

Official Journal

of the European Communities

ISSN 0378-6978

L 23

Volume 46

28 January 2003

English edition

Legislation

Contents

I Acts whose publication is obligatory

- ★ **Council Regulation (EC) No 138/2003 of 21 January 2003 amending Regulation (EEC) No 3030/93 on common rules for imports of certain textile products from third countries** 1
- Commission Regulation (EC) No 139/2003 of 27 January 2003 establishing the standard import values for determining the entry price of certain fruit and vegetables 4
- Commission Regulation (EC) No 140/2003 of 27 January 2003 determining the percentage of quantities which may be allowed in respect of import licence applications lodged in January 2003 under tariff quotas for beef and veal provided for in Regulation (EC) No 1279/98 for the Republic of Poland, the Republic of Hungary, the Czech Republic, Slovakia, Bulgaria and Romania 6
- Commission Regulation (EC) No 141/2003 of 27 January 2003 determining the percentage of quantities which may be allowed in respect of import licence applications lodged in January 2003 under tariff quotas for beef and veal provided for in Regulation (EC) No 1429/2002 for Estonia, Latvia and Lithuania 8
- ★ **Commission Regulation (EC) No 142/2003 of 27 January 2003 terminating the safeguard proceedings relating to certain steel products and providing for the refund of certain duties** 9
- Commission Regulation (EC) No 143/2003 of 27 January 2003 amending representative prices and additional duties for the import of certain products in the sugar sector 18
- Commission Regulation (EC) No 144/2003 of 27 January 2003 altering the export refunds on white sugar and raw sugar exported in the natural state 20

★ Commission Regulation (EC) No 145/2003 of 27 January 2003 amending for the ninth time Council Regulation (EC) No 881/2002 imposing certain specific restrictive measures directed against certain persons and entities associated with Usama bin Laden, the Al-Qaida network and the Taliban, and repealing Council Regulation (EC) No 467/2001	22
--	----

II Acts whose publication is not obligatory

Council

2003/57/EC:

★ Council Decision of 21 January 2003 suspending the Community obligations under the Sectoral Annex for Electrical Safety of the Agreement on Mutual Recognition between the European Community and the United States of America	24
---	----

Commission

2003/58/EC:

★ Commission Decision of 24 January 2003 amending Decision 95/340/EC as regards the inclusion of the Netherlands Antilles in a provisional list of third countries from which Member States authorise imports of milk and milk-based products ⁽¹⁾ (notified under document number C(2003) 323)	26
--	----

2003/59/EC:

★ Commission Decision of 24 January 2003 amending Decision 97/252/EC as regards the inclusion of a Netherlands Antilles establishment in provisional lists of third country establishments from which Member States authorise imports of milk and milk products for human consumption ⁽¹⁾ (notified under document number C(2003) 324)	28
--	----

2003/60/EC:

★ Commission Decision of 24 January 2003 amending Decision 2000/258/EC designating a specific institute responsible for establishing the criteria necessary for standardising the serological tests to monitor the effectiveness of rabies vaccines, as regards the approval of laboratories in third countries ⁽¹⁾ (notified under document number C(2003) 325)	30
--	----

2003/61/EC:

★ Commission Decision of 27 January 2003 authorising certain Member States to provide for temporary derogations from certain provisions of Council Directive 2000/29/EC in respect of seed potatoes originating in certain provinces of Canada (notified under document number C(2003) 334)	31
--	----

Note to readers (see page 3 of the cover)

I

(Acts whose publication is obligatory)

**COUNCIL REGULATION (EC) No 138/2003
of 21 January 2003
amending Regulation (EEC) No 3030/93 on common rules for imports of certain textile products
from third countries**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 133 thereof,

Having regard to the proposal from the Commission,

Whereas:

- (1) The application of Regulation (EEC) No 3030/93 ⁽¹⁾ has raised questions with regard to textile products that are imported under special circumstances, and in particular when imported as commercial samples or in consignments of negligible value.
- (2) Regulation (EEC) No 3030/93 does not contain provisions exempting imported textile products from the application of its rules, such as quantitative restrictions, licensing and other administrative requirements.
- (3) It is appropriate to provide for an exemption from these measures for samples of textile products under certain conditions.
- (4) Council Regulation (EC) No 1541/98 ⁽²⁾ lays down the general rules concerning the proof of origin for textile and clothing products falling within Section XI of the Combined Nomenclature, listed in Annex I to Regulation (EEC) No 3030/93. According to Articles 2 and 3 of that Regulation, the release for free circulation in the Community of textile products listed in groups IA, IB, IIA and IIB of Annex I to Regulation (EEC) No 3030/93 requires a certificate of origin while for products listed in other groups of Annex I, i.e. groups IIIA, IIIB, IV and V, a declaration of origin is sufficient.
- (5) Some bilateral agreements, protocols or other arrangements between the Community and supplier countries go beyond these general provisions, namely by requiring a certificate of origin for groups of products other than IA, IB, IIA and IIB of Annex I to Regulation (EEC) No 3030/93 or by requesting the use of specific forms of certification of origin while Regulation (EC) No 1541/98 only specifies the general conditions with which the certificates used should comply.
- (6) It seems desirable, in the interest of administrative simplification, to work towards a single regulatory system for proof of origin in respect of imports of textile and clothing products from all countries. It is advisable, in this regard, to follow the general provisions contained in Regulation (EC) No 1541/98.
- (7) It is appropriate, therefore, to establish that, in addition to the specific requirements provided for in bilateral agreements with third countries, the origin of textile and clothing products can be proved in accordance with the general requirements contained in Regulation (EC) No 1541/98.
- (8) The People's Republic of China became a Member of the World Trade Organisation on 11 December 2001.
- (9) As part of the terms and conditions for China's accession to the WTO, Paragraph 242 of the Report of the Working Party, which forms an integral part of the Protocol on the Accession of China to the WTO, sets out a specific safeguard clause applicable until 31 December 2008 concerning imports of textiles and apparel products, covered by the (ATC) of Chinese origin, to a WTO Member.
- (10) The safeguard provisions of Regulation (EEC) No 3030/93 should be brought into conformity with Paragraph 242 and establish that it should remain applicable to China for the purposes of the specific safeguard clause.
- (11) Regulation (EEC) No 3030/93 should therefore be amended accordingly,

⁽¹⁾ OJ L 275, 8.11.1993, p. 1. Regulation as last amended by Commission Regulation (EC) No 2344/2002 (OJ L 375, 31.12.2002, p. 91).

⁽²⁾ OJ L 202, 18.7.1998, p. 11.

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 3030/93 is hereby amended as follows:

1. Article 1 shall be amended as follows:

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

‘1. This Regulation applies to:

- imports of textile products listed in Annex I, originating in third countries with which the Community has concluded bilateral agreements, protocols or other arrangements as listed in Annex II,
- imports of textile products, as listed in Annex X, which, so far as the Community is concerned, have not been integrated into GATT 1994 within the meaning of Article 2(6) or (8) of the WTO Agreement on (ATC) Textiles and Clothing and which originate in third countries, Members of the World Trade Organisation (WTO). By derogation to this provision, Article 10a shall be applicable to textile products listed in Annex I under the conditions stipulated in that Article.’

(b) paragraph 6 shall be replaced by the following:

‘6. The requirements regarding proof of origin of the products referred to in paragraph 1 shall be as laid down in Annex III and in the relevant Community legislation in force. However, proof of origin presented in accordance with the provisions of Regulation (EC) No 1541/98 may also be accepted in place of the proof of origin required by bilateral agreements, protocols or other arrangements which lay down more stringent requirements.

The procedures for verification of the origin of those products shall be as laid down in Annex IV and in the relevant Community legislation in force.’

(c) the following paragraph shall be added:

‘8. By way of derogation from this Regulation, the import of the following textile products shall not be subject to quantitative restrictions, licensing or requirements regarding proof of origin:

- (a) Samples of textile products which are of negligible value and can be used only to solicit orders for goods of the type they represent with a view to their being imported into the customs territory of the Community. The competent authorities may require that certain articles, to qualify for the exemption, be rendered permanently unusable by being torn, perforated, or clearly and indelibly marked, or by any other process, provided such operation does not destroy their character as samples. “Samples of textile products” means any article representing a type of goods whose manner of presentation and quantity, for goods of the same type or quality, rule out its use for any purpose other than that of seeking orders.

(b) Representative samples of textile products manufactured outside the customs territory of the Community intended for a trade fair or similar event, provided that they

- are identifiable as advertising samples of low unitary value;
- are not easily marketable; or
- in their total value and quantity, are appropriate to the nature of the exhibition, the number of visitors and the extent of the exhibitor's participation.’

2. The following Article shall be inserted:

‘Article 10a

Special safeguard provisions for China

1. Should imports into the Community of textiles and apparel products originating in China and covered by the (ATC) threaten to impede, owing to market disruption, the orderly development of trade in those products, such imports may, during the period ending on 31 December 2008, be made subject to specific safeguard measures under the following conditions:

- (a) The Commission — acting at the request of a Member State or on its own initiative — shall open consultations with China with a view to easing or avoiding such market disruption. The request for consultation shall provide China with a detailed factual statement of reasons and justifications for the request, with current data showing the existence or threat of market disruption and the role of products of Chinese origin in that disruption. Consultations shall be commenced within 30 days of receipt of the request, the consultation period lasting 90 days from such receipt, unless extended by mutual agreement.

Upon receipt of the request for consultations China shall, during the period of consultation, hold its shipments to the Community of textile or textile products in the category or categories subject to the consultations, at a level no greater than 7,5 % (6 % for wool product categories) above the amount entered during the first 12 months of the most recent 14 months preceding the month in which the request for consultations was made.

- (b) The Commission may, if no mutually satisfactory solution is reached during the 90-day consultation period, establish a quantitative limit for the category or categories subject to the consultations. The quantitative limit shall be set up on the basis of the level at which China held its shipments upon receipt of the Community's request for consultation. The term of this quantitative limit shall be effective for a period ending on 31 December of the year in which consultations were requested, or, where three months or less remained in the year at the time of the request for consultations, for a period ending 12 months after the request for consultations. Consultations with China shall be continued during the term of the quantitative limit set up under this provision.

(c) No action taken under this paragraph shall remain in effect beyond one year without reapplication, unless otherwise agreed between the Community and China. Measures shall not be applied to the same product at the same time under this paragraph and the provisions of Section 16 of the Protocol on the Accession of China to the WTO. Measures taken pursuant to point (b) shall be the subject of a Commission communication published without delay in the *Official Journal of the European Communities*.

2. The quantitative limits established pursuant to this Article shall not apply to products which have already been dispatched to the Community provided that they were

shipped from the supplier country in which they originate for export to the Community before the date of notification of the request for consultations.

3. The measures provided for in this Article, including opening of consultations as provided for in paragraph 1(a), shall be adopted and implemented in accordance with the procedure laid down in Article 17.'

Article 2

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

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

Done at Brussels, 21 January 2003.

For the Council

The President

N. CHRISTODOULAKIS

COMMISSION REGULATION (EC) No 139/2003
of 27 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 28 January 2003.

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

Done at Brussels, 27 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 27 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	102,8
	204	59,5
	212	111,3
	999	91,2
0707 00 05	052	123,0
	628	151,4
	999	137,2
0709 10 00	220	43,3
	999	43,3
0709 90 70	052	135,0
	204	172,2
	999	153,6
0805 10 10, 0805 10 30, 0805 10 50	052	45,9
	204	56,1
	212	43,5
	220	50,8
	624	80,1
	999	55,3
0805 20 10	204	76,9
	999	76,9
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	052	53,5
	204	57,0
	220	82,6
	464	138,3
	600	78,5
	624	79,9
	999	81,6
0805 50 10	052	71,0
	220	94,9
	600	61,7
	999	75,9
0808 10 20, 0808 10 50, 0808 10 90	052	131,9
	060	43,3
	400	94,9
	404	105,6
	720	111,4
	999	97,4
0808 20 50	388	121,1
	400	105,5
	720	79,3
	999	102,0

⁽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 140/2003**of 27 January 2003****determining the percentage of quantities which may be allowed in respect of import licence applications lodged in January 2003 under tariff quotas for beef and veal provided for in Regulation (EC) No 1279/98 for the Republic of Poland, the Republic of Hungary, the Czech Republic, Slovakia, Bulgaria and Romania**

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 1279/98 of 19 June 1998, laying down rules for the application of the tariff quotas for beef and veal provided for by Council Regulation (EC) No 3066/95 for the Republic of Poland, the Republic of Hungary, the Czech Republic, the Slovak Republic, the Republic of Bulgaria and Romania ⁽¹⁾, as last amended by Regulation (EC) No 1634/2002 ⁽²⁾, and in particular Article 2 and Article 4(4) thereof,

Whereas:

- (1) Articles 1 and 2 of Regulation (EC) No 1279/98 fix the quantities of certain beef and veal products originating in Poland, Hungary, the Czech Republic, Slovakia, Romania and Bulgaria, which may be imported on special terms in respect of the period 1 January to 31 March 2003. The quantities of certain beef and veal products originating in Hungary, the Czech Republic and Romania covered by import licence applications submitted are such that applications may be accepted in full. However, quantities covered by applications in respect of certain beef and veal products originating in Poland must be reduced proportionately in accordance with Article 4(4) of that Regulation.
- (2) Article 2 of Regulation (EC) No 1279/98 states that if for the quota period the quantities for which applications for import licences have been submitted for the first, second or third period specified in the preceding subparagraph are less than the quantities available, the remaining quantities are to be added to the quantities in respect of the following period. Taking into account the quantities remaining from the third period and the new concessions provided for in the Council Decision of 19 December 2002 concerning the conclusion of a Protocol adjusting the trade aspects of the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and Romania, of the other part, to take account of the outcome of negotiations between the Parties on new mutual agricultural concession ⁽³⁾, the quantities available for the six countries concerned for the fourth period, running from 1 April to 30 June 2003, should accordingly be determined.

1. The following percentages of quantities covered by import licence applications submitted in respect of the period 1 January to 31 March 2003 under the quotas referred to in Regulation (EC) No 1279/98 may be allowed:

- (a) 100 % of quantities covered by applications in respect of products falling within CN codes 0201 and 0202 originating in Hungary and the Czech Republic;
- (b) 100 % of quantities covered by applications in respect of products falling within CN codes 0201, 0202, 1602 50 31, 1602 50 39 and 1602 50 80 originating in Romania;
- (c) 6,55569 % of quantities covered by applications in respect of products falling within CN codes 0201, 0202 and 1602 50 originating in Poland.

2. The quantities available for the period referred to in Article 2 of Regulation (EC) No 1279/98 running from 1 April to 30 June 2003 shall amount to:

- (a) beef and veal falling within CN codes 0201 and 0202:
- 9 610 t for meat originating in Hungary,
 - 3 370 t for meat originating in the Czech Republic,
 - 3 500 t for meat originating in Slovakia,
 - 250 t for meat originating in Bulgaria,
 - 3 360 t for meat originating in Romania;
- (b) 1 000 t for beef and veal products falling within CN codes 0206 10 95, 0206 29 91, 0210 20 10, 0210 20 90, 0210 99 51, 0210 99 59 and 0210 99 90 originating in Hungary;
- (c) 4 800 t for beef and veal falling within CN codes 0201 and 0202 originating in Poland, or 2 242,99 t for processed products falling within CN code 1602 50 originating in Poland;
- (d) 250 t for beef and veal products falling within CN code 1602 50 originating in Romania.

Article 2

This Regulation shall enter into force on 28 January 2003.

⁽¹⁾ OJ L 176, 20.6.1998, p. 12.

⁽²⁾ OJ L 247, 14.9.2002, p. 7.

⁽³⁾ OJ L 8, 14.1.2003, p. 18.

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

Done at Brussels, 27 January 2003.

For the Commission

J. M. SILVA RODRÍGUEZ

Agriculture Director-General

COMMISSION REGULATION (EC) No 141/2003**of 27 January 2003****determining the percentage of quantities which may be allowed in respect of import licence applications lodged in January 2003 under tariff quotas for beef and veal provided for in Regulation (EC) No 1429/2002 for Estonia, Latvia and Lithuania**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 1429/2002 of 2 August 2002 laying down rules for the application of the tariff quotas for beef and veal provided for by Council Regulations (EC) No 1151/2002, (EC) No 1361/2002 and (EC) No 1362/2002 for Estonia, Latvia and Lithuania ⁽¹⁾, as amended by Regulation (EC) No 1633/2002 ⁽²⁾, and in particular Article 2(2) and Article 4(3) thereof,

Whereas:

Articles 1 and 2 of Regulation (EC) No 1429/2002 fix the quantities of certain beef and veal products originating in Lithuania, Latvia and Estonia, which may be imported on special terms in respect of the period 1 January to 30 June 2003. The quantities of certain beef and veal products origi-

nating in Lithuania covered by import licence applications submitted are such that applications may be accepted in full. No applications were submitted for import licences for beef and veal products originating in Estonia and Latvia,

HAS ADOPTED THIS REGULATION:

Article 1

The quantities covered by import licence applications submitted in respect of the period 1 January to 30 June 2003 under the quotas referred to in Regulation (EC) No 1429/2002 may be allowed in full.

Article 2

This Regulation shall enter into force on 28 January 2003.

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

Done at Brussels, 27 January 2003.

For the Commission

J. M. SILVA RODRÍGUEZ

Member of the Commission

⁽¹⁾ OJ L 206, 3.8.2002, p. 9.

⁽²⁾ OJ L 247, 14.9.2002, p. 4.

COMMISSION REGULATION (EC) No 142/2003**of 27 January 2003****terminating the safeguard proceedings relating to certain steel products and providing for the refund of certain duties**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3285/94 of 22 December 1994 on common rules for imports and repealing Regulation (EC) No 518/94 ⁽¹⁾, as last amended by Council Regulation (EC) No 2474/2000 ⁽²⁾, and in particular Article 7 thereof,

Having regard to Council Regulation (EC) No 519/94 of 7 March 1994 on common rules for imports from certain third countries and repealing Regulations (EEC) No 1765/82, (EEC) No 1766/82 and (EEC) 3420/83 ⁽³⁾, as last amended by Regulation (EC) No 1138/98 ⁽⁴⁾, and in particular Article 6 thereof,

After consultations within the Advisory Committee established under Article 4 of Regulation (EC) No 3285/94 and of Regulation (EC) No 519/94 respectively,

Whereas:

PROCEDURE

- (1) On 6 March 2002, certain Member States ('the Member States concerned') informed the Commission that trends in imports appeared to call for safeguard measures, submitted information containing the evidence available as determined on the basis of Article 10 of Regulation (EC) No 3285/94 and Article 8 of Regulation (EC) No 519/94, and requested the Commission to impose provisional safeguard measures and to open a safeguard investigation.
- (2) The Member States concerned claimed that there had been recent substantial increases in imports of certain steel products and that the closure of the USA market implied by USA trade defence measures not only substantially denied the Community producers an important outlet for their exports, but also created the conditions for a huge diversion of steel trade from the USA to the European Community ('the Community'). They claimed that steel destined for the USA would be redirected to the Community. This could lead to a dramatic increase in the existing high level of imports at low prices, exacerbating the already serious disruption on the Community steel market due to previous increased imports which threatened serious injury to the Community producers.
- (3) The Member States concerned advised that the Community producers had submitted relevant information and urged the adoption of Community safeguard measures as a matter of urgency because any delay in their adoption would cause damage which it would be difficult to repair.
- (4) The Commission informed all Member States of the alleged situation and consulted with them on the terms and conditions of imports, import trends and the serious injury or threat thereof to each of the sectors concerned, and the various aspects of the economic and commercial situation with regard to the Community products in question.

⁽¹⁾ OJ L 349, 31.12.1994, p. 53.

⁽²⁾ OJ L 286, 11.11.2000, p. 1.

⁽³⁾ OJ L 67, 10.3.1994, p. 89.

⁽⁴⁾ OJ L 159, 3.6.1998, p. 1.

- (5) On 28 March 2002, the Commission initiated an investigation relating to serious injury or threat thereof to the Community producers of products like or directly competing with certain imported steel products. The 21 steel products covered by the investigation are (1) non-alloy hot-rolled coils, (2) non-alloy hot-rolled sheets and plates, (3) non-alloy hot-rolled narrow strip, (4) alloy hot-rolled flat products, (5) cold-rolled sheets, (6) electrical sheets (other than GOES), (7) metallic coated sheets, (8) organic coated sheets, (9) tin mill products, (10) quarto plates, (11) wide flats, (12) non-alloy merchant bars and light sections, (13) alloy merchant bars and light sections, (14) rebars, (15) stainless bars and light shapes, (16) stainless wire rod, (17) stainless steel wire, (18) fittings (< 609,6 mm), (19) flanges (other than of stainless steel), (20) gas pipes and (21) hollow sections.
- (6) On the same day, on the basis of information gathered and verified prior to the initiation, provisional measures were imposed on 15 of the steel products covered by the investigation. These are the product Nos 1, 2, 3, 4, 5, 6, 9, 10, 11, 12, 13, 14, 17, 18 and 19 referred to in recital 5 above.
- (7) The Commission proceeded to a full investigation in relation to each of the 21 products. The Commission officially advised the exporting producers and importers as well as their representative associations known to be concerned, the representatives of exporting countries and the Community producers. The Commission sent questionnaires to all these parties and to those who made themselves known within the time limits set in the notice of initiation. Pursuant to Article 5 of Council Regulation (EC) No 519/94 and Article 6 of Council Regulation (EC) No 3285/94 the Commission also gave parties directly concerned the opportunity to make their views known in writing and to request a hearing.
- (8) Certain exporting producers, Community producers, importers and users, their respective associations, as well as third country governments submitted comments in writing. All interested parties who requested a hearing within the time limit set and who indicated that they were likely to be affected by the result of the proceeding and that there were particular reasons why they should be heard, were granted such a hearing. The oral and written comments submitted by the parties were considered and taken into account in reaching the definitive findings. The Commission sought and verified all the information which it deemed necessary for the purpose of a definitive determination. Verification visits were carried out at the premises of 30 Community producers, 12 exporting producers and two importers.
- (9) The results of the investigations in relation to product Nos 1, 2, 3, 4, 5, 18 and 19 are set out in Commission Regulation (EC) No 1694/2002 ⁽¹⁾ which imposed definitive safeguard measures in relation to those products, whilst those in relation to product Nos 6, 7, 8, 11, 12, 13, 15, 16, 17, 20 and 21 are set out in Commission Regulation (EC) No 1695/2002 ⁽²⁾ which terminated the safeguard proceedings in relation to those products, established a system of monitoring of certain steel products and provided for the refund of certain duties.
- (10) In September 2002, the Commission received new information for product Nos 9, 10 and 14, alleging that import trends in 2002 appeared to be much higher than for 2001, and that the Community producers were suffering financial losses and reduced sales in 2002. Therefore, the Commission considered it appropriate to continue the investigations for these products. In this connection, the Commission gave notice on 11 December 2002 ⁽³⁾ that, in the exceptional circumstances described therein, the time limit for completion of the safeguard investigations in relation to those products was extended from 27 December 2002 to 27 February 2003. The Commission sought and verified the further information which it deemed necessary from Community producers and exporters to the Community, and carried out further verification visits at the premises of 14 Community producers. Those investigations are now complete, and the results in relation to product Nos 9, 10 and 14 are set out below.

⁽¹⁾ OJ L 261, 28.9.2002, p. 1.

⁽²⁾ OJ L 261, 28.9.2002, p. 124.

⁽³⁾ OJ C 308, 11.12.2002, p. 37.

RESULTS OF THE INVESTIGATIONS

Product 9: Tin mill products*Product concerned*

- (11) The product concerned is certain flat-rolled products of iron or non-alloy steel:
- in coils, not clad, plated or coated, not further worked than cold rolled, or
 - plated or coated with tin, chromium oxides or chromium and chromium oxides, painted, varnished or coated with plastics, or certain other substances.
- (12) The product concerned (hereinafter referred to as 'tin mill products') is currently classifiable under CN codes 7209 18 99, 7210 11 10, 7210 11 90, 7210 12 11, 7210 12 19, 7210 12 90, 7210 50 10, 7210 50 90, 7210 70 31, 7210 90 33, 7211 23 51, 7212 10 10, 7212 10 91, 7212 10 93, 7212 10 99, 7212 40 10, 7212 40 95.
- (13) Tin mill products are manufactured by cold-rolling sheets of iron or non-alloy steel and, as the case may be, painting, varnishing or coating with tin or other materials. They are generally used in the manufacture of tin cans and other types of packaging.

Increase in imports

- (14) The Commission analysed imports of the product concerned over the period 1997 to 2001, in absolute terms and relative to production destined for sales and to total Community production including captive use ('total production'). The Commission also analysed the development of imports in 2002, both in absolute and relative terms. The following table shows this development for each of the years 1997 to 2001. For 2002, actual imports up to June are shown together with an estimate for the whole year.

Product No 9**Tin mill products***Consumption*

	1997	1998	1999	2000	2001	2002 Estimate	2002 January to June
Volume (in tonnes)	3 947 987	4 147 807	3 932 959	4 249 024	3 889 003	4 006 821	2 109 939

Import data	1997	1998	1999	2000	2001	2002 Estimate	2002 January to June
Volume (in tonnes)	338 999	479 313	616 680	536 302	524 836	547 780	299 709
Rate of increase (in %)		41,4	28,7	- 13,0	- 2,1	4,4	
Market share (in %)	8,6	11,6	15,7	12,6	13,5	13,7	14,2
Ratio between imports and total production (in %)	7,5	10,1	14,4	11,4	12,1	12,4	12,9
Ratio between imports and production sold (in %)	7,5	10,3	14,5	11,5	12,2	12,6	13,2
Unit prices (in EUR/tonne)	n/a	583	539	676	596	550	557

	1998/1997	1999/1998	2000/1999	2001/2000	2002/2001
Volume as moving averages (in tonnes)	409 156	547 997	576 491	530 569	536 308

- (15) Imports of the product concerned rose by 80 % in absolute terms from 1997 to 1999, but then fell by 15 % from 1999 to 2001. Imports increased by 4 % in 2002. Relative to both total production and production destined for sales, imports increased from around 7,5 % in 1997 to around 14,5 % in 1999. They fell back to around 11,5 % in 2000, before rising again in 2001. In 2002, imports increased relative to both total production and production destined for sales, but remained below their 1999 level.

Conclusion

- (16) In light of the fall in imports between 1999 and 2001, both in absolute and relative terms, and notwithstanding the increase in imports in 2002, it cannot be established that there is a sudden, sharp and significant increase in imports in the recent past. Therefore, the Commission concludes that the basic condition for the adoption of definitive safeguard measures is not met.

Product No 10: Quarto plates

Product concerned

- (17) The product concerned is:

certain flat products of iron or non-alloy steel not clad, plated or coated, not in coils, not further worked than hot rolled:

- other than with patterns in relief of a width of 600 mm or more and a thickness exceeding 10 mm, currently classifiable under CN codes ex 7208 51 30 (TARIC code 7208 51 30 10), ex 7208 51 50 (TARIC code 7208 51 50 10), ex 7208 51 91 (TARIC code 7208 51 91 10), ex 7208 51 99 (TARIC code 7208 51 99 10), or of a width of 2 050 mm or more and a thickness of 4,75 mm or more but not exceeding 10 mm, currently classifiable under CN code ex 7208 52 91 (TARIC code 7208 52 91 10), or
- of a width of 600 mm or more, other than not further worked than hot rolled, currently classifiable under CN codes 7208 90 10 and 7208 90 90,

certain flat products of iron or non-alloy steel of a width of 600 mm or more, clad, plated or coated, other than plated or coated with tin, lead (including terne-plate), zinc, chromium oxides or chromium and chromium oxides, aluminium, or painted, varnished or coated with plastics; other than silvered, gilded, platinum plated or enamelled; not further worked than surface treated, including cladding, or simply cut into shapes other than rectangular (including square), clad (ECSC), currently classifiable under CN code 7210 90 31, and

certain flat products of alloy steel (other than stainless steel), of a width of 600 mm or more, other than of silicon electrical steel or high speed steel,

- not further worked than hot rolled, not in coils, other than of a thickness less than 4,75 mm (ECSC), currently classifiable under CN codes 7225 40 20 and 7225 40 50; and
- other than not further worked than hot rolled or cold rolled; other than plated or coated with zinc, not further worked than surface treated, including cladding, or simply cut into shapes other than rectangular (including square) (ECSC) currently classifiable under CN code 7225 99 10.

- (18) The product concerned is manufactured by rolling steel plate on four sides. It is used in many applications, including shipbuilding, engineering and the manufacture of tubes and pipes.

Increase in imports

- (19) The Commission analysed imports of the product concerned over the period 1997 to 2001, in absolute terms and relative to production destined for sales and to total Community production including captive use ('total production'). The Commission also analysed the development of imports in 2002, both in absolute and relative terms. The following table shows this development for each of the years 1997 to 2001. For 2002, actual imports up to June are shown together with an estimate for the whole year.

Product No 10**Quarto plates***Consumption*

	1997	1998	1999	2000	2001	2002 Estimate	2002 January to June
Volume (in tonnes)	9 198 227	10 069 103	8 207 564	8 699 946	9 045 288	8 411 598	4 552 723

Import data

Total imports	1997	1998	1999	2000	2001	2002 Estimate	2002 January to June
Volume (in tonnes)	1 811 787	2 285 468	1 423 355	1 173 890	1 715 357	1 453 445	775 131
Rate of increase (in %)		26,1	- 37,7	- 17,5	46,1	- 15,3	- 17,3
Market share (in %)	19,7	22,7	17,3	13,5	19,0	17,3	17,0
Ratio between imports and total production (in %)	16,6	20,4	14,7	11,5	17,0	15,3	16,4
Ratio between imports and production sold (in %)	19,7	24,3	17,9	13,3	19,7	18,1	19,3
Unit prices (in EUR/tonne)	269	330	268	320	323	332	330

	1998/1997	1999/1998	2000/1999	2001/2002	2002/2001
Volume as moving averages (in tonnes)	2 048 628	1 854 412	1 298 623	1 444 624	1 584 401

- (20) Imports of the product concerned rose in absolute terms from 1,8 million tonnes in 1997 to 2,3 million tonnes in 1998, but then fell to 1,2 million tonnes in 2000, before increasing again to 1,7 million tonnes in 2001. Whilst there was a large increase between 2000 and 2001, this increase must be considered in the context of imports remaining below their 1997 and 1998 levels. Imports are estimated to fall to 1,5 million tonnes in 2002.
- (21) The same broad trends can be observed in relation to the development of both the ratio of imports to total production and imports to production destined for sales.

Conclusion

- (22) In light of the development of imports (and, in particular the fact that recent import levels remain below those in 1997 and 1998), it cannot be established that there is a sudden, sharp and significant increase in imports in the recent past. Therefore, the Commission concludes that the basic condition for the adoption of definitive safeguard measures is not met.

Product No 14: Rebars*Product concerned*

- (23) The product concerned is bars and rods of iron or non-alloy steel, not further worked than forged, hot rolled, hot drawn or hot extruded, but including those twisted after rolling and containing indentations, ribs, grooves or other deformations produced during the rolling process or twisted after rolling. The product concerned is currently classified under CN codes 7214 20 00 and 7214 99 10.

- (24) The product concerned is manufactured using billets (a semi-finished product) which are then hot rolled to the required diameter. It is used primarily for reinforcement in the construction industry.

Increase in imports

- (25) The Commission analysed imports of the product concerned over the period 1997 to 2001, in absolute terms and relative to production destined for sales and to total Community production including captive use ('total production'). The Commission also analysed the development of imports in 2002, both in absolute and relative terms. The following table shows this development for each of the years 1997 to 2001. For 2002, actual imports up to June are shown together with an estimate for the whole year.

Product No 14

Rebars

Consumption

	1997	1998	1999	2000	2001	2002 Estimate	2002 January to June
Volume (in tonnes)	11 343 116	11 879 644	13 101 025	12 866 281	13 227 634	13 680 979	7 134 912

Import data

	1997	1998	1999	2000	2001	2002 Estimate	2002 January to June
Total imports							
Volume (in tonnes)	476 486	676 765	1 456 082	1 216 116	1 499 580	1 673 218	816 274
Rate of increase (in %)		42,0	115,2	- 16,5	23,3	11,6	
Market share (in %)	4,2	5,7	11,1	9,5	11,3	12,2	11,4
Ratio between imports and total production	4,1	5,8	11,9	10,0	11,9	13,3	12,8
Ratio between imports and production sold	4,1	5,8	11,9	10,0	11,9	13,3	12,8
Unit prices (in EUR/tonne)	223	224	213	247	249	248	240

	1998/1997	1999/1998	2000/1999	2001/2000	2002/2001
Volume as moving averages (in tonnes)	576 626	1 066 424	1 336 099	1 357 848	1 586 399

- (26) Imports of the product concerned rose in absolute terms from 0,5 million tonnes in 1997 to 1,5 million tonnes in 1999, they fell back to 1,2 million tonnes in 2000 before returning to 1,5 million tonnes 2001. The ratio of imports to total production and imports to production destined for sales rose in the same manner in this period. Imports increased to 1,7 million tonnes in 2002.

Serious injury

- (27) The Commission examined whether the Community producers have suffered serious injury caused by increased imports. Taking the period 1997 to 2001 as a whole, and developments in 2002, the following was observed:

— capacity decreased slightly from 18,8 million tonnes in 1997 to 18,2 million tonnes in 2001, and remained at 18,2 million tonnes in 2002,

- production increased by 8 % over the period 1997 to 2001 to 12,6 million tonnes, and remained stable (12,5 million tonnes) in 2002,
- sales in the Community showed an increase of 9 % over the period 1997 to 2001, reaching 12,7 million tonnes in 2001. Sales remained stable (12,8 million tonnes) in 2002,
- the unit price of Community sales decreased slightly in 1997 and 1998 but has since shown a steady rise with a price of EUR 253/tonne in 2002, an overall increase of 5 % on 1997 prices. In 2002, prices rose by a further 2 % EUR 258/tonne,
- average import prices did not undercut the average price of the Community product in either 2001 (-3,4 %) or 2002 (-0,6 %),
- net profit on Community sales (%) increased from 0,5 % to 3,5 % between 1997 and 2001, and further improved to 4,6 % in 2002,
- The Community producers' market share declined from 96 % to 89 % between 1997 and 2001, and to 88 % in 2002.

Conclusion

- (28) Although the Community producers have suffered loss of market share in the period 1997 to 2001, taken as a whole, the economic indicators of the Community producers' situation do not demonstrate a significant overall impairment in their position. Indeed, profitability and most other indicators have shown positive development in the most recent period. In 2002, the Community producers again lost market share but profitability and most other indicators showed an improvement, so that their overall situation remains positively oriented.
- (29) Whilst it could reasonably be argued that imports have increased in a manner which is sudden, sharp and significant, in light of the lack of a significant overall impairment in the situation of the Community producers and the positive development of most injury indicators in 2001, a trend which is confirmed in 2002, the Commission concludes that, the basic condition for the adoption of definitive safeguard measures is not met.

FINAL CONSIDERATIONS

- (30) The Commission considers that, for the reasons set out above, the conditions for the imposition of definitive safeguard measures for product Nos 9, 10 and 14 are not met.
- (31) The safeguard proceedings should therefore be terminated in relation to those products. Any additional duties paid in relation to those products in accordance with the provisional measures should be refunded.
- (32) This Regulation is without prejudice to the system of retrospective surveillance established by Commission Regulation (EC) No 1695/2002, which also concerns product Nos 9, 10 and 14,

HAS ADOPTED THIS REGULATION:

Article 1

The safeguard proceedings with respect to the product Nos 9,10 and 14, more particularly described in Annex 1, are terminated.

Article 2

Any amounts paid in respect of additional duties under the provisional safeguard measures imposed by Commission Regulation (EC) No 560/2002 ⁽¹⁾ in relation to product Nos 9,10 and 14, more particularly described in Annex 1, shall be refunded as soon as possible.

Article 3

The Member States and the Commission shall cooperate closely to ensure compliance with this Regulation.

Article 4

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

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

Done at Brussels, 27 January 2003.

For the Commission

Pascal LAMY

Member of the Commission

⁽¹⁾ OJ L 85, 28.3.2002, p. 1.

ANNEX

Product No	Product	CN codes
9	Tin mill products	7209 18 99, 7210 11 10, 7210 11 90, 7210 12 11, 7210 12 19, 7210 12 90, 7210 50 10, 7210 50 90, 7210 70 31, 7210 90 33, 7211 23 51, 7212 10 10, 7212 10 91, 7212 10 93, 7212 10 99, 7212 40 10, 7212 40 95
10	Quarto plates	7208 51 30, 7208 51 50, 7208 51 91, 7208 51 99, 7208 52 91, 7208 90 10, 7208 90 90, 7210 90 31, 7225 40 20, 7225 40 50 and 7225 99 10.
14	Rebars	7214 20 00 and 7214 99 10

COMMISSION REGULATION (EC) No 143/2003
of 27 January 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 680/2002 ⁽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 1153/2002 ⁽⁵⁾, as last amended by Regulation (EC) No 18/2003 ⁽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 28 January 2003.

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

Done at Brussels, 27 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. 16.

⁽⁴⁾ OJ L 85, 20.3.1998, p. 5.

⁽⁵⁾ OJ L 170, 29.6.2002, p. 27.

⁽⁶⁾ OJ L 2, 7.1.2003, p. 17.

ANNEX

to the Commission Regulation of 27 January 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⁾	19,90	6,35
1701 11 90 ⁽¹⁾	19,90	12,02
1701 12 10 ⁽¹⁾	19,90	6,16
1701 12 90 ⁽¹⁾	19,90	11,50
1701 91 00 ⁽²⁾	23,04	14,28
1701 99 10 ⁽²⁾	23,04	9,19
1701 99 90 ⁽²⁾	23,04	9,19
1702 90 99 ⁽³⁾	0,23	0,41

⁽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 144/2003
of 27 January 2003
altering the export refunds on white sugar and raw sugar exported in the natural state

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

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 680/2002 ⁽²⁾, and in particular the third subparagraph of Article 27(5) thereof,

Whereas:

- (1) The refunds on white sugar and raw sugar exported in the natural state were fixed by Commission Regulation (EC) No 75/2003 ⁽³⁾.
- (2) It follows from applying the detailed rules contained in Regulation (EC) No 75/2003 to the information known to the Commission that the export refunds at present in force should be altered to the amounts set out in the Annex hereto,

Article 1

The export refunds on the products listed in Article 1(1)(a) of Regulation (EC) No 1260/2001, undenatured and exported in the natural state, as fixed in the Annex to Regulation (EC) No 75/2003 are hereby altered to the amounts shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 28 January 2003.

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

Done at Brussels, 27 January 2003.

For the Commission
Franz FISCHLER
Member of the Commission

⁽¹⁾ OJ L 178, 30.6.2001, p. 1.

⁽²⁾ OJ L 104, 20.4.2002, p. 26.

⁽³⁾ OJ L 12, 17.1.2003, p. 17.

ANNEX

to the Commission Regulation of 27 January 2003 altering the export refunds on white sugar and raw sugar exported in its unaltered state

Product code	Destination	Unit of measurement	Amount of refund
1701 11 90 9100	A00	EUR/100 kg	40,80 ⁽¹⁾
1701 11 90 9910	A00	EUR/100 kg	38,56 ⁽¹⁾
1701 12 90 9100	A00	EUR/100 kg	40,80 ⁽¹⁾
1701 12 90 9910	A00	EUR/100 kg	38,56 ⁽¹⁾
1701 91 00 9000	A00	EUR/1 % of sucrose × net 100 kg of product	0,4435
1701 99 10 9100	A00	EUR/100 kg	44,35
1701 99 10 9910	A00	EUR/100 kg	42,77
1701 99 10 9950	A00	EUR/100 kg	42,77
1701 99 90 9100	A00	EUR/1 % of sucrose × net 100 kg of product	0,4435

⁽¹⁾ Applicable to raw sugar with a yield of 92 %; if the yield is other than 92 %, the refund applicable is calculated in accordance with the provisions of Article 28(4) of Council Regulation (EC) No 1260/2001.

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

The numeric destination codes are set out in Commission Regulation (EC) No 2020/2001 (OJ L 273, 16.10.2001, p. 6).

COMMISSION REGULATION (EC) No 145/2003**of 27 January 2003****amending for the ninth time Council Regulation (EC) No 881/2002 imposing certain specific restrictive measures directed against certain persons and entities associated with Usama bin Laden, the Al-Qaida network and the Taliban, and repealing Council Regulation (EC) No 467/2001**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 881/2002 of 27 May 2002 imposing certain specific restrictive measures directed against certain persons and entities associated with Usama bin Laden, the Al-Qaida network and the Taliban, and repealing Council Regulation (EC) No 467/2001 prohibiting the export of certain goods and services to Afghanistan, strengthening the flight ban and extending the freeze of funds and other financial resources in respect of the Taliban of Afghanistan, ⁽¹⁾ as last amended by Commission Regulation (EC) No 2083/2002, ⁽²⁾ and in particular Article 7(1), first indent, thereof,

Whereas:

- (1) Annex I to Regulation (EC) No 881/2002 lists the persons, groups and entities covered by the freezing of funds and economic resources under that Regulation.

- (2) On 22 January 2003, the Sanctions Committee decided to amend the list of persons, groups and entities to whom the freezing of funds and economic resources should apply and, therefore, Annex I should be amended accordingly.

- (3) In order to ensure that the measures provided for in this Regulation are effective, this Regulation must enter into force immediately,

HAS ADOPTED THIS REGULATION:

Article 1

Annex I to Regulation (EC) No 881/2002 is amended in accordance with the Annex to this Regulation.

Article 2

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

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

Done at Brussels, 27 January 2003.

For the Commission

Christopher PATTEN

Member of the Commission

⁽¹⁾ OJ L 139, 29.5.2002, p. 9.

⁽²⁾ OJ L 319, 23.11.2002, p. 22.

ANNEX

Annex I to Regulation (EC) No 881/2002 is amended as follows:

The following natural persons shall be added under the heading 'Natural persons':

1. Mr Nabil Abdul Sayadi (aka Abu Zeinab);
 2. Mrs Patricia Vinck (aka Souraya P. Vinck).
-

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 21 January 2003

suspending the Community obligations under the Sectoral Annex for Electrical Safety of the Agreement on Mutual Recognition between the European Community and the United States of America

(2003/57/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 133, in conjunction with the second subparagraph of Article 300(2) thereof,

Having regard to the proposal from the Commission,

Whereas:

- (1) According to Article 16 of the Agreement on Mutual Recognition concluded between the European Community and the United States of America ⁽¹⁾, hereinafter referred to as the 'Agreement', a Party may suspend its obligations under a Sectoral Annex.
- (2) The United States of America has failed to fulfil its obligation under the Agreement, in particular with regard to procedures to be followed for the recognition of Conformity Assessment Bodies designated by the Community.
- (3) This has led to a situation where Conformity Assessment Bodies designated, or to be designated, by the Member State Designating Authorities cannot be assessed, monitored and recognised as envisaged by the Agreement.
- (4) As a consequence, the Community has lost market access with regard to conformity assessment for its products covered by the Sectoral Annex for Electrical Safety.
- (5) It is also considered that the United States has failed to maintain legal and regulatory authorities capable of implementing the provisions of the Sectoral Annex for Electrical Safety, in particular as it relates to the reliance of the Occupational Safety and Health Administration on the on-site assessment carried out by Member State Designating Authorities of the Conformity Assessment Bodies located on their territory.

(6) The Community and the United States have held, in accordance with the third sentence of Article 2 of the Agreement, numerous consultations without leading to a satisfactory solution.

(7) The Commission will continue consultations with the United States under the Agreement, with a view to ensuring that the Sectoral Annex for Electrical Safety can be implemented in accordance with its provisions,

HAS DECIDED AS FOLLOWS:

Article 1

The Community obligations under the Sectoral Annex for Electrical Safety of the Agreement on Mutual Recognition between the European Community and the United States of America are hereby suspended in whole.

Article 2

The President of the Council is authorised to designate the person empowered to send, on behalf of the Community, the annexed note to the United States of America.

Article 3

At the latest three years from the date of transmission to the United States of the note mentioned in Article 2, the Commission shall present to the Council a report on the state of play of the consultations with the United States and, if appropriate, a proposal for a Council Decision repealing this Decision.

⁽¹⁾ OJ L 31, 4.2.1999, p. 1.

Article 4

This Decision shall take effect on the day of its publication in the *Official Journal of the European Communities*.

Done at Brussels, 21 January 2003.

For the Council

The President

N. CHRISTODOULAKIS

ANNEX

The Council of the European Union presents its compliments to the Mission of the United States of America to the European Union and notifies it that the European Community has decided, in accordance with Article 16 of the Agreement on Mutual Recognition between the European Community and the United States of America, to suspend its obligations in whole under the Sectoral Annex for Electrical Safety of the Agreement.

The reason for the suspension of Community obligations is that the United States of America has failed to fulfil its obligation under the Agreement, in particular with regard to procedures to be followed for the recognition of Conformity Assessment Bodies designated by the Community. This has led to a situation where Conformity Assessment Bodies designated or to be designated by the Member State Designating Authorities cannot be assessed, monitored and recognised as envisaged by the Agreement.

As a consequence, the Community has lost market access with regard to conformity assessment for its products covered by the Sectoral Annex for Electrical Safety.

It is also considered that the United States has failed to maintain legal and regulatory authority capable of implementing the provisions of the Sectoral Annex for Electrical Safety, in particular as it relates to the reliance of the Occupational Safety and Health Administration on the on-site assessment carried out by Member State Designating Authorities of the Conformity Assessment Bodies located on their territory.

In accordance with the third sentence of Article 2 of the Agreement, the Community and the United States have held numerous consultations without leading to a satisfactory solution.

The suspension of Community obligations as specified above is effective from the date of publication of this note in the *Official Journal of the European Communities*.

The Council of the European Union takes this opportunity to renew to the Mission of the United States of America to the European Union the assurance of its highest consideration.

COMMISSION

COMMISSION DECISION

of 24 January 2003

amending Decision 95/340/EC as regards the inclusion of the Netherlands Antilles in a provisional list of third countries from which Member States authorise imports of milk and milk-based products

(notified under document number C(2003) 323)

(Text with EEA relevance)

(2003/58/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 92/46/EEC of 16 June 1992 laying down the health rules for the production and placing on the market of raw milk, heat-treated milk and milk-based products ⁽¹⁾, as last amended by Directive 96/23/EC ⁽²⁾, and in particular Article 23(3) thereof,

Whereas:

- (1) Commission Decision 95/340/EC ⁽³⁾, as last amended by Decision 2001/743/EC ⁽⁴⁾, draws up a provisional list of third countries from which Member States authorise imports of milk and milk-based products.
- (2) The Netherlands Antilles have requested to be authorised to import milk and milk-based products into the Community.
- (3) Information and guarantees provided have been positively evaluated, bearing in mind that all the raw and heat-treated milk and milk-based products, used by authorised establishments in Netherlands Antilles in the processing of final dairy products, will originate solely from establishments situated in third countries approved for imports of milk and milk-based products into the Community or in Member States, and will be accompanied by a certificate as provided for in Commission Decision 95/343/EC of 27 July 1995 providing for the specimens of the health certificate for the importation from third countries of heat-treated milk, milk-based products and raw milk for human consumption intended to be

accepted at a collection centre, standardisation centre, treatment establishment or processing establishment ⁽⁵⁾, as last amended by Decision 97/115/EC ⁽⁶⁾.

- (4) Decision 95/340/EC should therefore be amended accordingly.
- (5) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS DECISION:

Article 1

The Annex to Decision 95/340/EC is amended in accordance with the Annex to this Decision.

Article 2

This Decision shall apply as from 31 January 2003.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 24 January 2003.

For the Commission

David BYRNE

Member of the Commission

⁽¹⁾ OJ L 268, 14.9.1992, p. 1.

⁽²⁾ OJ L 125, 23.5.1996, p. 10.

⁽³⁾ OJ L 200, 24.8.1995, p. 38.

⁽⁴⁾ OJ L 278, 23.10.2001, p. 32.

⁽⁵⁾ OJ L 200, 24.8.1995, p. 52.

⁽⁶⁾ OJ L 42, 13.2.1997, p. 16.

ANNEX

The following text is inserted in the Annex in accordance with the alphabetical order of the ISO code:

ISO code of third country	Third country	Part A Article 1: raw milk/product)	Part B Article 2: treatment — single pasteurisation)	Part C Article 3: treatment — more than single pasteurisation)
AN	Netherlands Antilles	0	0	+

COMMISSION DECISION

of 24 January 2003

amending Decision 97/252/EC as regards the inclusion of a Netherlands Antilles establishment in provisional lists of third country establishments from which Member States authorise imports of milk and milk products for human consumption

*(notified under document number C(2003) 324)***(Text with EEA relevance)**

(2003/59/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Decision 95/408/EC of 22 June 1995 on the conditions for drawing up, for an interim period, provisional lists of third country establishments from which Member States are authorised to import certain products of animal origin, fishery products or live bivalve molluscs⁽¹⁾, as last amended by Decision 2001/4/EC⁽²⁾, and in particular Article 2(1) and (4) thereof,

Whereas:

- (1) Provisional lists of establishments in third countries producing milk and milk products for human consumption have been drawn up by Commission Decision 97/252/EC⁽³⁾, as last amended by Decision 2002/527/EC⁽⁴⁾.
- (2) Netherlands Antilles has sent a list including one establishment producing milk and milk products for human consumption for which the responsible authorities certify that the establishment complies with the Community rules.
- (3) As an on the spot inspection has not yet been carried out, imports from such establishments are not eligible for reduced physical checks in accordance with Article 2(4) of Decision 95/408/EC.

(4) Decision 97/252/EC should therefore be amended accordingly.

(5) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS DECISION:

Article 1

The Annex to Decision 97/252/EC is amended in accordance with the Annex to this Decision.

Article 2

This Decision shall apply as from 31 January 2003.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 24 January 2003.

For the Commission

David BYRNE

Member of the Commission

⁽¹⁾ OJ L 243, 11.10.1995, p. 17.

⁽²⁾ OJ L 2, 5.1.2001, p. 21.

⁽³⁾ OJ L 101, 18.4.1997, p. 46.

⁽⁴⁾ OJ L 170, 29.6.2002, p. 86.

ANNEX

The following text is inserted in the Annex in accordance with the alphabetical order of the ISO code:

País: **Antillas Neerlandesas**/Land: **Nederlandske Antiller**/Land: **Niederländische Antillen**/Χώρα: **Ολλανδικές Αντίλλες**/Country: **Netherlands Antilles**/Pays: **Antilles néerlandaises**/Paese: **Antille olandesi**/Land: **Nederlandse Antillen**/País: **Antilhas Neerlandesas**/Maa: **Alankomaiden Antillit**/Land: **Nederländska Antillerna**

NACUR-BO1	Dutch Antillean Dairy Industry NV	Curaçao'			
-----------	--------------------------------------	----------	--	--	--

COMMISSION DECISION**of 24 January 2003****amending Decision 2000/258/EC designating a specific institute responsible for establishing the criteria necessary for standardising the serological tests to monitor the effectiveness of rabies vaccines, as regards the approval of laboratories in third countries***(notified under document number C(2003) 325)***(Text with EEA relevance)**

(2003/60/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Decision 2000/258/EC, of 20 March 2000, designating a specific institute responsible for establishing the criteria necessary for standardising the serological tests to monitor the effectiveness of rabies vaccines ⁽¹⁾, and, in particular, Article 4 thereof,

Whereas:

- (1) Afssa Nancy is the reference laboratory for post-antirabies-vaccination serological testing and is in charge of the organisation of the inter-laboratories aptitude test for the approval of laboratories willing to perform those serological tests.
- (2) Afssa Nancy has proposed to the Commission that laboratories in third countries which have passed the proficiency test should be approved.
- (3) It is therefore necessary to provide for a procedure for the communication of the approval of laboratories in third countries.
- (4) Decision 2000/258/EC should be amended accordingly.
- (5) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS DECISION:

Article 1

In Annex II to Decision 2000/258/EC, the fifth indent is replaced by the following:

‘— collaborate with the laboratories responsible for carrying out these analyses in third countries and communicate to the Commission the list of these laboratories which have passed the inter-laboratory aptitude test (proficiency test). These lists will be published on the following website:

<http://forum.europa.eu.int/Public/irc/sanco/vets/information>’.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 24 January 2003.

For the Commission

David BYRNE

Member of the Commission

⁽¹⁾ OJ L 79, 30.3.2000, p. 40.

COMMISSION DECISION

of 27 January 2003

authorising certain Member States to provide for temporary derogations from certain provisions of Council Directive 2000/29/EC in respect of seed potatoes originating in certain provinces of Canada

*(notified under document number C(2003) 334)***(Only the Spanish, Greek, Italian and Portuguese texts are authentic)**

(2003/61/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 2000/29/EC of 8 May 2000 on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community⁽¹⁾, as last amended by Directive 2002/89/EC⁽²⁾, and in particular Article 15(1) thereof,

Having regard to the requests made by Italy and Portugal,

Whereas:

- (1) Under Directive 2000/29/EC, seed potato tubers originating in the American continent may not, in principle, be introduced into the Community. However, that Directive permits derogations from that rule, provided that it is established that there is no risk of spreading harmful organisms.
- (2) Since 1981, by a succession of decisions, the most recent being Commission Decision 1999/751/EC⁽³⁾, derogations from certain provisions of Directive 2000/29/EC in respect of seed potatoes originating in Canada have been authorised, for limited periods and subject to specific conditions. The circumstances justifying those derogations are still valid.
- (3) Canada is now completely free from potato spindle tuber viroid but it is still not yet completely free from *Clavibacter michiganensis* (Smith) Davis et al. ssp. *sepedonicus* (Spieckermann et Kotthoff) Davis et al. ('*Clavibacter michiganensis*').
- (4) Information supplied by Canada has shown that it has further developed its programme to eradicate *Clavibacter michiganensis* in the provinces of New Brunswick and Prince Edward Island and it can reasonably be assumed that the eradication programme is effective in certain areas of those provinces. It can therefore be established that there is no risk of *Clavibacter michiganensis* spreading, provided that certain technical conditions are complied with.

- (5) The risk of establishing and spreading *Clavibacter michiganensis* is higher in wet and cold regions than in dry and warm regions. Consequently the authorisation to provide for derogations from certain provisions of Directive 2000/29/EC should not apply to Member States which are particularly exposed to such risks. Therefore, the authorisation should only apply to Greece, Italy, Portugal and Spain.
- (6) Such authorisation to provide for derogations should apply for the next three seed-potato-marketing seasons, without prejudice to Council Directive 2002/56/EC⁽⁴⁾ and to Council Directive 2002/53/EC⁽⁵⁾.
- (7) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Plant health,

HAS ADOPTED THIS DECISION:

Article 1

1. Greece, Italy, Portugal and Spain are hereby authorised to provide for derogations from:
 - (a) Article 4(1) of Directive 2000/29/EC, with regard to the prohibition referred to in point 10 of Part A of Annex III to that Directive;
 - (b) Article 5(1) and the third indent of Article 13(1)(a), as regards the special requirements referred to in points 25.2 and 25.3 of part A, section I of Annex IV to Directive 2000/29/EC.
2. The authorisation to provide for derogations referred to in paragraph 1 shall only apply:
 - (a) to seed potatoes of the varieties 'Atlantic', 'Donna', 'Kennebec', 'Russet Burbank', 'Sebago' and 'Shepody', originating in the provinces of New Brunswick and Prince Edward Island in Canada ('the seed potatoes');
 - (b) to seed potatoes that satisfy the conditions provided for in Articles 2 to 13 in addition to the requirements laid down in Annexes I, II and IV to Directive 2000/29/EC;
 - (c) for the potato-marketing-seasons from 1 February 2003 to 31 March 2003, from 1 December 2003 to 31 March 2004 and from 1 December 2004 to 31 March 2005.

⁽¹⁾ OJ L 169, 10.7.2000, p. 1.⁽²⁾ OJ L 355, 30.12.2002, p. 45.⁽³⁾ OJ L 299, 20.11.1999, p. 36.⁽⁴⁾ OJ L 193, 20.7.2002, p. 60.⁽⁵⁾ OJ L 193, 20.7.2002, p. 1.

Article 2

1. In the provinces of Prince Edward Island or New Brunswick, the seed potatoes shall have been produced in fields located in an area that, irrespective of whether the fields are operated by potato producers inside or outside that area, meets the conditions set out in paragraphs 2 to 8.

2. The area shall have been officially declared by the Canadian Food Inspection Agency, to be free from both potato spindle tuber viroid and from *Clavibacter michiganensis* (Smith) Davis et al. ssp. *sepedonicus* (Spieckermann et Kothhoff) Davis et al. (*Clavibacter michiganensis*).

3. The area shall either,

- (a) consist of fields owned or rented by at least three distinct potato producers; or
- (b) cover a surface of at least four square kilometres, surrounded entirely by water or by fields where the harmful organisms referred to in paragraph 2 have not been found within the previous three years.

4. All potatoes produced in the area shall be the first direct progeny of seed potatoes of the category 'Pre-elite', 'Elite I', 'Elite II', 'Elite III' or 'Elite IV' which were produced in establishments qualified to produce seed potatoes of the 'Pre-elite' or 'Elite I' categories and which are either official establishments or establishments officially designated and controlled for that purpose;

5. The surface allocated for the production of seed potatoes that are not finally certified as seed potatoes shall not exceed one-fifth of the total area allocated for certification.

6. Systematic and representative annual surveys shall have been carried out by the relevant official Canadian authorities over at least the previous five years under appropriate conditions for the detection of the harmful organisms referred to at paragraph 2, on all potato fields located in the area and on potatoes harvested there, including appropriate laboratory testing, and have not shown any positive finding, or any other element which could militate against the declaration of the area as disease-free.

7. Legislative, administrative or other arrangements shall have been made to ensure that:

- (a) no potatoes from areas of Canada other than those declared disease-free, or in countries where the harmful organisms referred to in paragraph 2 are known to occur, can be introduced into the area;
- (b) neither potatoes originating in the area nor any containers, packaging material, vehicles and handling, grading and preparation equipment used in such areas can be brought into contact with potatoes originating, or material or equipment as specified used, in areas other than those areas declared disease-free.

8. Prior to the introduction of the seed potatoes within the Community, the Canadian Food Inspection Agency shall have provided the Commission with a complete list of the areas declared as disease-free, supported by a technical report, updated each year, on the phytosanitary status of seed potato production in the previous year.

Article 3

The seed potatoes shall be certified officially by the relevant Canadian authorities as seed potatoes meeting at least the conditions laid down for the 'Foundation' category.

Article 4

1. Samples of at least 200 seed potato tubers per lot of 25 tonnes or less shall be taken officially in respect of each lot intended for export to the Community.

2. A lot shall consist only of seed potato tubers of one single variety and class which have been produced on one single establishment and with the same reference number.

3. The samples shall be examined by official laboratories in order to detect any presence of *Clavibacter michiganensis*. The examinations shall be carried out on the entire sample, using the method for the detection and diagnosis of the ring rot bacterium in batches of seed potato tubers as laid down in Council Directive 93/85/EEC ⁽¹⁾.

Article 5

Seed potatoes intended to be exported to the Community shall have been subject to legislative, administrative or other arrangements to ensure:

- (a) direct supervision and control by the Canadian Food Inspection Agency of:
 - (i) the sampling process, i.e. the collection, tagging and sealing;
 - (ii) the labelling system through appropriate label accountability procedures, so that for each lot of seed potatoes within each consignment shipped to the Community a numbered label is used and stitched on the bags separately from the certification labels;
 - (iii) the relevant colour code corresponding to a specified importer in the importing Member State;
- (b) that at the time of loading the vessel, two sealed bags of seed potatoes of each lot shipped to the Community are kept aside and stored under the supervision and control of the Canadian Food Inspection Agency, at least until the results of the examinations referred to in Article 10 are completed;
- (c) that the lots are kept separate in all operations including transport, at least until delivery to the premises of the importers referred to in Article 7.

⁽¹⁾ OJ L 259, 18.10.1993, p. 1.

Article 6

1. The phytosanitary certificate required shall be made out separately for each consignment and only if it has been established by the scientists involved that the examinations referred to in Article 4 did not give rise to suspicions or to the detection of the presence of *Clavibacter michiganensis* in the consignment and that, in particular, the IF-testing was shown to be negative.

2. The phytosanitary certificate shall contain the following information under 'Additional declaration':

- (a) confirmation of compliance with the conditions laid down in Articles 2, 3 and 4;
- (b) the name of the establishment or establishments that have produced the lots of seed potato;
- (c) the relevant seed potato certification lot numbers;
- (d) the name of the area referred to in Article 2;
- (e) the name of the establishment referred to in Article 2(4); and
- (f) the number of bags.

3. The phytosanitary certificate shall mention, under 'Distinguishing marks', the colour code corresponding to a specified importer in the importing Member State, as well as the details of the numbered label used for each lot of seed potatoes within each consignment.

4. Documents attached to the phytosanitary certificate, as an integral part of the certificate, shall relate precisely to that certificate in both description and quantity of the seed potatoes.

Article 7

1. Prior to introduction into the Community, the importer shall provide advance notification of each introduction of a consignment sufficiently in advance to the responsible official bodies in the Member State concerned as referred to in Article 2(1)(g) of Directive 2000/29/EC, giving details of the following:

- (a) the variety of the seed potatoes;
- (b) the quantity;
- (c) the declared date of import;
- (d) the names and addresses of the premises of the importers of the seed potatoes, and those listed in accordance with the provisions of Article 1 of Commission Directive 93/50/EEC⁽¹⁾.

The Member State concerned shall, without delay, convey those details and any subsequent modifications thereto to the Commission.

2. At the time of introduction, the importer shall provide confirmation of the details contained in the advance notification referred to in paragraph 1 to the responsible official bodies in the Member State concerned.

Article 8

The seed potatoes may only be introduced into the Community via the following ports:

- (a) Aveiro;
- (b) Lisbon;
- (c) Porto;
- (d) Genoa;
- (e) La Spezia;
- (f) Livorno;
- (g) Naples;
- (h) Ravenna;
- (i) Salerno;
- (j) Savona.

Article 9

The inspections required pursuant to the third paragraph of Article 13(8) of Directive 2000/29/EC shall be made by responsible official bodies.

Without prejudice to the monitoring referred to in the second indent of Article 21(3) of Directive 2000/29/EC, the Commission shall determine to which extent the inspections referred to in the second indent of Article 21(3), of that Directive shall be integrated into the inspection programme in accordance with the fifth subparagraph of Article 21(5) of that Directive.

The responsible official bodies and, as appropriate, the experts referred to in Article 21(3) of Directive 2000/29/EC shall check the importers premises to confirm details of the quantities of seed potatoes imported from Canada, the colour coding, the numbered labels and the destinations for planting at premises listed under Article 1 of Directive 93/50/EEC.

Article 10

1. The responsible official bodies of the importing Member States shall take a sample of at least 200 tubers per lot of 25 tonnes or less from each of the non-bulk lots of seed potatoes intended to be imported pursuant to this Decision for official examination in respect of *Clavibacter michiganensis* in accordance with the method for the detection and diagnosis of *Clavibacter michiganensis* as laid down in Council Directive 93/85/EEC.

2. The lots of seed potatoes shall remain separate under official control and may not be marketed or used until it has been established that the presence of *Clavibacter michiganensis* was not suspected or detected in the examinations referred to in paragraph 1. The total lots imported shall not exceed an amount which is adequate for the examinations, taking into account the facilities available for that purpose.

3. The samples referred to in paragraph 1 shall be kept available for subsequent examination by other Member States. The responsible official bodies of the importing Member State shall by 15 April 2003, by 15 April 2004 and by 15 April 2005 inform the Commission, with a view to organising that examination and the recording thereof.

⁽¹⁾ OJ L 205, 17.8.1993, p. 22.

Article 11

The seed potatoes shall be planted only at premises within the Member State of import, for which it is possible to trace the names and addresses thereof. However, this restriction shall not apply in the case of final users planting the imported seed potatoes or for users who sell only onto the local market.

For those premises, the potatoes grown from such seed potatoes shall be packaged and labelled accordingly and shall bear the number of the premises listed in accordance with Directive 93/50/EEC, as well as the Canadian origin of the seed potatoes used. Such potatoes may be moved within the Member States, only after approval by the responsible official bodies taking into account the results of the inspection referred to in Article 12.

Article 12

In the growing period following introduction, a suitable proportion of the plants shall be inspected by the responsible official bodies, at appropriate times, at the premises listed in accordance with the provisions of Directive 93/50/EEC or the premises referred to in Article 11.

Article 13

Potatoes grown from seed potatoes introduced pursuant to this Decision:

- (a) shall not be certified as seed potatoes; and
- (b) shall only be used as potatoes for consumption.

Article 14

The Member States of importation shall inform the other Member States and the Commission by means of the advance notification as referred to in Article 7 of any use of the authorisation to provide derogations pursuant to this Decision.

The Member States of importation shall provide the Commission and the other Member States, before 1 June 2003, 1 June 2004 and 1 June 2005, with information on the amounts (lots

of seed potatoes/consignments) imported pursuant to this Decision and with a detailed technical report on the official examination referred to in Article 10.

In those cases where Member States have made official examinations on the samples as referred to in Article 10, the detailed technical reports of such examinations shall be submitted to the other Member States and Commission before 1 June 2003, 1 June 2004 and 1 June 2005.

Copies of each phytosanitary certificate shall be transmitted to the Commission.

Article 15

The authorisation to provide for derogations referred to Article 1 shall be revoked prior to 31 March 2005 if:

- (a) the provisions laid down in Articles 2 to 13:
 - (i) are shown to be insufficient to prevent the introduction into the Community of *Clavibacter michiganensis*, or
 - (ii) have not been complied with;
- (b) there are elements which would militate against the proper functioning of the 'disease-free' concept in Canada.

Article 16

This Decision is addressed to the Hellenic Republic, the Kingdom of Spain, the Italian Republic and the Portuguese Republic.

Done at Brussels, 27 January 2003.

For the Commission

David BYRNE

Member of the Commission

NOTE TO READERS

In accordance with point 38 of Article 2 of the Treaty of Nice which amends Article 254 of the Treaty establishing the European Community, the *Official Journal of the European Communities* will be known, as from the entry into force of the Treaty of Nice, namely 1 February 2003, as the *Official Journal of the European Union*.