation with the Cambodian Armed Forces, will continue the work related to record keeping and the management and security of weapons stocks and to developing policies, guidelines and practices in this area. To that end, the Project Manager will monitor the projects previously implemented in Military Region 2 (Kampong Cham), Military Region 4 (Siem Reap) and Military Region 5 (Battambang). In close cooperation with the Ministry of National Defence he will ensure that the relevant authorities are involved in defining and implementing a further project in Military Region 1 (Stung Treng). If funds are available he will, under the same conditions, organise a project in a further military region and continue, at national level, the efforts regarding training, systems development and the recording of arms.

Following the implementation in 2003 of a pilot project related to record-keeping and the management and security of weapons stocks for the National Police, the Project Manager will, if funds are available, in close cooperation with the Ministry of the Interior, implement a further project on record keeping, stockpile management and the security of weapons. If such a project is implemented, he will ensure that the relevant authorities are closely involved in its implementation and in continuing to develop policies, guidelines and practices in this area, building on the experience gained in the implementation of the pilot project in 2003.

2. The Project Manager, with the support of relevant experts, will continue to assist and promote the Government's programme of larger and smaller public ceremonies for the destruction of collected weapons and, where appropriate, of surplus weapons held by the army and police and security forces (in particular in the context of any demobilisation programme). The Project Manager shall also continue to assist the Government in searching for and destroying weapons left hidden in weapons caches during and at the end of the period of armed conflict.

The Project Manager will continue to supervise and monitor the implementation of voluntary weapons surrender programmes (including Weapons in exchange for Development), through small-scale projects being implemented by local NGO's in several provinces, in particular by cooperating with national and international development agencies in organising public awareness activities on small arms in the target areas of these development agencies. The Project Manager may also, if necessary and only to a limited extent, lend support for capacity building of the National Commission for Weapons Management and Reform and educational projects on the new Arms Law when it comes into force.

3. The Project Manager will allocate financial aid to support activities by non-governmental organisations in Cambodia, including the coalition Working Group for Weapons Reduction in Cambodia, such as awareness training, information sharing and education and training programmes related to small arms and light weapons. These activities may take place in selected regions in Cambodia, as agreed between the Project Manager and the relevant organisations. Particular attention will be paid to strengthening the coordination and budgetary cooperation among such organisations in as far as their work relates to the mandate of EU ASAC.
4. The Project Manager will ensure that appropriate procedures are established for effective monitoring and evaluation of activities. To this end he will seek full cooperation from the Government of Cambodia and the police and security forces.
5. The Project Manager will encourage and assist other donors to support efforts to reduce and control small arms and light weapons and will stand ready, as appropriate, to carry out such projects with other donors within the limits of his powers under these terms of reference. Bearing in mind the European Union's vanguard position in this domain, he will ensure that he plays a pivotal role in international efforts and, where appropriate, will contribute to the management of projects supported by other donors.

The Project Manager will draw up plans for the possible re-structuring of European Union support to reduce and control small arms and light weapons in Cambodia, in particular to allow for the continuation of work related to record keeping and the management and security of weapons stocks for the Royal Cambodian Armed Forces if other activities are ended in 2004.

**COUNCIL DECISION 2003/807/CFSP
of 17 November 2003**

extending and amending Decision 2002/842/CFSP concerning the implementation of Joint Action 2002/589/CFSP with a view to a European Union contribution to combating the destabilising accumulation and spread of small arms and light weapons in South East Europe

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 23(2) thereof,

Having regard to Council Joint Action 2002/589/CFSP of 12 July 2002 on the European Union's contribution to combating the destabilising accumulation and spread of small arms and light weapons ⁽¹⁾, and in particular Article 6 thereof,

Whereas:

- (1) On 21 October 2002 the Council adopted Decision 2002/842/CFSP ⁽²⁾ concerning a European Union contribution to combating the destabilising accumulation and spread of small arms and light weapons in South East Europe, which was aimed at implementing Joint Action 2002/589/CFSP and which made available EUR 200 000 for this purpose.
- (2) Some objectives could not be fulfilled by 22 December 2003, the date on which Decision 2002/842/CFSP expires, and others should be consolidated and expanded after that date.
- (3) The Commission should ensure an adequate visibility of the contribution of the European Union to the projects including by appropriate measures taken by the United Nations Development Programme (UNDP).
- (4) Decision 2002/842/CFSP should therefore be extended and amended,

HAS DECIDED AS FOLLOWS:

Article 1

Decision 2002/842/CFSP is hereby amended as follows:

1. the following paragraph shall be added to Article 1:
'4. The financing agreement to be concluded will stipulate that UNDP shall ensure visibility of the contribution of the European Union to the project, appropriate to its size.'
2. in Article 2(1), the financial reference amount 'EUR 200 000' shall be replaced by 'EUR 300 000'; this amount is additional to the amount made available for the preceding Decision concerning this action;
3. in Article 4(1), the second sentence shall be replaced by the sentence 'It shall expire on 31 December 2004'.

Article 2

This Decision shall take effect on 23 December 2003.

Article 3

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

Done at Brussels, 17 November 2003.

For the Council

The President

F. FRATTINI

⁽¹⁾ OJ L 191, 19.7.2002, p. 1.

⁽²⁾ OJ L 289, 26.10.2002, p. 1.