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I

(Acts whose publication is obligatory)

**COMMISSION REGULATION (EC) No 28/2003
of 8 January 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 9 January 2003.

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

Done at Brussels, 8 January 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 8 January 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	63,8
	204	58,5
	212	83,5
	624	154,7
	999	90,1
0707 00 05	052	130,2
	999	130,2
0709 90 70	052	109,8
	204	131,7
	999	120,8
0805 10 10, 0805 10 30, 0805 10 50	052	45,9
	204	55,8
	220	51,2
	999	51,0
0805 20 10	204	70,2
	999	70,2
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	052	68,5
	204	78,2
	999	73,3
0805 50 10	052	73,6
	600	69,0
	999	71,3
0808 10 20, 0808 10 50, 0808 10 90	060	39,9
	400	108,0
	404	105,1
	720	127,6
	999	95,2
0808 20 50	052	124,8
	400	116,5
	999	120,7

⁽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 29/2003**of 8 January 2003****amending Regulation (EC) No 2267/2002 fixing the representative prices and the additional import duties for molasses 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 market in sugar ⁽¹⁾, as amended by Commission Regulation (EC) No 680/2002 ⁽²⁾,

Having regard to Commission Regulation (EC) No 1422/95 of 23 June 1995 laying down detailed rules of application for imports of molasses in the sugar sector and amending Regulation (EEC) No 785/68 ⁽³⁾, and in particular Article 1(2) and Article 3(1) thereof,

Whereas:

- (1) Commission Regulation (EC) No 2267/2002 ⁽⁴⁾ fixes the representative prices and the additional import duties for molasses from 20 December 2002. The prices notified to the Commission by one Member State contained an error and the most favourable purchase prices on the world market referred to in Article 2 of Regulation (EEC) No 785/68 were therefore incorrectly established.

- (2) Consequently, the Annex to Regulation (EC) No 2267/2002 should be replaced from the date of application of that Regulation.

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

HAS ADOPTED THIS REGULATION:

Article 1

The Annex to Regulation (EC) No 2267/2002 is replaced by the Annex hereto.

Article 2

This Regulation shall enter into force on 9 January 2003.

It shall apply from 20 December 2002.

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

Done at Brussels, 8 January 2003.

For the Commission

J. M. SILVA RODRÍGUEZ

Agriculture Director-General

⁽¹⁾ OJ L 178, 30.6.2001, p. 1.

⁽²⁾ OJ L 104, 20.4.2002, p. 26.

⁽³⁾ OJ L 141, 24.6.1995, p. 12.

⁽⁴⁾ OJ L 347, 20.12.2002, p. 7.

ANNEX

‘ANNEX

to the Commission Regulation of 19 December 2002 fixing the representative prices and additional import duties to imports of molasses in the sugar sector

(in EUR)

CN code	Amount of the representative price in 100 kg net of the product in question	Amount of the additional duty in 100 kg net of the product in question	Amount of the duty to be applied to imports in 100 kg net of the product in question because of suspension as referred to in Article 5 of Regulation (EC) No 1422/95 ⁽²⁾
1703 10 00 ⁽¹⁾	8,20	—	0,01
1703 90 00 ⁽¹⁾	11,11	—	0

⁽¹⁾ For the standard quality as defined in Article 1 of amended Regulation (EEC) No 785/68.⁽²⁾ This amount replaces, in accordance with Article 5 of Regulation (EC) No 1422/95, the rate of the Common Customs Tariff duty fixed for these products.’

COMMISSION REGULATION (EC) No 30/2003**of 8 January 2003****concerning Regulation (EC) No 2375/2002 opening and providing for the administration of Community tariff quotas for common wheat of a quality other than high quality imported from third countries and derogating from Council Regulation (EEC) No 1766/92**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organisation of the market in cereals⁽¹⁾, as last amended by Regulation (EC) No 1666/2000⁽²⁾, and in particular Article 12(1) thereof,

Whereas:

- (1) Commission Regulation (EC) No 2375/2002⁽³⁾ provides, in particular, for preferential access for 592 900 tonnes of common wheat originating in other third countries during the period from 1 January to 31 March 2003.
- (2) The Commission is required to fix a single reduction coefficient to be applied to quantities covered by import licence applications in excess of the quarterly quota. Import licence applications lodged on 3 and 6 January 2003 for common wheat from other third countries

may cover 16 357 452 tonnes and the maximum quantity which may be imported at a duty of EUR 12 per tonne is 592 900 tonnes,

HAS ADOPTED THIS REGULATION:

Article 1

Applications for import licences for Subquota III — Tranche No 1/2003 of the quota for common wheat provided for in Regulation (EC) No 2375/2002 at an import duty of EUR 12 per tonne for common wheat of a quality other than high quality falling within CN code 1001 90 99 lodged on 3 and 6 January 2003 and notified to the Commission shall be accepted for the quantities shown therein reduced by a coefficient of 0,03625.

Article 2

This Regulation shall enter into force on 9 January 2003.

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

Done at Brussels, 8 January 2003.

For the Commission

J. M. SILVA RODRÍGUEZ

Agriculture Director-General⁽¹⁾ OJ L 181, 1.7.1992, p. 21.⁽²⁾ OJ L 193, 29.7.2000, p. 1.⁽³⁾ OJ L 358, 31.12.2002, p. 88.

COMMISSION REGULATION (EC) No 31/2003
of 8 January 2003
fixing the import duties in the rice sector

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organisation of the market in rice ⁽¹⁾, as last amended by Commission Regulation (EC) No 411/2002 ⁽²⁾,

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

Whereas:

- (1) Article 11 of Regulation (EC) No 3072/95 provides that the rates of duty in the Common Customs Tariff are to be charged on import of the products referred to in Article 1 of that Regulation. However, in the case of the products referred to in paragraph 2 of that Article, the import duty is to be equal to the intervention price valid for such products on importation and increased by a certain percentage according to whether it is husked or milled rice, minus the cif import price provided that duty does not exceed the rate of the Common Customs Tariff duties.
- (2) Pursuant to Article 12(3) of Regulation (EC) No 3072/95, the cif import prices are calculated on the basis of the representative prices for the product in question on the world market or on the Community import market for the product.

- (3) Regulation (EC) No 1503/96 lays down detailed rules for the application of Regulation (EC) No 3072/95 as regards import duties in the rice sector.
- (4) The import duties are applicable until new duties are fixed and enter into force. They also remain in force in cases where no quotation is available from the source referred to in Article 5 of Regulation (EC) No 1503/96 during the two weeks preceding the next periodical fixing.
- (5) In order to allow the import duty system to function normally, the market rates recorded during a reference period should be used for calculating the duties.
- (6) Application of Regulation (EC) No 1503/96 results in import duties being fixed as set out in the Annexes to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The import duties in the rice sector referred to in Article 11(1) and (2) of Regulation (EC) No 3072/95 shall be those fixed in Annex I to this Regulation on the basis of the information given in Annex II.

Article 2

This Regulation shall enter into force on 9 January 2003.

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

Done at Brussels, 8 January 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, 30.7.1996, p. 71.

⁽⁴⁾ OJ L 189, 18.7.2002, p. 8.

ANNEX I

Import duties on rice and broken rice

(EUR/t)

CN code	Duties ⁽¹⁾				
	Third countries (except ACP and Bangladesh) ⁽²⁾	ACP ⁽¹⁾ ⁽²⁾ ⁽³⁾	Bangladesh ⁽⁴⁾	Basmati India and Pakistan ⁽⁵⁾	Egypt ⁽⁶⁾
1006 10 21	(7)	69,51	101,16		158,25
1006 10 23	(7)	69,51	101,16		158,25
1006 10 25	(7)	69,51	101,16		158,25
1006 10 27	(7)	69,51	101,16		158,25
1006 10 92	(7)	69,51	101,16		158,25
1006 10 94	(7)	69,51	101,16		158,25
1006 10 96	(7)	69,51	101,16		158,25
1006 10 98	(7)	69,51	101,16		158,25
1006 20 11	264,00	88,06	127,66		198,00
1006 20 13	264,00	88,06	127,66		198,00
1006 20 15	264,00	88,06	127,66		198,00
1006 20 17	264,00	88,06	127,66	14,00	198,00
1006 20 92	264,00	88,06	127,66		198,00
1006 20 94	264,00	88,06	127,66		198,00
1006 20 96	264,00	88,06	127,66		198,00
1006 20 98	264,00	88,06	127,66	14,00	198,00
1006 30 21	(7)	133,21	193,09		312,00
1006 30 23	(7)	133,21	193,09		312,00
1006 30 25	(7)	133,21	193,09		312,00
1006 30 27	(7)	133,21	193,09		312,00
1006 30 42	(7)	133,21	193,09		312,00
1006 30 44	(7)	133,21	193,09		312,00
1006 30 46	(7)	133,21	193,09		312,00
1006 30 48	(7)	133,21	193,09		312,00
1006 30 61	(7)	133,21	193,09		312,00
1006 30 63	(7)	133,21	193,09		312,00
1006 30 65	(7)	133,21	193,09		312,00
1006 30 67	(7)	133,21	193,09		312,00
1006 30 92	(7)	133,21	193,09		312,00
1006 30 94	(7)	133,21	193,09		312,00
1006 30 96	(7)	133,21	193,09		312,00
1006 30 98	(7)	133,21	193,09		312,00
1006 40 00	(7)	41,18	(7)		96,00

⁽¹⁾ The duty on imports of rice originating in the ACP States is applicable, under the arrangements laid down in Council Regulation (EC) No 1706/98 (OJ L 215, 1.8.1998, p. 12) and amended Commission Regulation (EC) No 2603/97 (OJ L 351, 23.12.1997, p. 22).

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

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

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

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

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

⁽⁷⁾ Duties fixed in the Common Customs Tariff.

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

ANNEX II

Calculation of import duties for rice

	Paddy	Indica rice		Japonica rice		Broken rice
		Husked	Milled	Husked	Milled	
1. Import duty (EUR/tonne)	(¹)	264,00	416,00	264,00	416,00	(¹)
2. Elements of calculation:						
(a) Arag cif price (EUR/tonne)	—	204,22	219,38	268,59	298,41	—
(b) fob price (EUR/tonne)	—	—	—	239,81	269,63	—
(c) Sea freight (EUR/tonne)	—	—	—	28,78	28,78	—
(d) Source	—	USDA and operators	USDA and operators	Operators	Operators	—

(¹) Duties fixed in the Common Customs Tariff.

COMMISSION DIRECTIVE 2003/2/EC**of 6 January 2003****relating to restrictions on the marketing and use of arsenic (tenth adaptation to technical progress to Council Directive 76/769/EEC)****(Text with EEA relevance)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 76/769/EEC of 27 July 1976 on the approximation of the laws, regulations and administrative provisions of the Member States relating to restrictions on the marketing and use of certain dangerous substances and preparations⁽¹⁾, as last amended by Commission Directive 2002/62/EC⁽²⁾ and in particular Article 2(a) thereof, introduced by Council Directive 89/678/EEC⁽³⁾,

Whereas:

- (1) Council Directive 89/677/EEC⁽⁴⁾ amending for the eighth time Directive 76/769/EEC places certain restrictions on the marketing and use of arsenic.
- (2) A risk assessment and an analysis of advantages and drawbacks of further restrictions on arsenic in certain wood preservatives⁽⁵⁾ were carried out in the framework of a review of Community legislation concerning the use of arsenic compounds for wood preservation following the accession of Austria, Finland and Sweden to the European Union in 1995.
- (3) The risk assessment was referred to the Scientific Committee on Toxicity, Ecotoxicity and the Environment (CSTEE) for peer review⁽⁶⁾ and the CSTEE concluded that the main risks had been identified correctly. These risks included those to human health from the disposal of wood treated with wood preservatives containing copper, chrome and arsenic (CCA) and in particular risks to children's health from the use of CCA-treated wood in playground equipment. A risk to the aquatic environment in certain marine waters was also identified.
- (4) The CSTEE further advised that in the light of a serious knowledge gap in relation to arsenic-treated wood in

landfills it would be advisable to exercise caution by limiting the use of arsenic-based wood preservation to those situations where it is absolutely necessary.

- (5) In a further consideration of the health effects of arsenic⁽⁷⁾ the CSTEE has concluded that the substance is both genotoxic and a well known carcinogen, and that it may be appropriate to consider that no threshold exists for carcinogenic effect.
- (6) Waste CCA-treated wood has been classified as hazardous waste pursuant to Commission Decision 2000/532/EC of 3 May 2000 replacing Decision 94/3/EC establishing a list of wastes pursuant to Article 1(a) of Council Directive 75/442/EEC on waste and Council Decision 94/904/EC establishing a list of hazardous waste pursuant to Article 1(4) of Council Directive 91/689/EC on hazardous waste⁽⁸⁾ as last amended by Council Decision 2001/573/EC⁽⁹⁾.
- (7) Directive 98/8/EC of the European Parliament and of the Council of 16 February 1998 concerning the placing of biocidal products on the market⁽¹⁰⁾ lays down provisions for harmonising the authorisation of biocides at Community level and Commission Regulation (EC) No 1896/2000 of 7 September 2000 on the first phase of the programme referred to in Article 16(2) of Directive 98/8/EC of the European Parliament and of the Council on biocidal products⁽¹¹⁾ requires wood preservatives to be evaluated as a priority in the review programme established under Directive 98/8/EC. Arsenic has been identified and notified as an active substance within the time limit set out in Regulation (EC) No 1896/2000. A complete dossier for evaluation of arsenic as an existing substance will have to be presented by 28 March 2004.
- (8) With regard to the risk assessment and taking account of the precautionary principle, pending harmonisation of rules under Directive 98/8/EC or a Decision pursuant to Article 6(3) of Regulation (EC) No 1896/2000, it is necessary to adapt the restrictions on arsenic in Directive 76/769/EEC to technical progress. This Directive does not apply to CCA-treated wood already in place.

⁽¹⁾ OJ L 262, 27.9.1976, p. 201.

⁽²⁾ OJ L 183, 12.7.2002, p. 58.

⁽³⁾ OJ L 398, 30.12.1989, p. 24.

⁽⁴⁾ OJ L 398, 30.12.1989, p. 19.

⁽⁵⁾ Assessment of the Risks to Health and to the Environment of Arsenic in Wood Preservatives and of the Effects of Further Restrictions on its marketing and use, 1998.

⁽⁶⁾ http://europa.eu.int/comm/food/fs/sc/sct/out18_en.html.

⁽⁷⁾ http://europa.eu.int/comm/food/fs/sc/sct/out106_en.html.

⁽⁸⁾ OJ L 226, 6.9.2000, p. 3.

⁽⁹⁾ OJ L 203, 28.7.2001, p. 18.

⁽¹⁰⁾ OJ L 123, 24.4.1998, p. 1.

⁽¹¹⁾ OJ L 228, 8.9.2000, p. 6.

- (9) This Directive should apply without prejudice to Community legislation laying down minimum requirements for the protection of workers, in particular, Council Directive 89/391/EEC of 12 June 1989 on the introduction of measures to encourage improvements in the safety and health of workers at work ⁽¹⁾, Council Directive 90/394/EEC of 28 June 1990 on the protection of workers from the risks related to exposure to carcinogens at work (Sixth individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC) ⁽²⁾, as last amended by Directive 1999/38/EC ⁽³⁾ and Council Directive 98/24/EC of 7 April 1998 on the protection of workers from chemical agents at work (14th individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC) ⁽⁴⁾.
- (10) The measures provided for in this Directive are in accordance with the opinion of the Committee for the adaptation to technical progress of directives on the removal of technical barriers to trade in dangerous substances and preparations,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Annex I to Directive 76/769/EEC is hereby amended as set out in the Annex to this Directive.

Article 2

Member States shall adopt and publish the provisions necessary to comply with this Directive by 30 June 2003 at the latest. They shall forthwith inform the Commission thereof. They shall apply these provisions by 30 June 2004 at the latest.

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

Article 3

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

Article 4

This Directive is addressed to the Member States.

Done at Brussels, 6 January 2003.

For the Commission

Erkki LIIKANEN

Member of the Commission

⁽¹⁾ OJ L 183, 29.6.1989, p. 1.

⁽²⁾ OJ L 196, 26.7.1990, p. 1.

⁽³⁾ OJ L 138, 1.6.1999, p. 66.

⁽⁴⁾ OJ L 131, 5.5.1998, p. 11.

ANNEX

Annex I to Directive 1976/769/EEC, point 20 is replaced by the following:

‘20. Arsenic compounds	1. May not be used as substances and constituents of preparations intended for use: (a) To prevent the fouling by micro-organisms, plants or animals of: — the hulls of boats, — cages, floats, nets and any other appliances or equipment used for fish or shellfish farming, — any totally or partly submerged appliances or equipment; (b) in the preservation of wood. Furthermore, wood so treated may not be placed on the market; (c) however, by way of derogation: (i) Relating to the substances and preparations in the preservation of wood: these may only be used in industrial installations using vacuum or pressure to impregnate wood if they are solutions of inorganic compounds of the copper, chromium, arsenic (CCA) type C. Wood so treated may not be placed on the market before fixation of the preservative is completed. (ii) Relating to wood treated with CCA solutions in industrial installations according to point (i): this may be placed on the market for professional and industrial use provided that the structural integrity of the wood is required for human or livestock safety and skin contact by the general public during its service life is unlikely: — as structural timber in public and agricultural buildings, office buildings, and industrial premises, — in bridges and bridgework, — as constructional timber in freshwater areas and brackish waters e.g. jetties and bridges, — as noise barriers, — in avalanche control, — in highway safety fencing and barriers, — as debarked round conifer livestock fence posts, — in earth retaining structures, — as electric power transmission and telecommunications poles, — as underground railway sleepers. Without prejudice to the application of other Community provisions on the classification, packaging and labelling of dangerous substances and preparations, all treated wood placed on the market shall be individually labelled “For professional and industrial installation and use only, contains arsenic”. In addition, all wood placed on the market in packs shall also bear a label stating “Wear gloves when handling this wood. Wear a dust mask and eye protection when cutting or otherwise crafting this wood. Waste from this wood shall be treated as hazardous by an authorised undertaking”. (iii) Treated wood referred to under points (i) and (ii) may not be used: — in residential or domestic constructions, whatever the purpose, — in any application where there is a risk of repeated skin contact, — in marine waters, — for agricultural purposes other than for livestock fence posts and structural uses in accordance with point (ii), — in any application where the treated wood may come into contact with intermediate or finished products intended for human and/or animal consumption. 2. May not be used as substances and constituents of preparations intended for use in the treatment of industrial waters, irrespective of their use.’
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COMMISSION DIRECTIVE 2003/3/EC**of 6 January 2003****relating to restrictions on the marketing and use of 'blue colourant' (twelfth adaptation to technical progress of Council Directive 76/769/EEC)****(Text with EEA relevance)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 76/769/EEC of 27 July 1976 on the approximation of the laws, regulations and administrative provisions of the Member States relating to restrictions on the marketing and use of dangerous substances and preparations ⁽¹⁾, as last amended by Commission Directive 2003/2/EC of 6 January 2003 relating to restrictions on the marketing and use of arsenic (tenth adaptation to technical progress to Council Directive 76/769/EEC) ⁽²⁾ and in particular Article 2(a) thereof, introduced by Council Directive 89/678/EEC ⁽³⁾,

Whereas:

- (1) Under Directive 76/769/EEC as amended by Directive 2002/61/EC of the European Parliament and the Council ⁽⁴⁾ specified azocolourants are not to be used in certain textiles and leather articles; nor may those textiles or leather articles be placed on the market unless they conform to the requirements in that directive.
- (2) The risks to the health and environment of 'blue colourant Index No 611-070-00-2' have been assessed under Commission Directive 93/67/EEC of 20 July 1993 laying down the principles for the assessment of risks to health and the environment of substances notified in accordance with Council Directive 67/548/EEC ⁽⁵⁾; the risk assessment identified a need for reducing risks of the blue colourant to the environment as this blue colourant has a high aquatic toxicity, is not easily degradable and reaches the environment via waste water.
- (3) In order to protect the environment the placing on the market and the use of the blue colourant should be prohibited for colouring textile and leather articles. The blue colourant should therefore be added to those substances listed in Annex I to Directive 76/769/EEC.
- (4) The restrictions on the placing on the market and use of the blue colourant laid down by this Directive take into account the current state of knowledge and techniques regarding suitable alternatives.

(5) This Directive should apply without prejudice to Community legislation laying down minimum requirements for the protection of workers, in particular Council Directive 89/391/EEC of 12 June 1989 on the introduction of measures to encourage improvements in the safety and health of workers at work ⁽⁶⁾, and Council Directive 90/394/EEC of 28 June 1990 on the protection of workers from the risks related to carcinogens at work (Sixth individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC) ⁽⁷⁾, as last amended by Directive 1999/38/EC ⁽⁸⁾.

(6) The measures provided for in this Directive are in accordance with the opinion of the Committee for the adaptation to technical progress of the Directives on the removal of technical barriers to trade in dangerous substances and preparations,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Annex I to Directive 76/769/EEC is hereby adapted to technical progress as set out in the Annex to this Directive.

Article 2

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 31 December 2003 at the latest. They shall forthwith inform the Commission thereof. They shall apply these provisions as from 30 June 2004.

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

Article 3

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

⁽¹⁾ OJ L 262, 27.9.1976, p. 201.

⁽²⁾ See page 9 of this Official Journal.

⁽³⁾ OJ L 398, 30.12.1989, p. 24.

⁽⁴⁾ OJ L 243, 11.9.2002, p. 15.

⁽⁵⁾ OJ L 227, 8.9.1993, p. 9.

⁽⁶⁾ OJ L 183, 29.6.1989, p. 1.

⁽⁷⁾ OJ L 196, 26.7.1990, p. 1.

⁽⁸⁾ OJ L 138, 1.6.1999, p. 66.

Article 4

This Directive is addressed to the Member States.

Done at Brussels, 6 January 2003.

For the Commission

Erkki LIIKANEN

Member of the Commission

ANNEX

— In Annex I to Directive 76/769/EEC, point 43 is replaced by the following:

‘43. Azocolourants	1. Azodyes which, by reductive cleavage of one or more azo groups, may release one or more of the aromatic amines listed in the Appendix, in detectable concentrations, i.e. above 30 ppm in the finished articles or in the dyed parts thereof, according to the testing method established in accordance with Article 2(a) of this Directive, may not be used in textile and leather articles which may come into direct and prolonged contact with the human skin or oral cavity, such as: — clothing, bedding, towels, hairpieces, wigs, hats, nappies and other sanitary items, sleeping bags, — footwear, gloves, wristwatch straps, handbags, purses/wallets, briefcases, chair covers, purses worn round the neck, — textile or leather toys and toys which include textile or leather garments, — yarn and fabrics intended for use by the final consumer. 2. Furthermore, the textile and leather Articles referred to in point 1 above may not be placed on the market unless they conform to the requirements set out in that point. By way of derogation, until 1 January 2005, this provision shall not apply to textile articles made of recycled fibres if the amines are released by residues deriving from previous dyeing of the same fibres and if the listed amines are released in concentrations below 70 ppm. 3. Azodyes, which are contained in the “List of azodyes” that is hereby added to the Appendix, may not be placed on the market or used for colouring textile and leather articles as a substance or constituent of preparations in concentrations higher than 0,1 % by mass. 4. Not later than 11 September 2005, the Commission shall, in the light of new scientific knowledge, review the provisions on azocolourants.’
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— The following point shall be added to the Appendix:

‘Point 43 Azocolourants

List of aromatic amines

	CAS number	Index number	EC number	Substances
1	92-67-1	612-072-00-6	202-177-1	biphenyl-4-ylamine 4-aminobiphenyl xenylamine
2	92-87-5	612-042-00-2	202-199-1	benzidine
3	95-69-2		202-441-6	4-chloro-o-toluidine
4	91-59-8	612-022-00-3	202-080-4	2-naphthylamine
5	97-56-3	611-006-00-3	202-591-2	o-aminoazotoluene 4-amino-2',3-dimethylazobenzene 4-o-tolylazo-o-toluidine
6	99-55-8		202-765-8	5-nitro-o-toluidine
7	106-47-8	612-137-00-9	203-401-0	4-chloroaniline
8	615-05-4		210-406-1	4-methoxy-m-phenylenediamine
9	101-77-9	612-051-00-1	202-974-4	4,4'-methylenedianiline 4,4'-diaminodiphenylmethane

	CAS number	Index number	EC number	Substances
10	91-94-1	612-068-00-4	202-109-0	3,3'-dichlorobenzidine 3,3'-dichlorobiphenyl-4,4'-ylenediamine
11	119-90-4	612-036-00-X	204-355-4	3,3'-dimethoxybenzidine o-dianisidine
12	119-93-7	612-041-00-7	204-358-0	3,3'-dimethylbenzidine 4,4'-bi-o-toluidine
13	838-88-0	612-085-00-7	212-658-8	4,4'-methylenedi-o-toluidine
14	120-71-8		204-419-1	6-methoxy-m-toluidine p-cresidine
15	101-14-4	612-078-00-9	202-918-9	4,4'-methylene-bis-(2-chloro-aniline) 2,2'-dichloro-4,4'-methylene-dianiline
16	101-80-4		202-977-0	4,4'-oxydianiline
17	139-65-1		205-370-9	4,4'-thiodianiline
18	95-53-4	612-091-00-X	202-429-0	o-toluidine 2-aminotoluene
19	95-80-7	612-099-00-3	202-453-1	4-methyl-m-phenylenediamine
20	137-17-7		205-282-0	2,4,5-trimethylaniline
21	90-04-0	612-035-00-4	201-963-1	o-anisidine 2-methoxyaniline
22	60-09-3	611-008-00-4	200-453-6	4-amino azobenzene

List of azodyes

	CAS number	Index number	EC number	Substances
1	Not allocated Component 1: CAS-No.: 118685-33-9 $C_{39}H_{23}ClCrN_7O_{12}S_2Na$ Component 2: $C_{46}H_{30}CrN_{10}O_{20}S_2 \cdot 3Na$	611-070-00-2	405-665-4	A mixture of: disodium (6-(4-anisidino)-3-sulfonato-2-(3,5-dinitro-2-oxidophenylazo)-1-naphtholato)(1-(5-chloro-2-oxidophenylazo)-2-naphtholato)chromate(1-); trisodium bis(6-(4-anisidino)-3-sulfonato-2-(3,5-dinitro-2-oxidophenylazo)-1-naphtholato)chromate(1-)'

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 17 December 2002

on a request from Greece for authorisation to use heavy fuel oils with a maximum sulphur content of 3 % by mass in part of its territory

(notified under document number C(2002) 2475)

(Only the Greek text is authentic)

(2003/3/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 1999/32/EC of 26 April 1999 relating to a reduction in the sulphur content of certain liquid fuels and amending Directive 93/12/EC ⁽¹⁾, and in particular the second subparagraph of Article 3(5) thereof,

Whereas:

- (1) Pursuant to Article 3(1) of Directive 1999/32/EC Member States are required to take all necessary steps to ensure that as from 1 January 2003 within their territory heavy fuel oils are not used if their sulphur content exceeds 1 % by mass.
- (2) Pursuant to Article 3(2), of that directive a Member State may, under certain conditions, authorise heavy fuel oils with a sulphur content of between 1 % and 3 % by mass to be used in part or the whole of its territory.
- (3) Greece applied on 17 December 2001 for the Commission's approval for the authorisation of the use of heavy fuel oil with a maximum sulphur content of 3 % by mass in the whole of its territory, except for the Attica Basin. Greece states that a maximum sulphur content of 3 % by mass is 10 % lower than that of the heavy fuel oil currently in use.
- (4) The Commission requested additional information from the Greek authorities on 23 January 2002. Greece submitted this information on 19 February 2002 and subsequently revised its request on 4 June 2002 to seek a time-limited derogation until 2008 with a review for the remaining period.

- (5) Greece provided data stating that the relevant Community ambient air quality standards for sulphur dioxide set down in Council Directive 80/779/EEC of 15 July 1980 on air quality limit values and guide values for sulphur dioxide and suspended particulates ⁽²⁾ and Council Directive 1999/30/EC of 22 April 1999 relating to limit values for sulphur dioxide, nitrogen dioxide and oxides of nitrogen, particulate matter and lead in ambient air ⁽³⁾, as amended by Commission Decision 2001/744/EC ⁽⁴⁾, are complied with. In addition, on the basis of indicative measurements taken at three representative points, which coincide with ecosystem zones, concentrations for sulphur dioxide in ambient air are below the 20 µg/m³-limit value for the protection of ecosystems set out in Directive 1999/30/EC. Greece states that in general concentrations of sulphur dioxides in ambient air within its territory are low, nevertheless, in areas surrounding major thermal stations powered with lignite concentrations are higher. However, measurements provided by Greece, from monitoring stations several kilometres from the lignite-powered stations are within the relevant limit values set out in Directive 80/779/EEC as amended by Directive 89/427/EEC ⁽⁵⁾.

- (6) Greece states that emissions of sulphur dioxide presently amount to approximately 483 000 tonnes per annum. However, the level of emissions is expected to fall to 300 000 tonnes per annum due to increasing use of natural gas in the thermal power generation sector and due to measures that will be required to comply with

⁽¹⁾ OJ L 121, 11.5.1999, p. 13.

⁽²⁾ OJ L 229, 30.8.1980, p. 30.

⁽³⁾ OJ L 163, 29.6.1999, p. 41.

⁽⁴⁾ OJ L 278, 23.10.2001, p. 35.

⁽⁵⁾ OJ L 201, 14.7.1989, p. 53.

Directive 2001/80/EC of the European Parliament and of the Council of 23 October 2001 on the limitation of emissions of certain pollutants into the air from large combustion plants ⁽¹⁾.

- (7) Greece states that while it makes virtually no contribution to the deposition of sulphur or the critical loads for acidity being exceeded in other Member States, it acknowledges that it contributes 1 % of the sulphur deposition in Italy.
- (8) The Commission requested the help of the cooperative programme for monitoring and evaluation of the long range transmission of air pollutants in Europe (EMEP), which conducted a more detailed analysis of the Greek contribution to sulphur deposition, in particular in Italy, where critical loads for acidity are exceeded in 5 % of the ecosystems that are sensitive to acidification.
- (9) The results of this analysis by EMEP, contained in reports of 22 February and 22 March 2002 show that approximately 57 % of the Greek sulphur dioxide emissions originate outside the Attica Basin and that the geographical area affected by these emissions extends over the whole of Europe as a consequence of the long range transport.
- (10) In the case of Italy, the EMEP analysis shows that Greek emissions contribute to critical loads for acidity being exceeded in at least six grid squares where exceedances of critical loads were established. In those grid squares the contribution from Greece does not exceed 0,5 %. EMEP concludes that this analysis is in agreement with calculations that assign 1 % of the total sulphur deposition in Italy to Greece.
- (11) On 5 July 2002, the Greek authorities announced that the already submitted notification was incomplete and that additional information would be submitted by the end of July. By letter of 15 July 2002, the Commission took note of the above and requested the Greek authorities to provide the announced information as soon as possible, indicating that the period of six months set up in Article 3(5) of the Directive would start to run when such information was received.
- (12) On 30 July 2002 the Greek authorities submitted data on sulphur dioxide emissions in Greece for the year 2000 and suggested that the Greek request should be examined on the basis of this data. On 3 October 2002, they also submitted a recent assessment of the protection level of ecosystems in Italy with a view to the Greek contribution to exceedance of critical loads for acidity.

- (13) The Commission requested EMEP to evaluate the additional information provided by Greece on 30 July and 3 October 2002, respectively. Supported by the Coordination Centre for Effects on Mapping of Critical Levels and Loads (CCE) EMEP confirmed the former conclusion that Greek emissions of sulphur dioxide as reported by Greece for the year 2000 contribute to the exceedance of critical loads for acidity in Italy. The results are summarised in a report of 19 November 2002, according to which it is substantiated beyond any reasonable doubt that Greek emissions do contribute to excess deposition above the critical loads for acidification in other Member States, particularly Italy.
- (14) In light of the information provided by Greece on ambient air quality and the analysis conducted by EMEP supported by CCE on the Greek contribution to critical loads being exceeded, the Commission considers that the condition, as adopted by the Council, regarding critical load exceedance, that must be complied with for a Member State to be permitted to authorise the use of heavy fuel oils with a sulphur content of between 1 % and 3 % by mass in part or the whole of its territory, is not met and therefore the Commission cannot grant the derogation requested by Greece.
- (15) The measures provided for in this Decision are in accordance with the opinion of the Committee established under Article 9 of Directive 1999/32/EC,

HAS ADOPTED THIS DECISION:

Article 1

The request by Greece to authorise the use of heavy fuel oils with maximum sulphur content of between 1 % and 3 % by mass in part of its territory from 1 January 2003 is denied.

Article 2

This Decision is addressed to the Hellenic Republic.

Done at Brussels, 17 December 2002.

For the Commission

Margot WALLSTRÖM

Member of the Commission

⁽¹⁾ OJ L 309, 27.11.2001, p. 1.

**DECISION No 2/2002 OF THE EC-EFTA JOINT COMMITTEE ON COMMON TRANSIT
of 27 November 2002**

amending the Convention of 20 May 1987 on a common transit procedure

(2003/4/EC)

THE JOINT COMMITTEE,

Article 3

Having regard to the Convention of 20 May 1987 on a common transit procedure ⁽¹⁾, and in particular Article 15(3)(a) thereof,

Whereas:

- (1) The state of implementation of the computerised transit system no longer justifies the possibility offered to traders to use the loading list as descriptive part of transit declarations lodged by means of a data processing technique and it should consequently be removed.
- (2) The provisions concerned should be amended accordingly,

1. This Decision shall enter into force on the date of its adoption.

2. It shall be applicable from 1 January 2005.

3. Before 1 July 2004, the Joint Committee shall evaluate the degree of implementation of the computerised transit system by the traders. This evaluation will be based on a report of the Commission, drawn up from contributions of the countries. The Joint Committee may decide on this basis if and subject to what conditions a deferral of the date mentioned in paragraph 2 is necessary.

HAS DECIDED AS FOLLOWS:

Article 1

Appendix I shall be amended in accordance with Annex I to this Decision.

Done at Brussels, 27 November 2002.

Article 2

Appendix III shall be amended in accordance with Annex II to this Decision.

For the Joint Committee

The President

Robert VERRUE

⁽¹⁾ OJ L 226, 13.8.1987, p. 2.

ANNEX I

Appendix I is amended as follows:

1. Article 18(3) is deleted, whereby Article 18(4) becomes Article 18(3).
2. Article 30(2) is replaced by the following:
'2. Where appropriate, the transit accompanying document shall be supplemented by a list of items which shall form an integral part thereof and conform to the specimen in Appendix III.'

ANNEX II

Appendix III is amended as follows:

1. Annex A11 is amended as follows:

In Title III, point 3, the second subparagraph is deleted.

2. In Annex D1, Title II, point B is amended as follows:

(a) The attribute 'Number of loading lists' and the explanatory text are deleted.

(b) The explanatory text of the attribute 'Total number of packages' is replaced by the following:

'Type/Length: n..7

The use of the attribute is optional. The total number of packages is equal to the sum of all "Number of packages", all "Number of pieces" and a value of "1" for each declared "bulk".'

(c) The explanatory text of the data group 'GOODS ITEM' is replaced by the following:

'Number: 999

The data group shall be used'

3. Annex D3 is replaced by the following:

'Specimen of the transit accompanying document

A	TRANSIT — ACCOMPANYING DOCUMENT	2 Consignor /Exporter No	1 REGIME	MRN		
			3 Forms			
			5 Items	6 Total packages		
		8 Consignee No	Return copy has to be sent to the Office:			
			15 Country of dispatch /export			
		18 Identity and nationality of means of transport at departure			17 Country of destination	
A			56 Other incidents during carriage Details and measures taken		G CERTIFICATION BY COMPETENT AUTHORITIES	
31 Packages and description of goods	Marks and numbers — Container No(s) — Number and kind		32 Item No	33 Commodity Code	35 Gross mass (kg)	
					38 Net mass (kg)	
			40 Summary declaration/Previous document			
44 Additional information/ Documents produced/ Certificates and authorisations						
55 Transshipments	Place and country:		Place and country:			
	Ident. and nat. new means transp.:		Ident. and nat. new means transp.:			
	Ctr. ☐ (!) Identity of new container:		Ctr. ☐ (!) Identity of new container:			
	(!) Enter 1 if YES or 0 if NO.		(!) Enter 1 if YES or 0 if NO.			
F CERTIFICATION BY COMPETENT AUTHORITIES	New seals: Number: identity:		New seals: Number: identity:			
	Signature: Stamp:		Signature: Stamp:			
	☐ Data already recorded into the System		☐ Data already recorded into the System			
	50 Principal No		C OFFICE OF DEPARTURE			
51 Intended offices of transit (and country)						
52 Guarantee not valid for			Code	53 Office of destination (and country)		
D CONTROL BY OFFICE OF DEPARTURE			I CONTROL BY OFFICE OF DESTINATION			
Result:			Date of arrival:			
Seals affixed: Number: identity:			Examination of seals:			
Time limit (date):			Remarks:			
			Return Copy sent on after registration under No Signature: Stamp:			

B	2	Consignor /Exporter		No		1 REGIME 		MRN												
	TRANSIT - RETURN COPY	3	Forms				5 Items 6 Total packages													
8		Consignee		No		Return copy has to be sent to the Office: 														
B	15 Country of dispatch /export				17 Country of destination															
	18	Identity and nationality of means of transport at departure				56 Other incidents during carriage Details and measures taken					G CERTIFICATION BY COMPETENT AUTHORITIES									
31	Packages and description of goods		Marks and numbers - Container No(s) - Number and kind				32		Item		33 Commodity Code		35 Gross mass (kg)		38 Net mass (kg)					
							No													
																	40 Summary declaration/Previous document			
44	Additional information/ Documents produced/ Certificates and authorisations																			
55	Transshipments		Place and country:				Place and country:													
			Ident. and nat. new means transp.:				Ident. and nat. new means transp.:													
			Ctr. ☐ (!) Identity of new container:				Ctr. ☐ (!) Identity of new container:													
			(!) Enter 1 if YES or 0 if NO.				(!) Enter 1 if YES or 0 if NO.													
F	CERTIFICATION BY COMPETENT AUTHORITIES		New seals: Number: identity: Stamp:				New seals: Number: identity: Stamp:													
			Signature: ☐ Data already recorded into the System				Signature: ☐ Data already recorded into the System													
50	Principal		No				C OFFICE OF DEPARTURE													
51	Intended offices of transit (and country)																			
52	Guarantee not valid for						Code		53 Office of destination (and country)											
D CONTROL BY OFFICE OF DEPARTURE						I CONTROL BY OFFICE OF DESTINATION														
Result:						Date of arrival:						Return Copy sent								
Seals affixed: Number:						Examination of seals:						on								
identity:						Remarks:						after registration under								
Time limit (date):												No								
												Signature:								
												Stamp:								

4. Annex D4 is amended as follows:

(a) Point B is replaced by the following:

‘B. EXPLANATORY NOTES FOR PRINTING

The following possibilities exist for the printing of the transit accompanying document:

1. the declared office of destination is linked to the computerised transit system:
 - print only copy A (accompanying document);
2. the declared office of destination is not linked to the computerised transit system:
 - print copy A (accompanying document), and
 - print copy B (return copy).’

(b) Point C is replaced by the following:

‘C. EXPLANATORY NOTES FOR THE RETURN OF THE CONTROL RESULTS FROM THE OFFICE OF DESTINATION

The following possibilities exist for the return of the control results from the office of destination:

1. the actual office of destination is the declared one and it is linked to the computerised transit system:
 - the control results shall be sent to the office of departure by electronic means;
2. the actual office of destination is the declared one and it is not linked to the computerised transit system:
 - the control results shall be sent to the office of departure using return copy B of the transit accompanying document (including list of items, if any);
3. the declared office of destination is linked to the computerised transit system but the actual office of destination is not linked to the computerised transit system (change of office of destination):
 - the control results shall be sent to the office of departure using a photocopy of the transit accompanying document, copy A (including list of items, if any);
4. the declared office of destination is not linked to the computerised transit system but the actual office of destination is linked to the computerised transit system (change of office of destination):
 - the control results shall be sent to the office of departure by electronic means.’

(c) Point D is deleted.

CORRIGENDA

Corrigendum to Commission Decision 2002/986/EC of 13 December 2002 amending Decisions 2001/881/EC drawing up a list of border inspection posts approved for veterinary checks on animals and animal products from third countries and 2002/459/EC listing the units in the ANIMO computer network

(Official Journal of the European Communities L 344 of 19 December 2002)

On page 33, in Annex 1 entitled 'LIST OF AGREED BORDER INSPECTION POSTS' the following country should be inserted after 'ITALY' and before 'NETHERLANDS':

País: LUXEMBURGO — **Land:** LUXEMBOURG — **Land:** LUXEMBURG — **Χώρα:** ΛΟΥΞΕΜΒΟΥΡΓΟ — **Country:** LUXEMBOURG — **Pays:** LUXEMBOURG — **Paese:** LUSSEMBURGO — **Land:** LUXEMBURG — **País:** LUXEMBURGO — **Maa:** LUXEMBURG — **Land:** LUXEMBURG

1	2	3	4	5	6
Luxembourg	0600199	A	Centre 1	HC	
			Centre 2	NHC-NT	
			Centre 3		U, E, O