

Official Journal

of the European Union

ISSN 1725-2555

L 34

Volume 46

11 February 2003

English edition

Legislation

Contents

I Acts whose publication is obligatory

Commission Regulation (EC) No 245/2003 of 10 February 2003 establishing the standard import values for determining the entry price of certain fruit and vegetables	1
★ Commission Regulation (EC) No 246/2003 of 10 February 2003 adopting the programme of ad hoc modules, covering the years 2004 to 2006, to the labour force sample survey provided by Council Regulation (EC) No 577/98	3
★ Commission Regulation (EC) No 247/2003 of 10 February 2003 adopting the specification of the 2004 ad hoc module on work organisation and working time arrangements provided by Council Regulation (EC) No 577/98	5
Commission Regulation (EC) No 248/2003 of 10 February 2003 on the issue of import licences for high-quality fresh, chilled or frozen beef and veal	10
Commission Regulation (EC) No 249/2003 of 10 February 2003 on the issue of system B export licences in the fruit and vegetables sector	11
Commission Regulation (EC) No 250/2003 of 10 February 2003 correcting Regulation (EC) No 136/2003 on the issue of system B export licences in the fruit and vegetables sector	12
Commission Regulation (EC) No 251/2003 of 10 February 2003 amending representative prices and additional duties for the import of certain products in the sugar sector	13
Commission Regulation (EC) No 252/2003 of 10 February 2003 determining the world market price for unginned cotton	15

Council

2003/89/EC:

- ★ **Council Decision of 21 January 2003 on the existence of an excessive deficit in Germany — Application of Article 104(6) of the Treaty establishing the European Community** 16

2003/90/EC:

- ★ **Council Recommendation of 21 January 2003 with a view to giving early warning to France in order to prevent the occurrence of an excessive deficit** 18

Commission

2003/91/EC:

- ★ **Commission Recommendation of 10 February 2003 on the coordinated inspection programme in the field of animal nutrition for the year 2003 in accordance with Council Directive 95/53/EC (notified under document number C(2003) 450)** 20

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

- ★ **Council Joint Action 2003/92/CFSP of 27 January 2003 on the European Union military operation in the Former Yugoslav Republic of Macedonia** 26

Corrigenda

- ★ **Corrigendum to Commission Directive 2002/31/EC of 22 March 2002 implementing Council Directive 92/75/EEC with regard to energy labelling of household air-conditioners (OJ L 86 of 3.4.2002)** 30

I

(Acts whose publication is obligatory)

**COMMISSION REGULATION (EC) No 245/2003
of 10 February 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 11 February 2003.

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

Done at Brussels, 10 February 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 10 February 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	75,1
	204	47,7
	212	111,3
	628	109,3
	999	85,8
0707 00 05	052	115,4
	204	122,9
	220	255,9
	999	164,7
0709 10 00	220	157,3
	999	157,3
0709 90 70	052	143,7
	204	182,8
	999	163,3
0805 10 10, 0805 10 30, 0805 10 50	052	42,3
	204	47,0
	212	44,3
	220	49,6
	624	38,1
	999	44,3
0805 20 10	204	73,6
	999	73,6
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	052	63,2
	204	56,5
	220	66,9
	464	140,4
	600	65,0
	624	70,6
	999	77,1
0805 50 10	052	43,8
	600	67,8
	999	55,8
0808 10 20, 0808 10 50, 0808 10 90	400	98,9
	404	105,5
	720	107,6
	728	112,0
	999	106,0
0808 20 50	388	76,3
	400	118,7
	512	111,1
	528	76,4
	720	39,3
	999	84,4

⁽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 246/2003**of 10 February 2003****adopting the programme of ad hoc modules, covering the years 2004 to 2006, to the labour force sample survey provided by Council Regulation (EC) No 577/98**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 577/98 of 9 March 1998 on the organisation of a labour force sample survey in the Community ⁽¹⁾, as last amended by Commission Regulation (EC) No 2104/2002 ⁽²⁾, and in particular Article 4(2) thereof,

Whereas:

- (1) In accordance with Regulation (EC) No 577/98, it is necessary to specify the elements of the programme of ad hoc modules covering the years 2004 to 2006.
- (2) Specific statistical information is needed by the Member States and the Commission to develop appropriate policy measures in the domains of modernising the work organisation ⁽³⁾, the reconciliation of work and family life ⁽⁴⁾ and active ageing ⁽⁵⁾.

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

HAS ADOPTED THIS REGULATION:

Article 1

The programme of ad hoc modules to the labour force sample survey, covering years 2004 to 2006, as laid down in the Annex, is hereby adopted.

Article 2

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

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

Done at Brussels, 10 February 2003.

For the Commission

Pedro SOLBES MIRA

Member of the Commission

⁽¹⁾ OJ L 77, 14.3.1998, p. 3.

⁽²⁾ OJ L 324, 29.11.2002, p. 14.

⁽³⁾ OJ L 60, 1.3.2002, p. 67.

⁽⁴⁾ OJ C 218, 31.7.2000, p. 5.

⁽⁵⁾ OJ L 60, 1.3.2002, p. 64.

ANNEX

LABOUR FORCE SURVEY

MULTI-ANNUAL PROGRAMME OF AD HOC MODULES

1. Work organisation and working time arrangements

List of variables: to be defined before March 2003.

Reference period: second quarter of 2004. However, Member States may provide data with reference to all 52 weeks of the year when the subsample for the ad hoc module is selected on the basis of wave structure of the sample.

Member States and regions concerned: to be defined.

Sample: one quarter of the full sample necessary to fulfil the requirements in Article 3(1) of Regulation (EC) No 577/98. However, when all 52 weeks build up the reference period, the sample size will be at least 15 % of the full sample necessary to fulfil the requirements in Article 3(1) of Regulation (EC) No 577/98. When the sample unit is the individual, no data on the other members of the household are required.

Transmission of the results: before 31 March 2005.

2. Reconciliation of work and family life

List of variables: to be defined before March 2004.

Reference period: second quarter of 2005. However, Member States may provide data with reference to all 52 weeks of the year when the subsample for the ad hoc module is selected on the basis of wave structure of the sample.

Member States and regions concerned: to be defined.

Sample: one quarter of the full sample necessary to fulfil the requirements in Article 3(1) of Regulation (EC) No 577/98. However, when all 52 weeks build up the reference period, the sample size will be at least 15 % of the full sample necessary to fulfil the requirements in Article 3(1) of Regulation (EC) No 577/98. When the sample unit is the individual, no data on the other members of the household are required.

Transmission of the results: before 31 March 2006.

3. Transition from work into retirement

List of variables: to be defined before March 2005.

Reference period: second quarter of 2006. However, Member States may provide data with reference to all 52 weeks of the year when the subsample for the ad hoc module is selected on the basis of wave structure of the sample.

Member States and regions concerned: to be defined.

Sample: one quarter of the sample necessary to fulfil the requirements in Article 3(1) of Regulation (EC) No 577/98. The sample for this module consists only of persons aged 50 to 74. However, when all 52 weeks build up the reference period, the sample size will be at least 15 % of the sample necessary to fulfil the requirements in Article 3(1) of the Regulation (EC) No 577/98. When the sample unit is the individual, no data on the other members of the household are required.

Transmission of the results: before 31 March 2007.

COMMISSION REGULATION (EC) No 247/2003**of 10 February 2003****adopting the specification of the 2004 ad hoc module on work organisation and working time arrangements provided by Council Regulation (EC) No 577/98**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 577/98 of 9 March 1998 on the organisation of a labour force sample survey in the Community ⁽¹⁾, as last amended by Commission Regulation (EC) No 2104/2002 ⁽²⁾, and in particular Article 4(2) thereof,

Whereas:

- (1) Commission Regulation (EC) No 246/2003 ⁽³⁾ adopting the programme of ad hoc modules, covering the years 2004 to 2006, to the labour force sample survey includes an ad hoc module on work organisation and working time arrangements.
- (2) In accordance with Article 4(2) of Regulation (EC) No 577/98 the detailed list of information to be collected in an ad hoc module shall be drawn at least 12 months before the beginning of the reference period for that module.

(3) In order to evaluate adequately progress under the pillars of the employment policy guidelines and in particular under the third pillar on encouraging adaptability of businesses and their employees, including with regard to quality in work, comparable structural statistics are needed by the Member States and the Commission ⁽⁴⁾.

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

HAS ADOPTED THIS REGULATION:

Article 1

The detailed list of information to be collected in 2004 by the ad hoc module, as laid down in the Annex, is hereby adopted.

Article 2

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

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

Done at Brussels, 10 February 2003.

For the Commission

Pedro SOLBES MIRA

Member of the Commission

⁽¹⁾ OJ L 77, 14.3.1998, p. 3.

⁽²⁾ OJ L 324, 29.11.2002, p. 14.

⁽³⁾ See page 3 of this Official Journal.

⁽⁴⁾ OJ L 60, 1.3.2002, p. 60.

ANNEX

LABOUR FORCE SURVEY

Specification of the 2004 ad hoc module on work organisation and working time arrangements

1. Member States and regions concerned: all.
2. The data are collected only for the main job.
3. The variables will be coded as follows:

Column	Code	Description	Filter, remarks
209		<i>Control over own work methods and schedule (optional for Germany)</i>	C26 = 1,2
	1	Person can determine how to do the work	
	2	Person can determine when to do the work	
	3	Person can determine when and how to do the work	
	0	Person can not determine how or when to do the work	
	9	Not applicable	
	Blank	No answer	
210		<i>Work for single customer (optional for Germany)</i>	C26 = 2 or C26 = 1 and C34_35 < 10
	1	Works regularly for just one client or customer	
	0	Works regularly for one client or customer	
	9	Not applicable	
	Blank	No answer	
211_212		<i>Overtime hours in reference week</i>	C26 = 3
	...	Number of overtime hours	
	99	Not applicable	
	Blank	No answer	
213_214		<i>Paid overtime hours in the reference week</i>	C213_214 ≤ C211_212; C213_214 = 00 if C211_212 = 00
	00	No paid overtime or no overtime	
	...	Number of paid overtime hours	
	99	Not applicable	
	Blank	No answer	
215		<i>Shift work patterns</i>	C204 = 1
	1	Continuous shift work, usually four-shift system	
	2	Semi-continuous shift work, usually three-shift system	
	3	Two-shift system: double day-shift	
	4	Sometimes night, sometimes day-shift	
	6	Other type of shift	
	9	Not applicable	
	Blank	No answer	

Column	Code	Description	Filter, remarks
216		<i>Variable working hours</i>	C26 = 3
	1	Fixed start and end of a working day	
	2	Staggered working hours, banded start/end	
	3	Working time banking with possibility only to take hours off	
	4	Working time banking with possibility to take full days off (besides taking hours off)	
	5	Start and end of working day varying by individual agreement	
	6	Determines own work schedule (no formal boundaries)	
	7	Other	
	9	Not applicable	
	Blank	No answer	
217		<i>Annualised working hours (optional for Germany)</i>	C26=3 and C216 ≠ 6
	1	Person has an annualised hours contract	
	0	Person has not an annualised hours contract	
	9	Not applicable	
	Blank	No answer	
218		<i>On-call work (optional for Germany and Portugal)</i>	C26 = 3 and C204 ≠ 1
	1	Person reports to work only when called	
	0	Other	
	9	Not applicable	
	Blank	No answer	
219		<i>Working time pattern of part-timers compared with full-time</i>	C46 = 2-8
	1	Less hours per day	
	2	Half a day less per week	
	3	Less days per week	
	4	Less hours per day and less days per week	
	5	One week in two	
	6	Other	
	9	Not applicable	
	Blank	No answer	

Column	Code	Description	Filter, remarks
220		<i>Possibility to work variable hours in the reference week (optional for Germany, Italy, Finland, Sweden and United Kingdom)</i>	C24 = 1 and C26 = 3 and C58 ≠ 1 and C216 = 1-4
	1	[C216 = 3, 4] person has reduced her/his credit hours	
	2	[C216 ≠ 3,4] person has taken a few hours off (without the need to take holidays)	
	3	[C216 ≠ 4] person has taken half a day, one or more days off	
	4	Person has reduced her/his credit hours balance or has taken a few hours off and has also taken half a day, one or more days off (on different days of the week)	
	5	[C216 = 3, 4] person wanted to take credit hours but could not do so (and has not taken holidays)	
	6	[C216 ≠ 3, 4] person wanted to take a few hours, half a day, one or more days off but could not do so	
	7	Other (hours actually worked ≥ contractual, lay-off etc.)	
	9	Not applicable	
	Blank	No answer	
221		<i>Convenience of working time arrangements for personal life situation (optional for Germany)</i>	C204 = 1 or C218 = 1
	1	Shift work is convenient for personal life situation	
	2	On-call work is convenient for personal life situation	
	0	Shift work or on-call work is not convenient for personal life situation	
	9	Not applicable	
	Blank	No answer	
222		<i>Convenience of working time arrangements for personal life situation (optional for Germany)</i>	C205, C206, C207, C208 = 1,2 and C204 = 3,9 and C218 = 0,9
	1	Work in the evening, at night or during weekend is convenient for personal life situation	
	3	Work in the evening, at night or during weekend is not convenient for personal life situation	
	9	Not applicable	
	Blank	No answer	
			Coding refers to Commission Regulation (EC) No 1575/2000 (OJ L 181, 20.7.2000, p. 16)

4. The variables on shift work, evening work, Saturday and Sunday work which appear as columns 204 to 208 in the Annex to the Commission Regulation (EC) No 1575/2000 concerning the codification to be used for data transmission from 2001 onwards must be surveyed in 2004 for the same reference period as the ad hoc module referred to in Article 1 of the present Regulation.

5. The variable on shift work is to be coded as follows:

204		<i>Shift work</i>	C26 = 3
	1	Person works shifts	
	3	Person does no work shifts	
	9	Not applicable	
	Blank	No answer	

COMMISSION REGULATION (EC) No 248/2003**of 10 February 2003****on the issue of import licences for high-quality fresh, chilled or frozen beef and veal**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 936/97 of 27 May 1997 opening and providing for the administration of tariff quotas for high-quality fresh, chilled and frozen beef and for frozen buffalo meat ⁽¹⁾, as last amended by Regulation (EC) No 1524/2002 ⁽²⁾,

Whereas:

- (1) Regulation (EC) No 936/97 provides in Articles 4 and 5 the conditions for applications and for the issue of import licences for meat referred to in Article 2(f).
- (2) Article 2(f) of Regulation (EC) No 936/97 fixes the amount of high-quality fresh, chilled or frozen beef and veal originating in and imported from the United States of America and Canada which may be imported on special terms for the period 1 July 2002 to 30 June 2003 at 11 500 t.

- (3) It should be recalled that licences issued pursuant to this Regulation will, throughout the period of validity, be open for use only in so far as provisions on health protection in force permit,

HAS ADOPTED THIS REGULATION:

Article 1

1. All applications for import licences from 1 to 5 February 2003 for high-quality fresh, chilled or frozen beef and veal as referred to in Article 2(f) of Regulation (EC) No 936/97 shall be granted in full.

2. Applications for licences may be submitted, in accordance with Article 5 of Regulation (EC) No 936/97, during the first five days of March 2003 for 8 020,727 t.

Article 2

This Regulation shall enter into force on 11 February 2003.

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

Done at Brussels, 10 February 2003.

For the Commission

J. M. SILVA RODRÍGUEZ

Agriculture Director-General

⁽¹⁾ OJ L 137, 28.5.1997, p. 10.

⁽²⁾ OJ L 229, 27.8.2002, p. 7.

COMMISSION REGULATION (EC) No 249/2003
of 10 February 2003
on the issue of system B export licences in the fruit and vegetables sector

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 1961/2001 of 8 October 2001 on detailed rules for implementing Council Regulation (EC) No 2200/96 as regards export refunds on fruit and vegetables ⁽¹⁾, as last amended by Regulation (EC) No 1176/2002 ⁽²⁾, and in particular Article 6(6) thereof,

Whereas:

- (1) Commission Regulation (EC) No 2201/2002 ⁽³⁾ fixes the indicative quantities for system B export licences other than those sought in the context of food aid.
- (2) In the light of the information available to the Commission today, there is a risk that the indicative quantities laid down for the current export period for oranges will shortly be exceeded. This overrun will prejudice the proper working of the export refund scheme in the fruit and vegetables sector.

- (3) To avoid this situation, applications for system B licences for oranges after 10 February 2003 should be rejected until the end of the current export period,

HAS ADOPTED THIS REGULATION:

Article 1

Applications for system B export licences for oranges submitted pursuant to Article 1 of Regulation (EC) No 2201/2002, export declarations for which are accepted after 10 February 2003 and before 16 March 2003, are hereby rejected.

Article 2

This Regulation shall enter into force on 11 February 2003.

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

Done at Brussels, 10 February 2003.

For the Commission

J. M. SILVA RODRÍGUEZ
Agriculture Director-General

⁽¹⁾ OJ L 268, 9.10.2001, p. 8.

⁽²⁾ OJ L 170, 29.6.2002, p. 69.

⁽³⁾ OJ L 286, 24.10.2002, p. 3.

COMMISSION REGULATION (EC) No 250/2003
of 10 February 2003
correcting Regulation (EC) No 136/2003 on the issue of system B export licences in the fruit and
vegetables sector

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2200/96 of 28 October 1996 on the common organisation of the market in fruit and vegetables ⁽¹⁾, as last amended by Regulation (EC) No 47/2003 ⁽²⁾, and in particular Article 35(11) thereof,

Whereas:

- (1) Commission Regulation (EC) No 136/2003 ⁽³⁾ interrupts the issue of system B export licences for tomatoes for the current export period within the meaning of Commission Regulation (EC) No 2201/2002 of 11 December 2002 fixing export refunds on fruit and vegetables ⁽⁴⁾.

- (2) Checks have revealed that there is an error in the date of the end of that period. This date should therefore be corrected,

HAS ADOPTED THIS REGULATION:

Article 1

In Article 1 of Regulation (EC) No 136/2003, '15 March 2003' is replaced by '16 March 2003'.

Article 2

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

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

Done at Brussels, 10 February 2003.

For the Commission

J. M. SILVA RODRÍGUEZ

Agriculture Director-General

⁽¹⁾ OJ L 297, 21.11.1996, p. 1.

⁽²⁾ OJ L 7, 11.1.2003, p. 64.

⁽³⁾ OJ L 22, 25.1.2003, p. 24.

⁽⁴⁾ OJ L 335, 12.12.2002, p. 11.

COMMISSION REGULATION (EC) No 251/2003
of 10 February 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 143/2003 ⁽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 11 February 2003.

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

Done at Brussels, 10 February 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 23, 28.1.2003, p. 18.

ANNEX

to the Commission Regulation of 10 February 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⁾	21,17	5,72
1701 11 90 ⁽¹⁾	21,17	11,13
1701 12 10 ⁽¹⁾	21,17	5,53
1701 12 90 ⁽¹⁾	21,17	10,61
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 252/2003
of 10 February 2003
determining the world market price for unginned cotton

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

Whereas:

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

The world price for unginned cotton as referred to in Article 4 of Regulation (EC) No 1051/2001 is hereby determined as equalling EUR 25,659/100 kg.

Article 2

This Regulation shall enter into force on 11 February 2003.

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

Done at Brussels, 10 February 2003.

For the Commission

J. M. SILVA RODRÍGUEZ

Agriculture Director-General

⁽¹⁾ OJ L 148, 1.6.2001, p. 1.

⁽²⁾ OJ L 148, 1.6.2001, p. 3.

⁽³⁾ OJ L 210, 3.8.2001, p. 10.

⁽⁴⁾ OJ L 223, 20.8.2002, p. 3.

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 21 January 2003

on the existence of an excessive deficit in Germany — Application of Article 104(6) of the Treaty establishing the European Community

(2003/89/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 104(6) thereof,

Having regard to the Recommendation from the Commission under Article 104(6) of the Treaty,

Having regard to the observations made by Germany,

Whereas:

- (1) In stage three of economic and monetary union (EMU), according to Article 104 of the Treaty Member States should avoid excessive government deficits.
- (2) The Stability and Growth Pact is based on the objective of sound government finances as a means of strengthening the conditions for price stability and for strong sustainable growth conducive to employment creation.
- (3) The Amsterdam Resolution of the European Council on the Stability and Growth Pact of 17 June 1997 solemnly invites all Parties, namely the Member States, the Council and the Commission, to implement the Treaty and the Stability and Growth pact in a strict and timely manner.
- (4) The excessive deficit procedure under Article 104 provides for a Decision on the existence of an excessive deficit. The Protocol on the excessive deficit procedure annexed to the Treaty sets out further provisions relating to the implementation of the excessive deficit procedure. Council Regulation (EC) No 3605/93 of 22 November 1993 on the application of the Protocol on the excessive deficit procedure annexed to the Treaty establishing the European Community⁽¹⁾, lays down detailed rules and definitions for the application of the provision of the said Protocol.

- (5) Article 104(5) of the Treaty requires the Commission to address an opinion to the Council if the Commission considers that an excessive deficit in a Member State exists or may occur. The Commission has addressed such an opinion on Germany to the Council on 8 January 2003. According to this opinion:

- following the publication of its own Autumn forecast on 13 November 2002, which showed a government deficit of 3,8 % of GDP in 2002 for Germany, the Commission, in accordance with Article 104(3) of the Treaty, prepared in November 2002 a report on Germany which takes account of the relevant factors,
- in accordance with Article 104(4) of the Treaty, the Economic and Financial Committee has formulated an opinion on the report of the Commission,
- Germany has submitted an updated Stability Programme in accordance with Article 3 of Council Regulation (EC) No 1466/97 of 7 July 1997 on the strengthening of the surveillance of budgetary positions and the surveillance and coordination of economic policies⁽²⁾, which had been adopted by the Federal government on 18 December 2002. According to the update, the government deficit in 2002 amounted to 3,75 % of GDP,
- the Commission considers that there exists an excessive deficit in Germany.

- (6) Article 104(6) of the Treaty lays down that the Council should consider any observations which the Member State concerned may wish to make before the Council decides after an overall assessment whether an excessive deficit exists.

⁽¹⁾ OJ L 332, 31.12.1993, p. 7. Regulation as last amended by Commission Regulation (EC) No 351/2002 (OJ L 55, 26.2.2002, p. 23).

⁽²⁾ OJ L 209, 2.8.1997, p. 1.

- (7) The overall assessment leads to the following conclusions: in the late 1990s, when Germany enjoyed relatively strong economic growth, progress in fiscal consolidation was limited, with the general government deficit remaining at around 1,5 % of GDP. Thus, there had been little budgetary leeway to accommodate for the effects of a cyclical slowdown or for any unexpected revenue shortfalls from a tax reform implemented in 2001. From a low of 1,4 % of GDP in 2000, the deficit rose to 3,7 % of GDP in 2002, significantly exceeding the reference value of 3 % in that year. While general economic conditions have weakened in Germany as elsewhere, the overrun in budgetary expenditure and the shortfall in revenue can only partially be explained by cyclical factors. Moreover, government debt is projected to rise to 60,9 % of GDP by the end of 2002, a level also exceeding, albeit slightly, the respective reference value of 60 % of GDP,

HAS ADOPTED THIS DECISION:

Article 1

From an overall assessment it follows that an excessive deficit exists in Germany.

Article 2

This Decision is addressed to the Federal Republic of Germany.

Done at Brussels, 21 January 2003.

For the Council

The President

N. CHRISTODOULAKIS

COUNCIL RECOMMENDATION**of 21 January 2003****with a view to giving early warning to France in order to prevent the occurrence of an excessive deficit**

(2003/90/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 99(4) thereof,

Having regard to the Council Regulation (EC) No 1466/97 of 7 July 1997 on the strengthening of the surveillance of budgetary positions and the surveillance and coordination of economic policies ⁽¹⁾, and in particular Article 6(2) thereof,

Having regard to the recommendation of the Commission,

Whereas:

- (1) Article 6(2) of Regulation (EC) No 1466/97, as part of the Stability and Growth Pact, establishes an early warning system for alerting a Member State at an early stage to the need to make the necessary budgetary adjustment to prevent a government deficit becoming excessive. An early warning should be given when the Council identifies actual or expected significant divergence of the budgetary position in a Member State from the medium-term budgetary objective, or the adjustment path towards it, set in the Member State's stability programme for the government balance.
- (2) In the Resolution on the Stability and Growth Pact adopted in Amsterdam on 17 June 1997 ⁽²⁾ the European Council invited all parties to implement the Treaty and the Stability and Growth Pact in a strict and timely manner.
- (3) In the 2001 updated stability programme of France, on which the Council delivered an opinion on 12 February 2002 ⁽³⁾, the French authorities aimed at a 1,4 % of GDP general government deficit in 2002 and 1,3 % of GDP in 2003. The projections for the 2002 general government deficit were rectified to 1,8 % of GDP in February by the French authorities, when they revised the projections for the 2002 real GDP growth from 2,5 % to 1,5 %.
- (4) The general government deficit in France in 2002 is now projected at 2,8 % of GDP by the French authorities and at 2,7 % of GDP by the Commission, thus 1,4 percentage point above the initial target set in the 2001 updated stability programme. According to Commission services calculations, less than one half, i.e. 0,5 percentage point of GDP, of the total slippage in the general government deficit in 2002 can be attributed to cyclical factors. The remaining part represents a deterioration in the cyclically-adjusted balance.
- (5) As a consequence of this slippage, the French budgetary position in 2002 is far from close to balance, in actual and cyclically-adjusted terms. Indeed, the cyclically-adjusted deficit is estimated by the Commission services to have increased from about 2 % of GDP in 2001 to 2,7 % of GDP in 2002. This level is clearly too high to ensure that the general government deficit does not breach the 3 % of GDP reference value under normal cyclical fluctuations.
- (6) The draft budget for 2003 presented in September projects a slight reduction in the general government deficit at 2,6 % of GDP, in the context of an expected acceleration in real GDP growth to 2,5 %. The Broad Economic Policy Guidelines for 2002 recommended that France should 'aim at a sufficient decline of the 2003 deficit to ensure that a close to balance position in 2004 can be achieved'. According to Commission calculations based on the French programme update, the cyclically-adjusted budgetary deficit will decline slightly by 0,2 % to 2,6 % in 2003.
- (7) Taking also into account significant downward risks surrounding the macroeconomic perspectives, the budgetary position foreseen in the 2003 draft budget is at a level which could lead to the occurrence of an excessive deficit, should the recovery be less pronounced than assumed in the budget or in case further slippage in the 2003 budget would occur. The Commission autumn forecasts project an increase in the general government deficit from 2,7 % in 2002 to 2,9 % of GDP in 2003, in a context where real GDP growth accelerates from 1,0 % in 2002 to 2,0 % in 2003.
- (8) In view of these elements, the risk for the general government deficit to breach the 3 % of GDP threshold has not been removed. Moreover, this divergence influences medium term commitments, as the attainment of a close to balance position is now postponed.
- (9) On the basis of information provided by the French authorities and of the assessments made by the Commission, the Council identifies a significant divergence in terms of Article 6(2) of Council Regulation (EC) No 1466/97.
- (10) There is a need for an early warning to be given alerting France in order to prevent the occurrence of an excessive deficit,

⁽¹⁾ OJ L 209, 2.8.1997, p. 1.

⁽²⁾ OJ C 236, 2.8.1997, p. 1.

⁽³⁾ OJ C 51, 26.2.2002, p. 4.

HEREBY RECOMMENDS:

1. The French Government should take all the appropriate measures in order to ensure that the general government deficit does not breach the 3 % of GDP threshold in 2003.
2. Adopting measures apt to improve the cyclically-adjusted budgetary position by at least 0,5 percentage point of GDP would not only reduce the risk for the general government deficit to breach the 3 % of GDP threshold in 2003, but also contribute to resuming a budgetary consolidation path towards a close to balance position as from 2003.
3. Continuous adjustment in the underlying budgetary position by at least 0,5 % of GDP per year should be pursued also in subsequent years in order to achieve the medium-term budgetary position of close to balance or in surplus by 2006.

This Recommendation is addressed to the Republic of France.

Done at Brussels, 21 January 2003.

For the Council
The President
N. CHRISTODOULAKIS

COMMISSION

COMMISSION RECOMMENDATION

of 10 February 2003

on the coordinated inspection programme in the field of animal nutrition for the year 2003 in accordance with Council Directive 95/53/EC

(notified under document number C(2003) 450)

(2003/91/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 95/53/EC of 25 October 1995 fixing the principles governing the organisation of official inspections in the field of animal nutrition ⁽¹⁾, as last amended by Directive 2001/46/EC of the European Parliament and of the Council ⁽²⁾, and in particular Article 22(3) thereof,

Whereas:

- (1) Directive 95/53/EC provides for the Commission to submit an overall summary report on the result of inspections carried out at Community level. The overall summary report on inspection activities carried out in the field of animal nutrition based on the information provided by the Member States concerning the implementation of the inspection programmes for the year 2001 does not allow definitive conclusions to be drawn.
- (2) Three priority criteria have been identified as worthy of a coordinated inspection programme to be carried out in the year 2003, namely the monitoring of application of restrictions on the use of products of animal origin in feedingstuffs, the presence of dioxins in by-products used as feed materials for the manufacture of feedingstuffs and the presence of antibiotics banned as growth promoters in feedingstuffs.
- (3) It is important to ensure that the restrictions on the use of products of animal origin in feedingstuffs, as laid down in the relevant Community legislation, are effectively enforced.
- (4) Certain industrial by-products intended to be used as feed materials could potentially become contaminated with dioxins as a result of processing.

- (5) It is important to ensure that banned antibiotics are not used as growth promoters in animal nutrition.
- (6) The measures provided for in this recommendation are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HEREBY RECOMMENDS:

1. It is recommended that Member States carry out during the year 2003 a coordinated monitoring programme aiming to check:
 - (a) the implementation of restrictions on the production and use of products of animal origin as set out in Annex I;
 - (b) the contamination of certain industrial by-products with dioxins as a result of processing as set out in Annex II;
 - (c) the presence of banned antibiotics used as growth promoters as set out in Annex III.
2. It is recommended that Member States include the results of the coordinated monitoring programme provided for in paragraph 1, as a separate chapter in the report on the annual control activities to be transmitted by 1 April 2004 in accordance with Article 22 of Directive 95/53/EC.

Done at Brussels, 10 February 2003.

For the Commission

David BYRNE

Member of the Commission

⁽¹⁾ OJ L 265, 8.11.1995, p. 17.

⁽²⁾ OJ L 234, 1.9.2001, p. 55.

ANNEX I

RESTRICTIONS ON THE PRODUCTION AND USE OF PRODUCTS OF ANIMAL ORIGIN

Without prejudice to Articles 3 to 13 and 15 of Directive 95/53/EC, Member States should, during 2003, undertake a coordinated inspection programme to determine whether restrictions on the production and use of feed materials of animal origin have been complied with.

In particular, in order to ensure that the ban on feeding processed animal protein to certain animals, as laid down in Council Decision 2000/766/EC ⁽¹⁾ and Commission Decision 2001/9/EC ⁽²⁾, both last amended by Commission Decision 2002/248/EC ⁽³⁾ is effectively applied, Member States should implement a specific control programme based on targeted controls. In accordance with Article 4 of Directive 95/53/EC, that control programme should be based on a risk-based strategy where all stages of production and all types of premises where feed is produced, handled and administered are included. Member States should pay special attention to the definition of criteria that can be related to a risk. The weighting given to each criterion should be proportional to the risk. The inspection frequency and the number of samples analysed in the premises should be in correlation to the sum of weightings allocated to those premises.

The following indicative premises and criteria should be considered when drawing up a control programme:

Premises	Criteria	Weighting
Feed mills	— Double stream feed mills producing ruminant compound feed and non-ruminant compound feed containing derogated processed animal proteins — Feed mills with previous history, or suspicion, of non-compliance — Feed mills with a high amount of imported feedingstuffs of high protein content such as fish meal, soybean meal, corn gluten meal and protein concentrates — Feed mills with a high amount of production of compound feed — Risk of cross-contamination resulting from internal operational procedures (such as dedication of silos, control of the effective separation of lines, control of ingredients, internal laboratory, sampling procedures.)	
Border Inspection Posts and other points of entry into the Community	— High/low amount of imports of feedingstuffs — Feedingstuffs with a high protein content	
Farms	— Home mixers using derogated processed animal proteins — Farms keeping ruminants and other species (risk of cross-feeding) — Farms purchasing feedingstuffs in bulk	
Dealers	— Warehouses and intermediate storage of feedingstuffs with a high protein content — High volume of bulk feedingstuffs traded — Dealers in compound feedingstuffs produced abroad	

⁽¹⁾ OJ L 306, 7.12.2000, p. 32.

⁽²⁾ OJ L 2, 5.1.2001, p. 32.

⁽³⁾ OJ L 84, 28.3.2002, p. 71.

Premises	Criteria	Weighting
Mobile mixers	— Mixers producing for several species — Mixers with previous history, or suspicion, of non-compliance — Mixers incorporating feedingstuffs with a high protein content — Mixers with a high amount of production of feedingstuffs — Large number of farms served including farms which keep ruminants	
Means of transportation	— Vehicles used for the transportation of processed animal proteins and feedingstuffs — Vehicles with previous history, or suspicion, of non-compliance	

As an alternative, Member States may forward their own risk assessment to the Commission before 31 March 2003.

Sampling should be targeted on batches or events where cross-contamination with prohibited processed proteins is most likely (e.g. first batch after the transport of feedingstuffs containing animal protein prohibited in this batch, technical problems or changes in production lines, changes in storage bunkers or silos for bulk material).

The minimum number of inspections per year in a Member State should be 10 per 100 000 tonnes of compound feed produced. The minimum number of official samples per year in a Member State should be 20 per 100 000 tonnes of compound feed produced. Pending the approval of alternative methods, the microscopic identification and estimation as laid down in Commission Directive 98/88/EC of 13 November 1998 establishing guidelines for the microscopic identification and estimation of constituents of animal origin for the official control of feedingstuffs ⁽¹⁾ should be used for the analysis of the samples. Any presence of prohibited constituents of animal origin in feedingstuffs should be considered as a breach of the feed ban.

The results of the inspection programmes should be communicated to the Commission using the following formats.

SUMMARY OF CHECKS CONCERNING FEEDING RESTRICTIONS FOR FEED OF ANIMAL ORIGIN (FEEDING OF PROHIBITED PROCESSED ANIMAL PROTEINS)

A. Documented inspections

Stage	Number of inspections comprising checks on the presence of processed animal proteins	Number of breaches not based on laboratory testing but, for example, on documentary checks
Import of feed materials		
Storage of feed materials		
Feed mills		
Home mixers/mobile mixers		
Intermediaries of feedingstuffs		
Means of transport		
Farms keeping non-ruminants		
Farms keeping ruminants		
Other:		

⁽¹⁾ OJ L 318, 27.11.1998, p. 45.

B. Sampling and testing of feed materials and compound feedingstuffs for processed animal proteins

Premises	Number of official samples tested for processed animal proteins			Number of samples considered positive for prohibited processed animal proteins		
	Feed materials	Compound feedingstuffs for ruminants	Compound feedingstuffs for non-ruminants	Feed materials	Compound feedingstuffs for ruminants	Compound feedingstuffs for non-ruminants
At import						
Feed mills						
Intermediaries/storage						
Means of transport						
On-farm mixers/mobile mixers						
On farm						
Other:						

C. Summary on prohibited processed animal proteins found in samples of feedingstuffs intended for ruminants

	Month of sampling	Type and degree of contamination	Sanctions (or other measures) applied
1			
2			
3			
4			
5			
...			

ANNEX II

CONTAMINATION OF CERTAIN INDUSTRIAL BY-PRODUCTS WITH DIOXINS AS A RESULT OF DRYING OR OTHER TYPES OF PROCESSING

Many by-products of food processing are used as feed materials. Special attention should be paid to a possible contamination of these by-products, which may occur at certain steps of their production process namely when chemical substances such as catalysts, solvents, pelleting aids, pH modifiers or filtration agents are introduced.

Furthermore, extraction processes such as oil from oilseeds, palm kernels or coconut products sometimes involve the use of organic solvents. The presence of dioxins as solvent contaminants, but also the possible genesis of these compounds from chemical reactions between the solvent and feed materials may contribute to the contamination of the by-products (oilseed cakes) of the oil industry used as feed materials.

Particular attention should also be paid to the drying process used for the by-products. Drying of these by-products/feed materials such as green forage, sugar beet pulp or citrus pulp may involve atmospheric air flow or hot air generated by a non-polluting source, for example electric heating or heat exchange. Under these circumstances no dioxin contamination can be expected. However, other drying techniques involving direct contact between feed materials and an air flow heated by a direct combustion process and carrying combustion products (gases, smoke) may constitute a considerable pollution source highly dependent on the nature of the fuel used. Whereas natural gas is regarded as a clean energy source, other sources (i.e. oil and derivatives including additives, pit-coal, wood) may generate dioxins during the combustion process, especially if combustion is incomplete. High levels of dioxins on dried green forage have been reported, caused by a direct drying process whereby chemically treated (with paint, with pentachlorophenol) waste wood was used as a burning material.

Increased control of these feed materials 'at risk' is appropriate. In order to be able to identify precisely the source of contamination, an additional investigation is necessary if an increased level is found (see Commission Recommendation 2002/201/EC of 4 March 2002 on the reduction of the presence of dioxins, furans and PCBs in feedingstuffs and food-stuffs ⁽¹⁾).

A. Summary on contamination of by-products with dioxins

Type of feedingstuff ^(a)	Level found (ng WHO-PCDD/F-TEQ/kg) ^(b)	Results of investigation on the source of contamination (if done)

^(a) Feed material or compound feedingstuff containing industrial by-products.

^(b) Relative to a feedingstuff with a moisture content of 12 %.

⁽¹⁾ OJ L 67, 9.3.2002, p. 69.

ANNEX III

PRESENCE OF BANNED ANTIBIOTICS USED AS GROWTH PROMOTERS

Antibiotics may be legally present in feedingstuffs when prescribed by a veterinarian for disease prevention and treatment. Council Directive 90/167/EEC lays down the conditions governing the preparation, placing on the market and use of medicated feedingstuffs in the Community ⁽¹⁾.

Antibiotics may also be legally present when authorised under Council Directive 70/524/EEC of 23 November concerning additives in feedingstuffs ⁽²⁾, for coccidiosis prevention or growth promotion purposes. In the latter category only **monensin-sodium**, **salinomycin-sodium**, **flavophospholipol** and **avilamycin** are currently authorised.

Any other use of antibiotics is not authorised in feedingstuffs.

During 2001 some Member States found a significant number of samples of feedingstuffs where the presence of unauthorised antibiotics was detected.

Increased control on feedingstuffs is therefore appropriate. In order to develop appropriate control strategies, additional investigations should be carried out when unauthorised antibiotics are detected in order to identify the cause of their presence in feedingstuffs.

A. Summary on banned antibiotics used as growth promoters found in samples of feedingstuffs

Type of feedingstuffs (species and category of animals)	Type of antibiotic	Level found (mg/kg)	Origin of the antibiotic

⁽¹⁾ OJ L 92, 7.4.1990, p. 42.

⁽²⁾ OJ L 270, 14.12.1970, p. 1.

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

COUNCIL JOINT ACTION 2003/92/CFSP
of 27 January 2003
on the European Union military operation in the Former Yugoslav Republic of Macedonia

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union and, in particular, Article 14, Article 25, third subparagraph, Article 26 and Article 28(3) thereof,

Whereas:

- (1) The European Council has announced the readiness of the European Union to conduct a military operation to follow on the NATO operation in the Former Yugoslav Republic of Macedonia, in order to further contribute to a stable, secure environment, to allow the FYROM Government to implement the Ohrid Framework Agreement.
- (2) Pursuant to the Ohrid Framework Agreement, the Union's contribution is based upon a broad approach with activities to address the whole range of rule of law aspects, including institution building programmes and police activities which should be mutually supportive and reinforcing. The activities of the Union, supported, *inter alia*, by the Community's institution building programmes under the CARDS Regulation, will contribute to the overall peace implementation in the Former Yugoslav Republic of Macedonia as well as to the achievements of the Union's overall policy in the region, notably the stabilisation and association process.
- (3) The Union appointed an EU Special Representative to contribute to the consolidation of the peaceful political process and the full implementation of the Ohrid Framework Agreement, to help to ensure the coherence of the EU external action and to ensure coordination of the international community's efforts to help in the implementation and sustainability of the provisions of that Framework Agreement.
- (4) The UN Security Council Resolution 1371 (2001) adopted on 26 September 2001 welcomes the Framework Agreement and supports its full implementation by the efforts of, *inter alia*, the EU.
- (5) On 17 January 2003, the authorities of the Former Yugoslav Republic of Macedonia invited the Union to assume responsibility for the follow-on to the NATO operation 'Allied Harmony'; to this end, an exchange of letters between the authorities of the Former Yugoslav Republic of Macedonia and the Union will follow. The EU is stepping up a process of consultations with NATO, as foreseen in Nice arrangements.
- (6) In order to plan for and prepare the deployment of an EU force in the Former Yugoslav Republic of Macedonia, the appointment of an Operation Commander is envisaged.
- (7) The European Union is committed to reaching a comprehensive agreement with NATO on all relevant outstanding permanent arrangements between the EU and NATO, in full conformity with the principles agreed in the European Council, and in particular at its meeting at Nice on 7 to 9 December 2000, and at Copenhagen on 12 and 13 December 2002.
- (8) The Political and Security Committee should exercise political control of and provide strategic direction to the EU-led operation and take the relevant decisions in accordance with Article 25, third paragraph of the Treaty on European Union.
- (9) In conformity with the guidelines of the European Council meeting at Nice on 7 to 9 December 2000, this Joint Action should determine the role of the Secretary General/High representative in accordance with Articles 18 and 26 of the Treaty on European Union in the implementation of measures falling within the political control and strategic direction exercised by the Political and Security Committee (PSC), in accordance with Article 25 of the Treaty on European Union.
- (10) Third States should participate in the operation in accordance with the guidelines laid down by the European Council.
- (11) In accordance with Article 28(3) of the Treaty on European Union, the operational expenditure arising from this Joint Action having military implications shall be charged to the Member States consistent with the general framework laid down in the Council Decision of 17 June 2002.

- (12) Article 14(1) of the Treaty on European Union calls for the indication of the means available to the Union for the whole period of implementation of the Joint Action; in this context, a financial reference amount should be indicated.
- (13) The financial reference amount for the common costs of the operation, whose parameters have been defined in the general concept approved by the Council on 23 January 2003 constitutes the best current estimate and is without prejudice to the final figures that will be included in a budget to be approved in accordance with the principles laid down in the general framework decision mentioned in recital 11.
- (14) In conformity with Article 6 of the Protocol on the position of Denmark annexed to the Treaty on European Union and to the Treaty establishing the European Community, Denmark does not participate in the elaboration and implementation of decisions and actions of the European Union which have defence implications, Denmark does not participate in the financing of the operation,

HAS ADOPTED THIS JOINT ACTION:

Article 1

Mission

1. Based on arrangements with NATO and subject to a further decision by the Council, as specified in Article 3, the European Union shall conduct a European Union military operation in the Former Yugoslav Republic of Macedonia, at the request of the FYROM government, in order to ensure the follow-on to the NATO operation 'Allied Harmony'.
2. The forces deployed to that effect shall operate in accordance with the objectives set out in the general concept approved by the Council.
3. The operation shall be carried out with recourse to NATO assets and capabilities, on the basis agreed with NATO.

Article 2

Appointment of the Operation Commander

1. The Council will appoint an EU Operation Commander.
2. NATO will be invited to agree that Admiral R. FEIST, Deputy Supreme Allied Commander for Europe (D-SACEUR), be appointed EU Operation Commander.
3. NATO will be invited to agree that the EU Operational Headquarters be at the Supreme Headquarters of Allied Powers in Europe (SHAPE).

Article 3

Planning and launching of the Operation

Once the Council has taken the necessary decisions foreseen in the EU crisis management procedures, including decisions on the Operation Commander (Op Cdr), the operation plan (OPLAN), the rules of engagement (RoE), the Operation Headquarters (OHQ) and the EU Force Commander (F Cdr), the Council shall decide on the launching of the operation.

Article 4

Political control and strategic direction

1. The Political and Security Committee shall exercise under the responsibility of the Council the political control and strategic direction of the operation. The Council hereby authorises the Political and Security Committee to take the relevant decisions in accordance with Article 25 of the Treaty on European Union. This authorisation shall include the powers to amend the operation plan, the chain of command and the rules of engagement. The powers of decision with respect to the objectives and termination of the operation shall remain vested in the Council, assisted by the Secretary General/High Representative.

2. The Political and Security Committee shall report to the Council at regular intervals.

3. The Political and Security Committee shall receive reports by the Chairman of the European Union Military Committee (CEUMC) regarding the conduct of the military operation at regular intervals. The Political and Security Committee may invite the Operation Commander to its meetings as appropriate.

Article 5

Military direction

1. The EU Military Committee (EUMC) shall monitor the proper execution of the military operation conducted under the responsibility of the Operation Commander.

2. The EUMC shall receive reports from the Operation Commander at regular intervals. It may invite the Operation Commander to its meetings as necessary.

3. The CEUMC acts as the primary point of contact with the Operation Commander.

Article 6

Relations with FYROM

The Secretary General/High Representative and the EU Special Representative in FYROM within their respective mandates shall act as primary points of contact with the authorities of FYROM for matters relating to the implementation of this Joint Action. The Presidency will be kept regularly and promptly informed on these contacts. The Force Commander shall maintain contact with local authorities on issues relevant to his mission.

*Article 7***Coordination and liaison**

Without prejudice to the chain of command, EU Commanders shall coordinate closely with the EU Special Representative in FYROM with a view to ensure consistency of the military operation with the broader context of the EU activities in FYROM. Within that framework, EU Commanders will liaise with other international actors in the area as appropriate.

*Article 8***Participation of third States**

1. Without prejudice to the decision-making autonomy of the European Union and to the Single Institutional Framework, and in accordance with the relevant guidelines of the European Council, in particular those given at its meeting at Nice on 7 to 9 December 2000:

- the non-EU European NATO members shall participate in the operation if they so wish,
- countries which have been invited by the Copenhagen European Council to become Member States are invited to participate in the operation, in accordance with the agreed modalities,
- potential partners may also be invited to participate in the operation.

2. The Council hereby authorises the Political and Security Committee to take, upon the recommendation of the Operation Commander and the EUMC, the relevant decisions on acceptance of the proposed contributions.

3. Detailed arrangements regarding the participation of third States shall be the subject of an agreement, in conformity with Article 24 of the Treaty on European Union. The Secretary General/High Representative assisting the presidency may negotiate such arrangements on its behalf.

4. Third States making significant military contributions to the EU-led operation shall have the same rights and obligations in terms of day-to-day management of the operation as EU Member States taking part in the operation.

5. The Council hereby authorises the Political and Security Committee to take relevant decisions on the setting-up of a committee of contributors, in case that the third States provide significant military contributions.

*Article 9***Financial arrangements**

1. The Council shall set up a financial mechanism to cover the common costs of the operation referred to in Article 1.

2. For the purposes for this operation:

- barracks and lodging for the forces as a whole shall be eligible for payment as common,
- costs,
- expenditure related to transportation for the forces as a whole shall not be eligible for payment as common costs.

3. The financial reference amount shall be EUR 4 700 000.

*Article 10***Relations with NATO**

1. Contacts and meetings between EU and NATO should be stepped up during the preparation and conduct of the operation, in the interests of transparency, consultation and cooperation between the two organisations. This should include meetings at PSC/NAC and Military Committee level and regular contacts between EU and NATO Commanders in the region. Throughout the operation NATO shall be kept informed on the use of NATO assets and capabilities. The PSC shall inform the NAC before proposing to the Council the termination of the operation.

2. The entire chain of command will remain under the political control and strategic direction of the EU throughout the operation, after consultation between the two organisations. In that framework the Operation Commander will report on the conduct of the operation to EU bodies only. NATO will be informed of developments in the situation by the appropriate bodies, in particular the PSC and the Chairman of the Military Committee.

*Article 11***Release of classified information to NATO and third States**

The Secretary-General/High Representative is authorised to release to NATO and third parties associated with this Joint Action EU classified information and documents generated for the purposes of the operation in accordance with the Council Security Regulations.

*Article 12***Status of the EU-led forces**

The status of the EU-led forces in the Former Yugoslav Republic of Macedonia shall be the subject of an agreement with the Government of the Former Yugoslav Republic of Macedonia to be concluded on the basis of Article 24 of the Treaty on European Union.

*Article 13***Entry into force**

This Joint Action shall enter into force on 1 February 2003.

*Article 14***Publication**

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

Done at Brussels, 27 January 2003.

For the Council

The President

G. PAPANDREOU

CORRIGENDA

Corrigendum to Commission Directive 2002/31/EC of 22 March 2002 implementing Council Directive 92/75/EEC with regard to energy labelling of household air-conditioners

(Official Journal of the European Communities L 86 of 3 April 2002)

On page 29, label:

for: 'Norm EN 814',

read: 'Norm EN XYZ';

on page 30, label:

for: 'Norm EN 814',

read: 'Norm EN XYZ';

on page 32, label:

for: 'Norm EN 814',

read: 'Norm EN XYZ';

on page 39, Annex V, Table, row 6, SV:

for: 'Låg',

read: 'Låg forbrukning';

on page 39, Table, row 7, SV:

for: 'Hög',

read: 'Hög forbrukning';

on page 39, Table, row 8, SV:

for: 'Energieffektivitetsklass på en skala från A (låg) till G (hög)',

read: 'Energieffektivitetsklass på en skala från A (låg forbrukning) till G (hög forbrukning)';

on page 41, Table, row 20, EL:

for: 'Ενεργειακή απόδοση της λειτουργίας θέρμανσης

A: υψηλή — B: χαμηλή',

read: 'Ενεργειακή απόδοση της λειτουργίας θέρμανσης

A: υψηλή — G: χαμηλή';

on page 41, Table, row 20, SV:

for: 'Energieffektivitetsklass för uppvärmingsläget: A (låg)

G (hög)',

read: 'Energieffektivitetsklass för uppvärmingsläget: A (låg forbrukning)

G (hög forbrukning)';

on page 41, Table, row 23, all languages:

for: '... EN 814',

read: '... EN XYZ';

on page 41, Table, row 24, DA:

for: 'Køleanlæg',

read: 'Klimaanlæg';

on page 41, Table, row 25, DA:

for: 'Direktiv 2002/31/EF om energi-mærkning',

read: 'Direktiv 2002/31/EF om energimærkning'.
