

Official Journal

of the European Union

ISSN 1725-2555

L 336

Volume 46

23 December 2003

English edition

Legislation

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Price: EUR 22

⁽¹⁾ Text with EEA relevance

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I

(Acts whose publication is obligatory)

DECISION No 2256/2003/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of 17 November 2003

adopting a multiannual programme (2003-2005) for the monitoring of the eEurope 2005 action plan, dissemination of good practices and the improvement of network and information security (MODINIS)

(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 157(3) thereof,

Having regard to the proposal from the Commission ⁽¹⁾,

Having regard to the opinion of the European Economic and Social Committee ⁽²⁾,

Having regard to the opinion of the Committee of the Regions ⁽³⁾,

Acting in accordance with the procedure set out in Article 251 of the Treaty ⁽⁴⁾,

Whereas:

- (1) On 23 and 24 March 2000 the Lisbon European Council set the objective of making the European Union the most competitive and dynamic knowledge-based economy in the world and stated the need to use an open method for the coordination of measurement of progress.
- (2) On 19 and 20 June 2000, the Feira European Council endorsed the eEurope 2002 action plan and especially underlined the necessity to prepare longer-term perspectives for the knowledge-based economy encouraging the access of all citizens to the new technologies and on 30 November 2000 the Internal Market Council defined a list of 23 indicators to measure progress of the eEurope 2002 action plan.
- (3) On 28 May 2002, the Commission published a communication addressed to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions entitled 'eEurope 2005: An information society for all', and the Seville European Council endorsed the general objectives of the action plan on 21 and 22 June 2002.

- (4) On 22 January 2001, the Commission published a communication addressed to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions entitled 'Creating a safer information society by improving the security of information infrastructures and combating computer-related crime'.

- (5) The conclusions of the Stockholm European Council of 23 and 24 March 2001 contained a request that the Council, together with the Commission, develop a comprehensive strategy on the security of electronic networks including practical implementing action. The communication on 'Network and information security: Proposal for a European policy approach' of 6 June 2001 was the initial Commission response to this request.

- (6) The Council resolution of 30 May 2001 on the eEurope action plan: Information and network security, the Council resolution of 28 January 2002 on a common approach and specific actions in the area of network and information security ⁽⁵⁾, the Council resolution of 18 February 2003 on a European approach towards a culture of network and information security ⁽⁶⁾ and the European Parliament resolution of 22 October 2002 on network and information security: proposal for a European policy called upon Member States to launch specific actions to enhance the security of electronic communication networks and information systems. The European Parliament and the Council further welcomed the Commission's intentions to develop, *inter alia*, a strategy for a more stable and secure operation of the Internet infrastructure and to make a proposal for the establishment of the future structure at European level for network and information security issues.

⁽¹⁾ OJ C 291 E, 26.11.2002, p. 243.

⁽²⁾ OJ C 61, 14.3.2003, p. 184.

⁽³⁾ OJ C 128, 29.5.2003, p. 19.

⁽⁴⁾ Opinion of the European Parliament of 12 February 2003 (not yet published in the Official Journal), Council common position of 26 May 2003 (OJ C 159 E, 8.7.2003, p. 11) and position of the European Parliament of 25 September 2003 (not yet published in the Official Journal), Council Decision of 27 October 2003.

⁽⁵⁾ OJ C 43, 16.2.2002, p. 2.

⁽⁶⁾ OJ C 48, 28.2.2003, p. 1.

- (7) The eEurope 2005 action plan, confirmed in this respect by the Council resolution of 18 February 2003, proposes, *inter alia*, the establishment of the future structure at European level for network and information security issues.
- (8) The move towards the information society can, by introducing new forms of economic, political and social relations, help the European Union to cope with the challenges of this century, and can contribute to growth, competitiveness and job creation. The information society gradually reorganises the nature of economic and social activity and has important cross-sectorial effects in hitherto independent areas of activity. The measures necessary for its implementation should take into account the economic and social cohesion of the Community and the risks associated with a digital exclusion as well as the efficient functioning of the internal market. The actions of the European Union and of the Member States in relation to the information society aim to promote further the participation of disadvantaged groups in the information society.
- (9) There is a need for the establishment of mechanisms for monitoring and for the exchange of experiences which will enable Member States to compare and analyse performances and review progress in relation to the eEurope 2005 action plan.
- (10) Benchmarking allows Member States to assess whether the national initiatives that they have taken in the framework of the eEurope 2005 action plan are producing results that can be compared with those in other Member States, as well as internationally, and are fully exploiting the potential of the technologies.
- (11) Action by Member States in the framework of the eEurope 2005 action plan can be further supported by disseminating good practices. The European added value in the area of benchmarking and good practices consists of the comparative evaluation of results of alternative decisions, measured by a common methodology of monitoring and analysis.
- (12) There is a need to analyse the economic and societal consequences of the information society with a view to facilitating policy discussions. This will allow Member States better to exploit the economic and industrial potential of technological development, in particular in the area of the information society.
- (13) Network and information security has become a prerequisite for further progress towards a secure business environment. The complex nature of network and information security implies that, in developing policy measures in this field, local, national and, where appropriate, European authorities should take into account a range of political, economic, organisational and technical aspects, and be aware of the decentralised and global character of communication networks. The planned establishment of the future structure at European level for network and information security issues would enhance the Member States' and the Community's ability to respond to major network and information security problems. Preparatory work needs to commence as early as 2003.
- (14) Since the activities mentioned above pursue the objectives of promoting synergies and cooperation between Member States, countries of the European Economic Area, applicant and candidate countries as well as the associated countries of central and eastern Europe, the Commission could in future encourage further involvement of these countries in the activities of the programme.
- (15) This Decision lays down, for the entire duration of the programme, a financial framework constituting the prime reference, within the meaning of point 33 of the Interinstitutional Agreement of 6 May 1999 between the European Parliament, the Council and the Commission on budgetary discipline and improvement of the budgetary procedure, for the budgetary authority during the annual budgetary procedure.
- (16) The measures necessary for the implementation of this Decision should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission ⁽¹⁾.
- (17) The progress of this programme should be continuously monitored,
- HAVE ADOPTED THIS DECISION:
- Article 1*
- A multiannual programme (2003 to 2005) for the monitoring of the eEurope 2005 action plan, dissemination of good practices and improvement of network and information security (hereafter referred to as 'the programme') is hereby adopted.
- The programme shall have the following objectives:
- (a) to monitor performance of and within Member States and to compare it with the best in the world by using, where possible, official statistics;
- (b) to support efforts made by Member States in the framework of eEurope, at national, regional or local level, by analysis of eEurope good practices and by the complementary interaction of developing mechanisms of exchange of experiences;
- (c) to analyse the economic and societal consequences of the information society with a view to facilitating policy discussions particularly in terms of industrial competitiveness and cohesion as well as in terms of social inclusion; to provide the eEurope steering group with the necessary information for it to be able to assess the appropriate strategic direction of the eEurope 2005 action plan;

⁽¹⁾ OJ L 184, 17.7.1999, p. 23.

- (d) to prepare for the establishment of the future structure at European level for network and information security issues, as envisaged by the Council resolution of 28 January 2002 and in the eEurope 2005 action plan, with a view to improving network and information security.

The activities of the programme shall be actions of a cross-sectorial nature, complementing Community actions in other fields. None of these actions shall duplicate the work being carried out in these fields under other Community programmes. The actions taken under the programme on benchmarking, good practices and policy coordination shall work to achieve the objectives of the eEurope 2005 action plan, to promote network and information security and broadband, and to promote eGovernment, eBusiness, eHealth and eLearning.

The programme shall also provide a common framework for complementary interaction at European level of the various national, regional and local levels.

Article 2

In order to attain the objectives referred to in Article 1, the following categories of actions shall be undertaken:

(a) Action 1

Monitoring and comparison of performance:

- data collection and analysis on the basis of the benchmarking indicators as defined in the Council resolution of 18 February 2003 on the implementation of the eEurope 2005 action plan⁽¹⁾, including regional indicators where appropriate. A special focus should be given to data relating to the key targets of the eEurope 2005 action plan;

(b) Action 2

Dissemination of good practices:

- studies to identify good practices, at national, regional and local level, contributing to successful implementation of the eEurope 2005 action plan,
- support for targeted conferences, seminars or workshops in support of the objectives of the eEurope 2005 action plan in order to promote cooperation and exchange of experiences and good practices within the common framework of complementary interaction as defined in Article 1(b);

(c) Action 3

Analysis and strategic discussion:

- support the work of social and economic experts with a view to providing the Commission and, on request, the eEurope steering group with input as regards prospective policy analysis,
- support for the eEurope steering group to provide a strategic overview of implementation of the eEurope 2005 action plan, to offer a forum to exchange experi-

ences and to permit early participation of candidate countries and, where appropriate, to invite other stakeholders to express their views;

(d) Action 4

Improvement of network and information security:

- preparation for the establishment of the future structure at European level for network and information security issues, as envisaged in the Council resolutions of 28 January 2002 and of 18 February 2003 on a European approach towards a culture of network and information security, and in the eEurope 2005 action plan, through, *inter alia*, financing surveys, studies, workshops on subjects such as security mechanisms and their interoperability, network reliability and protection, advanced cryptography, privacy and security in wireless communications.

Article 3

In carrying out the objectives set out in Article 1 and the actions set out in Article 2, the Commission shall use appropriate and relevant means, and in particular:

- the award of contracts for the execution of tasks relating to surveys, exploratory studies, detailed studies on specific fields, demonstration actions of limited size including workshops and conferences;
- the collection, publication and dissemination of information and the development of web-based services;
- the granting of support for meetings of experts, conferences, seminars.

Article 4

The programme shall cover a period from 1 January 2003 to 31 December 2005.

The financial framework for the implementation of this programme is hereby set at EUR 21 million.

An indicative breakdown is given in the Annex.

The annual appropriations shall be authorised by the budgetary authority within the limits of the financial perspective.

Article 5

The Commission shall be responsible for the implementation of the programme and its coordination with other Community programmes. The Commission shall draw up a work programme every year on the basis of this Decision.

The Commission shall act in accordance with the procedure referred to in Article 6(2):

- (a) for the adoption of the work programme, including the overall budgetary breakdown;

⁽¹⁾ OJ C 48, 28.2.2003, p. 2.

- (b) for the adoption of the measures for programme evaluation;
- (c) for determination of the criteria for calls for proposals, in line with the objectives outlined in Article 1, and for the assessment of the projects submitted in response to such calls where Community funding of an estimated amount of Community contribution is equal to, or more than, EUR 250 000.

Article 6

1. The Commission shall be assisted by a committee (hereinafter referred to as 'the Committee').

2. Where reference is made to this paragraph, Articles 4 and 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 4(3) of Decision 1999/468/EC shall be set at three months.

3. The Committee shall adopt its Rules of Procedure.

Article 7

1. In order to ensure that Community aid is used efficiently, the Commission shall ensure that actions in accordance with this Decision are subject to effective prior appraisal, monitoring and subsequent evaluation.

2. During implementation of actions and after their completion the Commission shall evaluate the manner in which they have been carried out and the impact of their implementation in order to assess whether the original objectives have been achieved.

3. The Commission shall regularly inform the Committee and the eEurope steering group of progress with the implementation of the programme as a whole.

4. At the end of the programme, the Commission shall submit to the European Parliament, to the Council and to the European Economic and Social Committee an evaluation report on the results obtained in implementing the actions referred in Article 2.

Article 8

1. The programme may be opened, within the framework of their respective agreements with the European Community, to countries of the European Economic Area, applicant and candidate countries as well as the associated countries of central and eastern Europe.

2. In the course of implementing this Decision, cooperation with non-member countries and with international organisations or bodies, as appropriate, shall be encouraged.

Article 9

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

Article 10

This Decision is addressed to the Member States.

Done at Brussels, 17 November 2003.

For the European Parliament

The President

P. COX

For the Council

The President

G. ALEMANN

ANNEX

Multiannual programme for the monitoring of eEurope, dissemination of good practices and the improvement of network and information security (MODINIS)**Indicative breakdown of expenditure 2003 to 2005**

| Percentages of total budget by category and year | | | | |
|--|------|------|------|-----------------|
| | 2003 | 2004 | 2005 | Total 2003-2005 |
| Action 1 — monitoring and comparison of performance | 12 % | 14 % | 14 % | 40 % |
| Action 2 — dissemination of good practice | 8 % | 10 % | 12 % | 30 % |
| Action 3 — analysis and strategic discussion | 2 % | 3 % | 3 % | 8 % |
| Action 4 — improvement of network and information security | 17 % | 5 % | 0 % | 22 % |
| Percentage of total | 39 % | 32 % | 29 % | 100 % |

REGULATION (EC) No 2257/2003 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL
of 25 November 2003
amending Council Regulation (EC) No 577/98 on the organisation of a labour force sample survey
in the Community to adapt the list of survey characteristics
(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE
EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 285 thereof,

Having regard to the proposal from the Commission,

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

Whereas:

- (1) The labour force sample survey to be carried out under Council Regulation (EC) No 577/98 ⁽²⁾ should adequately cover new and recently emerging features of the labour market.
- (2) According to the European social policy agenda adopted by the Nice European Council in December 2000, Council Decision 2002/177/EC of 18 February 2002 on guidelines for Member States' employment policies for the year 2002 ⁽³⁾ and Council Recommendation 2002/549/EC of 21 June 2002 on the broad guidelines of the economic policies of the Member States and the Community ⁽⁴⁾, the way in which work is organised must be adapted to the needs of both businesses and individuals.
- (3) The survey characteristics laid down in Regulation (EC) No 577/98 were determined according to statistical needs and the labour market situation prevailing at the time.
- (4) Data collection should not impose on respondents a burden out of proportion with the results which users of the survey can reasonably expect.
- (5) The Statistical Programme Committee, established by Council Decision 89/382/EEC, Euratom of 19 June 1989 ⁽⁵⁾ has been consulted by the Commission.
- (6) Regulation (EC) No 577/98 should therefore be amended accordingly,

HAVE ADOPTED THIS REGULATION:

Article 1

Article 4 of Regulation (EC) No 577/98 is hereby amended as follows:

1. Points (b), (c), (d) and (g) of paragraph 1 are replaced by the following:
 - '(b) labour status:
 - labour status during the reference week,
 - continuing receipt of wages and salary,
 - reason for not having worked though having a job,
 - search for employment for person without employment,
 - type of employment sought (self-employed or employee),
 - methods used to find a job,
 - availability to start work;
 - (c) employment characteristics of the main job:
 - professional status,
 - economic activity of the local unit,
 - occupation,
 - supervisory responsibilities,
 - number of persons working at the local unit,
 - country of place of work,
 - region of place of work,
 - year and month when the person started working in current employment,
 - involvement of public employment service in finding the current job,
 - permanency of the job (and reasons),
 - duration of temporary job or work contract of limited duration,
 - full-time/part-time distinction (and reasons),
 - contract with a temporary work agency,
 - working at home;
 - (d) hours worked:
 - number of hours per week usually worked,
 - number of hours actually worked,
 - number of hours of overtime in the reference week,
 - main reason for hours actually worked being different from usual hours;

⁽¹⁾ Opinion of the European Parliament of 2 September 2003 (not yet published in the Official Journal); Decision of the Council of 4 November 2003.

⁽²⁾ OJ L 77, 14.3.1998, p. 3. Regulation as last amended by Commission Regulation (EC) No 2104/2002 (OJ L 324, 29.11.2002, p. 14).

⁽³⁾ OJ L 60, 1.3.2002, p. 60.

⁽⁴⁾ OJ L 182, 11.7.2002, p. 1.

⁽⁵⁾ OJ L 181, 28.6.1989, p. 47.

- (g) search for employment:
- type of employment sought,
 - duration of search for employment,
 - situation of person immediately before starting to seek employment,
 - registration at public employment office and whether receiving benefits,
 - for person not seeking employment, willingness to work,
 - reasons why person has not sought work,
 - lack of care facilities.'
2. The following point is added to paragraph 1:
- (n) atypical working times:
- shift work,
 - evening work,
 - night work,
 - Saturday work,
 - Sunday work.'

3. Paragraph 2, third indent, is replaced by the following:
- the volume of an ad hoc module shall be limited to 11 variables.'
4. The following paragraph shall be added:
- '4. On a proposal from the Commission, a list of variables, hereinafter referred to as "structural variables", may be identified from among the survey characteristics specified in paragraph 1 which need to be surveyed only as annual averages with reference to 52 weeks rather than as quarterly averages. This list of structural variables, the minimum sample size and the survey frequency will be drawn up in accordance with the procedure laid down in Article 8. Spain, Finland and the United Kingdom may survey the structural variables with reference to a single quarter during a transition period until the end of 2007.'

Article 2

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

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

Done at Brussels, 25 November 2003.

For the European Parliament
The President
P. COX

For the Council
The President
L. MORATTI

COMMISSION REGULATION (EC) No 2258/2003
of 22 December 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 23 December 2003.

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

Done at Brussels, 22 December 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 22 December 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 | 85,5 |
| | 204 | 57,4 |
| | 212 | 113,1 |
| | 999 | 85,3 |
| 0707 00 05 | 052 | 53,9 |
| | 220 | 122,9 |
| | 628 | 126,9 |
| | 999 | 101,2 |
| 0709 90 70 | 052 | 80,5 |
| | 204 | 60,0 |
| | 999 | 70,3 |
| 0805 10 10, 0805 10 30, 0805 10 50 | 052 | 45,0 |
| | 204 | 62,7 |
| | 388 | 46,8 |
| | 999 | 51,5 |
| 0805 20 10 | 052 | 62,0 |
| | 204 | 63,2 |
| | 999 | 62,6 |
| 0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90 | 052 | 77,7 |
| | 999 | 77,7 |
| 0805 50 10 | 052 | 65,7 |
| | 600 | 74,4 |
| | 999 | 70,1 |
| 0808 10 20, 0808 10 50, 0808 10 90 | 052 | 58,6 |
| | 060 | 40,5 |
| | 064 | 51,0 |
| | 400 | 86,7 |
| | 404 | 79,0 |
| | 512 | 61,9 |
| | 720 | 97,6 |
| | 999 | 67,9 |
| 0808 20 50 | 052 | 107,2 |
| | 064 | 58,8 |
| | 400 | 99,0 |
| | 528 | 79,8 |
| | 720 | 48,7 |
| | 999 | 78,7 |

⁽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 2259/2003
of 22 December 2003**

determining the extent to which applications lodged in December 2003 for import licences for certain pigmeat products under the regime provided for by the Agreements concluded by the Community with the Republic of Poland, the Republic of Hungary, the Czech Republic, Slovakia, Bulgaria and Romania can be accepted

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 1898/97 of 29 September 1997 laying down detailed rules for the application in the pigmeat sector of the arrangements provided for by the Agreements concluded by the Community with Bulgaria, the Czech Republic, Slovakia, Romania, the Republic of Poland and the Republic of Hungary ⁽¹⁾, as last amended by Regulation (EC) No 1467/2003 ⁽²⁾, and in particular Article 4(5) thereof,

Whereas:

- (1) The applications for import licences lodged for the first quarter of 2004 are for quantities less than or equal to the quantities available and can therefore be met in full.
- (2) The surplus to be added to the quantity available for the following period should be determined.

- (3) It is appropriate to draw the attention of operators to the fact that licences may only be used for products which comply with all veterinary rules currently in force in the Community,

HAS ADOPTED THIS REGULATION:

Article 1

1. Applications for import licences for the period 1 January to 31 March 2004 submitted pursuant to Regulation (EC) No 1898/97 shall be met as referred to in Annex I.
2. For the period 1 April to 30 June 2004, applications may be lodged pursuant to Regulation (EC) No 1898/97 for import licences for a total quantity as referred to in Annex II.
3. Licences may only be used for products which comply with all veterinary rules currently in force in the Community.

Article 2

This Regulation shall enter into force on 1 January 2004.

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

Done at Brussels, 22 December 2003.

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

⁽¹⁾ OJ L 267, 30.9.1997, p. 58.

⁽²⁾ OJ L 210, 20.8.2003, p. 11.

ANNEX I

| Group No | Percentage of acceptance of import licences submitted for the period 1 January to 31 March 2004 |
|----------|--|
| 1 | 100,0 |
| 2 | 100,0 |
| 3 | 100,0 |
| 4 | 100,0 |
| H1 | 100,0 |
| 7 | 100,0 |
| 8 | 100,0 |
| 9 | 100,0 |
| T1 | 100,0 |
| T2 | 100,0 |
| T3 | 100,0 |
| S1 | 100,0 |
| S2 | 100,0 |
| B1 | 100,0 |
| 15 | 100,0 |
| 16 | 100,0 |
| 17 | 100,0 |

ANNEX II

(t)

| Group No | Total quantity available for the period 1 April to 30 June 2004 |
|----------|--|
| 1 | 7 460,1 |
| 2 | 542,8 |
| 3 | 1 200,0 |
| 4 | 23 331,9 |
| H1 | 3 170,0 |
| 7 | 15 434,1 |
| 8 | 1 750,0 |
| 9 | 27 235,5 |
| T1 | 1 480,0 |
| T2 | 14 392,0 |
| T3 | 4 370,0 |
| S1 | 3 000,0 |
| S2 | 280,0 |
| B1 | 3 000,0 |
| 15 | 1 110,0 |
| 16 | 2 125,0 |
| 17 | 15 625,0 |

**COMMISSION REGULATION (EC) No 2260/2003
of 22 December 2003**

**establishing the quantity of certain pigmeat products available for the second quarter of 2004
under the arrangements provided for by the Free Trade Agreements between the Community, of
the one part, and Latvia, Lithuania and Estonia, of the other part**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 2305/95 of 29 September 1995 laying down detailed rules for the application in the pigmeat sector of the arrangements provided for in the free trade agreements between the Community, of the one part and Latvia, Lithuania and Estonia, of the other part ⁽¹⁾, as last amended by Regulation (EC) No 1853/2002 ⁽²⁾, and in particular Article 4(4) thereof,

Whereas:

- (1) The applications for import licences lodged for the first quarter of 2004 are for quantities less than the quantities available and can therefore be met in full.
- (2) The quantity available for the following period should be determined,

Article 1

1. Applications for import licences for the period 1 January to 31 March 2004 submitted pursuant to Regulation (EC) No 2305/95 shall be met as referred to in Annex I.
2. For the period 1 April to 30 June 2004, applications may be lodged pursuant to Regulation (EC) No 2305/95 for import licences for a total quantity as referred to in Annex II.

Article 2

This Regulation shall enter into force on 1 January 2004.

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

Done at Brussels, 22 December 2003.

For the Commission

J. M. SILVA RODRÍGUEZ
Agriculture Director-General

⁽¹⁾ OJ L 233, 30.9.1995, p. 45.

⁽²⁾ OJ L 280, 18.10.2002, p. 5.

ANNEX I

| Group | Percentage of acceptance of import licences submitted for the period 1 January to 31 March 2004 |
|-------|---|
| 18 | 100 |
| L1 | 100 |
| 19 | 100 |
| 20 | 100 |
| 21 | 100 |
| 22 | 100 |
| E1 | 100 |

ANNEX II

(t)

| Group | Total quantity available for the period 1 April to 30 June 2004 |
|-------|--|
| 18 | 1 950,0 |
| L1 | 390,0 |
| 19 | 1 625,0 |
| 20 | 195,0 |
| 21 | 2 375,0 |
| 22 | 1 130,8 |
| E1 | 130,0 |

**COMMISSION REGULATION (EC) No 2261/2003
of 22 December 2003**

determining the extent to which applications lodged in December 2003 for import licences for certain pigmeat sector products under the regime provided for by Council Regulation (EC) No 774/94 opening and providing for the administration of certain Community tariff quotas for pigmeat and certain other agricultural products can be accepted

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 1432/94 of 22 June 1994 laying down detailed rules for the application in the pigmeat sector of the import arrangements provided for in Council Regulation (EC) No 774/94 opening and providing for the administration of certain Community tariff quotas for pigmeat and certain other agricultural products ⁽¹⁾, as last amended by Regulation (EC) No 1006/2001 ⁽²⁾, and in particular Article 4(4) thereof,

Whereas:

- (1) The applications for import licences lodged for the first quarter of 2004 are for quantities less than the quantities available and can therefore be met in full.
- (2) The quantity available for the following period should be determined.

- (3) It is appropriate to draw the attention of operators to the fact that licences may only be used for products which comply with all veterinary rules currently in force in the Community,

HAS ADOPTED THIS REGULATION:

Article 1

1. Applications for import licences for the period 1 January to 31 March 2004 submitted pursuant to Regulation (EC) No 1432/94 shall be met as referred to in Annex I.
2. For the period 1 April to 30 June 2004, applications may be lodged pursuant to Regulation (EC) No 1432/94 for import licences for a total quantity as referred to in Annex II.
3. Licences may only be used for products which comply with all veterinary rules currently in force in the Community.

Article 2

This Regulation shall enter into force on 1 January 2004.

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

Done at Brussels, 22 December 2003.

For the Commission

J. M. SILVA RODRÍGUEZ

Agriculture Director-General

⁽¹⁾ OJ L 156, 23.6.1994, p. 14.

⁽²⁾ OJ L 140, 24.5.2001, p. 13.

ANNEX I

| Group No | Percentage of acceptance of import licences submitted for the period 1 January to 31 March 2004 |
|----------|---|
| 1 | 100,00 |

ANNEX II

| (t) | |
|-------|---|
| Group | Total quantity available for the period 1 April to 30 June 2004 |
| 1 | 3 476,0 |

**COMMISSION REGULATION (EC) No 2262/2003
of 22 December 2003**

determining the extent to which applications lodged in December 2003 for import licences under the regime provided for by tariff quotas for certain products in the pigmeat sector for the period 1 January to 31 March 2004 can be accepted

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Community,

Article 1

Having regard to Commission Regulation (EC) No 1458/2003 of 18 August 2003 opening and providing for the administration of tariff quotas for certain products in the pigmeat sector ⁽¹⁾, and in particular Article 5(6) thereof,

1. Applications for import licences for the period 1 January to 31 March 2004 submitted pursuant to Regulation (EC) No 1458/2003 shall be met as referred to in Annex I.

Whereas:

2. For the period 1 April to 30 June 2004, applications may be lodged pursuant to Regulation (EC) No 1458/2003 for import licences for a total quantity as referred to in Annex II.

(1) The applications for import licences lodged for the first quarter of 2004 are for quantities less than the quantities available and can therefore be met in full.

Article 2

(2) The surplus to be added to the quantity available for the following period should be determined,

This Regulation shall enter into force on 1 January 2004.

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

Done at Brussels, 22 December 2003.

For the Commission

J. M. SILVA RODRÍGUEZ
Agriculture Director-General

⁽¹⁾ OJ L 208, 19.8.2003, p. 3.

ANNEX I

| Group No | Percentage of acceptance of import licences submitted for the period 1 January to 31 March 2004 |
|----------|--|
| G2 | 100 |
| G3 | 100 |
| G4 | 100 |
| G5 | 100 |
| G6 | 100 |
| G7 | 100 |

ANNEX II

(t)

| Group No | Total quantity available for the period 1 April to 30 June 2004 |
|----------|---|
| G2 | 30 531,7 |
| G3 | 3 578,0 |
| G4 | 2 857,0 |
| G5 | 6 100,0 |
| G6 | 15 000,0 |
| G7 | 5 499,0 |

**COMMISSION REGULATION (EC) No 2263/2003
of 22 December 2003**

determining the extent to which applications lodged in December 2003 for import licences for certain pigmeat products under the regime provided for by the Agreement concluded by the Community with Slovenia can be accepted

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 571/97 of 26 March 1997 laying down detailed rules for the application in the pigmeat sector of the arrangements provided for in the Interim Agreement between the Community and Slovenia ⁽¹⁾, as last amended by Regulation (EC) No 1935/2003 ⁽²⁾, and in particular Article 4(4) thereof,

Whereas:

- (1) The applications for import licences lodged for the first quarter of 2004 are for quantities less than the quantities available and can therefore be met in full.
- (2) The surplus to be added to the quantity available for the following period should be determined.
- (3) It is appropriate to draw the attention of operators to the fact that licences may only be used for products which comply with all veterinary rules currently in force in the Community,

Article 1

1. Applications for import licences for the period 1 January to 31 March 2004 submitted pursuant to Regulation (EC) No 571/97 shall be met as referred to in Annex I.
2. For the period 1 April to 30 June 2004, applications may be lodged pursuant to Regulation (EC) No 571/97 for import licences for a total quantity as referred to in Annex II.
3. Licences may only be used for products which comply with all veterinary rules currently in force in the Community.

Article 2

This Regulation shall enter into force on 1 January 2004.

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

Done at Brussels, 22 December 2003.

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

⁽¹⁾ OJ L 85, 27.3.1997, p. 56.

⁽²⁾ OJ L 285, 1.11.2003, p. 20.

ANNEX I

| Group No | Percentage of acceptance of import licences submitted for the period 1 January to 31 March 2004 |
|----------|---|
| 23 | 100,00 |
| 24 | 100,00 |
| 25 | 100,00 |
| 26 | 100,00 |
| SL | 100,00 |

ANNEX II

(t)

| Group No | Total quantity available for the period 1 April to 30 June 2004 |
|----------|---|
| 23 | 168,3 |
| 24 | 183,8 |
| 25 | 87,8 |
| 26 | 441,3 |
| SL | 100,0 |

COMMISSION REGULATION (EC) No 2264/2003
of 22 December 2003
prohibiting fishing for cod by vessels flying the flag of the United Kingdom

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2847/93 of 12 October 1993 establishing a control system applicable to the common fisheries policy ⁽¹⁾, as last amended by Regulation (EC) No 1954/2003 ⁽²⁾, and in particular Article 21(3) thereof,

Whereas:

- (1) Council Regulation (EC) No 2341/2002 of 20 December 2002 fixing for 2003 the fishing opportunities and associated conditions for certain fish stocks and groups of fish stocks, applicable in Community waters and, for Community vessels, in waters where limitations in catch are required ⁽³⁾, as last amended by Regulation (EC) No 1754/2003 ⁽⁴⁾, lays down quotas for cod for 2003.
- (2) In order to ensure compliance with the provisions relating to the quantity limits on catches of stocks subject to quotas, the Commission must fix the date by which catches made by vessels flying the flag of a Member State are deemed to have exhausted the quota allocated.
- (3) According to the information received by the Commission, catches of cod in the waters of ICES divisions I and II (Norwegian waters) by vessels flying the flag of the

United Kingdom or registered in the United Kingdom have exhausted the quota allocated for 2003. The United Kingdom has prohibited fishing for this stock from 26 November 2003. That date should be adopted in this Regulation also,

HAS ADOPTED THIS REGULATION:

Article 1

Catches of cod in the waters of ICES divisions I and II (Norwegian waters) by vessels flying the flag of the United Kingdom or registered in the United Kingdom are hereby deemed to have exhausted the quota allocated to the United Kingdom for 2003.

Fishing for cod in the waters of ICES divisions I and II (Norwegian waters) by vessels flying the flag of the United Kingdom or registered in the United Kingdom is hereby prohibited, as are the retention on board, transshipment and landing of this stock caught by the above vessels after the date of application of this Regulation.

Article 2

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

It shall apply from 26 November 2003.

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

Done at Brussels, 22 December 2003.

For the Commission

Jörgen HOLMQUIST

Director-General for Fisheries

⁽¹⁾ OJ L 261, 20.10.1993, p. 1.

⁽²⁾ OJ L 289, 7.11.2003, p. 1.

⁽³⁾ OJ L 356, 31.12.2002, p. 12.

⁽⁴⁾ OJ L 252, 4.10.2003, p. 1.

COMMISSION REGULATION (EC) No 2265/2003
of 19 December 2003
prohibiting fishing for common sole by vessels flying the flag of Germany

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

- (1) Council Regulation (EC) No 2341/2002 of 20 December 2002 fixing for 2003 the fishing opportunities and associated conditions for certain fish stocks and groups of fish stocks, applicable in Community waters and, for Community vessels, in waters where limitations in catch are required ⁽³⁾, as last amended by Commission Regulation (EC) No 1754/2003 ⁽⁴⁾, lays down quotas for common sole for 2003.
- (2) In order to ensure compliance with the provisions relating to the quantity limits on catches of stocks subject to quotas, the Commission must fix the date by which catches made by vessels flying the flag of a Member State are deemed to have exhausted the quota allocated.
- (3) According to the information received by the Commission, catches of common sole in the waters of ICES division Skagerrak and Kattegat IIIb,c and d (EC waters), by

vessels flying the flag of Germany or registered in Germany have exhausted the quota allocated for 2003. Germany has prohibited fishing for this stock from 21 November 2003. This date should be adopted in this Regulation also,

HAS ADOPTED THIS REGULATION:

Article 1

Catches of common sole in the waters of ICES division Skagerrak and Kattegat IIIb,c and d (EC waters), by vessels flying the flag of Germany or registered in Germany are hereby deemed to have exhausted the quota allocated to Germany for 2003.

Fishing for common sole in the waters of ICES division Skagerrak and Kattegat IIIb,c and d (EC waters), by vessels flying the flag of Germany or registered in Germany is hereby prohibited, as are the retention on board, transshipment and landing of this stock caught by the above vessels after the date of application of this Regulation.

Article 2

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

It shall apply from 21 November 2003.

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

Done at Brussels, 19 December 2003.

For the Commission

Jörgen HOLMQUIST

Director-General for Fisheries

⁽¹⁾ OJ L 261, 20.10.1993, p. 1.

⁽²⁾ OJ L 122, 16.5.2003, p. 1.

⁽³⁾ OJ L 356, 31.12.2002, p. 12.

⁽⁴⁾ OJ L 252, 4.10.2003, p. 1.

COMMISSION REGULATION (EC) No 2266/2003
of 19 December 2003
repealing Regulation (EC) No 1119/2003 prohibiting fishing for whiting by vessels flying the flag
of the Netherlands

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

- (1) Commission Regulation (EC) No 1119/2003 ⁽³⁾ prohibits fishing for whiting in the waters of ICES division VII b to k by vessels flying the flag of the Netherlands or registered in the Netherlands.
- (2) On 23 June 2003 the United Kingdom transferred to the Netherlands 100 tonnes of whiting quota in the waters of ICES division VII b to k. Fishing for whiting in the

waters of ICES division VII b to k by vessels flying the flag of the Netherlands or registered in the Netherlands should consequently be authorised. Regulation (EC) No 1119/2003 should therefore be repealed,

HAS ADOPTED THIS REGULATION:

Article 1

Commission Regulation (EC) No 1119/2003 is hereby repealed.

Article 2

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

It shall apply from 27 June 2003.

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

Done at Brussels, 19 December 2003.

For the Commission
Jörgen HOLMQUIST
Director-General for Fisheries

⁽¹⁾ OJ L 261, 20.10.1993, p. 1.

⁽²⁾ OJ L 122, 16.5.2003, p. 1.

⁽³⁾ OJ L 158, 27.6.2003, p. 43.

COMMISSION REGULATION (EC) No 2267/2003
of 19 December 2003
prohibiting fishing for blue ling by vessels flying the flag of Germany

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

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

Germany has prohibited fishing for this stock from 3 December 2003. This date should consequently be adopted in this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

Catches of blue ling in the waters of ICES divisions II, IV and V (EC waters and waters not falling under the sovereignty or within the jurisdiction of third countries), by vessels flying the flag of Germany or registered in Germany are hereby deemed to have exhausted the quota allocated to Germany for 2003.

Fishing for blue ling in the waters of ICES divisions II, IV and V (EC waters and waters not falling under the sovereignty or within the jurisdiction of third countries), by vessels flying the flag of Germany or registered in Germany is hereby prohibited, as are the retention on board, transshipment and landing of this stock caught by the above vessels after the date of application of this Regulation.

Article 2

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

It shall apply from 3 December 2003.

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

Done at Brussels, 19 December 2003.

For the Commission

Jörgen HOLMQUIST

Director-General for Fisheries

⁽¹⁾ OJ L 261, 20.10.1993, p. 1.

⁽²⁾ OJ L 122, 16.5.2003, p. 1.

⁽³⁾ OJ L 356, 31.12.2002, p. 1.

**COMMISSION REGULATION (EC) No 2268/2003
of 22 December 2003**

extending the validity of Regulation (EC) No 812/2003 on transitional measures pursuant to Regulation of the European Parliament and of the Council (EC) No 1774/2002 as regards the importation and transit of certain products from third countries

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Regulation (EC) No 1774/2002 of the European Parliament and of the Council of 3 October 2002 laying down health rules concerning animal by-products not intended for human consumption ⁽¹⁾, as amended by Regulation (EC) No 808/2003 ⁽²⁾, and in particular Article 32(1) thereof,

Whereas:

- (1) Regulation (EC) No 1774/2002 provides for a complete revision of Community rules concerning animal by-products not intended for human consumption, including the introduction of a number of strict importation and transit requirements.
- (2) Transitional arrangements for third countries are provided by Commission Regulation (EC) No 812/2003 ⁽³⁾ until 31 December 2003, maintaining the acceptance of the former models of certificates for harmonised products to allow time to adjust to the new requirements and to avoid disruption of trade. The transitional arrangements were also necessary to provide for the maintenance of national certificates provided for in Article 29(7), pending implementation of Article 29(6) of Regulation (EC) No 1774/2002, and the update of the rules on trade and importation in Annexes VII and VIII and also the update of the model of health certificates in Annex X.
- (3) These updates and new model health certificates are in the process of being adopted; however, it is necessary to extend the transitional period provided by Regulation

(EC) No 812/2003 in order for the adoption procedures to be completed, and for allowing third countries to adapt to the new model of health certificates subsequently.

- (4) Regulation (EC) No 812/2003 should therefore be amended accordingly.
- (5) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS REGULATION:

Article 1

Amendment of date of application

1. In Article 1 of Regulation (EC) No 812/2003, the words '31 December 2003' appearing in the first paragraph after the word 'until' are replaced by '30 April 2004'.
2. In Article 2 of Regulation (EC) No 812/2003, the words '31 December 2003' appearing in the second sentence are replaced by '30 April 2004'.

Article 2

Entry into force

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

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

Done at Brussels, 22 December 2003.

For the Commission

David BYRNE

Member of the Commission

⁽¹⁾ OJ L 273, 10.10.2002, p. 1.

⁽²⁾ OJ L 117, 13.5.2003, p. 1.

⁽³⁾ OJ L 117, 13.5.2003, p. 19.

**COMMISSION REGULATION (EC) No 2269/2003
of 22 December 2003**

opening for the year 2004 a tariff quota applicable to the importation into the European Community of certain goods originating in Iceland resulting from the processing of agricultural products covered by Council Regulation (EC) No 3448/93

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⁾ and, in particular, Article 7(2) thereof,

Having regard to Council Decision 1999/492/EC of 21 June 1999 concerning the conclusion of an Agreement in the form of an Exchange of Letters between the European Community, of the one part, and the Republic of Iceland, of the other part, on Protocol 2 to the Agreement between the European Economic Community and the Republic of Iceland ⁽³⁾ and, in particular Article 2 thereof,

Whereas:

- (1) The Agreement in the form of an Exchange of Letters between the European Community, of the one part, and the Republic of Iceland, of the other part, on Protocol 2 to the Agreement between the European Economic Community and the Republic of Iceland, approved by Decision 1999/492/EC, provides for annual tariff quotas for imports from Iceland of sugar confectionery products and chocolate and other food preparations containing cocoa. It is necessary to open that quota for 2004.
- (2) 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 ⁽⁴⁾, as last amended by

Regulation (EC) No 1335/2003 ⁽⁵⁾, lays down rules for the management of tariff quotas. It is appropriate to provide that the tariff quota opened by this Regulation is to be managed in accordance with those rules.

- (3) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for horizontal questions concerning trade in processed agricultural products not listed in Annex I,

HAS ADOPTED THIS REGULATION:

Article 1

From 1 January to 31 December 2004, the goods originating in Iceland which are listed in the Annex shall be subject to the duties set out in that Annex within the limits of the annual quota indicated therein.

Article 2

The tariff quota referred to in Article 1 shall be managed by the Commission in accordance with Articles 308a, 308b and 308c of Regulation (EEC) No 2454/93.

Article 3

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

It shall be applicable from 1 January 2004.

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

Done at Brussels, 22 December 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 192, 24.7.1999, p. 47.

⁽⁴⁾ OJ L 253, 11.10.1993, p. 1.

⁽⁵⁾ OJ L 187, 26.7.2003, p. 16.

ANNEX

| Order No | CN code | Description | Quota | Rate of duty applicable |
|----------|------------|---|------------|---|
| 09.0799 | 1704 90 10 | Sugar confectionery (including white chocolate), not containing cocoa, falling within CN code 1704 90 | 500 tonnes | 50 % of the rate of duty for third countries ⁽¹⁾ up to a maximum of EUR 35,15/100 kg |
| | 1704 90 30 | | | |
| | 1704 90 51 | | | |
| | 1704 90 55 | | | |
| | 1704 90 61 | | | |
| | 1704 90 65 | | | |
| | 1704 90 71 | | | |
| | 1704 90 75 | | | |
| | 1704 90 81 | | | |
| | 1704 90 99 | | | |
| | 1806 32 10 | Chocolate and other food preparations containing cocoa falling within CN codes 1806 32 and 1806 90 | | |
| | 1806 32 90 | | | |
| | 1806 90 11 | | | |
| | 1806 90 19 | | | |
| | 1806 90 31 | | | |
| | 1806 90 39 | | | |
| | 1806 90 50 | | | |
| | 1806 90 60 | | | |
| | 1806 90 70 | | | |
| | 1806 90 90 | | | |
| | 1905 31 11 | Sweet biscuits; waffles and wafers | | |
| | 1905 31 19 | | | |
| | 1905 31 30 | | | |
| | 1905 31 91 | | | |
| | 1905 31 99 | | | |
| | 1905 32 11 | | | |
| | 1905 32 19 | | | |
| | 1905 32 91 | | | |
| | 1905 32 99 | | | |

⁽¹⁾ Rate of duty for third countries: rate consisting of the *ad valorem* duty plus, where appropriate, the agricultural component, limited to the maximum rate where provided for in the Common Customs Tariff.

**COMMISSION REGULATION (EC) No 2270/2003
of 22 December 2003**

opening for the year 2004 a tariff quota applicable to the importation into the European Community of certain goods originating in Norway resulting from the processing of agricultural products covered by Council Regulation (EC) No 3448/93

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⁾ and, in particular, Article 7(2) thereof,

Having regard to Council Decision 96/753/EC of 6 December 1996 concerning the conclusion of an Agreement in the form of an Exchange of Letters between the European Community, of the one part, and the Kingdom of Norway ⁽³⁾, of the other part, on Protocol 2 to the Agreement between the European Economic Community and the Kingdom of Norway and, in particular, Article 2 thereof,

Whereas:

- (1) The Agreement in the form of an Exchange of Letters between the European Community, of the one part, and the Kingdom of Norway, of the other part, on Protocol 2 to the Agreement between the European Economic Community and the Kingdom of Norway, approved by Decision 96/753/EC, provides for annual tariff quotas for imports of chocolate and other food preparations containing cocoa originating in Norway. It is necessary to open that quota for 2004.
- (2) 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 ⁽⁴⁾, as last amended by

Regulation (EC) No 1335/2003 ⁽⁵⁾, lays down rules for the management of tariff quotas. It is appropriate to provide that the tariff quota opened by this Regulation is to be managed in accordance with those rules.

- (3) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for horizontal questions concerning trade in processed products not listed in Annex I,

HAS ADOPTED THIS REGULATION:

Article 1

From 1 January to 31 December 2004, the goods originating in Norway which are listed in the Annex shall be subject to the duties set out in that Annex within the limits of the annual quota indicated therein.

Article 2

The tariff quota referred to in Article 1 shall be managed by the Commission in accordance with Articles 308a, 308b and 308c of Regulation (EEC) No 2454/93.

Article 3

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

It shall be applicable from 1 January 2004.

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

Done at Brussels, 22 December 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 345, 31.12.1996, p. 78.

⁽⁴⁾ OJ L 253, 11.10.1993, p. 1.

⁽⁵⁾ OJ L 187, 26.7.2003, p. 16.

ANNEX

| Order No | CN code | Description | Quota | Rate of duty applicable |
|----------|---|--|--------------|-------------------------|
| 09.0764 | ex 1806 1806 20 1806 31 1806 32 1806 90 | Chocolate and other food preparations containing cocoa with the exception of cocoa powder containing added sugar or other sweetening matter falling within CN code 1806 10 | 5 500 tonnes | EUR 35,15/ 100 kg |

COMMISSION REGULATION (EC) No 2271/2003
of 22 December 2003
opening tariff quotas for the year 2004 for imports into the European Community of certain
products originating in Romania

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⁾, in particular Article 7(2) thereof,

Having regard to Council Decision 98/626/EC of 5 October 1998 relating to the conclusion of a Protocol for the adaptation of the trade aspects of the Europe Agreement between the European Communities and their Member States, of the one part, and Romania, of the other part, to take into account the accession of the Republic of Austria, the Republic of Finland and the Kingdom of Sweden to the European Union and the results of the agricultural negotiations of the Uruguay Round, including the improvements to the existing preferential regime ⁽²⁾, and in particular Article 2(1) thereof,

Whereas:

- (1) Protocol 3 on trade in processed agricultural products to the Europe Agreement with Romania, as amended by the Protocol for the adaptation of that Agreement, provides for the granting of annual tariff quotas for imports of products originating in Romania. Those quotas should be opened for 2004.
- (2) 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

Common Customs Code ⁽³⁾ lays down rules for the management of tariff quotas. It is appropriate to provide that the tariff quotas opened by this Regulation are to be managed in accordance with those rules.

- (3) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for horizontal questions concerning trade in processed agricultural products not listed in Annex I,

HAS ADOPTED THIS REGULATION:

Article 1

The annual quotas for the products originating in Romania listed in the Annex are opened from 1 January 2004 to 31 December 2004 under the conditions set out therein.

Article 2

The Community tariff quotas referred to in Article 1 shall be managed by the Commission in accordance with Articles 308a, 308b and 308c of Regulation (EEC) No 2454/93.

Article 3

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

It shall apply with effect from 1 January 2004.

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

Done at Brussels, 22 December 2003.

For the Commission

Erkki LIIKANEN

Member of the Commission

⁽¹⁾ OJ L 318, 20.12.1993, p. 18; Regulation as last amended by Regulation (EC) No 2580/2000 (OJ L 298, 25.11.2000, p. 5).

⁽²⁾ OJ L 301, 11.11.1998, p. 1.

⁽³⁾ OJ L 253, 11.10.1993, p. 1; Regulation as last amended by Regulation (EC) No 1335/2003 (OJ L 187, 26.7.2003, p. 16).

ANNEX

| Serial No | CN code | Description | Quota for 2004 (tonnes) | Rate of duty applicable ⁽¹⁾ |
|-----------|---|---|-------------------------|--|
| 09.5431 | ex 1704 | Sugar confectionery (including white chocolate), not containing cocoa, excluding liquorice extract containing more than 10 % by weight of sucrose but not containing other added substances, falling within CN code 1704 90 10 (*) | 2 100 | 0 + RAC |
| 09.5433 | ex 1806 | Chocolate and other food preparations containing cocoa (*), other than those falling within CN code 1806 10 15 or 1806 20 70 | 1 500 | 0 + RAC |
| 09.5435 | ex 1902 | Pasta, whether or not cooked or stuffed or otherwise prepared, excluding stuffed pasta falling within CN codes 1902 20 10 and 1902 20 30, couscous, whether or not prepared | 600 | 0 + RAC |
| 09.5437 | ex 1904 | Prepared foods obtained by the swelling or roasting of cereals or cereal products (for example, corn flakes); cereals (other than maize (corn)) in grain form or in the form of flakes or other worked grains (except flour and meal), precooked or otherwise prepared, not elsewhere specified or included, excluding products falling within CN code 1904 20 10 | 438 | 0 + RAC |
| 09.5439 | 1905 | Bread, pastry, cakes, biscuits and other bakers' wares, whether or not containing cocoa; communion wafers, empty cachets of a kind suitable for pharmaceutical use, sealing wafers, rice paper and similar products | 1 875 | 0 + RAC |
| 09.5441 | 2101 30 19 2101 30 99 | Roasted coffee substitutes Extracts, essences and concentrates of roasted coffee substitutes excluding those of roasted chicory | 163 | 0 + RAC |
| 09.5443 | 2105 00 | Ice cream and other edible ice, whether or not containing cocoa | 114 | 0 + RAC |
| 09.5445 | 0405 20 10 0405 20 30 ex 2106 ex 3302 10 3302 10 29 | Dairy spreads of a fat content, by weight, of 39 % or more, but not exceeding 75 % Food preparations not elsewhere specified or included other than those falling within CN codes 2106 10 20, 2106 90 20 and 2106 90 92 and other than flavoured or coloured sugar syrups (*) Mixtures of odoriferous substances and mixtures (including alcoholic solutions) with a basis of one or more of these substances, of a kind used for the beverages industries Other | 1 050 | 0 + RAC |
| 09.5447 | 2202 90 91 2202 90 95 2202 90 99 | Non-alcoholic beverages, not including fruit or vegetable juices of CN code 2009, containing products of CN codes 0401 to 0404 or fat obtained from products of CN codes 0401 to 0404 | 100 | 0 + RAC |

⁽¹⁾ RAC = reduced agricultural components (calculated in accordance with the basic amounts set out in Protocol 3 to the Agreement) applicable within the quantitative limits of the quotas. Such reduced agricultural components are subject to the maximum duty laid down in the common customs tariff, if any, and in the case of products falling within CN code 1704 10 91, 1704 10 99, 2105 00 10, 2105 00 91 or 2106 90 10, to the maximum duty provided for in the Agreement.

(*) Excluding goods containing 70 % or more by weight of sucrose (including invert sugar expressed as sucrose), falling within CN code ex 1704 90 51, ex 1704 90 99, ex 1806 20 80, ex 1806 20 95, ex 1806 90 90 or ex 2106 90 98.

COMMISSION REGULATION (EC) No 2272/2003
of 22 December 2003
opening a tariff quota for the year 2004 for imports into the European Community of certain
goods from Turkey

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⁾ and, in particular, Article 7(2) thereof,

Having regard to Decision No 1/97 of the EC-Turkey Association Council of 29 April 1997 on the arrangements applicable to certain processed agricultural products ⁽³⁾ and, in particular, Article 1 thereof,

Whereas:

- (1) Decision No 1/97 of the EC-Turkey Association Council establishes, in order to encourage the development of trade in accordance with the objectives of the Customs Union, an annual quota in terms of value in respect of certain pasta products imported into the Community from Turkey. This quota should be opened for 2004 and the admission to its benefit should be subject to the A.TR movement certificate provided for in Decision No 1/2001 of the EC-Turkey Customs Cooperation Committee of 28 March 2001 amending Decision No 1/96 laying down detailed rules for the application of Decision No 1/95 of the EC-Turkey Association Council ⁽⁴⁾.
- (2) 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 Common Customs Code ⁽⁵⁾, as last amended by Regulation (EC) No 1335/2003 ⁽⁶⁾, lays down rules for the

management of tariff quotas. It is appropriate to provide that the tariff quota opened by this Regulation is to be managed in accordance with those rules.

- (3) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for horizontal questions concerning trade in processed agricultural products not listed in Annex I,

HAS ADOPTED THIS REGULATION:

Article 1

The Community tariff quota specified in the Annex shall be open from 1 January to 31 December 2004 for the goods imported from Turkey mentioned in that Annex.

Admission to the benefit of this tariff quota shall be subject to the presentation of an A.TR movement certificate in accordance with Decision No 1/2001 of the EC-Turkey Customs Cooperation Committee.

Article 2

The Community tariff quota referred to in Article 1 shall be managed by the Commission in accordance with Articles 308a, 308b and 308c of Regulation (EEC) No 2454/93.

Article 3

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

It shall be applicable from 1 January 2004.

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

Done at Brussels, 22 December 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 126, 17.5.1997, p. 26.

⁽⁴⁾ OJ L 98, 7.4.2001, p. 31.

⁽⁵⁾ OJ L 253, 11.10.1993, p. 1.

⁽⁶⁾ OJ L 187, 26.7.2003, p. 16.

ANNEX

| Order No | CN code | Description | Quota | Rate of duty applicable |
|----------|-----------------------|---|-----------------|-------------------------|
| 09.0205 | 1902 11 00 1902 19 | Uncooked pasta, not stuffed or otherwise prepared | EUR 2,5 million | EUR 10,67/100 kg net |

**COMMISSION REGULATION (EC) No 2273/2003
of 22 December 2003**

**implementing Directive 2003/6/EC of the European Parliament and of the Council as regards
exemptions for buy-back programmes and stabilisation of financial instruments**

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Directive 2003/6/EC of the European Parliament and the Council of 28 January 2003 on insider dealing and market manipulation (market abuse) ⁽¹⁾, and in particular Article 8 thereof,

After consulting the Committee of European Securities Regulators (CESR) ⁽²⁾ for technical advice,

Whereas:

- (1) Article 8 of Directive 2003/6/EC provides that the prohibitions provided therein shall not apply to trading in own shares in 'buy back' programmes or to the stabilisation of a financial instrument, provided such trading is carried out in accordance with implementing measures adopted to that effect.
- (2) Activities of trading in own shares in 'buy-back' programmes and of stabilisation of a financial instrument which would not benefit from the exemption of the prohibitions of Directive 2003/6/EC as provided for by Article 8 thereof, should not in themselves be deemed to constitute market abuse.
- (3) On the other hand, the exemptions created by this Regulation only cover behaviour directly related to the purpose of the buy-back and stabilisation activities. Behaviour which is not directly related to the purpose of the buy-back and stabilisation activities shall therefore be considered as any other action covered by Directive 2003/6/EC and may be the object of administrative measures or sanctions, if the competent authority establishes that the action in question constitutes market abuse.
- (4) As regards trading in own shares in 'buy-back' programmes, the rules provided for by this Regulation are without prejudice to the application of Council Directive 77/91/EEC on coordination of safeguards which, for the protection of the interests of members and others, are required by Member States of companies within the meaning of the second paragraph of Article 58 of the Treaty, in respect of the formation of public

limited liability companies and the maintenance and alteration of their capital, with a view to making such safeguards equivalent ⁽³⁾.

- (5) Allowable 'buy back' activities in order to benefit from the exemption of the prohibitions of Directive 2003/6/EC include issuers needing the possibility to reduce their capital, to meet obligations arising from debt financial instruments exchangeable into equity instruments, and to meet obligations arising from allocations of shares to employees.
- (6) Transparency is a prerequisite for prevention of market abuse. To this end Member States may officially appoint mechanisms to be used for public disclosure of information required to be publicly disclosed under this Regulation.
- (7) Issuers having adopted 'buy-back' programmes shall inform their competent authority and, wherever required, the public.
- (8) Trading in own shares in 'buy-back' programmes may be carried out through derivative financial instruments.
- (9) In order to prevent market abuse, the daily volume of trading in own shares in 'buy-back' programmes shall be limited. However, some flexibility is necessary in order to respond to given market conditions such as a low level of transactions.
- (10) Particular attention has to be paid to the selling of own shares during the life of a 'buy-back' programme, to the possible existence of closed periods within issuers during which transactions are prohibited and to the fact that an issuer may have legitimate reasons to delay public disclosure of inside information.
- (11) Stabilisation transactions mainly have the effect of providing support for the price of an offering of relevant securities during a limited time period if they come under selling pressure, thus alleviating sales pressure generated by short term investors and maintaining an orderly market in the relevant securities. This is in the interest of those investors having subscribed or purchased those relevant securities in the context of a significant distribution, and of issuers. In this way, stabilisation can contribute to greater confidence of investors and issuers in the financial markets.

⁽¹⁾ OJ L 96, 12.4.2003, p. 16.

⁽²⁾ CESR was established by Commission Decision 2001/527/EC (OJ L 191, 13.7.2001, p. 43).

⁽³⁾ OJ L 26, 31.1.1977, p. 1.

(12) Stabilisation activity may be carried out either on or off a regulated market and may be carried out by use of financial instruments other than those admitted or to be admitted to the regulated market which may influence the price of the instrument admitted or to be admitted to trading on a regulated market.

(13) Relevant securities shall include financial instruments that become fungible after an initial period because they are substantially the same, although they have different initial dividend or interest payment rights.

(14) In relation to stabilisation, block trades shall not be considered as a significant distribution of relevant securities as they are strictly private transactions.

(15) When Member States permit, in the context of an initial public offer, trading prior to the beginning of the official trading on a regulated market, the permission covers 'when issued trading'.

(16) Market integrity requires the adequate public disclosure of stabilisation activity by issuers or by entities undertaking stabilisation, acting or not on behalf of these issuers. Methods used for adequate public disclosure of such information should be efficient and can take into account market practices accepted by competent authorities.

(17) There should be adequate coordination in place between all investment firms and credit institutions undertaking stabilisation. During stabilisation, one investment firm or credit institution shall act as a central point of inquiry for any regulatory intervention by the competent authority in each Member State concerned.

(18) In order to avoid confusion of market participants, stabilisation activity should be carried out by taking into account the market conditions and the offering price of the relevant security and transactions to liquidate positions established as a result of stabilisation activity should be undertaken to minimise market impact having due regard to prevailing market conditions.

(19) Overallotment facilities and 'greenshoe options' are closely related to stabilisation, by providing resources and hedging for stabilisation activity.

(20) Particular attention should be paid to the exercise of an overallotment facility by an investment firm or a credit institution for the purpose of stabilisation when it results in a position uncovered by the 'greenshoe option'.

(21) The measures provided for in this Regulation are in accordance with the opinion of the European Securities Committee,

HAS ADOPTED THIS REGULATION:

CHAPTER I

DEFINITIONS

Article 1

Subject matter

This Regulation lays down the conditions to be met by buy-back programmes and the stabilisation of financial instruments in order to benefit from the exemption provided for in Article 8 of Directive 2003/6/EC.

Article 2

Definitions

For the purposes of this Regulation, the following definitions shall apply in addition to those laid down in Directive 2003/6/EC:

1. 'investment firm' means any legal person as defined in point (2) of Article 1 of Council Directive 93/22/EEC ⁽¹⁾;
2. 'credit institution' means a legal person as defined in Article 1(1) of Directive 2000/12/EC of the European Parliament and the Council ⁽²⁾;
3. 'buy-back programmes' means trading in own shares in accordance with Articles 19 to 24 of Council Directive 77/91/EEC;
4. 'time-scheduled "buy-back" programme' means a 'buy-back' programme where the dates and quantities of securities to be traded during the time period of the programme are set out at the time of the public disclosure of the 'buy-back' programme;
5. 'adequate public disclosure' means disclosure made in accordance with the procedure laid down in Articles 102(1) and 103 of Directive 2001/34/EC of the European Parliament and of the Council ⁽³⁾;
6. 'relevant securities' means transferable securities as defined in Directive 93/22/EEC, which are admitted to trading on a regulated market or for which a request for admission to trading on such a market has been made, and which are the subject of a significant distribution;

⁽¹⁾ OJ L 141, 11.6.1993, p. 27.

⁽²⁾ OJ L 126, 26.5.2000, p. 1.

⁽³⁾ OJ L 184, 6.7.2001, p. 1.

7. 'stabilisation' means any purchase or offer to purchase relevant securities, or any transaction in associated instruments equivalent thereto, by investment firms or credit institutions, which is undertaken in the context of a significant distribution of such relevant securities exclusively for supporting the market price of these relevant securities for a predetermined period of time, due to a selling pressure in such securities;
8. 'associated instruments' means the following financial instruments (including those which are not admitted to trading on a regulated market, or for which a request for admission to trading on such a market has not been made, provided that the relevant competent authorities have agreed to standards of transparency for transactions in such financial instruments):
 - (a) contracts or rights to subscribe for, acquire or dispose of relevant securities;
 - (b) financial derivatives on relevant securities;
 - (c) where the relevant securities are convertible or exchangeable debt instruments, the securities into which such convertible or exchangeable debt instruments may be converted or exchanged;
 - (d) instruments which are issued or guaranteed by the issuer or guarantor of the relevant securities and whose market price is likely to materially influence the price of the relevant securities, or vice versa;
 - (e) where the relevant securities are securities equivalent to shares, the shares represented by those securities (and any other securities equivalent to those shares).
9. 'significant distribution' means an initial or secondary offer of relevant securities, publicly announced and distinct from ordinary trading both in terms of the amount in value of the securities offered and the selling methods employed;
10. 'offeror' means the prior holders of, or the entity issuing, the relevant securities;
11. 'allotment' means the process or processes by which the number of relevant securities to be received by investors who have previously subscribed or applied for them is determined;
12. 'ancillary stabilisation' means the exercise of an over-allotment facility or of a greenshoe option by investment firms or credit institutions, in the context of a significant distribution of relevant securities, exclusively for facilitating stabilisation activity;
13. 'over-allotment facility' means a clause in the underwriting agreement or lead management agreement which permits acceptance of subscriptions or offers to purchase a greater number of relevant securities than originally offered;
14. 'greenshoe option' means an option granted by the offeror in favour of the investment firm(s) or credit institution(s) involved in the offer for the purpose of covering over-allotments, under the terms of which such firm(s) or institu-

tion(s) may purchase up to a certain amount of relevant securities at the offer price for a certain period of time after the offer of the relevant securities.

CHAPTER II

'BUY-BACK' PROGRAMMES

Article 3

Objectives of buy-back programmes

In order to benefit from the exemption provided for in Article 8 of Directive 2003/6/EC, a buy-back programme must comply with Articles 4, 5 and 6 of this Regulation and the sole purpose of that buy-back programme must be to reduce the capital of an issuer (in value or in number of shares) or to meet obligations arising from any of the following:

- (a) debt financial instruments exchangeable into equity instruments;
- (b) employee share option programmes or other allocations of shares to employees of the issuer or of an associate company.

Article 4

Conditions for 'buy-back' programmes and disclosure

1. The 'buy-back' programme must comply with the conditions laid down by Article 19(1) of Directive 77/91/EEC.
2. Prior to the start of trading, full details of the programme approved in accordance with Article 19(1) of Directive 77/91/EEC must be adequately disclosed to the public in Member States in which an issuer has requested admission of its shares to trading on a regulated market.

Those details must include the objective of the programme as referred to in Article 3, the maximum consideration, the maximum number of shares to be acquired and the duration of the period for which authorisation for the programme has been given.

Subsequent changes to the programme must be subject to adequate public disclosure in Member States.

3. The issuer must have in place the mechanisms ensuring that it fulfils trade reporting obligations to the competent authority of the regulated market on which the shares have been admitted to trading. These mechanisms must record each transaction related to 'buy-back' programmes, including the information specified in Article 20(1) of Directive 93/22/EEC.

4. The issuer must publicly disclose details of all transactions as referred to in paragraph 3 no later than the end of the seventh daily market session following the date of execution of such transactions.

*Article 5***Conditions for trading**

1. In so far as prices are concerned, the issuer must not, when executing trades under a 'buy-back' programme, purchase shares at a price higher than the higher of the price of the last independent trade and the highest current independent bid on the trading venues where the purchase is carried out.

If the trading venue is not a regulated market, the price of the last independent trade or the highest current independent bid taken in reference shall be the one of the regulated market of the Member State in which the purchase is carried out.

Where the issuer carries out the purchase of own shares through derivative financial instruments, the exercise price of those derivative financial instruments shall not be above the higher of the price of the last independent trade and the highest current independent bid.

2. In so far as volume is concerned, the issuer must not purchase more than 25 % of the average daily volume of the shares in any one day on the regulated market on which the purchase is carried out.

The average daily volume figure must be based on the average daily volume traded in the month preceding the month of public disclosure of that programme and fixed on that basis for the authorised period of the programme.

Where the programme makes no reference to that volume, the average daily volume figure must be based on the average daily volume traded in the 20 trading days preceding the date of purchase.

3. For the purposes of paragraph 2, in cases of extreme low liquidity on the relevant market, the issuer may exceed the 25 % limit, provided that the following conditions are met:

- (a) the issuer informs the competent authority of the relevant market, in advance, of its intention to deviate from the 25 % limit;
- (b) the issuer discloses adequately to the public the fact that it may deviate from the 25 % limit;
- (c) the issuer does not exceed 50 % of the average daily volume.

*Article 6***Restrictions**

1. In order to benefit from the exemption provided by Article 8 of Directive 2003/6/EC, the issuer shall not, during its participation in a buy-back programme, engage in the following trading:

- (a) selling of own shares during the life of the programme;
- (b) trading during a period which, under the law of the Member State in which trading takes place, is a closed period;

- (c) trading where the issuer has decided to delay the public disclosure of inside information in accordance with Article 6(2) of Directive 2003/6/EC.

2. Paragraph 1(a) shall not apply if the issuer is an investment firm or credit institution and has established effective information barriers (Chinese Walls) subject to supervision by the competent authority, between those responsible for the handling of inside information related directly or indirectly to the issuer and those responsible for any decision relating to the trading of own shares (including the trading of own shares on behalf of clients), when trading in own shares on the basis of such any decision.

Paragraphs 1(b) and (c) shall not apply if the issuer is an investment firm or credit institution and has established effective information barriers (Chinese Walls) subject to supervision by the competent authority, between those responsible for the handling of inside information related directly or indirectly to the issuer (including trading decisions under the 'buy-back' programme) and those responsible for the trading of own shares on behalf of clients, when trading in own shares on behalf of those clients.

3. Paragraph 1 shall not apply if:

- (a) the issuer has in place a time-scheduled 'buy-back' programme; or
- (b) the 'buy-back' programme is lead-managed by an investment firm or a credit institution which makes its trading decisions in relation to the issuer's shares independently of, and without influence by, the issuer with regard to the timing of the purchases.

CHAPTER III

STABILISATION OF A FINANCIAL INSTRUMENT*Article 7***Conditions for stabilisation**

In order to benefit from the exemption provided for in Article 8 of Directive 2003/6/EC, stabilisation of a financial instrument must be carried out in accordance with Articles 8, 9 and 10 of this Regulation.

*Article 8***Time-related conditions for stabilisation**

1. Stabilisation shall be carried out only for a limited time period.

2. In respect of shares and other securities equivalent to shares, the time period referred to in paragraph 1 shall, in the case of an initial offer publicly announced, start on the date of commencement of trading of the relevant securities on the regulated market and end no later than 30 calendar days thereafter.

Where the initial offer publicly announced takes place in a Member State that permits trading prior to the commencement of trading on a regulated market, the time period referred to in paragraph 1 shall start on the date of adequate public disclosure of the final price of the relevant securities and end no later than 30 calendar days thereafter, provided that any such trading is carried out in compliance with the rules, if any, of the regulated market on which the relevant securities are to be admitted to trading, including any rules concerning public disclosure and trade reporting.

3. In respect of shares and other securities equivalent to shares, the time period referred to in paragraph 1 shall, in the case of a secondary offer, start on the date of adequate public disclosure of the final price of the relevant securities and end no later than 30 calendar days after the date of allotment.

4. In respect of bonds and other forms of securitised debt (which are not convertible or exchangeable into shares or into other securities equivalent to shares), the time period referred to in paragraph 1 shall start on the date of adequate public disclosure of the terms of the offer of the relevant securities (i.e. including the spread to the benchmark, if any, once it has been fixed) and end, whatever is earlier, either no later than 30 calendar days after the date on which the issuer of the instruments received the proceeds of the issue, or no later than 60 calendar days after the date of allotment of the relevant securities.

5. In respect of securitised debt convertible or exchangeable into shares or into other securities equivalent to shares, the time period referred to in paragraph 1 shall start on the date of adequate public disclosure of the final terms of the offer of the relevant securities and end, whatever is earlier, either no later than 30 calendar days after the date on which the issuer of the instruments received the proceeds of the issue, or no later than 60 calendar days after the date of allotment of the relevant securities.

Article 9

Disclosure and reporting conditions for stabilisation

1. The following information shall be adequately publicly disclosed by issuers, offerors, or entities undertaking the stabilisation acting, or not, on behalf of such persons, before the opening of the offer period of the relevant securities:

- (a) the fact that stabilisation may be undertaken, that there is no assurance that it will be undertaken and that it may be stopped at any time;
- (b) the fact that stabilisation transactions are aimed to support the market price of the relevant securities;
- (c) the beginning and end of the period during which stabilisation may occur;

(d) the identity of the stabilisation manager, unless this is not known at the time of publication in which case it must be publicly disclosed before any stabilisation activity begins;

(e) the existence and maximum size of any overallotment facility or greenshoe option, the exercise period of the greenshoe option and any conditions for the use of the overallotment facility or exercise of the greenshoe option.

The application of the provisions of this paragraph shall be suspended for offers under the scope of application of the measures implementing Directive 2004/.../EC (prospectus Directive), from the date of application of these measures.

2. Without prejudice to Article 12(1)(c) of Directive 2003/6/EC, the details of all stabilisation transactions must be notified by issuers, offerors, or entities undertaking the stabilisation acting, or not, on behalf of such persons, to the competent authority of the relevant market no later than the end of the seventh daily market session following the date of execution of such transactions.

3. Within one week of the end of the stabilisation period, the following information must be adequately disclosed to the public by issuers, offerors, or entities undertaking the stabilisation acting, or not, on behalf of such persons:

- (a) whether or not stabilisation was undertaken;
- (b) the date at which stabilisation started;
- (c) the date at which stabilisation last occurred;
- (d) the price range within which stabilisation was carried out, for each of the dates during which stabilisation transactions were carried out.

4. Issuers, offerors, or entities undertaking the stabilisation, acting or not, on behalf of such persons, must record each stabilisation order or transaction with, as a minimum, the information specified in Article 20(1) of Directive 93/22/EEC extended to financial instruments other than those admitted or going to be admitted to the regulated market.

5. Where several investment firms or credit institutions undertake the stabilisation acting, or not, on behalf of the issuer or offeror, one of those persons shall act as central point of inquiry for any request from the competent authority of the regulated market on which the relevant securities have been admitted to trading.

Article 10

Specific price conditions

1. In the case of an offer of shares or other securities equivalent to shares, stabilisation of the relevant securities shall not in any circumstances be executed above the offering price.

2. In the case of an offer of securitised debt convertible or exchangeable into instruments as referred to in paragraph 1, stabilisation of those instruments shall not in any circumstances be executed above the market price of those instruments at the time of the public disclosure of the final terms of the new offer.

Article 11

Conditions for ancillary stabilisation

In order to benefit from the exemption provided for in Article 8 of Directive 2003/6/EC, ancillary stabilisation must be undertaken in accordance with Article 9 of this Regulation and with the following:

- (a) relevant securities may be overallocated only during the subscription period and at the offer price;
- (b) a position resulting from the exercise of an overallocation facility by an investment firm or credit institution which is not covered by the greenshoe option may not exceed 5 % of the original offer;

- (c) the greenshoe option may be exercised by the beneficiaries of such an option only where relevant securities have been overallocated;
- (d) the greenshoe option may not amount to more than 15 % of the original offer;
- (e) the exercise period of the greenshoe option must be the same as the stabilisation period required under Article 8;
- (f) the exercise of the greenshoe option must be disclosed to the public promptly, together with all appropriate details, including in particular the date of exercise and the number and nature of relevant securities involved.

CHAPTER IV

FINAL PROVISION

Article 12

Entry into force

This Regulation shall enter into force in Member States on the day 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, 22 December 2003.

For the Commission

Frederik BOLKESTEIN

Member of the Commission

COMMISSION REGULATION (EC) No 2274/2003
of 22 December 2003
opening and providing for the administration of a Community tariff quota for 2004 for manioc
originating in Thailand

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1095/96 of 18 June 1996 on the implementation of the concessions set out in Schedule CXL drawn up in the wake of the conclusion of the GATT XXIV(6) negotiations ⁽¹⁾, and in particular Article 1(1) thereof,

Whereas:

(1) During the World Trade Organisation multilateral trade negotiations, the Community undertook to open a tariff quota restricted to 21 million tonnes of products falling within CN codes 0714 10 10, 0714 10 91 and 0714 10 99 originating in Thailand per four-year period, with customs duty reduced to 6 %. This quota must be opened and administered by the Commission.

(2) It is necessary to keep an administration system which ensures that only products originating in Thailand may be imported under the quota. The issue of an import licence should therefore continue to be subject to the presentation of an export certificate issued by the Thai authorities, a specimen of which has been notified to the Commission.

(3) Since imports to the Community market of the products concerned have traditionally been administered on the basis of a calendar year, this system should be retained. A quota must therefore be opened for 2004.

(4) The import of products covered by CN codes 0714 10 10, 0714 10 91 and 0714 10 99 is subject to the presentation of an import licence in accordance with Commission Regulation (EC) No 1291/2000 of 9 June 2000 laying down common detailed rules for the application of the system of import and export licences and advance fixing certificates for agricultural products ⁽²⁾, as last amended by Regulation (EC) No 325/2003 ⁽³⁾, and with Commission Regulation (EC) No 1342/2003 of 28 July 2003 laying down special detailed rules for the application of the system of import and export licences for cereals and rice ⁽⁴⁾.

(5) In the light of past experience and taking into account that the Community concession provides for an overall quantity for four years with an annual maximum of 5 500 000 tonnes, it is advisable to maintain measures which, under certain conditions, either facilitate the release for free circulation of quantities of products exceeding those given in the import licences, or allow the difference between the figure given in the import licences and the smaller figure actually imported to be carried forward.

(6) In order to ensure the correct application of the agreement, a system of strict and systematic controls is needed that take account of the information given on the Thai export certificates and the Thai authorities' procedures for issuing export certificates.

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

HAS ADOPTED THIS REGULATION:

CHAPTER I

OPENING OF THE QUOTA

Article 1

1. An import tariff quota for 5 500 000 tonnes of manioc falling within CN codes 0714 10 10, 0714 10 91 and 0714 10 99 originating in Thailand is hereby opened for the period 1 January to 31 December 2004.

The customs duty applicable is hereby fixed at 6 % *ad valorem*.

The serial number of the quota shall be 09.4008.

2. The products referred to in paragraph 1 shall benefit from the arrangements provided for in this Regulation on condition that they are imported under import licences issued subject to the submission of a certificate for export to the European Community issued by the Department of Foreign Trade, Ministry of Commerce, Government of Thailand, hereinafter referred to as an 'export certificate'.

⁽¹⁾ OJ L 146, 20.6.1996, p. 1.

⁽²⁾ OJ L 152, 24.6.2000, p. 1.

⁽³⁾ OJ L 47, 21.2.2003, p. 21.

⁽⁴⁾ OJ L 189, 29.7.2003, p. 12.

CHAPTER II

EXPORT CERTIFICATES

Article 2

1. There shall be one original and at least one copy of the export certificate, to be made out on a form of which a specimen is given in the Annex.

The size of the form shall be approximately 210 × 297 millimetres. The original shall be made out on white paper having a printed yellow guilloche pattern background so as to reveal any falsification by mechanical or chemical means.

2. Export certificates shall be completed in English.

3. The original and copies of export certificates shall be completed in typescript or in handwriting. In the latter case, they must be completed in ink and in block capitals.

4. Each export certificate shall bear a pre-printed serial number; in the upper section it shall also bear a certificate number. The copies shall bear the same numbers as the original.

Article 3

1. Export certificates issued from 1 January to 31 December 2004 shall be valid for 120 days from the date of issue. The date of issue of the certificate shall be included in the period of validity of the certificate.

For the certificate to be valid, its different sections must be properly completed and duly authenticated in accordance with paragraph 2. In the 'shipped weight' section, the quantity must be written out in full and also given in figures.

2. The export certificate shall be duly authenticated when it indicates the date of issue and bears the stamp of the issuing body and the signature of the authorised person or persons.

CHAPTER III

IMPORT LICENCES

Article 4

Applications for an import licence for products falling within CN codes 0714 10 10, 0714 10 91 and 0714 10 99 originating in Thailand, drawn up in accordance with Regulations (EC) No 1291/2000 and (EC) No 1342/2003, shall be submitted to the competent authorities in the Member States accompanied by the original of the export certificate.

The original of the export certificate shall be retained by the body which issues the import licence. However, where the application for an import licence relates to only a part of the

quantity indicated on the export certificate, the issuing body shall indicate on the original the quantity for which it was used and, after affixing its stamp, shall return it to the party concerned.

Only the quantity indicated under 'shipped weight' on the export certificate shall be taken into consideration for the issue of the import licence.

Article 5

Where it is found that the quantities actually unloaded in a given consignment are greater than the total figuring on the import licence or licences issued for this consignment, the competent authorities who issued the import licence or licences concerned shall, at the request of the importer, communicate to the Commission by telex or fax, case by case and as soon as possible, the number or numbers of the Thai export certificates, the number or numbers of the import licences, the excess quantity concerned and the name of the cargo vessel.

The Commission shall contact the Thai authorities so that new export certificates may be drawn up.

Until the new certificates have been drawn up, the excess quantities may not be released for free circulation under this Regulation unless new import licences are presented for the quantities concerned.

New import licences shall be issued on the terms laid down in Article 10.

Article 6

As an exception to the third subparagraph of Article 5, where it is found that the quantities actually unloaded in the case of a given delivery do not exceed the quantities covered by the import licence or licences presented by more than 2 %, the competent authorities of the Member State of release for free circulation shall, at the importer's request, authorise the release for free circulation of the surplus quantities in return for payment of a customs duty with a ceiling of 6 % *ad valorem* and the lodging by the importer of a security of an amount equal to the difference between the duty laid down in the Common Customs Tariff and the duty paid.

The security shall be released upon presentation to the competent authorities of the Member State of release for free circulation of an additional import licence for the quantities concerned. The security referred to in Article 15(2) of Regulation (EC) No 1291/2000 or Article 8 of this Regulation shall not be required for additional licences.

Additional import licences shall be issued on the terms laid down in Article 10 and on presentation of one or more new export certificates issued by the Thai authorities.

Section 20 of additional import licences shall contain one of the following entries:

- Certificado complementario, artículo 6 del Reglamento (CE) n° 2274/2003
- Supplerende licens, forordning (EF) nr. 2274/2003, artikel 6
- Zusätzliche Lizenz — Artikel 6 der Verordnung (EG) Nr. 2274/2003
- Συμπληρωματικό πιστοποιητικό — Άρθρο 6 του κανονισμού (ΕΚ) αριθ. 2274/2003
- Licence for additional quantity, Article 6 of Regulation (EC) No 2274/2003
- Certificat complémentaire, règlement (CE) n° 2274/2003, article 6
- Titolo complementare, regolamento (CE) n. 2274/2003 articolo 6
- Aanvullend certificaat — artikel 6, van Verordening (EG) nr. 2274/2003
- Certificado complementar, artigo 6.º do Regulamento (CE) n.º 2274/2003
- Lisätodistus, asetus (EY) N:o 2274/2003, 6 artikla
- Kompletterande licens, artikel 6 i förordning (EG) nr 2274/2003.

Except in cases of *force majeure*, the security shall be forfeit for quantities for which an additional import licence is not presented within four months from the date of acceptance of the declaration of release for free circulation referred to in the first subparagraph. It shall be forfeit in particular for quantities for which no additional import licence has been issued under Article 10, first subparagraph.

After the competent authority has entered the quantity on the additional import licence and authenticated the entry, when the security provided for in the first subparagraph is released, the licence shall be returned to the issuing body as soon as possible.

Article 7

Applications for import licences under this Regulation may be submitted in all Member States and licences issued shall be valid throughout the Community.

The fourth indent of the first subparagraph of Article 5(1) of Regulation (EC) No 1291/2000 shall not apply to imports carried out under this Regulation.

Article 8

As an exception to Article 12 of Regulation (EC) No 1342/2003, the security relating to the import licences provided for in this Regulation shall be EUR 5 per tonne.

Article 9

1. Section 8 of applications for import licences and the licences themselves shall be marked 'Thailand'.

2. Import licences shall contain:

(a) in section 24, one of the following entries:

- Derechos de aduana limitados al 6 % *ad valorem* [Reglamento (CE) n° 2274/2003]
- Toldsatsen begrænses til 6 % af værdien (forordning (EF) nr. 2274/2003)
- Beschränkung des Zolls auf 6 % des Zollwerts (Verordnung (EG) Nr. 2274/2003)
- Τελωνειακός δασμός κατ' ανώτατο όριο 6 % κατ' αξία [κανονισμός (ΕΚ) αριθ. 2274/2003]
- Customs duties limited to 6 % *ad valorem* (Regulation (EC) No 2274/2003)
- Droits de douane limités à 6 % *ad valorem* [règlement (CE) n° 2274/2003]
- Dazi doganali limitati al 6 % *ad valorem* [regolamento (CE) n. 2274/2003]
- Douanerechten beperkt tot 6 % *ad valorem* (Verordening (EG) nr. 2274/2003)
- Direitos aduaneiros limitados a 6 % *ad valorem* [Regulamento (CE) n.º 2274/2003]
- Arvotulli rajoitettu 6 prosenttiin (asetus (EY) N:o 2274/2003)
- Tullsatsen begränsad till 6 % av värdet (förordning (EG) nr 2274/2003)

(b) in section 20, the following information:

- (i) the name of the cargo vessel as given in the Thai export certificate,
- (ii) the number and date of the Thai export certificate.

3. The import licence shall be accepted in support of a declaration of release for free circulation only if it is shown, in particular by a copy of the bill of lading presented by the party concerned, that the products for which release for free circulation is requested have been transported to the Community by the vessel referred to in the import licence.

4. Subject to Article 6 of this Regulation, and as an exception to Article 8(4) of Regulation (EC) No 1291/2000, the quantity released for free circulation may not exceed that shown in sections 17 and 18 of the import licence. The figure 0 shall be entered to that effect in section 19 of the said licence.

Article 10

Import licences shall be issued on the fifth working day following the day on which the application is lodged, except where the Commission informs the competent authorities of the Member State by telex or fax that the conditions laid down in this Regulation have not been fulfilled.

At the request of the party concerned, and following communication of the Commission's agreement by telex or fax, the import licence may be issued within a shorter period.

Where the conditions governing the issue of the import licence have not been complied with, the Commission may, where necessary, and following consultation with the Thai authorities, adopt appropriate measures.

Article 11

As an exception to Article 6 of Regulation (EC) No 1342/2003, the last day of the period of validity of the import licence shall correspond to the last day of the period of validity of the corresponding export certificate plus 30 days.

Article 12

1. The Member States shall notify the Commission each day by telex or fax of the following information concerning each import licence application:

- (a) the quantity for which each import licence is requested, with the indication, where appropriate, 'additional import licence';

- (b) the name of the applicant for the import licence;
- (c) the number of the export certificate submitted, as indicated in the upper section of the certificate;
- (d) the date of issue of the export certificate;
- (e) the total quantity for which the export certificate was issued;
- (f) the name of the exporter indicated on the export certificate.

2. No later than the end of the first six months of 2005, the authorities responsible for issuing import licences shall send the Commission, by telex or fax, a complete list of quantities not taken up as endorsed on the back of the import licences, the name of the cargo vessel and the numbers of the export certificates in question.

CHAPTER IV

FINAL PROVISIONS

Article 13

This Regulation shall enter into force on 1 January 2004.

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

Done at Brussels, 22 December 2003.

For the Commission

Franz FISCHLER

Member of the Commission

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

SERIAL No

**ORIGINAL****DEPARTMENT OF FOREIGN TRADE**
**MINISTRY OF COMMERCE
GOVERNMENT OF THAILAND**
EXPORT CERTIFICATE SUBJECT TO REGULATION (EC) No 2274/2003

SPECIAL FORM FOR PRODUCTS FALLING WITHIN CN CODES 0714 10 10, 0714 10 91, 0714 10 99

| | |
|-----------------------|--|
| EXPORT CERTIFICATE No | |
| EXPORT PERMIT No | |

| | | | |
|---|----------------------|--|--|
| 1. EXPORTER (NAME, ADDRESS AND COUNTRY) | | 2. FIRST CONSIGNEE (NAME, ADDRESS AND COUNTRY) | |
| NAME | | NAME | |
| ADDRESS | | ADDRESS | |
| COUNTRY | | COUNTRY | |
| 3. SHIPPED PER | | 4. COUNTRY/COUNTRIES OF DESTINATION IN EU | |
| | | | |
| 5. TYPE OF MANIOC PRODUCTS | 6. WEIGHT (TONNES) | 7. PACKING | |
| <input type="checkbox"/> CN CODE 0714 10 10 <input type="checkbox"/> CN CODE 0714 10 91 <input type="checkbox"/> CN CODE 0714 10 99 | SHIPPED WEIGHT | <input type="checkbox"/> IN BULK <input type="checkbox"/> BAGS <input type="checkbox"/> OTHERS | |
| | | | |
| | ESTIMATED NET WEIGHT | | |
| | | | |

WE HEREBY CERTIFY THAT THE ABOVEMENTIONED PRODUCTS ARE PRODUCED IN AND ARE EXPORTED FROM THAILAND

DEPARTMENT OF FOREIGN TRADE

DATE

.....
NAME AND SIGNATURE OF AUTHORISED OFFICIAL AND STAMP

THIS CERTIFICATE IS VALID FOR 120 DAYS FROM THE DATE OF ISSUE

FOR USE BY EU AUTHORITIES:

**COMMISSION REGULATION (EC) No 2275/2003
of 22 December 2003**

**supplementing the Annex to Regulation (EC) No 2400/96 on the entry of certain names in the
'Register of protected designations of origin and protected geographical indications' (Spresa delle
Giudicarie)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2081/92 of 14 July 1992 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs ⁽¹⁾, as last amended by Commission Regulation (EC) No 806/2003 ⁽²⁾, and in particular Article 6(3) and (4) thereof,

Whereas:

- (1) In accordance with Article 5 of Regulation (EEC) No 2081/92, Italy sent the Commission an application for the registration of the name 'Spresa delle Giudicarie' as a designation of origin.
- (2) The application has been found, in accordance with Article 6(1) of that Regulation, to meet all the requirements laid down therein and in particular to contain all the information required under Article 4 thereof.
- (3) No objection under Article 7 of Regulation (EEC) No 2081/92 was sent to the Commission following the publication in the *Official Journal of the European Union* ⁽³⁾ of the name set out in the Annex hereto.

(4) The name should therefore be entered in the register of protected designations of origin and protected geographical indications and hence be protected throughout the Community as a protected designation of origin.

(5) The Annex hereto supplements the Annex to Commission Regulation (EC) No 2400/96 ⁽⁴⁾, as last amended by Regulation (EC) No 2206/2003 ⁽⁵⁾,

HAS ADOPTED THIS REGULATION:

Article 1

The name in the Annex hereto is hereby added to the Annex to Regulation (EC) No 2400/96 and entered as a protected designation of origin (PDO) in the 'Register of protected designations of origin and protected geographical indications' provided for in Article 6(3) of Regulation (EEC) No 2081/92.

Article 2

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

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

Done at Brussels, 22 December 2003.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 208, 24.7.1992, p. 1.

⁽²⁾ OJ L 122, 16.5.2003, p. 1.

⁽³⁾ OJ C 88, 11.4.2003, p. 12 (Spresa delle Giudicarie).

⁽⁴⁾ OJ L 327, 18.12.1996, p. 11.

⁽⁵⁾ OJ L 330, 18.12.2003, p. 13.

ANNEX

PRODUCTS LISTED IN ANNEX I TO THE EC TREATY, INTENDED FOR HUMAN CONSUMPTION

Cheese

ITALY

Spressa delle Giudicarie (PDO)

**COMMISSION REGULATION (EC) No 2276/2003
of 22 December 2003**

**opening tariff quotas and laying down the duties applicable within these tariff quotas for imports
into the European Community of certain processed agricultural products originating in Egypt**

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⁾, in particular Article 7(2) thereof,

Whereas:

- (1) Pending conclusion of the procedure for ratification and entry into force of the Euro-Mediterranean Agreement establishing an Association between the European Community and its Member States, of the one part, and Egypt, of the other, signed on 25 June 2001, an agreement in the form of an Exchange of Letters has been concluded regarding the provisional application of the trade provisions set out in the Euro-Mediterranean Association Agreement with Egypt, hereafter referred to as 'the Agreement', which enters into force on 1 January 2004. The Council has approved the Agreement by its Decision of 19 December 2003 concerning the provisional application of the trade provisions and the accompanying measures of the Euro-Mediterranean Agreement establishing an Association between the European Community and its Member States, of the one part, and Egypt, of the other ⁽³⁾.
- (2) The Agreement will replace the trade provisions laid down in the Cooperation Agreement between the Member States of the European Economic Community and Egypt signed in Brussels on 18 January 1977 ⁽⁴⁾ and in the Agreement between the Member States of the European Coal and Steel Community and Egypt, signed in Brussels on 18 January 1977 ⁽⁵⁾.
- (3) The trade provisions set out in the Agreement provide for the application of mutual concessions regarding import duties for certain processed agricultural products.
- (4) The Community concessions relate to imports of certain processed agricultural products originating in Egypt. These concessions take the form of a total exemption from duties, an exemption from *ad valorem* duties and a reduction in specific duties in the context of annual tariff quotas.
- (5) The annual tariff quotas based on the Agreement should be opened. The duties applicable within these annual tariff quotas must be the subject of a specific calculation. The calculation must be made in accordance with

Commission Regulation (EC) No 1460/96 of 25 July 1996 establishing the detailed rules for implementing the preferential trade arrangements applicable to certain goods resulting from the processing of agricultural products, as provided for in Article 7 of Council Regulation (EC) No 3448/93 ⁽⁶⁾.

- (6) 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 ⁽⁷⁾ lays down the rules for managing tariff quotas. The tariff quotas opened by the present Regulation must be managed in accordance with those rules.
- (7) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee on horizontal questions concerning trade in processed agricultural products not listed in Annex I to the Treaty,

HAS ADOPTED THIS REGULATION:

Article 1

The annual quotas for products originating in Egypt set out in Annex I are hereby opened from 1 January 2004 to 31 December 2004 and from 1 January to 31 December of the following years under the conditions set out in that Annex.

Article 2

The Community tariff quotas referred to in Article 1 shall be managed by the Commission in accordance with Articles 308a, 308b and 308c of Regulation (EEC) No 2454/93.

Article 3

The duties applicable within the tariff quotas from 1 January 2004 on imports of goods originating in Egypt covered by Annex II, table 3, of Protocol 3 to the Agreement between the Community and Egypt are set out in Annexes I, II and III to this Regulation.

Article 4

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

It shall apply from 1 January 2004.

⁽¹⁾ OJ L 318, 20.12.1993, p. 18.

⁽²⁾ OJ L 298, 25.11.2000, p. 15.

⁽³⁾ Not yet published in the Official Journal.

⁽⁴⁾ OJ L 266, 27.9.1978, p. 2.

⁽⁵⁾ OJ L 316, 12.12.1979, p. 2.

⁽⁶⁾ OJ L 187, 26.7.1996, p. 18.

⁽⁷⁾ OJ L 253, 11.10.1993, p. 1; Regulation as last amended by Regulation (EC) No 1334/2002 (OJ L 187, 26.7.2003, p. 16).

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

Done at Brussels, 22 December 2003.

For the Commission

Erkki LIIKANEN

Member of the Commission

ANNEX I

Quotas applicable on imports of products originating in Egypt for 2004 and the following years and duties applicable within the annual tariff quotas from 1 January 2004 on imports into the Community of certain products covered by Council Regulation (EC) No 3448/93 originating in Egypt

| Serial No | CN code | Description | Annual quota for 2004 and the following years (in tonnes) | Applicable duties (*) |
|-----------|------------|---|---|--|
| 09.1773 | ex 1704 | Sugar confectionery (including white chocolate), not containing cocoa; excluding liquorice extract containing more than 10 % by weight of sucrose but not containing other added substances | 1 000 | |
| | 1704 10 | – Chewing gum, whether or not sugar-coated: | | |
| | | – – Containing less than 60 % by weight of sucrose (including invert sugar expressed as sucrose) | | |
| | 1704 10 11 | – – – Gum in strips | | 0 % + 18,9 EUR/100 kg MAX 12,5 % |
| | 1704 10 19 | – – – Other | | 0 % + 18,9 EUR/100 kg MAX 12,5 % |
| | | – – Containing 60 % or more by weight of sucrose (including invert sugar expressed as sucrose): | | |
| | 1704 10 91 | – – – Gum in strips | | 0 % + 21,6 EUR/100 kg MAX 12,7 % |
| | 1704 10 99 | – – – Other | | 0 % + 21,6 EUR/100 kg MAX 12,7 % |
| | 1704 90 | – Other: | | |
| | 1704 90 30 | – – White chocolate | | 0 % + 31,5 MAX 13,2 % + 11,5 EUR/100 kg |
| | | – – Other: | | |
| | 1704 90 51 | – – – Pastes, including marzipan, in immediate packings of a net content of 1 kg or more | | 0 % + EAR ⁽¹⁾ MAX 13 % + AD S/Z R ⁽²⁾ |
| | 1704 90 55 | – – – Throat pastilles and cough drops | | 0 % + EAR ⁽¹⁾ MAX 13 % + AD S/Z R ⁽²⁾ |
| | 1704 90 61 | – – – Sugar-coated (panned) goods | | 0 % + EAR ⁽¹⁾ MAX 13 % + AD S/Z R ⁽²⁾ |
| | | – – – Other: | | |
| | 1704 90 65 | – – – – Gum confectionery and jelly confectionery, including fruit pastes in the form of sugar confectionery | | 0 % + EAR MAX 13 % + AD S/Z R |
| | 1704 90 71 | – – – – Boiled sweets, whether or not filled | | 0 % + EAR ⁽¹⁾ MAX 13 % + AD S/Z R ⁽²⁾ |
| | 1704 90 75 | – – – – Toffees, caramels and similar sweets | | 0 % + EAR ⁽¹⁾ MAX 13 % + AD S/Z R ⁽²⁾ |
| | | – – – – Other: | | |
| | 1704 90 81 | – – – – – Compressed tablets | | 0 % + EAR ⁽¹⁾ MAX 13 % + AD S/Z R ⁽²⁾ |
| | 1704 90 99 | – – – – – Other | | 0 % + EAR ⁽¹⁾ MAX 13 % + AD S/Z R ⁽²⁾ |

| Serial No | CN code | Description | Annual quota for 2004 and the following years (in tonnes) | Applicable duties (*) |
|-----------|------------|---|---|--|
| 09.1774 | ex 1806 | Chocolate and other food preparations containing cocoa other than those defined in CN code 1806 10 15: | 1 200 | |
| | 1806 10 | – Cocoa powder, containing added sugar or other sweetening matter | | |
| | 1806 10 20 | – – Containing 5 % or more but less than 65 % by weight of sucrose (including invert sugar expressed as sucrose) or isoglucose expressed as sucrose | | 0 % + 17,6 EUR/100 kg |
| | 1806 10 30 | – – Containing 65 % or more but less than 80 % by weight of sucrose (including invert sugar expressed as sucrose) or isoglucose expressed as sucrose | | 0 % + 21,9 EUR/100 kg |
| | 1806 10 90 | – – Containing 80 % or more by weight of sucrose (including invert sugar expressed as sucrose) or isoglucose expressed as sucrose | | 0 % + 29,3 EUR/100 kg |
| | 1806 20 | – Other preparations in blocks, slabs or bars weighing more than 2 kg or in liquid, paste, powder, granular or other bulk form in containers or immediate packings, of a content exceeding 2 kg | | |
| | 1806 20 10 | – – Containing 31 % or more by weight of cocoa butter or containing a combined weight of 31 % or more of cocoa butter and milk fat | | 0 % + EAR ⁽¹⁾ MAX 13 % + AD S/Z R ⁽²⁾ |
| | 1806 20 30 | – – Containing a combined weight of 25 % or more, but less than 31 % of cocoa butter and milk fat | | 0 % + EAR ⁽¹⁾ MAX 13 % + AD S/Z R ⁽²⁾ |
| | | – – Other: | | |
| | 1806 20 50 | – – – Containing 18 % or more by weight of cocoa butter | | 0 % + EAR ⁽¹⁾ MAX 13 % + AD S/Z R ⁽²⁾ |
| | 1806 20 70 | – – – Chocolate milk crumb | | 0 % + EAR ⁽¹⁾ |
| | 1806 20 80 | – – – Chocolate flavour coating | | 0 % + EAR ⁽¹⁾ MAX 13 % + AD S/Z R ⁽²⁾ |
| | 1806 20 95 | – – – Other | | 0 % + EAR ⁽¹⁾ MAX 13 % + AD S/Z R ⁽²⁾ |
| | | – Other, in blocks, slabs or bars: | | |
| | 1806 31 00 | – – Filled | | 0 % + EAR ⁽¹⁾ MAX 13 % + AD S/Z R ⁽²⁾ |
| | 1806 32 | – – Not filled: | | |
| | 1806 32 10 | – – – With added cereal, fruit or nuts | | 0 % + EAR ⁽¹⁾ MAX 13 % + AD S/Z R ⁽²⁾ |
| | 1806 32 90 | – – – Other | | 0 % + EAR ⁽¹⁾ MAX 13 % + AD S/Z R ⁽²⁾ |
| | 1806 90 | – Other: | | |
| | | – – Chocolate and chocolate products: | | |
| | | – – – Chocolate, whether or not filled: | | |
| | 1806 90 11 | – – – – Containing alcohol | | 0 % + EAR ⁽¹⁾ MAX 13 % + AD S/Z R ⁽²⁾ |
| | 1806 90 19 | – – – – Other | | 0 % + EAR ⁽¹⁾ MAX 13 % + AD S/Z R ⁽²⁾ |
| | | – – – Other: | | |
| | 1806 90 31 | – – – – Filled | | 0 % + EAR ⁽¹⁾ MAX 13 % + AD S/Z R ⁽²⁾ |
| | 1806 90 39 | – – – – Not filled | | 0 % + EAR ⁽¹⁾ MAX 13 % + AD S/Z R ⁽²⁾ |

| Serial No | CN code | Description | Annual quota for 2004 and the following years (in tonnes) | Applicable duties (*) |
|---------------------|------------|---|---|--|
| 09.1774 (cont'd) | 1806 90 50 | – – Sugar confectionery and substitutes therefor made from sugar substitution products, containing cocoa | | 0 % + EAR ⁽¹⁾ MAX 13 % + AD S/Z R ⁽²⁾ |
| | 1806 90 60 | – – Spreads containing cocoa | | 0 % + EAR ⁽¹⁾ MAX 13 % + AD S/Z R ⁽²⁾ |
| | 1806 90 70 | – – Preparations containing cocoa for making beverages | | 0 % + EAR ⁽¹⁾ MAX 13 % + AD S/Z R ⁽²⁾ |
| | 1806 90 90 | – – Other | | 0 % + EAR ⁽¹⁾ MAX 13 % + AD S/Z R ⁽²⁾ |
| 09.1775 | ex 1902 | Pasta, whether or not cooked or stuffed (with meat or other substances) or otherwise prepared, such as spaghetti, macaroni, noodles, lasagne, gnocchi, ravioli, cannelloni; cous-cous, whether or not prepared, excluding stuffed pasta falling within CN codes 1902 20 10 and 1902 20 30: | 1 500 | |
| | | – Uncooked pasta, not stuffed or otherwise prepared: | | |
| | 1902 11 00 | – – Containing eggs | | 0 % + 17,2 EUR/100 kg |
| | 1902 19 | – – Other: | | |
| | 1902 19 10 | – – – Containing no common wheat flour or meal | | 0 % + 17,2 EUR/100 kg |
| | 1902 19 90 | – – – Other | | 0 % + 14,7 EUR/100 kg |
| | 1902 20 | – Stuffed pasta, whether or not cooked or otherwise prepared: | | |
| | | – – Other: | | |
| | 1902 20 91 | – – – Cooked | | 0 % + 4,2 EUR/100 kg |
| | 1902 20 99 | – – – Other | | 0 % + 11,9 EUR/100 kg |
| | 1902 30 | – Other pasta: | | |
| | 1902 30 10 | – – Dried | | 0 % + 17,2 EUR/100 kg |
| | 1902 30 90 | – – Other | | 0 % + 6,7 EUR/100 kg |
| | 1902 40 | – Couscous: | | |
| | 1902 40 10 | – – Unprepared | | 0 % + 17,2 EUR/100 kg |
| | 1902 40 90 | – – Other | | 0 % + 6,7 EUR/100 kg |
| 09.1776 | 1904 | Prepared foods obtained by the swelling or roasting of cereals or cereal products (for example, corn flakes); cereals (other than maize (corn)) in grain form or in the form of flakes or other worked grains (except flour, groats and meal), pre-cooked or otherwise prepared, not elsewhere specified or included: | 1 000 | |
| | 1904 10 | – Prepared foods obtained by the swelling or roasting of cereals or cereal products: | | |
| | 1904 10 10 | – – Obtained from maize | | 0 % + 14 EUR/100 kg |
| | 1904 10 30 | – – Obtained from rice | | 0 % + 32,2 EUR/100 kg |
| | 1904 10 90 | – – Other | | 0 % + 23,5 EUR/100 kg |
| | 1904 20 | – Prepared foods obtained from unroasted cereal flakes or from mixtures of unroasted cereal flakes and roasted cereal flakes or swelled cereals: | | |

| Serial No | CN code | Description | Annual quota for 2004 and the following years (in tonnes) | Applicable duties (*) |
|---------------------|------------|--|---|--|
| 09.1776 (cont'd) | 1904 20 10 | -- Preparation of the Müsli type based on unroasted cereal flakes | | 0 % + EAR ⁽¹⁾ |
| | | -- Other: | | |
| | 1904 20 91 | --- Obtained from maize | | 0 % + 14 EUR/100 kg |
| | 1904 20 95 | --- Obtained from rice | | 0 % + 32,2 EUR/100 kg |
| | 1904 20 99 | --- Other | | 0 % + 23,5 EUR/100 kg |
| | 1904 30 00 | - Bulgur wheat | | 0 % + 17,9 EUR/100 kg |
| | 1904 90 | - Other: | | |
| | 1904 90 10 | -- Rice | | 0 % + 32,2 EUR/100 kg |
| | 1904 90 80 | -- Other | | 0 % + 17,9 EUR/100 kg |
| 09.1777 | 1905 | Bread, pastry, cakes, biscuits and other bakers' wares, whether or not containing cocoa; communion wafers, empty cachets of a kind suitable for pharmaceutical use, sealing wafers, rice paper and similar products: | 1 200 | |
| | 1905 10 00 | - Crispbread | | 0 % + 9,1 EUR/100 kg |
| | 1905 20 | - Gingerbread and the like: | | |
| | 1905 20 10 | -- Containing by weight less than 30 % of sucrose (including invert sugar expressed as sucrose) | | 0 % + 12,8 EUR/100 kg |
| | 1905 20 30 | -- Containing by weight 30 % of sucrose or more but less than 50 % (including invert sugar expressed as sucrose) | | 0 % + 17,2 EUR/100 kg |
| | 1905 20 90 | -- Containing by weight 50 % of sucrose or more (including invert sugar expressed as sucrose) | | 0 % + 21,9 EUR/100 kg |
| | | - Sweet biscuits; waffles and wafers: | | |
| | 1905 31 | -- Sweet biscuits: | | |
| | | --- Completely or partially coated or covered with chocolate or other preparations containing cocoa: | | |
| | 1905 31 11 | ---- In immediate packings of a net content not exceeding 85 g | | 0 % + EAR ⁽¹⁾ MAX 16,9 % + AD S/Z R ⁽²⁾ |
| | 1905 31 19 | ---- Other | | 0 % + EAR ⁽¹⁾ MAX 16,9 % + AD S/Z R ⁽²⁾ |
| | | --- Other: | | |
| | 1905 31 30 | ---- Containing 8 % or more by weight of milk fats | | 0 % + EAR ⁽¹⁾ MAX 16,9 % + AD S/Z R ⁽²⁾ |
| | | ---- other: | | |
| | 1905 31 91 | ----- Sandwich biscuits | | 0 % + EAR ⁽¹⁾ MAX 16,9 % + AD S/Z R ⁽²⁾ |
| | 1905 31 99 | ----- Other | | 0 % + EAR ⁽¹⁾ MAX 16,9 % + AD S/Z R ⁽²⁾ |
| | 1905 32 | -- Waffles and wafers: | | |
| | 1905 32 05 | --- Containing more than 10 % of water | | 0 % + EAR ⁽¹⁾ MAX 14,4 % + AD F/M R ⁽²⁾ |
| | | --- Other | | |
| | | ---- Completely or partially coated or covered with chocolate or their preparations containing cocoa: | | |

| Serial No | CN code | Description | Annual quota for 2004 and the following years (in tonnes) | Applicable duties (*) |
|---------------------|--------------------------|---|---|--|
| 09.1777 (cont'd) | 1905 32 11 | ----- In immediate packings of a net content not exceeding 85 g | | 0 % + EAR ⁽¹⁾ MAX 16,9 % + AD S/Z R ⁽²⁾ |
| | 1905 32 19 | ----- Other | | 0 % + EAR ⁽¹⁾ MAX 16,9 % + AD S/Z R ⁽²⁾ |
| | | ----- Other: | | |
| | 1905 32 91 | ----- Salted, whether or not filled | | 0 % + EAR ⁽¹⁾ MAX 14,4 % + AD F/M R ⁽²⁾ |
| | 1905 32 99 | ----- Other | | 0 % + EAR ⁽¹⁾ MAX 16,9 % + AD S/Z R ⁽²⁾ |
| | 1905 40 | - Rusks, toasted bread and similar toasted products: | | |
| | 1905 40 10 | -- Rusks | | 0 % + EAR ⁽¹⁾ |
| | 1905 40 90 | -- Other | | 0 % + EAR ⁽¹⁾ |
| | 1905 90 | - Other: | | |
| | 1905 90 10 | -- Matzos | | 0 % + 11,1 EUR/100 kg |
| | 1905 90 20 | -- Communion wafers, empty cachets of a kind suitable for pharmaceutical use, sealing wafers, rice paper and similar products | | 0 % + 42,3 EUR/100 kg |
| | | -- Other: | | |
| | 1905 90 30 | --- Bread, not containing added honey, eggs, cheese or fruit, and containing by weight in the dry matter state not more than 5 % of sugars and not more than 5 % of fat | | 0 % + EAR ⁽¹⁾ |
| | 1905 90 45 | --- Biscuits | | 0 % + EAR ⁽¹⁾ MAX 14,4 % + AD F/M R ⁽²⁾ |
| | 1905 90 55 | --- Extruded or expanded products, savoury or salted | | 0 % + EAR ⁽¹⁾ MAX 14,4 % + AD F/M R ⁽²⁾ |
| | | --- Other: | | |
| | 1905 90 60 | ---- With added sweetening matter | | 0 % + EAR ⁽¹⁾ MAX 16,9 % + AD S/Z R ⁽²⁾ |
| | 1905 90 90 | ---- Other | | 0 % + EAR ⁽¹⁾ MAX 14,4 % + AD F/M R ⁽²⁾ |
| 09.1778 | 2004 10 91 2005 20 10 | Potatoes in the form of flour, meal or flakes prepared or preserved otherwise than by vinegar or acetic acid (whether or not frozen) | 1 800 | 0 % + EAR ⁽¹⁾ |

(*) EAR = reduced agricultural components applicable within the quantitative limits of the quotas.

⁽¹⁾ See Annex II to this Regulation.

⁽²⁾ See Annex III to this Regulation.

ANNEX II

Additional codes and reduced agricultural components

| Additional code | Reduced agricultural component (RAC) EUR/100 kg |
|-----------------|--|
| 7000 | 0 |
| 7001 | 7,04 |
| 7002 | 13,2 |
| 7003 | 19,07 |
| 7004 | 27,29 |
| 7005 | 2,91 |
| 7006 | 9,95 |
| 7007 | 16,12 |
| 7008 | 21,98 |
| 7009 | 30,2 |
| 7010 | 6,21 |
| 7011 | 13,26 |
| 7012 | 19,42 |
| 7013 | 25,29 |
| 7015 | 9,79 |
| 7016 | 16,83 |
| 7017 | 22,99 |
| 7020 | 11,64 |
| 7021 | 18,68 |
| 7022 | 24,85 |
| 7023 | 28,39 |
| 7024 | 36,61 |
| 7025 | 14,55 |
| 7026 | 21,59 |
| 7027 | 27,76 |
| 7028 | 31,3 |
| 7029 | 39,52 |
| 7030 | 17,85 |
| 7031 | 24,9 |
| 7032 | 31,06 |
| 7033 | 34,6 |
| 7035 | 19,1 |
| 7036 | 26,14 |
| 7037 | 32,31 |

| Additional code | Reduced agricultural component (RAC) EUR/100 kg |
|-----------------|--|
| 7040 | 34,93 |
| 7041 | 41,97 |
| 7042 | 48,13 |
| 7043 | 47,01 |
| 7044 | 55,23 |
| 7045 | 37,83 |
| 7046 | 44,88 |
| 7047 | 51,04 |
| 7048 | 49,93 |
| 7049 | 58,14 |
| 7050 | 41,14 |
| 7051 | 48,18 |
| 7052 | 54,35 |
| 7053 | 53,23 |
| 7055 | 37,73 |
| 7056 | 44,77 |
| 7057 | 50,93 |
| 7060 | 62,37 |
| 7061 | 69,41 |
| 7062 | 75,57 |
| 7063 | 65,47 |
| 7064 | 77,18 |
| 7065 | 65,28 |
| 7066 | 72,32 |
| 7067 | 78,49 |
| 7068 | 71,88 |
| 7069 | 80,1 |
| 7070 | 68,58 |
| 7071 | 75,63 |
| 7072 | 81,79 |
| 7073 | 75,19 |
| 7075 | 59,68 |
| 7076 | 66,73 |
| 7077 | 72,89 |
| 7080 | 121,41 |
| 7081 | 128,45 |
| 7082 | 134,62 |

| Additional code | Reduced agricultural component (RAC) EUR/100 kg |
|-----------------|--|
| 7083 | 116,2 |
| 7084 | 124,42 |
| 7085 | 124,32 |
| 7086 | 131,36 |
| 7087 | 137,52 |
| 7088 | 119,11 |
| 7090 | 127,63 |
| 7091 | 134,67 |
| 7092 | 140,84 |
| 7095 | 106,91 |
| 7096 | 113,96 |
| 7100 | 3,98 |
| 7101 | 11,02 |
| 7102 | 17,18 |
| 7103 | 23,05 |
| 7104 | 31,27 |
| 7105 | 6,88 |
| 7106 | 13,93 |
| 7107 | 20,09 |
| 7108 | 25,97 |
| 7109 | 34,18 |
| 7110 | 10,19 |
| 7111 | 17,24 |
| 7112 | 23,4 |
| 7113 | 29,27 |
| 7115 | 13,76 |
| 7116 | 20,81 |
| 7117 | 26,97 |
| 7120 | 15,62 |
| 7121 | 22,66 |
| 7122 | 28,83 |
| 7123 | 32,37 |
| 7124 | 40,59 |
| 7125 | 18,53 |
| 7126 | 25,57 |
| 7127 | 31,73 |
| 7128 | 35,28 |

| Additional code | Reduced agricultural component (RAC) EUR/100 kg |
|-----------------|--|
| 7129 | 43,49 |
| 7130 | 21,84 |
| 7131 | 28,88 |
| 7132 | 35,04 |
| 7133 | 38,59 |
| 7135 | 23,08 |
| 7136 | 30,12 |
| 7137 | 36,29 |
| 7140 | 38,9 |
| 7141 | 45,95 |
| 7142 | 52,11 |
| 7143 | 51 |
| 7144 | 59,22 |
| 7145 | 41,81 |
| 7146 | 48,86 |
| 7147 | 55,02 |
| 7148 | 53,9 |
| 7149 | 62,12 |
| 7150 | 45,12 |
| 7151 | 52,17 |
| 7152 | 61,83 |
| 7153 | 57,21 |
| 7155 | 41,71 |
| 7156 | 48,75 |
| 7157 | 54,92 |
| 7160 | 66,35 |
| 7161 | 73,39 |
| 7162 | 79,55 |
| 7163 | 72,95 |
| 7164 | 81,17 |
| 7165 | 69,25 |
| 7166 | 76,37 |
| 7167 | 82,46 |
| 7168 | 75,86 |
| 7169 | 84,08 |
| 7170 | 72,56 |
| 7171 | 79,61 |

| Additional code | Reduced agricultural component (RAC) EUR/100 kg |
|-----------------|--|
| 7172 | 85,77 |
| 7173 | 79,17 |
| 7175 | 63,66 |
| 7176 | 70,7 |
| 7177 | 76,87 |
| 7180 | 125,39 |
| 7181 | 132,44 |
| 7182 | 138,6 |
| 7183 | 120,19 |
| 7185 | 128,3 |
| 7186 | 135,35 |
| 7187 | 141,51 |
| 7188 | 123,1 |
| 7190 | 131,61 |
| 7191 | 138,65 |
| 7192 | 144,82 |
| 7195 | 110,9 |
| 7196 | 117,94 |
| 7200 | 26,24 |
| 7201 | 33,28 |
| 7202 | 39,45 |
| 7203 | 45,31 |
| 7204 | 53,53 |
| 7205 | 29,15 |
| 7206 | 36,19 |
| 7207 | 42,36 |
| 7208 | 48,23 |
| 7209 | 56,44 |
| 7210 | 32,45 |
| 7211 | 39,5 |
| 7212 | 45,66 |
| 7213 | 51,54 |
| 7215 | 36,03 |
| 7216 | 43,07 |
| 7217 | 49,23 |
| 7220 | 39,6 |
| 7221 | 46,64 |

| Additional code | Reduced agricultural component (RAC) EUR/100 kg |
|-----------------|--|
| 7260 | 55,19 |
| 7261 | 62,23 |
| 7262 | 68,4 |
| 7263 | 74,27 |
| 7264 | 82,49 |
| 7265 | 58,1 |
| 7266 | 65,14 |
| 7267 | 71,31 |
| 7268 | 77,18 |
| 7269 | 85,4 |
| 7270 | 61,41 |
| 7271 | 68,46 |
| 7272 | 74,62 |
| 7273 | 80,49 |
| 7275 | 64,98 |
| 7276 | 72,03 |
| 7300 | 35,86 |
| 7301 | 42,91 |
| 7302 | 49,07 |
| 7303 | 54,95 |
| 7304 | 63,16 |
| 7305 | 38,78 |
| 7306 | 45,82 |
| 7307 | 51,98 |
| 7308 | 57,85 |
| 7309 | 66,07 |
| 7310 | 42,08 |
| 7311 | 49,13 |
| 7312 | 55,29 |
| 7313 | 61,16 |
| 7315 | 45,66 |
| 7316 | 52,7 |
| 7317 | 58,87 |
| 7320 | 49,23 |
| 7321 | 56,27 |
| 7360 | 60,5 |
| 7361 | 67,55 |

| Additional code | Reduced agricultural component (RAC) EUR/100 kg |
|-----------------|--|
| 7362 | 73,71 |
| 7363 | 79,58 |
| 7364 | 87,8 |
| 7365 | 63,41 |
| 7366 | 70,46 |
| 7367 | 76,62 |
| 7368 | 82,49 |
| 7369 | 90,71 |
| 7370 | 66,72 |
| 7371 | 73,76 |
| 7372 | 79,92 |
| 7373 | 85,79 |
| 7375 | 70,29 |
| 7376 | 77,33 |
| 7378 | 73,86 |
| 7400 | 45,24 |
| 7401 | 52,29 |
| 7402 | 58,45 |
| 7403 | 64,32 |
| 7404 | 72,54 |
| 7405 | 48,16 |
| 7406 | 55,2 |
| 7407 | 61,36 |
| 7408 | 67,23 |
| 7409 | 75,45 |
| 7410 | 51,46 |
| 7411 | 58,5 |
| 7412 | 64,67 |
| 7413 | 70,54 |
| 7415 | 55,03 |
| 7416 | 62,08 |
| 7417 | 68,24 |
| 7420 | 58,61 |
| 7421 | 65,65 |
| 7460 | 65,14 |
| 7461 | 72,19 |
| 7462 | 78,35 |

| Additional code | Reduced agricultural component (RAC) EUR/100 kg |
|-----------------|--|
| 7463 | 84,22 |
| 7464 | 92,44 |
| 7465 | 68,05 |
| 7466 | 75,1 |
| 7467 | 81,26 |
| 7468 | 87,13 |
| 7470 | 71,36 |
| 7471 | 78,4 |
| 7472 | 84,57 |
| 7475 | 74,93 |
| 7476 | 81,97 |
| 7500 | 53,78 |
| 7501 | 60,83 |
| 7502 | 66,99 |
| 7503 | 72,86 |
| 7504 | 81,08 |
| 7505 | 56,69 |
| 7506 | 63,73 |
| 7507 | 69,91 |
| 7508 | 75,76 |
| 7509 | 83,98 |
| 7510 | 60 |
| 7511 | 67,04 |
| 7512 | 73,2 |
| 7513 | 79,07 |
| 7515 | 63,57 |
| 7516 | 70,61 |
| 7517 | 76,78 |
| 7520 | 67,14 |
| 7521 | 74,18 |
| 7560 | 69,78 |
| 7561 | 76,82 |
| 7562 | 82,99 |
| 7563 | 88,85 |
| 7564 | 97,07 |
| 7565 | 72,69 |
| 7566 | 79,73 |

| Additional code | Reduced agricultural component (RAC) EUR/100 kg |
|-----------------|--|
| 7567 | 85,89 |
| 7568 | 91,77 |
| 7570 | 75,99 |
| 7571 | 83,04 |
| 7572 | 89,2 |
| 7575 | 79,56 |
| 7576 | 86,61 |
| 7600 | 71,74 |
| 7601 | 78,79 |
| 7602 | 84,95 |
| 7603 | 90,82 |
| 7604 | 99,04 |
| 7605 | 74,65 |
| 7606 | 81,69 |
| 7607 | 87,86 |
| 7608 | 93,73 |
| 7609 | 101,94 |
| 7610 | 77,96 |
| 7611 | 85 |
| 7612 | 91,16 |
| 7613 | 97,04 |
| 7615 | 81,53 |
| 7616 | 88,57 |
| 7620 | 85,1 |
| 7700 | 84,99 |
| 7701 | 92,03 |
| 7702 | 98,2 |
| 7703 | 104,06 |
| 7705 | 87,9 |
| 7706 | 94,94 |
| 7707 | 101,1 |
| 7708 | 106,98 |
| 7710 | 91,21 |
| 7711 | 98,25 |
| 7712 | 104,41 |
| 7715 | 94,78 |
| 7716 | 101,82 |

| Additional code | Reduced agricultural component (RAC) EUR/100 kg |
|-----------------|--|
| 7720 | 83,59 |
| 7721 | 90,64 |
| 7722 | 96,8 |
| 7723 | 102,67 |
| 7725 | 86,5 |
| 7726 | 93,54 |
| 7727 | 99,71 |
| 7728 | 105,58 |
| 7730 | 89,81 |
| 7731 | 96,85 |
| 7732 | 103,01 |
| 7735 | 93,38 |
| 7736 | 100,42 |
| 7740 | 107,47 |
| 7741 | 114,52 |
| 7742 | 120,68 |
| 7745 | 110,39 |
| 7746 | 117,43 |
| 7747 | 123,59 |
| 7750 | 113,7 |
| 7751 | 120,74 |
| 7758 | 13,36 |
| 7759 | 20,4 |
| 7760 | 131,36 |
| 7761 | 138,41 |
| 7762 | 144,57 |
| 7765 | 134,27 |
| 7766 | 141,32 |
| 7768 | 22,67 |
| 7769 | 29,72 |
| 7770 | 137,58 |
| 7771 | 144,62 |
| 7778 | 41,3 |
| 7779 | 48,34 |
| 7780 | 155,25 |
| 7781 | 162,29 |
| 7785 | 158,15 |

| Additional code | Reduced agricultural component (RAC) EUR/100 kg |
|-----------------|--|
| 7786 | 165,2 |
| 7788 | 63,25 |
| 7789 | 70,3 |
| 7798 | 17,34 |
| 7799 | 24,38 |
| 7800 | 172,97 |
| 7801 | 180,01 |
| 7802 | 186,17 |
| 7805 | 175,88 |
| 7806 | 182,92 |
| 7807 | 189,09 |
| 7808 | 26,65 |
| 7809 | 33,69 |
| 7810 | 179,19 |
| 7811 | 186,23 |
| 7818 | 45,28 |
| 7819 | 52,32 |
| 7820 | 176,95 |
| 7821 | 183,99 |
| 7822 | 190,16 |
| 7825 | 179,86 |
| 7826 | 186,9 |
| 7827 | 193,07 |
| 7828 | 67,24 |
| 7829 | 74,28 |
| 7830 | 183,16 |
| 7831 | 190,21 |
| 7838 | 68,55 |
| 7840 | 7,95 |
| 7841 | 15 |
| 7842 | 21,16 |
| 7843 | 27,04 |
| 7844 | 35,25 |
| 7845 | 10,87 |
| 7846 | 17,91 |
| 7847 | 24,08 |
| 7848 | 29,94 |

| Additional code | Reduced agricultural component (RAC) EUR/100 kg |
|-----------------|--|
| 7849 | 38,16 |
| 7850 | 14,18 |
| 7851 | 21,22 |
| 7852 | 27,38 |
| 7853 | 33,25 |
| 7855 | 17,75 |
| 7856 | 24,79 |
| 7857 | 30,96 |
| 7858 | 21,32 |
| 7859 | 28,36 |
| 7860 | 13,27 |
| 7861 | 20,31 |
| 7862 | 26,47 |
| 7863 | 32,34 |
| 7864 | 40,56 |
| 7865 | 16,17 |
| 7866 | 23,22 |
| 7867 | 29,38 |
| 7868 | 35,25 |
| 7869 | 43,47 |
| 7870 | 19,48 |
| 7871 | 26,53 |
| 7872 | 32,69 |
| 7873 | 38,56 |
| 7875 | 23,05 |
| 7876 | 30,1 |
| 7877 | 36,26 |
| 7878 | 26,62 |
| 7879 | 33,67 |
| 7900 | 18,57 |
| 7901 | 25,62 |
| 7902 | 31,78 |
| 7903 | 37,65 |
| 7904 | 45,87 |
| 7905 | 21,49 |
| 7906 | 28,53 |
| 7907 | 34,69 |

| Additional code | Reduced agricultural component (RAC) EUR/100 kg |
|-----------------|--|
| 7908 | 40,56 |
| 7909 | 48,78 |
| 7910 | 24,79 |
| 7911 | 31,83 |
| 7912 | 38 |
| 7913 | 43,86 |
| 7915 | 28,36 |
| 7916 | 35,41 |
| 7917 | 41,57 |
| 7918 | 31,94 |
| 7919 | 38,98 |
| 7940 | 26,53 |
| 7941 | 33,58 |
| 7942 | 39,74 |
| 7943 | 45,61 |
| 7944 | 53,83 |
| 7945 | 29,44 |
| 7946 | 36,49 |
| 7947 | 42,65 |
| 7948 | 48,52 |
| 7949 | 56,74 |
| 7950 | 32,75 |
| 7951 | 39,8 |
| 7952 | 45,96 |
| 7953 | 51,83 |
| 7955 | 36,33 |
| 7956 | 43,37 |
| 7957 | 49,53 |
| 7958 | 39,9 |
| 7959 | 46,94 |
| 7960 | 38,47 |
| 7961 | 45,52 |
| 7962 | 51,68 |
| 7963 | 57,56 |
| 7964 | 65,77 |
| 7965 | 41,39 |
| 7966 | 48,43 |

| Additional code | Reduced agricultural component (RAC) EUR/100 kg |
|-----------------|--|
| 7967 | 54,6 |
| 7968 | 60,46 |
| 7969 | 68,68 |
| 7970 | 44,7 |
| 7971 | 51,74 |
| 7972 | 57,9 |
| 7973 | 63,77 |
| 7975 | 48,27 |
| 7976 | 55,31 |
| 7977 | 61,48 |
| 7978 | 51,84 |
| 7979 | 58,88 |
| 7980 | 59,71 |
| 7981 | 66,75 |
| 7982 | 72,91 |
| 7983 | 78,79 |
| 7984 | 87,01 |
| 7985 | 62,62 |
| 7986 | 69,66 |
| 7987 | 75,83 |
| 7988 | 81,69 |
| 7990 | 65,93 |
| 7991 | 72,97 |
| 7992 | 79,13 |
| 7995 | 69,5 |
| 7996 | 76,54 |

ANNEX III

Reduced additional duties for sugar (AD S/Z R) and flour (AD F/M R)

| Sucrose, invert sugar and/or isoglucose content | AD S/Z R EUR/100 kg |
|--|------------------------|
| $\geq 00 - < 05$ | 0 |
| $\geq 05 - < 30$ | 7,04 |
| $\geq 30 - < 50$ | 13,2 |
| $\geq 50 - < 70$ | 19,07 |
| ≥ 70 | 27,29 |

| Starch and/or glucose content | AD F/M R EUR/100 kg |
|-------------------------------|------------------------|
| $\geq 00 - < 05$ | 0 |
| $\geq 05 - < 25$ | 2,91 |
| $\geq 25 - < 50$ | 6,21 |
| $\geq 50 - < 75$ | 9,79 |
| ≥ 75 | 13,36 |

**COMMISSION REGULATION (EC) No 2277/2003
of 22 December 2003**

amending Annexes I and II to Council Regulation (EEC) No 2092/91 on organic production of agricultural products and indications referring thereto on agricultural products and foodstuffs

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2092/91 of 24 June 1991 on organic production of agricultural products and indications referring thereto on agricultural products and foodstuffs⁽¹⁾, and in particular the second indent of Article 13 thereof,

Whereas:

(1) The lists of feed materials, feed additives, certain substances used in animal nutrition and processing aids used in feedingstuffs laid down in Annex II, parts C and D of Regulation (EEC) No 2092/91 have been reviewed, in accordance with point 4.15 of Annex I, part B to that Regulation.

(2) Certain conventional feed materials from plant origin are not needed any more in organic farming at Community level. However, most of the conventional feed materials and in particular protein crops are still indispensable, at least in some Member States. Moreover, conventional milk by-products are still necessary in organic farming and further minerals are required to ensure the welfare of organically-reared livestock.

(3) The use of certain preservatives is only allowed in organic farming as feed additives for silage. The use of those substances however is also required in some Member States to preserve crops. Moreover, for technological reasons, further feed additives from the group of binders, anti-caking agents and coagulants are needed.

(4) The lists of feed materials and feed additives should be amended accordingly.

(5) Harmonised rules for organic livestock production are quite recent. The gene pool of the different organically reared livestock species is still small. Moreover, in the particular case of poultry, the production systems comprise different stages, which are usually managed by

different specialised sectors. Due to the complexity of those systems, the whole organic poultry production cycle has not been completed yet by any Member State. In order to ensure enough biodiversity of organically reared livestock and to facilitate the development of the organic livestock production, there is a need to extend the transitional period when conventional animals can be brought into the organic farming system.

(6) For supplementing natural growth and for the renewal of a herd or flock, particular attention has to be paid to conventional breeds in danger of being lost to farming.

(7) One of the principles of the organic farming system is to ensure a connection between livestock production and arable land. For all organically reared animal species, feed should come primarily from the organic farm unit itself or in case this is not feasible, be produced in cooperation with other organic farms.

(8) Annexes I and II to Regulation (EEC) No 2092/91 should therefore be amended accordingly.

(9) The measures provided for in this Regulation are in accordance with the opinion of the Committee set up in accordance with Article 14 of Regulation (EEC) No 2092/91,

HAS ADOPTED THIS REGULATION:

Article 1

Annexes I and II to Regulation (EEC) No 2092/91 are amended in accordance with the Annex to this Regulation.

Article 2

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

⁽¹⁾ OJ L 198, 22.7.1991, p. 1; Regulation as last amended by Regulation (EC) No 806/2003 (OJ L 122, 16.5.2003, p. 1).

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

Done at Brussels, 22 December 2003.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX

1. Annex I, part B to Regulation (EEC) No 2092/91 is amended as follows:

(a) point 3.4 is replaced by the following:

'By way of a second derogation, when a herd or flock is constituted for the first time and organically reared animals are not available in sufficient numbers, non-organically reared livestock may be brought into an organic livestock production unit, subject to the following conditions:

- pullets for the production of eggs must not be more than 18 weeks old,
- poultry for meat production must be less than three days old,
- young buffalo for breeding purposes must be less than six months old,
- calves and foals for breeding purposes must be reared according to the rules of this Regulation as soon as they are weaned and in any case they must be less than six months old,
- lambs and kids for breeding purposes must be reared according to the rules of this Regulation as soon as they are weaned and in any case must be less than 60 days old,
- piglets for breeding purposes must be reared according to the rules of this Regulation as soon as they are weaned and they must weigh less than 35 kg.;

(b) point 3.5 is replaced by the following:

'This derogation, which must be authorised beforehand by the inspection authority or body, applies for a transitional period expiring on 31 December 2004.;

(c) point 3.6 is replaced by the following:

'By way of a third derogation, the renewal or reconstitution of the herd or flock shall be authorised by the control authority or body when organically reared animals are not available, and in the following cases:

- (a) high mortality of animals caused by health or catastrophic circumstances;
- (b) pullets for egg production no more than 18 weeks old;
- (c) poultry for meat production less than three days old;
- (d) piglets for breeding purposes, as soon as they are weaned, of a weight less than 35 kg.

Cases (b), (c) and (d) are authorised for a transitional period expiring on 31 December 2004.;

(d) point 3.10 is replaced by the following:

'These percentages may be increased, up to 40 % following the opinion and agreement of the inspection authority or body, in the following special cases:

- when a major extension to the stockfarm is undertaken,
- when a breed is changed,
- when a new livestock specialisation is developed,
- when breeds are in danger of being lost to farming. Animals of those breeds must not necessarily be nulliparous.;

(e) point 4.3 is replaced by the following:

'Furthermore, livestock must be reared in accordance with the rules set out in this Annex, using feed from the unit or, when this is not possible, using feed from other units or enterprises subject to the provisions of this Regulation. Moreover, in the case of herbivores, except during the period each year when the animals are under transhumance, at least 50 % of the feed shall come from the farm unit itself or in case this is not feasible, be produced in cooperation with other organic farms.;

(f) point 4.8 is replaced by the following:

'By way of a derogation from paragraph 4.2, for a transitional period expiring on 24 August 2005, the use of a limited proportion of conventional feedingstuffs is authorised where farmers can show to the satisfaction of the inspection body or authority of the Member State that they are unable to obtain feed exclusively from organic production. The maximum percentage of conventional feedingstuffs authorised per year is 10 % in the case of herbivores and 20 % for other species. These figures shall be calculated annually as a percentage of the dry matter of feedingstuffs from agricultural origin. The maximum percentage authorised of conventional feedingstuffs in the daily ration, except during the period each year when the animals are under transhumance, must be 25 % calculated as a percentage of the dry matter.;"

(g) point 4.10 is deleted;

(h) point 4.17 is replaced by the following:

‘Only products listed in Annex II, part D, sections 1.3 (enzymes), 1.4 (microorganisms), 1.5 (preservatives), 1.6 (binders, anti-caking agents and coagulants), 1.7 (antioxidant substances), 1.8 (silage additives), 2 (certain products used in animal nutrition) and 3 (processing aids in feedingstuffs) can be used in animal feeding for the purposes indicated in respect to the abovementioned categories. Antibiotics, coccidiostats, medicinal substances, growth promoters or any other substance intended to stimulate growth or production shall not be used in animal feeding.’

2. Annex II, part C to Regulation (EEC) No 2092/91 is replaced by the following:

1. Feed materials from plant origin

1.1. Cereals, grains, their products and by-products. Only the following substances are included in this category:

oats as grains, flakes, middlings, hulls and bran; barley as grains, protein and middlings; rice germ expeller; millet as grains; rye as grains and middlings; sorghum as grains; wheat as grains, middlings, bran, gluten feed, gluten and germ; spelt as grains; triticale as grains; maize as grains, bran, middlings, germ expeller and gluten; malt culms; brewers' grains.

1.2. Oil seeds, oil fruits, their products and by-products. Only the following substances are included in this category:

rape seed, expeller and hulls; soya bean as bean, toasted, expeller and hulls; sunflower seed as seed and expeller; cotton as seed and seed expeller; linseed as seed and expeller; sesame seed as expeller; palm kernels as expeller; pumpkin seed as expeller; olives, olive pulp; vegetable oils (from physical extraction).

1.3. Legume seeds, their product and by-products. Only the following substances are included in this category:

chickpeas as seeds, middlings and bran; ervil as seeds, middlings and bran; chickling vetch as seeds submitted to heat treatment, middlings and bran; peas as seeds, middlings, and bran; broad beans as seeds, middlings and bran; horse beans as seeds middlings and bran, vetches as seeds, middlings and bran and lupin as seeds, middlings and bran.

1.4. Tuber, roots, their products and by-products. Only the following substances are included in this category:

sugar beet pulp, potato, sweet potato as tuber, potato pulp (by-product of the extraction of potato starch), potato starch, potato protein and manioc.

1.5. Other seeds and fruits, their products and by-products. Only the following substances are included in this category:

carob, carob pods and meals thereof, pumpkins, citrus pulp; apples, quinces, pears, peaches, figs, grapes and pulps thereof; chestnuts, walnut expeller, hazelnut expeller; cocoa husks and expeller; acorns.

1.6. Forages and roughages. Only the following substances are included in this category:

lucerne, lucerne meal, clover, clover meal, grass (obtained from forage plants), grass meal, hay, silage, straw of cereals and root vegetables for foraging.

1.7. Other plants, their products and by-products. Only the following substances are included in this category:

molasses, seaweed meal (obtained by drying and crushing seaweed and washed to reduce iodine content), powders and extracts of plants, plant protein extracts (solely provided to young animals), spices and herbs.

1.8. The following feed materials may be used until 30 June 2004: rice as grain, rice broken, rice bran, rye feed, rye bran, turnip rape seed expeller, turnip rape seed hulls and tapioca.

2. Feed materials from animal origin

2.1. Milk and milk products. Only the following substances are included in the category:

raw milk as defined in Article 2 of Directive 92/46/EEC (*), milk powder, skimmed milk, skimmed-milk powder, buttermilk, buttermilk powder, whey, whey powder, whey powder low in sugar, whey protein powder (extracted by physical treatment), casein powder, lactose powder, curd and sour milk.

- 2.2. Fish, other marine animals, their products and by-products. Only the following substances are included in the category:

fish, fish oil and cod-liver oil not refined; fish molluscan or crustacean autolysates, hydrolysate and proteolysates obtained by an enzyme action, whether or not in soluble form, solely provided to young animals. Fish meal.

- 2.3. Eggs and egg products for use as poultry feed, preferably from the same holding.

3. Feed materials from mineral origin

Only the following substances are included in this category:

Sodium:

unrefined sea salt

coarse rock salt

sodium sulphate

sodium carbonate

sodium bicarbonate

sodium chloride;

Potassium:

potassium chloride;

Calcium:

lithotamnion and maerl

shells of aquatic animals (including cuttlefish bones)

calcium carbonate

calcium lactate

calcium gluconate;

Phosphorus:

defluorinated dicalcium phosphate

defluorinated monocalcium phosphate

monosodium phosphate

calcium-magnesium phosphate

calcium-sodium phosphate;

Magnesium:

magnesium oxide (anhydrous magnesia)

magnesium sulphate

magnesium chloride

magnesium carbonate

magnesium phosphate;

Sulphur:

sodium sulphate.

Bone dicalcium phosphate precipitate may be used until 30 June 2004.

(*) OJ L 268, 14.9.1992, p. 1.'

3. Annex II, part D to Regulation (EEC) No 2092/91 is replaced by the following:

1. Feed additives

- 1.1. Trace elements. Only the following substances are included in this category:

E1 Iron:

ferrous (II) carbonate

ferrous (II) sulphate monohydrate and/or heptahydrate

ferric (III) oxide;

E2 Iodine:

calcium iodate, anhydrous

calcium iodate, hexahydrate

sodium iodide;

E3 Cobalt:

cobaltous (II) sulphate monohydrate and/or heptahydrate
basic cobaltous (II) carbonate, monohydrate;

E4 Copper:

copper (II) oxide
basic copper (II) carbonate, monohydrate
copper (II) sulphate, pentahydrate;

E5 Manganese:

manganous (II) carbonate
manganous oxide and manganic oxide
manganous (II) sulfate, mono- and/or tetrahydrate;

E6 Zinc:

zinc carbonate
zinc oxide
zinc sulphate mono- and/or heptahydrate;

E7 Molybdenum:

ammonium molybdate, sodium molybdate;

E8 Selenium:

sodium selenate
sodium selenite.

- 1.2. Vitamins, provitamins and chemically well defined substances having a similar effect. Only the following substances are included in this category:

Vitamins authorised under Directive 70/524/EEC (*):

- preferably derived from raw materials occurring naturally in feedingstuffs, or
- synthetic vitamins identical to natural vitamins only for monogastric animals.

By derogation from the first subparagraph, and during a transitional period ending on 31 December 2005, the competent authority of each Member State may authorise the use of synthetic vitamins of types A, D and E for ruminants in so far as the following conditions are met:

- the synthetic vitamins are identical to the natural vitamins, and
- the authorisation issued by the Member States is founded on precise criteria and notified to the Commission.

Producers may benefit from this authorisation only if they have demonstrated to the satisfaction of the inspection body or authority of the Member State that the health and welfare of their animals cannot be guaranteed without the use of these synthetic vitamins.

- 1.3. Enzymes. Only the following substances are included in this category:

Enzymes authorised under Directive 70/524/EEC.

- 1.4. Microorganisms. Only the following microorganisms are included in this category:

microorganisms authorised under Directive 70/524/EEC.

- 1.5. Preservatives. Only the following substances are included in this category:

E 200 Sorbic acid

E 236 Formic acid

E 260 Acetic acid

E 270 Lactic acid

E 280 Propionic acid

E 330 Citric acid.

The use of lactic, formic, propionic and acetic acid in the production of silage shall be only permitted when weather conditions do not allow for adequate fermentation.

- 1.6. Binders, anti-caking agents and coagulants. Only the following substances are included in this category:
 - E 470 Calcium stearate of natural origin
 - E 551b Colloidal silica
 - E 551c Kieselgur
 - E 558 Bentonite
 - E 559 Kaolinitic clays
 - E 560 Natural mixtures of stearites and chlorite
 - E 561 Vermiculite
 - E 562 Sepiolite
 - E 599 Perlite.
- 1.7. Antioxidant substances. Only the following substances are included in this category:
 - E 306 Tocopherol-rich extracts of natural origin
- 1.8. Silage additives. Only the following substances are included in this category:
 - as from 19 October 2004, enzymes, yeasts and bacteria authorised by Regulation (EC) No 1831/2003 on additives for use in animal nutrition.
2. **Certain products used in animal nutrition**
 - Only the following products are included in this category:
 - brewer's yeasts.
3. **Processing aids used in feedingstuffs**
 - 3.1. Processing aids for silage. Only the following substances are included in this category:
 - sea salt, coarse rock salt, whey, sugar, sugar beet pulp, cereal flour and molasses,
 - up to 18 October 2004, enzymes, yeasts, and lactic, acetic, formic, and propionic bacteria.

(*) OJ L 270, 14.12.1970, p. 1. Directive 70/524/EEC will be repealed with effect from 19.10.2004. From that date, Regulation (EC) No 1831/2003 of the European Parliament and of the Council of 22 September 2003 on additives for use in animal nutrition (OJ L 268, 18.10.2003, p. 29) shall apply.'

**COMMISSION REGULATION (EC) No 2278/2003
of 22 December 2003**

**setting out the duties applicable from 1 January 2004 to 30 April 2004 on the importation into the
Community of certain goods covered by Council Regulation (EC) No 3448/93 from Hungary**

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⁾, and in particular Article 7(2) thereof,

Whereas:

(1) Protocol 3 to the Europe Agreement establishing an Association between the European Communities and their Member States, of the one part, and the Republic of Hungary, of the other part, approved by Decision 93/742/Euratom, ECSC, EC of the Council and the Commission ⁽²⁾, lays down the trade arrangements for the processed agricultural products which are listed therein.

(2) That Protocol was amended by Decision No 2/2002 of the EC-Hungary Association Council of 16 April 2002 on the improvement of the trade arrangements for processed agricultural products envisaged by Protocol 3 to the Europe Agreement ⁽³⁾, by which a reduction of the duties applicable to imports of certain goods originating in Hungary was provided with effect from 1 January 2002.

(3) A trade agreement was concluded during the first half of 2003, aiming to improve economic convergence in preparation for accession. This agreement lays down concessions in the form of completed liberalisation of trade for certain processed agricultural products and duty free quotas for others. It was implemented autonomously and transitionally from 1 July 2003, by Council Regulation (EC) No 999/2003 of 2 June 2003 adopting autonomous and transitional measures concerning the import of certain processed agricultural products originating in Hungary and the export of certain processed agricultural products to Hungary ⁽⁴⁾.

(4) The procedure for adopting a decision to amend Protocol 3 is in the process of being completed.

(5) For products not subject to the completed liberalisation and for imports outside the quotas the current provisions, subject to an annual improvement, continue to apply and the reduced amounts of agricultural components need to be determined.

(6) The duties applicable from 1 January 2004 to 30 April 2004 should therefore be established in accordance with Protocol 3 on imports of certain goods resulting from the processing of agricultural products originating in Hungary.

(7) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for horizontal questions concerning trade in processed agricultural products not listed in Annex I,

HAS ADOPTED THIS REGULATION:

Article 1

The duties applicable from 1 January 2004 to 30 April 2004 to the importation of goods originating in Hungary, covered by Table 2(a) and Table 2(b) of Annex I to Protocol 3 to the Europe Agreement, are set out in Annexes I, II and III.

Article 2

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

It shall apply from 1 January 2004.

⁽¹⁾ OJ L 318, 20.12.1993, p. 18; Regulation as last amended by Regulation (EC) No 2580/2000 (OJ L 298, 25.11.2000, p. 5).

⁽²⁾ OJ L 347, 31.12.1993, p. 1.

⁽³⁾ OJ L 172, 2.7.2002, p. 24.

⁽⁴⁾ OJ L 146, 13.6.2003, p. 10.

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

Done at Brussels, 22 December 2003.

For the Commission

Erkki LIIKANEN

Member of the Commission

ANNEX I

TABLE A

(Annex I, Table 2(a), of Protocol 3, as amended by Decision No 2/2002)

Duties applicable upon import into the Community of goods originating in Hungary

| CN code | Description | Duty applicable from 1.1.2004 to 30.4.2004 |
|--------------------------|--|---|
| 0405 | Butter and other fats and oils derived from milk; dairy spreads: | |
| 0405 20 | – Dairy spreads: | |
| 0405 20 10 | – – Of a fat content, by weight, of 39 % or more but less than 60 % | 6,3 % + EAR (*) |
| 0405 20 30 | – – Of a fat content, by weight, of 60 % or more but not exceeding 75 % | 6,3 % + EAR (*) |
| 0710 | Vegetables (uncooked or cooked by steaming or boiling in water), frozen: | |
| 0710 40 00 | – Sweetcorn | 0 % + 6,5 EUR/100 kg net eda |
| 0711 | Vegetables provisionally preserved (for example, by sulphur dioxide gas, in brine, in sulphur water or in other preservative solutions), but unsuitable in that state for immediate consumption: | |
| 0711 90 | – Other vegetables; mixtures of vegetables: | |
| 0711 90 30 | – – Sweetcorn | 0 % + 6,5 EUR/100 kg net eda |
| 1704 | Sugar confectionery (including white chocolate), not containing cocoa: | |
| 1704 10 | – Chewing gum, whether or not sugar-coated: | |
| 1704 10 11 to 1704 10 19 | – – Containing less than 60 % by weight of sucrose (including invert sugar expressed as sucrose) | 1,4 % + 18,9 EUR/100 kg MAX 12,5 % |
| 1704 10 91 to 1704 10 99 | – – Containing 60 % or more by weight of sucrose (including invert sugar expressed as sucrose) | 1,4 % + 21,6 EUR/100 kg MAX 12,7 % |
| 1704 90 | – Other: | |
| 1704 90 30 | – – White chocolate | 1,4 % + 31,5 EUR/100 kg MAX 13,2 % + 11,5 EUR/100 kg |
| 1704 90 51 to 1704 90 99 | – – Other | 1,4 % + EAR (*) MAX 13 % + AD S/ZR (**) |
| 1806 | Chocolate and other food preparations containing cocoa: | |
| 1806 10 | – Cocoa powder, containing added sugar or other sweetening matter: | |
| 1806 10 15 | – – Containing no sucrose or containing less than 5 % by weight of sucrose (including invert sugar expressed as sucrose) or isoglucose expressed as sucrose | 3,5 % |
| 1806 10 20 | – – Containing 5 % or more but less than 65 % by weight of sucrose (including invert sugar expressed as sucrose) or isoglucose expressed as sucrose | 3,5 % + 17,6 EUR/100 kg |

| CN code | Description | Duty applicable from 1.1.2004 to 30.4.2004 |
|------------|--|--|
| 1806 10 30 | -- Containing 65 % or more but less than 80 % by weight of sucrose (including invert sugar expressed as sucrose) or isoglucose expressed as sucrose | 3,5 % + 21,9 EUR/100 kg |
| 1806 10 90 | -- Containing 80 % or more by weight of sucrose (including invert sugar expressed as sucrose) or isoglucose expressed as sucrose | 3,5 % + 29,3 EUR/100 kg |
| 1806 20 | - Other preparations in block, slabs or bars weighing more than 2 kg or in liquid, paste, powder, granular or other bulk form in containers or immediate packings, of a content exceeding 2 kg: | |
| 1806 20 10 | -- Containing 31 % or more by weight of cocoa butter or containing a combined weight of 31 % or more of cocoa butter and milk fat | 3,5 % + EAR (*) MAX 13 % + AD S/ZR (**) |
| 1806 20 30 | -- Containing a combined weight of 25 % or more, but less than 31 % of cocoa butter and milk fat | 3,5 % + EAR (*) MAX 13 % + AD S/ZR (**) |
| | -- Other: | |
| 1806 20 50 | --- Containing 18 % or more by weight of cocoa butter | 3,5 % + EAR (*) MAX 13 % + AD S/ZR (**) |
| 1806 20 70 | --- Chocolate milk crumb | 3,5 % + EAR (*) |
| 1806 20 80 | --- Chocolate flavour coating | 3,5 % + EAR (*) MAX 13 % + AD S/ZR (**) |
| 1806 20 95 | --- Other | 3,5 % + EAR (*) MAX 13 % + AD S/ZR (**) |
| | - Other, in blocks, slabs or bars: | |
| 1806 31 00 | -- Filled | 3,5 % + EAR (*) MAX 13 % + AD S/ZR (**) |
| 1806 32 | -- Not filled | 3,5 % + EAR (*) MAX 13 % + AD S/ZR (**) |
| 1806 90 | - Other | 3,5 % + EAR (*) MAX 13 % + AD S/ZR (**) |
| 1901 | Malt extract; food preparations of flour, meal, starch or malt extract, not containing cocoa or containing less than 40 % by weight of cocoa calculated on a totally defatted basis, not elsewhere specified or included; food preparations of goods of heading Nos 0401 to 0404, not containing cocoa or containing less than 5 % by weight of cocoa calculated on a totally defatted basis, not elsewhere specified or included: | |
| 1901 90 | - Other: | |
| | -- Other: | |
| 1901 90 99 | --- Other | 0 % + EAR (*) |
| 1902 | Pasta, whether or not cooked or stuffed (with meat or other substances) or otherwise prepared such as spaghetti, macaroni, noodles, lasagne, gnocchi, ravioli, cannelloni; couscous, whether or not prepared: | |
| | - Uncooked pasta, not stuffed or otherwise prepared: | |
| 1902 11 00 | -- Containing eggs | 5,3 % + 17,2 EUR/100 kg |
| 1902 19 | --- Other: | |

| CN code | Description | Duty applicable from 1.1.2004 to 30.4.2004 |
|------------|--|--|
| 1902 19 10 | --- Containing no common wheat flour or meal | 5,3 % + 17,2 EUR/ 100 kg |
| 1902 19 90 | --- Other | 5,3 % + 14,7 EUR/ 100 kg |
| 1902 20 | - Stuffed pasta whether or not cooked or otherwise prepared: | |
| | --- Other: | |
| 1902 20 91 | --- Cooked | 5,8 % + 4,2 EUR/ 100 kg |
| 1902 20 99 | --- Other | 5,8 % + 11,9 EUR/ 100 kg |
| 1902 30 | - Other pasta: | |
| 1902 30 10 | -- Dried | 4,4 % + 17,2 EUR/ 100 kg |
| 1902 30 90 | -- Other | 4,4 % + 6,7 EUR/ 100 kg |
| 1902 40 | - Couscous: | |
| 1902 40 10 | -- Unprepared | 5,3 % + 17,2 EUR/ 100 kg |
| 1902 40 90 | --- Other | 4,4 % + 6,7 EUR/ 100 kg |
| 1905 | Bread, pastry, cakes, biscuits and other bakers' wares, whether or not containing cocoa; communion wafers, empty cachets of a kind suitable for pharmaceutical use, sealing wafers, rice paper and similar products: | |
| 1905 10 00 | - Crispbread | 4 % + 9,1 EUR/100 kg |
| 1905 20 | - Gingerbread and the like: | |
| 1905 20 10 | -- Containing by weight of sucrose less than 30 % (including invert sugar expressed as sucrose) | 4,2 % + 12,8 EUR/ 100 kg |
| 1905 20 30 | -- Containing by weight of sucrose 30 % or more but less than 50 % (including invert sugar expressed as sucrose) | 4,2 % + 17,2 EUR/ 100 kg |
| 1905 20 90 | -- Containing by weight of sucrose 50 % or more (including invert sugar expressed as sucrose) | 4,2 % + 21,9 EUR/ 100 kg |
| | - Sweet biscuits; waffles and wafers: | |
| 1905 31 | -- Sweet biscuits | |
| | --- Completely or partially coated or covered with chocolate or other preparations containing cocoa: | |
| 1905 31 11 | ---- In immediate packings of a net content not exceeding 85 g | 4,2 % + EAR (*) MAX 16,9 % + AD S/ZR (**) |
| 1905 31 19 | ---- Other | 4,2 % + EAR (*) MAX 16,9 % + AD S/ZR (**) |
| | --- Other: | |
| 1905 31 30 | ---- Containing 8 % or more by weight of milk fats | 4,2 % + EAR (*) MAX 16,9 % + AD S/ZR (**) |
| | ---- Other: | |

| CN code | Description | Duty applicable from 1.1.2004 to 30.4.2004 |
|------------|---|---|
| 1905 31 91 | ----- Sandwich biscuits | 4,2 % + EAR (*) MAX 16,9 % + AD S/ZR (**) |
| 1905 31 99 | ----- Other | 4,2 % + EAR (*) MAX 16,9 % + AD S/ZR (**) |
| 1905 32 | -- Waffles and wafers: | |
| | --- Completely or partially coated or covered with chocolate or other preparations containing cocoa: | |
| 1905 32 05 | --- With a water content exceeding 10 % by weight | 4,2 % + EAR (*) MAX 14,4 % + AD F/MR (**) |
| 1905 32 11 | ----- In immediate packings of a net content not exceeding 85 g | 4,2 % + EAR (*) MAX 16,9 % + AD S/ZR (**) |
| 1905 32 19 | ----- Other | 4,2 % + EAR (*) MAX 16,9 % + AD S/ZR (**) |
| | --- Other: | |
| 1905 32 91 | ----- Salted, whether or not filled | 4,2 % + EAR (*) MAX 14,4 % + AD S/ZR (**) |
| 1905 32 99 | ----- Other | 4,2 % + EAR (*) MAX 16,9 % + AD S/ZR (**) |
| 1905 40 | - Rusks, toasted bread and similar toasted products | 4,2 % + EAR (*) |
| 1905 90 | - Other: | |
| 1905 90 10 | -- Matzos | 2,6 % + 11,1 EUR/ 100 kg |
| 1905 90 20 | -- Communion wafers, empty cachets of a kind suitable for pharmaceutical use, sealing wafers, rice paper and similar products | 3,1 % + 42,3 EUR/ 100 kg |
| | --- Other: | |
| 1905 90 30 | --- Bread, not containing added honey, eggs, cheese or fruit, and containing by weight in the dry matter state not more than 5 % of sugars and not more than 5 % of fat | 4,2 % + EAR (*) |
| 1905 90 45 | --- Biscuits | 4,2 % + EAR (*) MAX 14,4 % + AD F/MR (**) |
| 1905 90 55 | --- Extruded or expanded products, savoury or salted | 4,2 % + EAR (*) MAX 14,4 % + AD F/MR (**) |
| | --- Other: | |
| 1905 90 60 | ----- With added sweetening matter | 4,2 % + EAR (*) MAX 16,9 % + AD S/ZR (**) |
| 1905 90 90 | ----- Other | 4,2 % + EAR (*) MAX 14,4 % + AD F/MR (**) |
| 2001 | Vegetables, fruits, nuts and other edible parts of plants, prepared or preserved by vinegar or acetic acid: | |
| 2001 90 | - Other: | |
| 2001 90 30 | -- Sweetcorn (<i>Zea mays</i> var. <i>saccharata</i>) | 0 % + 6,5 EUR/100 kg net eda |

| CN code | Description | Duty applicable from 1.1.2004 to 30.4.2004 |
|---------------------------|--|--|
| 2004 | Other vegetables prepared or preserved otherwise than by vinegar or acetic acid, frozen, other than products of heading No 2006: | |
| 2004 90 | – Other vegetables and mixtures of vegetables: | |
| 2004 90 10 | – – Sweetcorn (<i>Zea mays</i> var. <i>saccharata</i>) | 0 % + 6,5 EUR/100 kg net eda |
| 2005 | Other vegetables prepared or preserved otherwise than by vinegar or acetic acid, not frozen, other than products of heading No 2006: | |
| 2005 80 00 | – Sweetcorn (<i>Zea mays</i> var. <i>saccharata</i>) | 0 % + 6,5 EUR/100 kg net eda |
| 2102 | Yeasts (active or inactive); other single-cell micro-organisms, dead (but not including vaccines of heading No 3002); prepared baking powders: | |
| 2102 20 | – Inactive yeasts; other single-cell micro-organisms, dead: | |
| | – – Inactive yeasts: | |
| 2102 20 11 | – – – In tablet, cube or similar form, or in immediate packings of a net content not exceeding 1 kg. | 5,8 % |
| 2102 20 19 | – – – Other | 3,5 % |
| 2106 | Food preparations not elsewhere specified or included: | |
| 2106 90 | – Other: | |
| 2106 90 10 ⁽¹⁾ | – – Cheese fondues | 24,5 EUR/100 kg |
| | – – – Other: | |
| 2106 90 98 | – – – Other | 6,3 % + EAR (*) |
| 2203 00 | Beer made from malt | 4,2 % |
| 2205 | Vermouth and other wine of fresh grapes flavoured with plants or aromatic substances: | |
| 2205 10 | – In containers holding 2 litres or less: | |
| 2205 10 10 | – – Of an actual alcoholic strength by volume of 18 % vol or less | 7,6 EUR/hl |
| 2205 10 90 | – – Of an actual alcoholic strength by volume exceeding 18 % vol | 0,6 EUR/% vol/hl + 4,4 EUR/hl |
| 2205 90 | – Other: | |
| 2205 90 10 | – – Of an actual alcoholic strength by volume of 18 % vol or less | 6,3 EUR/hl |
| 2205 90 90 | – – Of an actual alcoholic strength by volume exceeding 18 % vol | 0,6 EUR/% vol/hl |

(*) See Annex 2, Column 2.

(**) See Annex 3, Column 2.

⁽¹⁾ Eligibility to benefit from this preference is subject to conditions laid down in the relevant Community provisions.

TABLE B

(Annex I, Table 2(b), of Protocol 3, as amended by Decision No 2/2002)

Duties applicable upon import into the Community of goods originating in Hungary

| CN code | Description | Duty applicable from 1.1.2004 to 30.4.2004 |
|--------------------------|--|--|
| 2102 | Yeasts (active or inactive); other single-cell micro-organisms, dead (but not including vaccines of heading No 3002); prepared baking powders: | |
| 2102 10 | – Active yeasts: | |
| 2102 10 10 | – – Culture yeast | 6,5 % |
| 2102 10 31 to 2102 10 39 | – – Baker's yeast | 7,2 % |
| 2102 10 90 | – – Other | 8,8 % |
| 2102 30 00 | – Prepared baking powders | 3,6 % |
| 2207 | Undenatured ethyl alcohol of an alcoholic strength by volume of 80 % vol or higher; ethyl alcohol and other spirits, denatured, of any strength: | |
| 2207 10 00 | – Undenatured ethyl alcohol of an alcoholic strength by volume of 80 % vol or higher | 11,5 EUR/hl |
| 2207 20 00 | – Ethyl alcohol and other spirits, denatured, of any strength | 6,1 EUR/hl |
| 2208 | Undenatured ethyl alcohol of an alcoholic strength by volume of less than 80 % vol; spirits, liqueurs and other spirituous beverages: | |
| 2208 40 | – Rum and taffia: | |
| | – – In containers holding 2 litres or less: | |
| 2208 40 11 | – – – Rum with a content of volatile substances other than ethyl and methyl alcohol equal to or exceeding 225 grams per hectolitre of pure alcohol (with a 10 % tolerance) | 0,3 EUR/% vol/hl + 1,9 EUR/hl |
| | – – – Other: | |
| 2208 40 31 | – – – – Of a value exceeding EUR 7,9 per litre of pure alcohol | 0,3 EUR/% vol/hl + 1,9 EUR/hl |
| 2208 40 39 | – – – – Other | 0,3 EUR/% vol/hl + 1,9 EUR/hl |
| | – – In containers holding more than 2 litres: | |
| 2208 40 51 | – – – Rum with a content of volatile substances other than ethyl and methyl alcohol equal to or exceeding 225 grams per hectolitre of pure alcohol (with a 10 % tolerance) | 0,3 EUR/% vol/hl |
| | – – – Other: | |
| 2208 40 91 | – – – – Of a value exceeding EUR 2 per litre of pure alcohol | 0,3 EUR/% vol/hl |
| 2208 40 99 | – – – – Other | 0,3 EUR/% vol/hl |
| 2208 90 | – Other: | |
| | – – Undenatured ethyl alcohol of an alcoholic strength by volume of less than 80 % volume, in containers holding: | |
| 2208 90 91 | – – – 2 litres or less | 0,6 EUR/% vol/hl + 3,8 EUR/hl |
| 2208 90 99 | – – – More than 2 litres | 0,6 EUR/% vol/hl |

| CN code | Description | Duty applicable from 1.1.2004 to 30.4.2004 |
|------------|--|---|
| 2402 | Cigars, cheroots, cigarillos and cigarettes, of tobacco or of tobacco substitutes: | |
| 2402 10 00 | – Cigars, cheroots and cigarillos, containing tobacco | 15,6 % |
| 2402 20 | – Cigarettes containing tobacco: | |
| 2402 20 10 | – – Containing cloves | 6 % |
| 2402 20 90 | – – Other | 34,5 % |
| 2402 90 00 | – Other | 34,5 % |
| 2905 | Acyclic alcohols and their halogenated, sulphonated, nitrated or nitrated derivatives: | |
| | – Other polyhydric alcohols: | |
| 2905 43 00 | – – Mannitol | 0 % + 75,4 EUR/ 100 kg |
| 2905 44 | – – D-glucitol (sorbitol): | |
| | – – – In aqueous solution: | |
| 2905 44 11 | – – – – Containing 2 % or less by weight of D-mannitol, calculated on the D-glucitol content | 0 % + 9,6 EUR/100 kg |
| 2905 44 19 | – – – – Other | 0 % + 22,6 EUR/ 100 kg |
| | – – – Other: | |
| 2905 44 91 | – – – – Containing 2 % or less by weight of D-mannitol, calculated on the D-glucitol content | 0 % + 13,8 EUR/ 100 kg |
| 2905 44 99 | – – – – Other | 0 % + 32,2 EUR/ 100 kg |
| 3505 | Dextrins and other modified starches (for example, pregelatinized or esterified starches); glues based on starches, or on dextrins or other modified starches: | |
| 3505 10 | – Dextrins and other modified starches: | |
| 3505 10 10 | – – Dextrins | 0 % + 10,6 EUR/ 100 kg |
| | – – Other modified starches: | |
| 3505 10 90 | – – – Other | 0 % + 10,6 EUR/ 100 kg |
| 3505 20 | – Glues: | |
| 3505 20 10 | – – Containing, by weight, less than 25 % of starches or dextrins or other modified starches | 0 % + 2,7 EUR/100 kg MAX 6,9 % |
| 3505 20 30 | – – Containing, by weight, 25 % or more but less than 55 % of starches or dextrins or other modified starches | 0 % + 5,3 EUR/100 kg MAX 6,9 % |
| 3505 20 50 | – – Containing, by weight, 55 % or more but less than 80 % of starches or dextrins or other modified starches | 0 % + 8,5 EUR/100 kg MAX 6,9 % |
| 3505 20 90 | – – Containing by weight 80 % or more of starches or dextrins or other modified starches | 0 % + 10,6 EUR/ 100 kg MAX 6,9 % |

| CN code | Description | Duty applicable from 1.1.2004 to 30.4.2004 |
|------------|---|---|
| 3809 | Finishing agents, dye carriers to accelerate the dyeing or fixing of dyestuffs and other products and preparations (for example, dressings and mordants), of a kind used in the textile, paper, leather or like industries, not elsewhere specified or included: | |
| 3809 10 | – With a basis of amylaceous substances: | |
| 3809 10 10 | – – Containing by weight of such substances less than 55 % | 0 % + 5,3 EUR/100 kg MAX 7,6 % |
| 3809 10 30 | – – Containing by weight of such substances 55 % or more but less than 70 % | 0 % + 7,4 EUR/100 kg MAX 7,6 % |
| 3809 10 50 | – – Containing by weight of such substances 70 % or more but less than 83 % | 0 % + 9 EUR/100 kg MAX 7,6 % |
| 3809 10 90 | – – Containing by weight of such substances 83 % or more | 0 % + 10,6 EUR/ 100 kg MAX 7,6 % |
| 3824 | Prepared binders for foundry moulds or cores; chemical products and preparations of the chemical or allied industries (including those consisting of mixtures of natural products), not elsewhere specified or included; residual products of the chemical or allied industries, not elsewhere specified or included: | |
| 3824 60 | – Sorbitol other than that of subheading 2905 44: | |
| | – – in aqueous solution: | |
| 3824 60 11 | – – – Containing 2 % or less by weight of D-mannitol, calculated on the D-glucitol content | 0 % + 9,6 EUR/100 kg |
| 3824 60 19 | – – – Other | 0 % + 22,6 EUR/ 100 kg |
| | – – – Other: | |
| 3824 60 91 | – – – Containing 2 % or less by weight of D-mannitol, calculated on the D-glucitol content | 0 % + 13,8 EUR/ 100 kg |
| 3824 60 99 | – – – Other | 0 % + 32,2 EUR/ 100 kg |

ANNEX II

ADDITIONAL CODES AND REDUCED AGRICULTURAL COMPONENT

Hungary — Valid from 1 January 2004 to 30 April 2004

(Corresponding to Annex I, Table (A))

| Additional code | EAR EUR/100 Kg | Additional code | EAR EUR/100 Kg | Additional code | EAR EUR/100 Kg |
|-----------------|----------------|-----------------|----------------|-----------------|----------------|
| 7000 | 0 | 7050 | 41,14 | 7106 | 13,93 |
| 7001 | 7,04 | 7051 | 48,18 | 7107 | 20,09 |
| 7002 | 13,2 | 7052 | 54,35 | 7108 | 25,97 |
| 7003 | 19,07 | 7053 | 53,23 | 7109 | 34,18 |
| 7004 | 27,29 | 7055 | 37,73 | 7110 | 10,19 |
| 7005 | 2,91 | 7056 | 44,77 | 7111 | 17,24 |
| 7006 | 9,95 | 7057 | 50,93 | 7112 | 23,4 |
| 7007 | 16,12 | 7060 | 62,37 | 7113 | 29,27 |
| 7008 | 21,98 | 7061 | 69,41 | 7115 | 13,76 |
| 7009 | 30,2 | 7062 | 75,57 | 7116 | 20,81 |
| 7010 | 6,21 | 7063 | 65,47 | 7117 | 26,97 |
| 7011 | 13,26 | 7064 | 77,18 | 7120 | 15,62 |
| 7012 | 19,42 | 7065 | 65,28 | 7121 | 22,66 |
| 7013 | 25,29 | 7066 | 72,32 | 7122 | 28,83 |
| 7015 | 9,79 | 7067 | 78,49 | 7123 | 32,37 |
| 7016 | 16,83 | 7068 | 71,88 | 7124 | 40,59 |
| 7017 | 22,99 | 7069 | 80,1 | 7125 | 18,53 |
| 7020 | 11,64 | 7070 | 68,58 | 7126 | 25,57 |
| 7021 | 18,68 | 7071 | 75,63 | 7127 | 31,73 |
| 7022 | 24,85 | 7072 | 81,79 | 7128 | 35,28 |
| 7023 | 28,39 | 7073 | 75,19 | 7129 | 43,49 |
| 7024 | 36,61 | 7075 | 59,68 | 7130 | 21,84 |
| 7025 | 14,55 | 7076 | 66,73 | 7131 | 28,88 |
| 7026 | 21,59 | 7077 | 72,89 | 7132 | 35,04 |
| 7027 | 27,76 | 7080 | 121,41 | 7133 | 38,59 |
| 7028 | 31,3 | 7081 | 128,45 | 7135 | 23,08 |
| 7029 | 39,52 | 7082 | 134,62 | 7136 | 30,12 |
| 7030 | 17,85 | 7083 | 116,2 | 7137 | 36,29 |
| 7031 | 24,9 | 7084 | 124,42 | 7140 | 38,9 |
| 7032 | 31,06 | 7085 | 124,32 | 7141 | 45,95 |
| 7033 | 34,6 | 7086 | 131,36 | 7142 | 52,11 |
| 7035 | 19,1 | 7087 | 137,52 | 7143 | 51 |
| 7036 | 26,14 | 7088 | 119,11 | 7144 | 59,22 |
| 7037 | 32,31 | 7090 | 127,63 | 7145 | 41,81 |
| 7040 | 34,93 | 7091 | 134,67 | 7146 | 48,86 |
| 7041 | 41,97 | 7092 | 140,84 | 7147 | 55,02 |
| 7042 | 48,13 | 7095 | 106,91 | 7148 | 53,9 |
| 7043 | 47,01 | 7096 | 113,96 | 7149 | 62,12 |
| 7044 | 55,23 | 7100 | 3,98 | 7150 | 45,12 |
| 7045 | 37,83 | 7101 | 11,02 | 7151 | 52,17 |
| 7046 | 44,88 | 7102 | 17,18 | | |
| 7047 | 51,04 | 7103 | 23,05 | | |
| 7048 | 49,93 | 7104 | 31,27 | | |
| 7049 | 58,14 | 7105 | 6,88 | | |

| Additional code | EAR EUR/100 Kg | Additional code | EAR EUR/100 Kg | Additional code | EAR EUR/100 Kg |
|-----------------|----------------|-----------------|----------------|-----------------|----------------|
| 7152 | 61,83 | 7216 | 43,07 | 7371 | 73,76 |
| 7153 | 57,21 | 7217 | 49,23 | 7372 | 79,92 |
| 7155 | 41,71 | 7220 | 39,6 | 7373 | 85,79 |
| 7156 | 48,75 | 7221 | 46,64 | 7375 | 70,29 |
| 7157 | 54,92 | 7260 | 55,19 | 7376 | 77,33 |
| 7160 | 66,35 | 7261 | 62,23 | 7378 | 73,86 |
| 7161 | 73,39 | 7262 | 68,4 | 7400 | 45,24 |
| 7162 | 79,55 | 7263 | 74,27 | 7401 | 52,29 |
| 7163 | 72,95 | 7264 | 82,49 | 7402 | 58,45 |
| 7164 | 81,17 | 7265 | 58,1 | 7403 | 64,32 |
| 7165 | 69,25 | 7266 | 65,14 | 7404 | 72,54 |
| 7166 | 76,37 | 7267 | 71,31 | 7405 | 48,16 |
| 7167 | 82,46 | 7268 | 77,18 | 7406 | 55,2 |
| 7168 | 75,86 | 7269 | 85,4 | 7407 | 61,36 |
| 7169 | 84,08 | 7270 | 61,41 | 7408 | 67,23 |
| 7170 | 72,56 | 7271 | 68,46 | 7409 | 75,45 |
| 7171 | 79,61 | 7272 | 74,62 | 7410 | 51,46 |
| 7172 | 85,77 | 7273 | 80,49 | 7411 | 58,5 |
| 7173 | 79,17 | 7275 | 64,98 | 7412 | 64,67 |
| 7175 | 63,66 | 7276 | 72,03 | 7413 | 70,54 |
| 7176 | 70,7 | 7300 | 35,86 | 7415 | 55,03 |
| 7177 | 76,87 | 7301 | 42,91 | 7416 | 62,08 |
| 7180 | 125,39 | 7302 | 49,07 | 7417 | 68,24 |
| 7181 | 132,44 | 7303 | 54,95 | 7420 | 58,61 |
| 7182 | 138,6 | 7304 | 63,16 | 7421 | 65,65 |
| 7183 | 120,19 | 7305 | 38,78 | 7460 | 65,14 |
| 7185 | 128,3 | 7306 | 45,82 | 7461 | 72,19 |
| 7186 | 135,35 | 7307 | 51,98 | 7462 | 78,35 |
| 7187 | 141,51 | 7308 | 57,85 | 7463 | 84,22 |
| 7188 | 123,1 | 7309 | 66,07 | 7464 | 92,44 |
| 7190 | 131,61 | 7310 | 42,08 | 7465 | 68,05 |
| 7191 | 138,65 | 7311 | 49,13 | 7466 | 75,1 |
| 7192 | 144,82 | 7312 | 55,29 | 7467 | 81,26 |
| 7195 | 110,9 | 7313 | 61,16 | 7468 | 87,13 |
| 7196 | 117,94 | 7315 | 45,66 | 7470 | 71,36 |
| 7200 | 26,24 | 7316 | 52,7 | 7471 | 78,4 |
| 7201 | 33,28 | 7317 | 58,87 | 7472 | 84,57 |
| 7202 | 39,45 | 7320 | 49,23 | 7475 | 74,93 |
| 7203 | 45,31 | 7321 | 56,27 | 7476 | 81,97 |
| 7204 | 53,53 | 7360 | 60,5 | 7500 | 53,78 |
| 7205 | 29,15 | 7361 | 67,55 | 7501 | 60,83 |
| 7206 | 36,19 | 7362 | 73,71 | 7502 | 66,99 |
| 7207 | 42,36 | 7363 | 79,58 | 7503 | 72,86 |
| 7208 | 48,23 | 7364 | 87,8 | 7504 | 81,08 |
| 7209 | 56,44 | 7365 | 63,41 | 7505 | 56,69 |
| 7210 | 32,45 | 7366 | 70,46 | 7506 | 63,73 |
| 7211 | 39,5 | 7367 | 76,62 | | |
| 7212 | 45,66 | 7368 | 82,49 | | |
| 7213 | 51,54 | 7369 | 90,71 | | |
| 7215 | 36,03 | 7370 | 66,72 | | |

| Additional code | EAR EUR/100 Kg | Additional code | EAR EUR/100 Kg | Additional code | EAR EUR/100 Kg |
|-----------------|----------------|-----------------|----------------|-----------------|----------------|
| 7507 | 69,91 | 7708 | 106,98 | 7802 | 186,17 |
| 7508 | 75,76 | 7710 | 91,21 | 7805 | 175,88 |
| 7509 | 83,98 | 7711 | 98,25 | 7806 | 182,92 |
| 7510 | 60 | 7712 | 104,41 | 7807 | 189,09 |
| 7511 | 67,04 | 7715 | 94,78 | 7808 | 26,65 |
| 7512 | 73,2 | 7716 | 101,82 | 7809 | 33,69 |
| 7513 | 79,07 | 7720 | 83,59 | 7810 | 179,19 |
| 7515 | 63,57 | 7721 | 90,64 | 7811 | 186,23 |
| 7516 | 70,61 | 7722 | 96,8 | 7818 | 45,28 |
| 7517 | 76,78 | 7723 | 102,67 | 7819 | 52,32 |
| 7520 | 67,14 | 7725 | 86,5 | 7820 | 176,95 |
| 7521 | 74,18 | 7726 | 93,54 | 7821 | 183,99 |
| 7560 | 69,78 | 7727 | 99,71 | 7822 | 190,16 |
| 7561 | 76,82 | 7728 | 105,58 | 7825 | 179,86 |
| 7562 | 82,99 | 7730 | 89,81 | 7826 | 186,9 |
| 7563 | 88,85 | 7731 | 96,85 | 7827 | 193,07 |
| 7564 | 97,07 | 7732 | 103,01 | 7828 | 67,24 |
| 7565 | 72,69 | 7735 | 93,38 | 7829 | 74,28 |
| 7566 | 79,73 | 7736 | 100,42 | 7830 | 183,16 |
| 7567 | 85,89 | 7740 | 107,47 | 7831 | 190,21 |
| 7568 | 91,77 | 7741 | 114,52 | 7838 | 68,55 |
| 7570 | 75,99 | 7742 | 120,68 | 7840 | 7,95 |
| 7571 | 83,04 | 7745 | 110,39 | 7841 | 15 |
| 7572 | 89,2 | 7746 | 117,43 | 7842 | 21,16 |
| 7575 | 79,56 | 7747 | 123,59 | 7843 | 27,04 |
| 7576 | 86,61 | 7750 | 113,7 | 7844 | 35,25 |
| 7600 | 71,74 | 7751 | 120,74 | 7845 | 10,87 |
| 7601 | 78,79 | 7758 | 13,36 | 7846 | 17,91 |
| 7602 | 84,95 | 7759 | 20,4 | 7847 | 24,08 |
| 7603 | 90,82 | 7760 | 131,36 | 7848 | 29,94 |
| 7604 | 99,04 | 7761 | 138,41 | 7849 | 38,16 |
| 7605 | 74,65 | 7762 | 144,57 | 7850 | 14,18 |
| 7606 | 81,69 | 7765 | 134,27 | 7851 | 21,22 |
| 7607 | 87,86 | 7766 | 141,32 | 7852 | 27,38 |
| 7608 | 93,73 | 7768 | 22,67 | 7853 | 33,25 |
| 7609 | 101,94 | 7769 | 29,72 | 7855 | 17,75 |
| 7610 | 77,96 | 7770 | 137,58 | 7856 | 24,79 |
| 7611 | 85 | 7771 | 144,62 | 7857 | 30,96 |
| 7612 | 91,16 | 7778 | 41,3 | 7858 | 21,32 |
| 7613 | 97,04 | 7779 | 48,34 | 7859 | 28,36 |
| 7615 | 81,53 | 7780 | 155,25 | 7860 | 13,27 |
| 7616 | 88,57 | 7781 | 162,29 | 7861 | 20,31 |
| 7620 | 85,1 | 7785 | 158,15 | 7862 | 26,47 |
| 7700 | 84,99 | 7786 | 165,2 | 7863 | 32,34 |
| 7701 | 92,03 | 7788 | 63,25 | 7864 | 40,56 |
| 7702 | 98,2 | 7789 | 70,3 | 7865 | 16,17 |
| 7703 | 104,06 | 7798 | 17,34 | | |
| 7705 | 87,9 | 7799 | 24,38 | | |
| 7706 | 94,94 | 7800 | 172,97 | | |
| 7707 | 101,1 | 7801 | 180,01 | | |

| Additional code | EAR EUR/100 Kg | Additional code | EAR EUR/100 Kg | Additional code | EAR EUR/100 Kg |
|-----------------|----------------|-----------------|----------------|-----------------|----------------|
| 7866 | 23,22 | 7918 | 31,94 | 7967 | 54,6 |
| 7867 | 29,38 | 7919 | 38,98 | 7968 | 60,46 |
| 7868 | 35,25 | 7940 | 26,53 | 7969 | 68,68 |
| 7869 | 43,47 | 7941 | 33,58 | 7970 | 44,7 |
| 7870 | 19,48 | 7942 | 39,74 | 7971 | 51,74 |
| 7871 | 26,53 | 7943 | 45,61 | 7972 | 57,9 |
| 7872 | 32,69 | 7944 | 53,83 | 7973 | 63,77 |
| 7873 | 38,56 | 7945 | 29,44 | 7975 | 48,27 |
| 7875 | 23,05 | 7946 | 36,49 | 7976 | 55,31 |
| 7876 | 30,1 | 7947 | 42,65 | 7977 | 61,48 |
| 7877 | 36,26 | 7948 | 48,52 | 7978 | 51,84 |
| 7878 | 26,62 | 7949 | 56,74 | 7979 | 58,88 |
| 7879 | 33,67 | 7950 | 32,75 | 7980 | 59,71 |
| 7900 | 18,57 | 7951 | 39,8 | 7981 | 66,75 |
| 7901 | 25,62 | 7952 | 45,96 | 7982 | 72,91 |
| 7902 | 31,78 | 7953 | 51,83 | 7983 | 78,79 |
| 7903 | 37,65 | 7955 | 36,33 | 7984 | 87,01 |
| 7904 | 45,87 | 7956 | 43,37 | 7985 | 62,62 |
| 7905 | 21,49 | 7957 | 49,53 | 7986 | 69,66 |
| 7906 | 28,53 | 7958 | 39,9 | 7987 | 75,83 |
| 7907 | 34,69 | 7959 | 46,94 | 7988 | 81,69 |
| 7908 | 40,56 | 7960 | 38,47 | 7990 | 65,93 |
| 7909 | 48,78 | 7961 | 45,52 | 7991 | 72,97 |
| 7910 | 24,79 | 7962 | 51,68 | 7992 | 79,13 |
| 7911 | 31,83 | 7963 | 57,56 | 7995 | 69,5 |
| 7912 | 38 | 7964 | 65,77 | 7996 | 76,54 |
| 7913 | 43,86 | 7965 | 41,39 | | |
| 7915 | 28,36 | 7966 | 48,43 | | |
| 7916 | 35,41 | | | | |
| 7917 | 41,57 | | | | |

ANNEX III

ADDITIONAL DUTIES FOR SUGAR (AD S/Z) AND FOR FLOUR (AD F/M)

Hungary — valid from 1 January 2004 to 30 April 2004*(Corresponding to Annex I, Table (A))*

| Sucrose/Invert sugar/Isoglucose | AD S/Z EUR/100 kg |
|---------------------------------|----------------------|
| $\geq 00 - < 05$ | 0 |
| $\geq 05 - < 30$ | 7,04 |
| $\geq 30 - < 50$ | 13,2 |
| $\geq 50 - < 70$ | 19,07 |
| ≥ 70 | 27,29 |
| | |
| Starch/Glucose | AD F/M EUR/100 kg |
| $\geq 00 - < 05$ | 0 |
| $\geq 05 - < 25$ | 2,91 |
| $\geq 25 - < 50$ | 6,21 |
| $\geq 50 - < 75$ | 9,79 |
| ≥ 75 | 13,36 |

COMMISSION REGULATION (EC) No 2279/2003
of 22 December 2003
concerning applications for export licences for rice and broken rice with advance fixing of the refund

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 Commission Regulation (EC) No 411/2002 ⁽²⁾,

Having regard to Commission Regulation (EC) No 1342/2003 of 28 July 2003, laying down special detailed rules for the application of the system of import and export licences for cereals and rice ⁽³⁾, and in particular the second subparagraph of Article 8(3) thereof,

Whereas:

- (1) Article 8(3) of Regulation (EC) No 1342/2003 provides, where this paragraph is specifically referred to when an export refund is fixed, for an interval of three working days between the day of submission of applications and the granting of export licences with advance fixing of the refund and provides that the Commission is to fix a uniform percentage reduction in the quantities if applications for export licences exceed the quantities which may be exported. Commission Regulation (EC) No 2224/2003 ⁽⁴⁾ fixes refunds under the procedure provided for in the abovementioned paragraph for 4 000 tonnes for all the destinations 064 and 066 defined in the Annex to that Regulation.

- (2) For all the destinations 064 and 066, quantities applied for on 19 December 2003 are in excess of the available quantity. A percentage reduction should therefore be fixed for export licence applications submitted on 19 December 2003.

- (3) In view of its purpose, this Regulation should take effect from the day of its publication in the Official Journal,

HAS ADOPTED THIS REGULATION:

Article 1

For all the destinations 064 and 066 defined in the Annex to Regulation (EC) No 2224/2003, applications for export licences for rice and broken rice with advance fixing of the refund submitted pursuant to that Regulation on 19 December 2003 shall give rise to the issue of licences for the quantities applied for to which a percentage reduction of 38,77 % has been applied.

Article 2

For all the destinations 064 and 066 defined in the Annex to Regulation (EC) No 2224/2003, applications for export licences for rice and broken rice submitted from 20 December 2003 shall not give rise to the issue of export licences pursuant to that Regulation.

Article 3

This Regulation shall enter into force on 23 December 2003.

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

Done at Brussels, 22 December 2003.

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

⁽¹⁾ OJ L 329, 30.12.1995, p. 18.

⁽²⁾ OJ L 62, 5.3.2002, p. 27.

⁽³⁾ OJ L 189, 29.7.2003, p. 12.

⁽⁴⁾ OJ L 332, 19.12.2003, p. 29.

COMMISSION REGULATION (EC) No 2280/2003
of 22 December 2003
amending representative prices and additional duties for the import of certain products in the
sugar sector

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1260/2001 of 19 June 2001 on the common organisation of the markets in the sugar sector ⁽¹⁾, as amended by Commission Regulation (EC) No 2196/2003 ⁽²⁾,

Having regard to Commission Regulation (EC) No 1423/95 of 23 June 1995 laying down detailed implementing rules for the import of products in the sugar sector other than molasses ⁽³⁾, as last amended by Regulation (EC) No 624/98 ⁽⁴⁾, and in particular the second subparagraph of Article 1(2), and Article 3(1) thereof,

Whereas:

- (1) The amounts of the representative prices and additional duties applicable to the import of white sugar, raw sugar and certain syrups are fixed by Commission Regulation (EC) No 1166/2003 ⁽⁵⁾, as last amended by Regulation (EC) No 2141/2003 ⁽⁶⁾.

- (2) It follows from applying the general and detailed fixing rules contained in Regulation (EC) No 1423/95 to the information known to the Commission that the representative prices and additional duties at present in force should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The representative prices and additional duties on imports of the products referred to in Article 1 of Regulation (EC) No 1423/95 shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 23 December 2003.

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

Done at Brussels, 22 December 2003.

For the Commission

J. M. SILVA RODRÍGUEZ

Agriculture Director-General

⁽¹⁾ OJ L 178, 30.6.2001, p. 1.

⁽²⁾ OJ L 328, 17.12.2003, p. 17.

⁽³⁾ OJ L 141, 24.6.1995, p. 16.

⁽⁴⁾ OJ L 85, 20.3.1998, p. 5.

⁽⁵⁾ OJ L 162, 1.7.2003, p. 57.

⁽⁶⁾ OJ L 321, 6.12.2003, p. 9.

ANNEX

to the Commission Regulation of 22 December 2003 altering representative prices and the amounts of additional duties applicable to imports of white sugar, raw sugar and products covered by CN code 1702 90 99

| (EUR) | | |
|---------------------------|--|--|
| CN code | Amount of representative prices per 100 kg net of product concerned | Amount of additional duty per 100 kg net of product concerned |
| 1701 11 10 ⁽¹⁾ | 13,86 | 9,94 |
| 1701 11 90 ⁽¹⁾ | 13,86 | 16,24 |
| 1701 12 10 ⁽¹⁾ | 13,86 | 9,71 |
| 1701 12 90 ⁽¹⁾ | 13,86 | 15,73 |
| 1701 91 00 ⁽²⁾ | 16,03 | 19,22 |
| 1701 99 10 ⁽²⁾ | 16,03 | 13,74 |
| 1701 99 90 ⁽²⁾ | 16,03 | 13,74 |
| 1702 90 99 ⁽³⁾ | 0,16 | 0,48 |

⁽¹⁾ For the standard quality as defined in Annex I, point II, to Council Regulation (EC) No 1260/2001 (OJ L 178, 30.6.2001, p. 1).

⁽²⁾ For the standard quality as defined in Annex I, point I, to Council Regulation (EC) No 1260/2001 (OJ L 178, 30.6.2001, p. 1).

⁽³⁾ By 1 % sucrose content.

COMMISSION REGULATION (EC) No 2281/2003
of 22 December 2003
determining the world market price for unginned cotton

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

Whereas:

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

The world price for unginned cotton as referred to in Article 4 of Regulation (EC) No 1051/2001 is hereby determined as equalling EUR 32,036/100 kg.

Article 2

This Regulation shall enter into force on 23 December 2003.

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

Done at Brussels, 22 December 2003.

For the Commission

J. M. SILVA RODRÍGUEZ

Agriculture Director-General

⁽¹⁾ OJ L 148, 1.6.2001, p. 1.

⁽²⁾ OJ L 148, 1.6.2001, p. 3.

⁽³⁾ OJ L 210, 3.8.2001, p. 10.

⁽⁴⁾ OJ L 223, 20.8.2002, p. 3.

COMMISSION REGULATION (EC) No 2282/2003
of 22 December 2003
prohibiting fishing for Greenland halibut by vessels flying the flag of the United Kingdom

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2847/93 of 12 October 1993 establishing a control system applicable to the common fisheries policy ⁽¹⁾, as last amended by Regulation (EC) No 1954/2003 ⁽²⁾, and in particular Article 21(3) thereof,

Whereas:

- (1) Council Regulation (EC) No 2341/2002 of 20 December 2002 fixing for 2003 the fishing opportunities and associated conditions for certain fish stocks and groups of fish stocks, applicable in Community waters and, for Community vessels, in waters where limitations in catch are required ⁽³⁾, as last amended by Regulation (EC) No 1754/2003 ⁽⁴⁾, lays down quotas for Greenland halibut for 2003.
- (2) In order to ensure compliance with the provisions relating to the quantity limits on catches of stocks subject to quotas, the Commission must fix the date by which catches made by vessels flying the flag of a Member State are deemed to have exhausted the quota allocated.
- (3) According to the information received by the Commission, catches of Greenland halibut in the waters of ICES divisions I and II (Norwegian waters) by vessels flying

the flag of the United Kingdom or registered in the United Kingdom have exhausted the quota allocated for 2003. The United Kingdom has prohibited fishing for this stock from 26 November 2003. That date should be adopted in this Regulation also,

HAS ADOPTED THIS REGULATION:

Article 1

Catches of Greenland halibut in the waters of ICES divisions I and II (Norwegian waters) by vessels flying the flag of the United Kingdom or registered in the United Kingdom are hereby deemed to have exhausted the quota allocated to the United Kingdom for 2003.

Fishing for Greenland halibut in the waters of ICES divisions I and II (Norwegian waters) by vessels flying the flag of the United Kingdom or registered in the United Kingdom is hereby prohibited, as are the retention on board, transshipment and landing of this stock caught by the above vessels after the date of application of this Regulation.

Article 2

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

It shall apply from 26 November 2003.

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

Done at Brussels, 22 December 2003.

For the Commission

Jörgen HOLMQUIST

Director-General for Fisheries

⁽¹⁾ OJ L 261, 20.10.1993, p. 1.

⁽²⁾ OJ L 289, 7.11.2003, p. 1.

⁽³⁾ OJ L 256, 31.12.2002, p. 12.

⁽⁴⁾ OJ L 252, 4.10.2003, p. 1.

**COMMISSION REGULATION (EC) No 2283/2003
of 22 December 2003**

fixing Community producer and import prices for carnations and roses with a view to the application of the arrangements governing imports of certain floricultural products originating in Cyprus, Israel, Jordan, Morocco and the West Bank and the Gaza Strip

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 4088/87 of 21 December 1987 fixing conditions for the application of preferential customs duties on imports of certain flowers originating in Cyprus, Israel, Jordan, Morocco and the West Bank and the Gaza Strip ⁽¹⁾, as last amended by Regulation (EC) No 1300/97 ⁽²⁾, and in particular Article 5(2)(a) thereof,

Whereas:

Pursuant to Article 2(2) and Article 3 of abovementioned Regulation (EEC) No 4088/87, Community import and producer prices are fixed each fortnight for uniflorous (bloom) carnations, multiflorous (spray) carnations, large-flowered roses and small-flowered roses and apply for two-weekly periods. Pursuant to Article 1b of Commission Regulation (EEC) No 700/88 of 17 March 1988 laying down detailed rules for the application of the arrangements for the import into the Community of certain floricultural products originating in Cyprus, Israel, Jordan, Morocco and the West Bank and the

Gaza Strip ⁽³⁾, as last amended by Regulation (EC) No 2062/97 ⁽⁴⁾, those prices are determined for fortnightly periods on the basis of weighted prices provided by the Member States. Those prices should be fixed immediately so the customs duties applicable can be determined. To that end, provision should be made for this Regulation to enter into force immediately,

HAS ADOPTED THIS REGULATION:

Article 1

The Community producer and import prices for uniflorous (bloom) carnations, multiflorous (spray) carnations, large-flowered roses and small-flowered roses as referred to in Article 1b of Regulation (EEC) No 700/88 for a fortnightly period shall be as set out in the Annex.

Article 2

This Regulation shall enter into force on 23 December 2003.

It shall apply from 24 December 2003 to 6 January 2004.

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

Done at Brussels, 22 December 2003.

For the Commission

J. M. SILVA RODRÍGUEZ

Agriculture Director-General

⁽¹⁾ OJ L 382, 31.12.1987, p. 22.

⁽²⁾ OJ L 177, 5.7.1997, p. 1.

⁽³⁾ OJ L 72, 18.3.1988, p. 16.

⁽⁴⁾ OJ L 289, 22.10.1997, p. 1.

ANNEX

to the Commission Regulation of 22 December 2003 fixing Community producer and import prices for carnations and roses with a view to the application of the arrangements governing imports of certain floricultural products originating in Cyprus, Israel, Jordan, Morocco and the West Bank and the Gaza Strip

(EUR/100 pieces)

Period: from 24 December 2003 to 6 January 2004

| Community producer price | Uniflorous (bloom) carnations | Multiflorous (spray) carnations | Large-flowered roses | Small-flowered roses |
|--------------------------|----------------------------------|------------------------------------|----------------------|----------------------|
| | 13,12 | 11,88 | 55,89 | 25,34 |
| Community import prices | Uniflorous (bloom) carnations | Multiflorous (spray) carnations | Large-flowered roses | Small-flowered roses |
| Israel | 9,73 | 10,92 | 18,51 | 14,12 |
| Morocco | 12,80 | 13,69 | — | — |
| Cyprus | — | — | — | — |
| Jordan | — | — | — | — |
| West Bank and Gaza Strip | 7,05 | 5,00 | — | — |

COMMISSION REGULATION (EC) No 2284/2003**of 22 December 2003****suspending the preferential customs duties and re-establishing the Common Customs Tariff duty on imports of multiflorous (spray) carnations originating in the West Bank and the Gaza Strip**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 4088/87 of 21 December 1987 fixing conditions for the application of preferential customs duties on imports of certain flowers originating in Cyprus, Israel, Jordan and Morocco and the West Bank and the Gaza Strip ⁽¹⁾, as last amended by Regulation (EC) No 1300/97 ⁽²⁾, and in particular Article 5(2)(b) thereof,

Whereas:

(1) Regulation (EEC) No 4088/87 lays down the conditions for applying a preferential duty on large-flowered roses, small-flowered roses, uniflorous (bloom) carnations and multiflorous (spray) carnations within the limit of tariff quotas opened annually for imports into the Community of fresh cut flowers.

(2) Council Regulation (EC) No 747/2001 ⁽³⁾, as amended by Commission Regulation (EC) No 786/2002 ⁽⁴⁾, opens and provides for the administration of Community tariff quotas for cut flowers and flower buds, fresh, originating in Cyprus, Egypt, Israel, Jordan, Malta, Morocco and the West Bank and the Gaza Strip, respectively.

(3) Commission Regulation (EC) No 2283/2003 ⁽⁵⁾ fixes the Community producer and import prices for carnations and roses for the application of the import arrangements.

(4) Commission Regulation (EEC) No 700/88 ⁽⁶⁾, as last amended by Regulation (EC) No 2062/97 ⁽⁷⁾, lays down the detailed rules for the application of the arrangements.

(5) On the basis of prices recorded pursuant to Regulations (EEC) No 4088/87 and (EEC) No 700/88, it must be concluded that the conditions laid down in Article 2(2) of Regulation (EEC) No 4088/87 for suspension of the preferential customs duty are met for multiflorous (spray) carnations originating in the West Bank and the Gaza strip; the Customs duty should be re-established.

(6) The quota for the products in question covers the period 1 January to 31 December 2003. As a result, the suspension of the preferential duty and the reintroduction of the Common Customs Tariff duty apply up to the end of that period at the latest.

(7) In between meetings of the Management Committee for Live Plants and Floriculture Products, the Commission must adopt such measures,

HAS ADOPTED THIS REGULATION:

Article 1

For imports of multiflorous (spray) carnations (CN code ex 0603 10 20) originating in the West Bank and the Gaza strip, the preferential customs duty fixed by Regulation (EC) No 747/2001 is hereby suspended and the Common Customs Tariff duty is hereby re-established.

Article 2

This Regulation shall enter into force on 23 December 2003.

⁽¹⁾ OJ L 382, 31.12.1987, p. 22.

⁽²⁾ OJ L 177, 5.7.1997, p. 1.

⁽³⁾ OJ L 109, 19.4.2001, p. 2.

⁽⁴⁾ OJ L 127, 14.5.2002, p. 3.

⁽⁵⁾ See page 95 of this Official Journal.

⁽⁶⁾ OJ L 72, 18.3.1988, p. 16.

⁽⁷⁾ OJ L 289, 22.10.1997, p. 1.

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

Done at Brussels, 22 December 2003.

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

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 1 July 2003

concerning the conclusion of an agreement amending the Agreement between the European Community and Australia on trade in wine

(2003/898/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Decision 94/184/EC of 24 January 1994 concerning the conclusion of the Agreement between the European Community and Australia on trade in wine ⁽¹⁾, and in particular Article 3 thereof,

Having regard to the Agreement between the European Community and Australia on trade in wine signed in Brussels and Canberra respectively on 26 and 31 January 1994 ⁽²⁾, as last amended by the Agreement of 6 August 2002 ⁽³⁾, and in particular Article 17(2) thereof,

Whereas:

- (1) The Commission has negotiated, on behalf of the Community, an amendment to the above Agreement aimed at extending until 30 June 2004 the provisional authorisation granted in respect of Australian wines treated with cation exchange resins.
- (2) The Management Committee for Wine has not delivered an opinion within the time limit set by its Chairman,

HAS DECIDED AS FOLLOWS:

Sole Article

The Agreement amending the Agreement between the European Community and Australia on trade in wine is hereby approved on behalf of the Community.

The text of the Agreement is attached to this Decision.

Done at Brussels, 1 July 2003.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 86, 31.3.1994, p. 1.

⁽²⁾ OJ L 86, 31.3.1994, p. 3.

⁽³⁾ OJ L 213, 9.8.2002, p. 43.

AGREEMENT**between the European Community and Australia amending the Agreement on trade in wine**

THE EUROPEAN COMMUNITY, hereinafter referred to as 'the Community', of the one part,
and

AUSTRALIA, of the other part,

Having regard to the Agreement between the Community and Australia on trade in wine, signed in Brussels and Canberra respectively on 26 and 31 January 1994, as last amended by the Agreement of 6 August 2002,

Whereas:

Annex I, point 1(b) of that Agreement authorises the use of cation exchange resins for the purpose of stabilising Australian wines imported and marketed in the Community; this authorisation is granted provisionally until 30 June 2003.

Pending a final decision on treatment with cation exchange resins, the authorisation of this treatment for Australian wines should be extended until 30 June 2004,

HAVE AGREED AS FOLLOWS:

Article 1

The Agreement between the European Community and Australia on trade in wine, signed in Brussels and Canberra respectively on 26 and 31 January 1994, as last amended by the Agreement of 6 August 2002, is hereby amended as follows:

In Annex I, point 1(b), the date '30 June 2003' is replaced by '30 June 2004'.

Article 2

This Agreement shall enter into force on 1 July 2003.

Article 3

This Agreement is drawn up in duplicate in the Spanish, Danish, German, Greek, English, French, Italian, Dutch, Portuguese, Finnish and Swedish languages, each text being equally authentic.

IN WITNESS WHEREOF, the undersigned have signed this Agreement.

Done at Brussels, 10 December 2003.

For Australia

Michael J. TAYLOR

For the European Community

José Manuel SILVA RODRIGUEZ

COMMISSION DECISION

of 28 November 2003

granting certain parties an exemption from the extension to certain bicycle parts, by Council Regulation (EC) No 71/97, of the anti-dumping duty on bicycles originating in the People's Republic of China imposed by Council Regulation (EEC) No 2474/93, and maintained by Council Regulation (EC) No 1524/2000, and lifting the suspension of the payment of the anti-dumping duty extended to certain bicycle parts originating in the People's Republic of China granted to certain parties pursuant to Commission Regulation (EC) No 88/97

(notified under document number C(2003) 4419)

(2003/899/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 384/96 of 22 December 1995 on protection against dumped imports from countries not members of the European Community ⁽¹⁾, as last amended by Regulation (EC) No 1972/2002 ⁽²⁾ (the basic Regulation),

Having regard to Council Regulation (EC) No 71/97 of 10 January 1997 extending the definitive anti-dumping duty imposed by Regulation (EEC) No 2474/93 on bicycles originating in the People's Republic of China to imports of certain bicycle parts from the People's Republic of China, and levying the extended duty on such imports registered under Commission Regulation (EC) No 703/96 ⁽³⁾, and maintained by Council Regulation (EC) No 1524/2000 ⁽⁴⁾ (the extending Regulation),

Having regard to Commission Regulation (EC) No 88/97 of 20 January 1997 on the authorisation of the exemption of imports of certain bicycle parts originating in the People's Republic of China from the extension by Council Regulation (EC) No 71/97 of the anti-dumping duty imposed by Council Regulation (EEC) No 2474/93 ⁽⁵⁾ (the exemption Regulation), maintained by Regulation (EC) No 1524/2000, and in particular Article 7 thereof,

After consulting the Advisory Committee,

Whereas:

- (1) After the entry into force of the exemption Regulation, a number of bicycle assemblers submitted requests pursuant to Article 3 of that Regulation for exemption of the anti-dumping duty as extended to imports of certain bicycle parts from the People's Republic of China by Council Regulation (EC) No 71/97 (the extended anti-dumping duty). The Commission has published in the *Official Journal of the European Union* successive lists of applicants ⁽⁶⁾ for which payment of the extended anti-dumping duty in respect of their imports of essential bicycle parts declared for free circulation was suspended pursuant to Article 5(1) of the exemption Regulation.

⁽¹⁾ OJ L 56, 6.3.1996, p. 1.

⁽²⁾ OJ L 305, 7.11.2002, p. 1.

⁽³⁾ OJ L 16, 18.1.1997, p. 55.

⁽⁴⁾ OJ L 175, 14.7.2000, p. 39.

⁽⁵⁾ OJ L 17, 21.1.1997, p. 17.

⁽⁶⁾ OJ C 45, 13.2.1997, p. 3, OJ C 112, 10.4.1997, p. 9, OJ C 378, 13.12.1997, p. 2, OJ C 217, 11.7.1998, p. 9, OJ C 37, 11.2.1999, p. 3, OJ C 186, 2.7.1999, p. 6, OJ C 216, 28.7.2000, p. 8, OJ C 170, 14.6.2001, p. 5, OJ C 103, 30.4.2002 p. 2, OJ C 43, 22.2.2003, p. 5.

- (2) The Commission requested and received from the parties listed in Table 1 below all the information required for the determination of the admissibility of their requests. The information provided was examined and verified, where necessary, at the premises of the parties concerned. Based on this information, the Commission found that the requests submitted by the parties listed in Table 1 below are admissible pursuant to Article 4(1) of the exemption Regulation.

TABLE 1

| Name | City | Country | TARIC additional code |
|--|---|----------|-----------------------|
| Ottobici srl | Z.I. Località Terzerie I-84053 Ciccale (SA) | Italy | A243 |
| Heinrich Böttcher GmbH & Co. KG | Waldstraße 3 D-25746 Wesseln/Heide | Germany | A415 |
| Sangal — Indústria de Veículos, Lda | Rua do Serrado — Apartado 21 P-3781 — 908 Sangalhos | Portugal | A407 |
| Biciclasse CS SRL | Via Roma, 4 I-84020 Oliveto Citra | Italy | A359 |
| GFM Bike di Ingarao Franco | Via Circonvallazione, 32 I-94011 Agira | Italy | A360 |
| Jose Alvarez SA | Z.I. de l'Hippodrome F-32020 Auch Cedex 09 | France | A374 |
| Epple Zweirad GmbH | Mittereschweg 1 D-87700 Memmingen | Germany | A376 |
| F.A.A.C. Snc di Sbrissa F.lli & C. | Via Monte Antelao 11/a I-31030 Bessica di Loria | Italy | A377 |
| Toim SL | C/. Jarama — Parcela 138 Polígono industrial E-45007 Toledo | Spain | A384 |
| Veronese Luigi Snc di Veronese Paolo e Elisabetta (Cicli Roveco) | Via Umberto I 508 I-45023 Costa di Rovigo | Italy | A402 |
| Telai Olagnero Srl | Strada Valle Maira I-12020 Roccabruna | Italy | A403 |
| Steppenwolf GmbH | Wetterstreinstraße, 18 D-82024 Taufkirchen | Germany | A406 |
| B — tecnología SA | Ag Panteleimonas — N. Santa GR-61100 Dimou Gallikou — Kilkis | Greece | A411 |
| Atala SpA | Via Lussemburgo 31/33 I-35127 Padova | Italy | A412 |
| Norta N.V. | Stradsestraat 17 B-2250 Olen | Belgium | A413 |
| Cicli Roger di Rubin Giorgio Sas | Via delle Industrie 2/72 I-30020 Meolo | Italy | A422 |
| Carnielli Fitness Spa | Via Menarè 296 I-31029 Vittorio Veneto | Italy | A423 |

- (3) The facts as finally ascertained by the Commission show that for all these applicants' bicycle assembly operations, the value of the parts originating in the People's Republic of China which were used in their assembly operations was lower than 60 % of the total value of the parts used in these assembly operations, and they, therefore, fall outside the scope of Article 13(2) of the basic Regulation.
- (4) For the above reasons, and in accordance with Article 7(1) of the exemption Regulation, the parties listed in the above table should be exempted from the extended anti-dumping duty.
- (5) In accordance with Article 7(2) of the exemption Regulation, the exemption of the parties listed in Table 1 from the extended anti-dumping duty should take effect as from the date of receipt of their requests. In addition, their customs debt in respect of the extended anti-dumping duty is to be considered void as from the date of receipt of their requests for exemption.
- (6) The parties listed in Table 2 below also submitted requests for exemption from the extended anti-dumping duty.

TABLE 2

| Name | City | Country | TARIC additional code |
|---|--|----------------|-----------------------|
| A.J. Maias, Lda | Ajmaia P — Apartado 27 P-3781-908 Sangalhos | Portugal | A401 |
| Faema Cicli Picc. Soc. Coop. ARL | Via Nicosia 6 I-93017 San Cataldo | Italy | A358 |
| Reece Cycles Plc | 106-114 Emily Street Birmingham — B12 0SL United Kingdom | United Kingdom | A385 |
| Bikedirect Europa Ltd | Unit 8 Parc Hafren — Business Park Llanidloes, Powys, SY18 6RB United Kingdom | United Kingdom | A399 |
| Coster SNC di Lazzarini Nadia e Pagani Patrizia | Piazza Borromeo 10 I-20123 Milano | Italy | A414 |

With regard to these requests, it should be noted that:

- (a) two of those parties failed to submit the necessary information requested by the Commission;
- (b) another party withdrew its request for exemption;
- (c) another party was not found at the address indicated in the application;
- (d) the last applicant was visited on the spot by Commission officials and it was found that during the examination period (financial year 2002), the bicycle parts purchased by that applicant were sold on to third parties and subsequently assembled, together with other bicycle parts, by that applicant on behalf of the new owners of the totality of bicycle parts. Therefore, it was not possible to ascertain that the value of the parts originating in the People's Republic of China which were used in its assembly operations was lower than 60 % of the total value of the parts used and it was concluded that the applicant does not fall outside the scope of Article 13(2).

- (7) Since the parties listed in Table 2 failed to meet the criteria for exemption set by Article 4 of the exemption Regulation, the Commission has to reject their requests for exemption, in accordance with Article 7(3) of the Regulation. In the light of this, the suspension of the payment of the extended anti-dumping duty referred to in Article 5 of the exemption Regulation must be lifted and the extended anti-dumping duty must be collected as from the date of receipt of the requests submitted by these parties.
- (8) Following the adoption of this Decision, an updated list of parties exempted pursuant to Article 7 of the exemption Regulation and of parties whose requests pursuant to Article 3 of that Regulation are under examination should be published in the 'C' series of the *Official Journal of the European Union* in accordance with Article 16(2) of that Regulation,

HAS ADOPTED THIS DECISION:

Article 1

The parties listed below in Table 1 are hereby exempted from the extension to imports of certain bicycle parts from the People's Republic of China by Regulation (EC) No 71/97 of the definitive anti-dumping duty imposed on bicycles originating in the People's Republic of China by Regulation (EEC) No 2474/93, and maintained by Regulation (EC) No 1524/2000.

The exemptions shall take effect in relation to each party as from the relevant date shown in the column headed 'Date of effect'.

TABLE 1

List of parties to be exempted

| Name | City | Country | Exemption pursuant to Regulation (EC) No 88/97 | Date of effect | TARIC additional code |
|-------------------------------------|---|----------|--|----------------|-----------------------|
| Ottobici srl | Z.I. Località Terzerie I-84053 Cicerale (SA) | Italy | Article 7 | 5.1.2001 | A243 |
| Heinrich Böttcher GmbH & Co. KG | Waldstraße 3 D-25746 Wesseln/Heide | Germany | Article 7 | 7.3.2001 | A415 |
| Sangal — Indústria de Veículos, Lda | Rua do Serrado — Apartado 21 P-3781-908 Sangalhos | Portugal | Article 7 | 15.10.2001 | A407 |
| Biciclasse CS SRL | Via Roma 4 I-84020 Oliveto Citra | Italy | Article 7 | 1.3.2002 | A359 |
| GFM Bike di Ingarao Franco | Via Circonvallazione 32 I-94011 Agira | Italy | Article 7 | 18.3.2002 | A360 |
| Jose Alvarez SA | Z.I. de l'Hippodrome F-32020 Auch Cedex 09 | France | Article 7 | 26.3.2002 | A374 |
| Epple Zweirad GmbH | Mittereschweg 1 D-87700 Memmingen | Germany | Article 7 | 15.4.2002 | A376 |

| Name | City | Country | Exemption pursuant to Regulation (EC) No 88/97 | Date of effect | TARIC additional code |
|---|--|---------|--|----------------|-----------------------|
| F.A.A.C. Snc di Sbrissa F.lli & C. | Via Monte Antelao 11/a I-31030 Bessica di Loria | Italy | Article 7 | 23.4.2002 | A377 |
| Toim SL | C/. Jarama — Parcela 138 Polígono industrial E-45007 Toledo | Spain | Article 7 | 7.5.2002 | A384 |
| Veronese Luigi s.n.c. di Veronese Paolo e Elisabetta — Cicli Roveco | Via Umberto I 508 I-45023 Costa di Rovigo | Italy | Article 7 | 12.6.2002 | A402 |
| Telai Olagnero Srl | Strada Valle Maira I-12020 Roccabruna | Italy | Article 7 | 18.7.2002 | A403 |
| Steppenwolf GmbH | Wetterstreinstraße, 18 D-82024 Taufkirchen | Germany | Article 7 | 24.7.2002 | A406 |
| B — tecnología SA | Ag Panteleimonas — N. Santa GR-61100 Dimou Gallikou — Kilkis | Greece | Article 7 | 6.9.2002 | A411 |
| Atala SpA | Via Lussemburgo 31/33 I-35127 Padova | Italy | Article 7 | 23.9.2002 | A412 |
| Norta NV | Stradestraat 17 B-2250 Olen | Belgium | Article 7 | 24.9.2002 | A413 |
| Cicli Roger di Rubin Giorgio Sas | Via delle Industrie 2/72 I-30020 Meolo | Italy | Article 7 | 22.11.2002 | A422 |
| Carnielli Fitness Spa | Via Motta 296 I-31029 Vittorio Veneto | Italy | Article 7 | 16.12.2002 | A423 |

Article 2

The requests for exemption from the extended anti-dumping duty made in accordance with Article 3 of Regulation (EC) No 88/97 by the parties listed below in Table 2 are hereby rejected.

The suspension of payment of the extended anti-dumping duty pursuant to Article 5 of Regulation (EC) No 88/97 is hereby lifted for the parties concerned as from the relevant date shown in the column headed 'Date of effect'.

TABLE 2

List of parties for which the suspension is to be lifted

| Name | City | Country | Suspension pursuant to Regulation (EC) No 88/97 | Date of effect | TARIC additional code |
|----------------------------------|--|----------------|---|----------------|-----------------------|
| A.J. Maias, Lda | Ajmaia P — Apartado 27 P-3781-908 Sangalhos | Portugal | Article 5 | 12.12.2001 | A401 |
| Faema Cicli Picc. Soc. Coop. ARL | Via Nicosia 6 I-93017 San Cataldo | Italy | Article 5 | 13.3.2002 | A358 |
| Reece Cycles Plc | 106-114 Emily Street Birmingham — B12 0SL United Kingdom | United Kingdom | Article 5 | 7.5.2002 | A385 |

| Name | City | Country | Suspension pursuant to Regulation (EC) No 88/97 | Date of effect | TARIC additional code |
|--|--|----------------|---|----------------|-----------------------|
| Bikedirect Europa Ltd | Unit 8 Parc Hafren — Business Park Llanidloes, Powys, SY18 6RB United Kingdom | United Kingdom | Article 5 | 24.6.2002 | A399 |
| Coster SNC di Lazzarini Nadia e Pagani Patrizia | Piazza Borromeo 10 I-20123 Milano | Italy | Article 5 | 11.9.2002 | A414 |

Article 3

This Decision is addressed to the Member States and to the parties listed in Article 1 and 2.

Done at Brussels, 28 November 2003.

For the Commission

Pascal LAMY

Member of the Commission

COMMISSION DECISION
of 17 December 2003
amending Decision 2001/574/EC establishing a common fiscal marker for gas oils and kerosene
(notified under document number C(2003) 4607)

(2003/900/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 95/60/EC of 27 November 1995 on fiscal marking of gas oils and kerosene ⁽¹⁾, and in particular Article 2(2) thereof,

Whereas:

- (1) By Commission Decision 2001/574/EC ⁽²⁾, the product identified by the scientific name N-Ethyl-N-[2-(1-isobutoxyethoxy)ethyl]-4-(phenylazo)aniline (Solvent Yellow 124) was established as the common fiscal marker for gas oils and kerosene, and a marking level of at least 6 mg of marker per litre of mineral oil was fixed. However, a maximum marking level of 9 mg of marker per litre of mineral oil should be established in order to counter a number of fraudulent uses of mineral oils.
- (2) Decision 2001/574/EC should therefore be amended accordingly.
- (3) The measure provided for in this Decision is in accordance with the opinion of the Committee on Excise Duties,

HAS ADOPTED THIS DECISION:

Article 1

The second paragraph of Article 1 of Decision 2001/574/EC is replaced by the following:

‘Member States shall fix a marking level of at least 6 mg and not more than 9 mg of marker per litre of mineral oil.’

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 17 December 2003.

For the Commission

Frederik BOLKESTEIN

Member of the Commission

⁽¹⁾ OJ L 291, 6.12.1995, p. 46.

⁽²⁾ OJ L 203, 28.7.2001, p. 20. Decision as amended by Decision 2002/269/EC (OJ L 93, 10.4.2002, p. 6).