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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EC) No 692/2003**of 8 April 2003****amending Regulation (EEC) No 2081/92 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 37 thereof,

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

Having regard to the opinion of the European Parliament ⁽²⁾,

Having regard to the opinion of the Economic and Social Committee ⁽³⁾,

Having regard to the opinion of the Committee of the Regions ⁽⁴⁾,

Whereas:

- (1) Council Regulation (EEC) No 2081/92 ⁽⁵⁾ covers neither viticultural products nor spirit drinks; however in order to avoid a gap in the Community's protection provisions wine vinegar should be included in the scope defined in Article 1 thereof. To meet the expectations of some producers, it has also proved necessary to extend the list of agricultural products referred to in Annex II to Regulation (EEC) No 2081/92. It is also appropriate to extend the list referred to in Annex I to the said Regulation to include foodstuffs resulting from products in Annex I to the Treaty which have only undergone a slight transformation.
- (2) Annex I to Regulation (EEC) No 2081/92 listing the types of foodstuff that may be registered includes natural mineral waters and spring waters. Examination of registration applications for these has revealed several difficulties: the use of identical names for different waters and of invented names not covered by the provisions of the said Regulation, and a finding that these products

are not suitable for registration under the said Regulation, notably in view of the consequences of Article 13. These difficulties have led to many clashes of interest in the course of work on implementation of the said Regulation.

- (3) Mineral and spring waters are already the subject of Council Directive 80/777/EEC of 15 July 1980 on approximation of the laws of the Member States relating to the exploitation and marketing of natural mineral waters ⁽⁶⁾. Even if that Directive does not have exactly the same purpose as Regulation (EEC) No 2081/92, it does nevertheless provide adequate regulation at Community level; names of mineral and spring waters should not therefore be registered. Mineral and spring waters should therefore be deleted from Annex I to Regulation (EEC) No 2081/92. Some names have already been registered in Commission Regulation (EEC) No 1107/96 of 12 June 1996 on registration of geographical indications and designations of origin under the procedure set out in Article 17 of Council Regulation (EEC) No 2081/92 ⁽⁷⁾, and to avoid any injury there should be a transition period until 31 December 2013 after which these names will no longer be on the register specified in Article 6(3) of Regulation (EEC) No 2081/92.
- (4) Article 4 of Regulation (EEC) No 2081/92 contains a non-exhaustive list of the information which any product specification should include. In certain cases, so as to preserve the typical characteristics of products or to ensure their traceability or control, packaging must take place in the defined geographical area. The possibility of including provisions relating to packaging in the product specification, when such circumstances are present and are justifiable, should be explicitly provided for.
- (5) To protect the traditional heritage of Member States' producers, appropriate provisions should be made for regulating cases where of geographical names are entirely or partially homonymous. These provisions should cover both names meeting the registration requirements and those not doing so but meeting certain precisely established utilisation requirements.

⁽¹⁾ OJ C 181 E, 30.7.2002, p. 275

⁽²⁾ Opinion delivered on 5 December 2002 (not yet published in the Official Journal).

⁽³⁾ OJ C 241, 7.10.2002, p. 57.

⁽⁴⁾ Opinion delivered on 31 July 2002 (not yet published in the Official Journal).

⁽⁵⁾ OJ L 208, 24.7.1992, p. 1. Regulation as last amended by Commission Regulation (EC) No 2796/2000 (OJ L 324, 21.12.2000, p. 26).

⁽⁶⁾ OJ L 229, 30.8.1980, p. 1. Directive last amended by Directive 96/70/EC (OJ L 299, 23.11.1996, p. 26).

⁽⁷⁾ OJ L 148, 21.6.1996, p. 1. Regulation last amended by Regulation (EC) No 2703/2000 (OJ L 311, 12.12.2000, p. 25).

- (6) Article 10 should be amended to refer to standard EN 45011 in such a way as to provide for any future amendments.
- (7) If after showing good reason a group or a natural or legal person wishes to give up the registration of a geographical indication or designation of origin, that name should be deleted from the Community register.
- (8) The Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS Agreement 1994, contained in Annex 1C to the Agreement establishing the World Trade Organisation) contains detailed provisions on the existence, acquisition, scope, maintenance and enforcement of intellectual property rights.
- (9) The protection provided by registration under Regulation (EEC) No 2081/92 is open to third countries' names by reciprocity and under equivalence conditions as provided for in Article 12 of that Regulation. That Article should be supplemented so as to guarantee that the Community registration procedure is available to the countries meeting those conditions.
- (10) Article 7 of Regulation (EEC) No 2081/92 specifies how objections are to be made and dealt with. To satisfy the obligation resulting from Article 22 of the TRIPS Agreement it should be made clear that in this matter nationals of WTO member countries are covered by these arrangements and that the provisions in question apply without prejudice to international agreements, as provided for in Article 12 of the said Regulation. The right of objection should be granted to WTO member countries' nationals with a legitimate interest on the same terms as laid down in Article 7(4) of the said Regulation. Compliance with these terms must be demonstrated in relation to the territory of the Community, this being the territory in which protection granted under the Regulation applies.
- (11) Article 24(5) of the TRIPS Agreement applies not only to trademarks registered or applied for but also those to which rights have been acquired through use before a specified date, notably that of protection of the name in the country of origin. Article 14(2) of Regulation (EEC) No 2081/92 should therefore be amended: the reference date now specified should be changed to the date of protection in the country of origin or of submission of the application for registration of the geographical indication or designation of origin, depending on whether the name falls under Article 17 or the Article 5 of that Regulation; also, in Article 14(1) thereof the reference date should become the date of application instead of the date of first publication.
- (12) The measures necessary for implementation of Regulation (EEC) No 2081/92 should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission ⁽¹⁾.
- (13) The simplified procedure provided for in Article 17 of Regulation (EEC) No 2081/92 for the registration of names already protected or established by usage in Member States does not provide for any right of objection. For reasons of legal security and transparency it should be deleted. For reasons of consistency the five-year transition period provided for in Article 13(2) in the case of names registered under Article 17 should also be deleted but without prejudice to exhaustion of that period in regard to the names already registered.
- (14) Regulation (EEC) No 2081/92 should therefore be amended as indicated above,
- HAS ADOPTED THIS REGULATION:
- Article 1*
- Regulation (EEC) No 2081/92 is hereby amended as follows:
- Article 1(1) shall be replaced by the following:

'1. This Regulation lays down rules on the protection of designations of origin and geographical indications of agricultural products intended for human consumption referred to in Annex I to the Treaty and of the foodstuffs referred to in Annex I to this Regulation and the agricultural products referred to in Annex II to this Regulation.

However, this Regulation shall not apply to wine-sector products, except wine vinegars, or to spirit drinks. This paragraph shall be without prejudice to the application of Regulation (EC) No 1493/1999 on the common organisation of the market in wine.

Annexes I and II to this Regulation may be amended using the procedure specified in Article 15.'
 - Article 4(2)(e) shall be replaced by the following:

'(e) a description of the method of obtaining the agricultural product or foodstuff and, if appropriate, the authentic and unvarying local methods as well as information concerning the packaging, if the group making the request determines and justifies that the packaging must take place in the limited geographical area to safeguard quality, ensure traceability or ensure control.'

⁽¹⁾ OJ L 184, 17.7.1999, p. 23.

3. The last subparagraph of Article 5(5) shall be replaced by the following:

'If the application concerns a name that also designates a border geographical area, or a traditional name connected to that geographical area, situated in another Member State or in a third country recognised under the procedure provided for in Article 12(3), the Member State to which the application was sent shall consult the Member State or the third country concerned before transmitting the application.'

If, following consultations, the groups or natural or legal persons from the States concerned agree on an overall solution, the States concerned may submit a joint application for registration to the Commission.

Specific provisions may be adopted by the procedure laid down in Article 15.'

4. The following subparagraph shall be added after Article 6(1):

'The Commission shall make public any application for registration, stating the date on which the application was made.'

5. The following paragraph shall be added to Article 6:

'6. If the application concerns a homonym of an already registered name from the European Union or a third country recognised in accordance with the procedure in Article 12(3), the Commission may request the opinion of the Committee provided for in Article 15 prior to registration under paragraph 3 of this Article.'

A homonymous name meeting the requirements of this Regulation shall be registered with due regard for local and traditional usage and the actual risk of confusion, in particular:

- a homonymous name which misleads the public into believing that products come from another territory shall not be registered even if the name is accurate as far as its wording is concerned for the actual territory, region or place of origin of the agricultural products or foodstuffs in question;
- the use of a registered homonymous name shall be subject to there being a clear distinction in practice between the homonym registered subsequently and the name already on the register, having regard to the need to treat the producers concerned in an equitable manner and not to mislead consumers.'

6. The following subparagraphs shall be added to Article 10(3):

'The standard or the applicable version of standard EN 45011, whose requirements private bodies must fulfil for approval purposes, shall be established or amended in accordance with the procedure laid down in Article 15.'

The equivalent standard or the applicable version of the equivalent standard in the case of third countries recognised pursuant to Article 12(3), whose requirements private bodies must fulfil for approval purposes, shall be established or amended in accordance with the procedure laid down in Article 15.'

7. The following shall be added to Article 11(4):

'Notice of cancellation shall be published in the *Official Journal of the European Union*.'

8. The following Article shall be added after Article 11:

'Article 11a

In accordance with the procedure laid down in Article 15, the Commission may cancel the registration of a name in the following cases:

- (a) Where the State which submitted the original application for registration checks that a request for cancellation, submitted by the group or by a natural or legal person concerned, is justified and forwards it to the Commission.
- (b) For well-founded reasons, where compliance with the specifications laid down for an agricultural product or a foodstuff bearing a protected name can no longer be ensured.

Specific provisions may be adopted by the procedure laid down in Article 15.

Notice of cancellation shall be published in the *Official Journal of the European Union*.'

9. In Article 12, the second indent of paragraph 1 shall be replaced by the following:

'— the third country concerned has inspection arrangements and a right to objection equivalent to those laid down in this Regulation,'

10. In Article 12, the following paragraph shall be added:

'3. The Commission shall examine, at the request of the country concerned, and in accordance with the procedure laid down in Article 15 whether a third country satisfies the equivalence conditions and offers guarantees within the meaning of paragraph 1 as a result of its national legislation. Where the Commission decision is in the affirmative, the procedure set out in Article 12a shall apply.'

11. The following Articles shall be added after Article 12:

Article 12a

1. In the case provided for in Article 12(3), if a group or a natural or legal person as referred to in Article 5(1) and (2) in a third country wishes to have a name registered under this Regulation it shall send a registration application to the authorities in the country in which the geographical area is located. Applications must be accompanied by the specification referred to in Article 4 for each name.

If the application concerns a name that also designates a border geographical area or a traditional name connected to that geographical area in a Member State, the third country to which the application was sent shall consult the Member State concerned before transmitting the application.

If, following consultations, the groups or natural or legal persons from the States concerned agree on an overall solution, the said States may submit a joint application for registration to the Commission.

Specific provisions may be adopted by the procedure laid down in Article 15.

2. If the third country referred to in paragraph 1 deems the requirements of this Regulation to be satisfied it shall transmit the registration application to the Commission accompanied by:

- (a) a description of the legal provisions and the usage on the basis of which the designation of origin or the geographical indication is protected or established in the country,
- (b) a declaration that the structures provided for in Article 10 are established on its territory, and
- (c) other documents on which it has based its assessment.

3. The application and all documents forwarded to the Commission shall be in one of the official Community languages or accompanied by a translation into one of the official Community languages.

Article 12b

1. The Commission shall verify within six months whether the registration request sent by the third country contains all the necessary elements and shall inform the country concerned of its conclusions.

If the Commission:

- (a) concludes that the name satisfies the conditions for protection, it shall publish the application in accordance with Article 6(2). Prior to publication the Commission may ask the Committee provided for in Article 15 for its opinion;

- (b) concludes that the name does not satisfy the conditions for protection, it shall decide, after consulting the country having transmitted the application, in accordance with the procedure provided for in Article 15, not to proceed with publication as provided for in (a).

2. Within six months of the date of publication as provided for in paragraph 1(a), any natural or legal person with a legitimate interest may object to the application published in accordance with paragraph 1(a) on the following terms:

- (a) where the objection comes from a Member State of the European Union or a WTO member, Article 7(1), (2) and (3) or Article 12d respectively shall apply;
- (b) where the objection comes from a third country meeting the equivalence conditions of Article 12(3), a duly substantiated statement of objection shall be addressed to the country in which the abovementioned natural or legal person resides or is established, which shall forward it to the Commission.

The statement of objection and all documents forwarded to the Commission shall be in one of the official Community languages or accompanied by a translation into one of the official Community languages.

3. The Commission shall examine admissibility in accordance with the criteria set out in Article 7(4). Those criteria must be demonstrated in regard to the territory of the Community. Where one or more objections are admissible the Commission shall adopt a decision in accordance with the procedure laid down in Article 15 after consulting the country which transmitted the application, taking account of traditional and fair usage and the actual risk of confusion on Community territory. If the decision is to proceed with registration the name shall be entered in the register provided for in Article 6(3) and published in accordance with Article 6(4).

4. If the Commission receives no statement of objection it shall enter the name(s) in question in the register provided for in Article 6(3) and publish the name(s) as provided for in Article 6(4).

Article 12c

The group or natural or legal person referred to in Article 5(1) and (2) may request amendment of the specification for a name registered under Articles 12a and 12b, in particular to take account of the development of scientific and technical knowledge or to revise the geographical zone.

The procedure in accordance with Articles 12a and 12c shall apply.

However, the Commission may decide, in accordance with the Article 15 procedure, not to apply the procedure provided for in Articles 12a and 12b if the amendment is of a minor nature.

Article 12d

1. Within six months of the date of the notice in the *Official Journal of the European Union* specified in Article 6(2) relating to a registration application submitted by a Member State, any natural or legal person that has a legitimate interest and is from a WTO member country or a third country recognised under the procedure provided for in Article 12(3) may object to the proposed registration by sending a duly substantiated statement to the country in which it resides or is established, which shall transmit it, made out or translated into a Community language, to the Commission. Member States shall ensure that any person from a WTO member country or a third country recognised under the procedure provided for in Article 12(3) who can demonstrate a legitimate economic interest is authorised to consult the application.

2. The Commission shall examine the admissibility of objections in accordance with the criteria laid down in Article 7(4). These criteria must be proved and assessed with regard to the territory of the Community.

3. If an objection is admissible the Commission shall, after consulting the country that transmitted the objection, adopt a decision using the procedure specified in Article 15, taking account of traditional and fair usage and the actual risk of confusion. If the decision is to proceed with registration, publication shall be made in accordance with Article 6(4).'

12. Article 13 shall be amended as follows:

(a) Paragraph 4 shall be replaced by the following:

'4. In the case of names for which registration has been applied for under Article 5 or Article 12a, provision may be made for a maximum transitional period of five years under Article 7(5)(b) or under Article 12b(3) or Article 12d(3), solely where a statement of objection has been declared admissible on the ground that the registration of the proposed name would jeopardise the existence of an entirely or partly homonymous name or the existence of products which have been legally on the market for at least five years preceding the date of the publication provided for in Article 6(2).'

Such transitional period may be provided for only where undertakings have legally marketed the products in question by using the names in question continuously for at least five years preceding the date of the publication provided for in Article 6(2).'

(b) The following paragraph shall be added:

'5. Without prejudice to the application of Article 14, the Commission may decide to allow, under the procedure provided for in Article 15, the coexistence

of a registered name and an unregistered name designating a place in a Member State or in a third country recognised under the procedure provided for in Article 12(3) where that name is identical to the registered name, provided that the following conditions are met:

- the identical unregistered name has been in legal use consistently and equitably for at least 25 years prior to the entry into force of Regulation (EEC) No 2081/92, and
- it is shown that the purpose of its use has not at any time been to profit from the reputation of the registered name and that the public has not been nor could be misled as to the true origin of the product, and
- the problem resulting from the identical names was raised before registration of the name.

The registered name and the identical unregistered name concerned may co-exist for a period not exceeding a maximum of fifteen years, after which the unregistered name shall cease to be used.

Use of the unregistered geographical name concerned shall be authorised only where the country of origin is clearly and visibly indicated on the label.'

13. Article 14 shall be amended as follows:

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

'1. Where a designation of origin or geographical indication is registered under this Regulation, any application for registration of a trademark that is for a product of the same type and use of which will engender one of the situations indicated in Article 13 shall be refused if made after the date of submission to the Commission of the application for registration of the designation of origin or geographical indication.

Trademarks registered in breach of the first subparagraph shall be invalidated.'

(b) Paragraph 2 shall be replaced by the following:

'2. With due regard to Community law, a trademark the use of which engenders one of the situations indicated in Article 13 and which has been applied for, registered, or established by use, if that possibility is provided for by the legislation concerned, in good faith within the territory of the Community, before either the date of protection in the country of origin or the date of submission to the Commission of the application for registration of the designation of origin or geographical indication, may continue to be used notwithstanding the registration of a designation of origin or geographical indication, provided that no

grounds for its invalidity or revocation exist as specified by Council Directive 89/104/EEC of 21 December 1988 to approximate the laws of the Member States relating to trade marks (*) and/or Council Regulation (EC) No 40/94 of 20 December 1993 on the Community trade mark (**).

(*) OJ L 40, 11.2.1989, p. 1.

(**) OJ L 11, 14.1.1994, p. 1.

14. Article 15 shall be replaced by the following:

'Article 15

1. The Commission shall be assisted by the Committee on Designations of Origin and Geographical Indications composed of Member States' representatives and chaired by a Commission representative.

2. Where reference is made to this Article, Articles 5 and 7 of Decision 1999/468/EC shall apply.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.

3. The Committee shall adopt its rules of procedure.

4. The Committee may examine any other matter put to it by its Chairman on his own initiative or at the request of a Member State's representative.'

15. Article 13(2) and Article 17 shall be deleted. However, the provisions of these Articles shall continue to apply to registered names or to names for which a registration application was made by the procedure provided for in Article 17 before this Regulation entered into force.

16. Annexes I and II shall be replaced by Annexes I and II to this Regulation.

Article 2

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

Without prejudice to point 16 of Article 1, Articles 5 and 17 shall continue to apply to applications for the registration of names of natural mineral and spring waters where applications for registration were made before this Regulation came into force.

Those natural mineral and spring waters which have already been registered and those which might possibly be registered by virtue of the application of the second paragraph shall continue to appear in the register provided for in Article 6(3) of Regulation (EEC) No 2081/92 and to benefit from the protection accorded by that Regulation until 31 December 2013.

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

Done at Luxembourg, 8 April 2003.

For the Council

The President

G. DRYG

*ANNEX I**'ANNEX I*

Foodstuffs referred to in Article 1(1):

- Beer
- Beverages made from plant extracts
- Bread, pastry, cakes, confectionery and other baker's wares
- Natural gums and resins
- Mustard paste
- Pasta.'

*ANNEX II**'ANNEX II*

Agricultural products referred to in Article 1(1)

- Hay
 - Essential oils
 - Cork
 - Cochineal (raw product of animal origin)
 - Flowers and ornamental plants
 - Wool
 - Osier.'
-

**COUNCIL REGULATION (EC) No 693/2003
of 14 April 2003**

establishing a specific Facilitated Transit Document (FTD), a Facilitated Rail Transit Document (FRTD) and amending the Common Consular Instructions and the Common Manual

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 62(2) thereof,

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

Having regard to the opinion of the European Parliament ⁽²⁾,

Whereas:

- (1) In order to prepare accession of new Member States, the Community should take into account specific situations, which may occur as a result of the enlargement and set out the relevant legislation in order to avoid future problems in relation with the crossing of the external border.
- (2) The Community should address in particular the new situation of third country nationals who must necessarily cross the territory of one or several Member States in order to travel between two parts of their own country which are not geographically contiguous.
- (3) A Facilitated Transit Document (FTD) and a Facilitated Rail Transit Document (FRTD) should be established for this specific case of transit by land.
- (4) The FTD/FRTD are to constitute documents having the value of transit visas authorising their holders to enter in order to pass through the territories of Member States in accordance with the provisions of the Schengen *acquis* concerning the crossing of external borders.
- (5) The conditions and the procedures for obtaining these documents should be facilitated in line with the provisions of the Schengen *acquis*.
- (6) Penalties, as provided for in national law, should be imposed on the holder of the FTD/FRTD in case of misuse of the scheme.
- (7) Since the objective of the proposed action, namely the recognition of FTD/FRTD, issued by one Member State, by the other Member States bound by the provisions of the Schengen *acquis* concerning the crossing of external borders cannot be sufficiently achieved by the Member States and can therefore by reason of the scale of the action be better achieved at Community level, the Community may adopt measures, in accordance with

the principle of subsidiarity as set out in Article 5 of the Treaty. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve this objective.

- (8) A uniform format for FTD and FRTD is established in Regulation (EC) No 694/2003 ⁽³⁾.
- (9) The Common Consular Instructions ⁽⁴⁾ and the Common Manual ⁽⁵⁾ should be amended accordingly.
- (10) In accordance with Articles 1 and 2 of the Protocol on the position of Denmark annexed to the Treaty on European Union and to the Treaty establishing the European Community, Denmark is not taking part in the adoption of this Regulation, and is not bound by it or subject to its application. Given that this Regulation builds upon the Schengen *acquis* under the provisions of Title IV of Part Three of the Treaty establishing the European Community, Denmark shall, in accordance with Article 5 of the said Protocol, decide within a period of six months after the Council has adopted this Regulation whether it will implement it in its national law.
- (11) As regards Iceland and Norway, this Regulation constitutes a development of provisions of the Schengen *acquis* within the meaning of the Agreement concluded by the Council of the European Union and the Republic of Iceland and the Kingdom of Norway concerning the association of those two States with the implementation, application and development of the Schengen *acquis* ⁽⁶⁾, which fall within the area referred to in Article 1(B) of Council Decision 1999/437/EC of 17 May 1999 on certain arrangements for the application of that Agreement ⁽⁷⁾.
- (12) This Regulation constitutes a development of provisions of the Schengen *acquis* in which the United Kingdom does not take part, in accordance with Council Decision 2000/365/EC of 29 May 2000 concerning the request of the United Kingdom of Great Britain and Northern Ireland to take part in some of the provisions of the Schengen *acquis* ⁽⁸⁾; the United Kingdom is therefore not taking part in its adoption and is not bound by it or subject to its application.

⁽¹⁾ Not yet published in the Official Journal.

⁽²⁾ Opinion delivered on 8 April 2003 (not yet published in the Official Journal).

⁽³⁾ See page 15 of this Official Journal.

⁽⁴⁾ OJ C 313, 16.12.2002, p. 1. Instructions amended by Regulation (EC) No 415/2003 (OJ L 64, 7.3.2003, p. 1).

⁽⁵⁾ OJ C 313, 16.12.2002, p. 97.

⁽⁶⁾ OJ L 176, 10.7.1999, p. 36.

⁽⁷⁾ OJ L 176, 10.7.1999, p. 31.

⁽⁸⁾ OJ L 131, 1.6.2000, p. 43.

- (13) This Regulation constitutes a development of provisions of the Schengen *acquis* in which Ireland does not take part, in accordance with Council Decision 2002/192/EC of 28 February 2002 concerning Ireland's request to take part in some of the provisions of the Schengen *acquis* ⁽¹⁾; Ireland is therefore not taking part in its adoption and is not bound by it or subject to its application.
- (14) This Regulation constitutes an act building on the Schengen *acquis* or otherwise related to it within the meaning of Article 3(2) of the Act of Accession and will therefore only become applicable after the lifting of the internal border controls,

2. The FTD shall be valid for a maximum period of up to three years. A transit based on the FTD shall not exceed 24 hours.

3. The FRTD shall be valid for a maximum period of up to three months. A transit based on the FRTD shall not exceed six hours.

CHAPTER II

ISSUING AN FTD/FRTD

HAS ADOPTED THIS REGULATION:

Article 4

Conditions

In order to obtain an FTD/FRTD, the applicant shall:

- (a) possess a valid document, authorising him to cross external borders as defined pursuant to Article 17(3)(a) of the Convention implementing the Schengen Agreement of 14 June 1985, signed at Schengen on 19 June 1990 ⁽²⁾;
- (b) not be a person for whom an alert has been issued for the purposes of refusing entry;
- (c) not be considered to be a threat to public policy, national security or the international relations of any of the Member States. However, in relation to the FRTD, prior consultation in accordance with Article 17(2) of the Convention implementing the Schengen Agreement shall not apply;
- (d) for the FTD, have valid reasons for frequent travelling between the two parts of the territory of his country.

CHAPTER I

GENERAL PROVISIONS

Article 1

Definition

1. This Regulation establishes a Facilitated Transit Document (FTD) and a Facilitated Rail Transit Document (FRTD) for the purpose of facilitated transit.
2. Facilitated transit shall mean the specific and direct transit by land of a third country national who must necessarily cross the territory of one or several Member States in order to travel between two parts of his own country which are not geographically contiguous.

Article 2

Specific authorisation (FTD/FRTD)

1. The FTD is a specific authorisation allowing for a facilitated transit, which may be issued by Member States for multiple entries by whatever means of land transport.
2. The FRTD is a specific authorisation allowing for facilitated transit, which may be issued by Member States for a single entry and return by rail.
3. The FTD/FRTD shall be issued in the form of uniform formats in accordance with Regulation (EC) No 694/2003.

Article 3

Scope and validity

1. The FTD and the FRTD have the same value as transit visas and are territorially valid for the issuing Member State and other Member States through which the facilitated transit takes place.

Article 5

Application procedure

1. The application for an FTD shall be presented to the consular authorities of a Member State which has communicated its decision to issue the FTD/FRTD in accordance with Article 12. If more than one Member State has communicated its decision to issue the FTD, the application shall be submitted to the consular authorities of the Member State of the first entry. This procedure shall provide for the submission when appropriate of documentation demonstrating the need for frequent travel, in particular documents concerning family links or social, economic or other motives.
2. In the case of an FRTD, a Member State may, as a rule, accept applications transmitted via other authorities or third parties.
3. The application for an FTD shall be presented on the standard form as set out in Annex I.

⁽¹⁾ OJ L 64, 7.3.2002, p. 20.

⁽²⁾ OJ L 239, 22.9.2000, p. 19. Convention as last amended by Decision 2003/170/JHA (OJ L 67, 12.3.2003, p. 27).

4. The personal data for an FRTD shall be supplied on the basis of the Personal Data Sheet set out in Annex II. This Personal Data Sheet may be filled in on board the train before the affixing of the FRTD, and in any event before the entry into the territory of the Member State through which the train passes, on condition that the basic personal data, as set out in Annex II, are transmitted electronically to the authorities of the competent Member State at the moment when the request to purchase the railway ticket is made.

Article 6

Issuing procedure

1. The FTD/FRTD shall be issued by the consular offices of the Member State and shall not be issued at the border. The decision on issuing the FRTD shall be taken by the competent consular authorities at the latest 24 hours after the electronic transmission provided for in Article 5(4).

2. No FTD/FRTD shall be affixed in a travel document that has expired.

3. The period of validity of the travel document in which the FTD/FRTD is affixed shall be longer than that of the FTD/FRTD.

4. No FTD/FRTD shall be affixed in a travel document if that travel document is not valid for any of the Member States. In this case it shall be affixed by the consular offices on the uniform format for forms for affixing the visa in accordance with Regulation (EC) No 333/2002⁽¹⁾. If a travel document is only valid for one Member State or for a number of Member States, the FTD/FRTD shall be limited to the Member State or Member States in question.

Article 7

Administrative costs of an FTD/FRTD

1. The fee corresponding to the administrative costs of processing the application for an FTD shall be EUR 5.

2. The FRTD shall be issued free of charge.

CHAPTER III

COMMON PROVISIONS RELATED TO THE FTD/FRTD

Article 8

Refusal

1. The procedures, and appeal in cases where the consular post refuses to examine an application or issue an FTD/FRTD shall be governed by national law of the respective Member States.

2. If an FTD/FRTD is refused and national law requires the grounds for such a refusal to be given, the reason shall be communicated to the applicant.

⁽¹⁾ OJ L 53, 23.2.2002, p. 4.

Article 9

Penalties

Penalties, as provided for in national law, should be imposed on the holder of the FTD/FRTD in case of misuse of the scheme.

Such penalties shall be effective, proportionate and dissuasive, and shall include the possibility of cancelling or revoking the FTD/FRTD.

CHAPTER IV

FINAL PROVISIONS

Article 10

Subject to the specific rules set out in this Regulation, the provisions of the Schengen *acquis* relating to visas shall also apply to the FTD/FRTD.

Article 11

1. The Common Consular Instructions are hereby amended as follows:

(a) The following point shall be added to part I:

‘2.5. Documents having the same value as a visa, authorising the crossing of external borders: FTD/FRTD

For facilitated transit, an FTD or an FRTD can be issued in accordance with Council Regulations (EC) No 693/2003 (*) and (EC) No 694/2003 (**) (see Annex 17).

(*) OJ L 99, 17.4.2003, p. 8.

(**) OJ L 99, 17.4.2003, p. 15.’

(b) The text of this Regulation and of Regulation (EC) No 694/2003 shall be added as Annex 17.

2. The Common Manual shall be amended as follows:

(a) The following point shall be added to Part I:

‘3.4. DOCUMENTS HAVING THE SAME VALUE AS A VISA, AUTHORISING THE CROSSING OF EXTERNAL BORDERS: FTD/FRTD

For facilitated transit, an FTD or an FRTD can be issued in accordance with Council Regulations (EC) No 693/2003 (*) and (EC) No 694/2003 (**) (See Annex 15).

(*) OJ L 99, 17.4.2003, p. 8.

(**) OJ L 99, 17.4.2003, p. 15.’

(b) The text of this Regulation and of Regulation (EC) No 694/2003 shall be added as Annex 15.

*Article 12***Implementation**

1. Member States deciding to issue the FTD and the FRTD shall communicate such decision to the Council and the Commission. The decision shall be published by the Commission in the *Official Journal of the European Union*. It shall enter into force on the date of its publication.

2. If Member States decide no longer to issue the FTD and the FRTD they shall communicate that decision to the Council and the Commission. The decision shall be published by the Commission in the *Official Journal of the European Union*. It shall enter into force on the thirtieth day following its publication.

*Article 13***Report**

The Commission shall report to the European Parliament and the Council on the functioning of the facilitated transit scheme at the latest three years after the entry into force of the first decision as set out in Article 12(1).

*Article 14***Entry into force**

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

This Regulation shall be binding in its entirety and directly applicable in the Member States in accordance with the Treaty establishing the European Community.

Done at Luxembourg, 14 April 2003.

For the Council

The President

A. GIANNITSIS

ANNEX I

Photo	APPLICATION FOR AN FTD This application form is free	Stamp of Embassy or Consulate
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1. Surname(s) (family name(s))		For embassy/ consulate use only
2. Surname(s) at birth (earlier family name(s))		
3. First names (given names)		
4. Date of birth (year-month-day)		
5. ID-number (optional)		
6. Place and country of birth		
7. Current nationality/ies		Date of application: File handled by: Supporting documents: ☐ Valid passport ☐ Need to travel frequently
8. Original nationality (nationality at birth)		
9. Sex ☐ Male ☐ Female		
10. Marital status: ☐ Single ☐ Married ☐ Separated ☐ Divorced ☐ Widow(er) ☐ Other		
11. Father's name		
12. Mother's name		
13. Type of passport: ☐ National passport ☐ Diplomatic passport ☐ Service passport ☐ Seaman's passport ☐ Other travel document (please specify)		FTD ☐ Refused ☐ Granted
14. Number of passport		
15. Issued by		
16. Date of issue		
17. Valid until		
18. Other FTDs/FRTDs/visas (issued during the past three years) and their period of validity		
19. Reasons for frequent travel (e.g. business, family or friends, cultural/sports, official, medical reasons, other) Please specify (appropriate supporting documentation may be added or may be requested by the consular authorities when such need arises):		Valid from to Valid for
20. Spouse's family name		
21. Spouse's family name at birth		

22. Spouse's first name	23. Spouse's date of birth	24. Spouse's place of birth	For embassy/ consulate use only
25. Children (Applications must be submitted separately for each person)			
Name	First name	Date of birth	
1.			
2.			
26. I am aware of and consent to the following: any personal data concerning me which appear on the FTD application form will be supplied to the relevant authorities in the Schengen States and processed by those authorities, if necessary, for the purposes of a decision on my FTD application. Such data may be input into, and stored in, databases accessible to the relevant authorities in the various Schengen States. At my express request, the consular authority processing my application will inform me of the manner in which I may exercise my right to check the personal data concerning me and have them altered or deleted, in particular, should they be inaccurate, in accordance with the national law of the State concerned. I declare to the best of my knowledge all particulars supplied by me are correct and complete. I am aware that any false statements will lead to my application being rejected or to the cancellation or revocation of an FTD already granted and may also render me liable to prosecution under the law of the Schengen State which deals with the application. I undertake to respect the time limit of the FTD. I have been informed that possession of an FTD is only one of the prerequisites for entry in order to pass through the European territory of the Schengen States. The mere fact that an FTD has been granted to me does not mean that I will be entitled to compensation if I fail to comply with the relevant provisions of Article 4 of Regulation (EC) No 693/2003 and am thus refused entry. The prerequisites for entry will be checked again on entry into the European territory of the Schengen States.			
27. Applicant's home address		28. Telephone number	
29. Place and date	30. Signature (for minors, signature of custodian/guardian)		

ANNEX II

PERSONAL DATA SHEET FOR A FRTD

This sheet is free

1. Surname(s) (family name(s)) **		For embassy/consulate use only
2. Surname(s) at birth (earlier family name(s))		
3. First names (given names) **		
4. Date of birth (year-month-day) **		
5. Place and country of birth		
6. Father's name **	7. Mother's name *	Date of application: File handled by: FRTD ☐ Refused ☐ Granted
8. Number of passport **		
9. Date of issue	10. Valid until	Valid from to
11. Date and time of departure of train (first entry to (Member State)) **	12. If known, date and time of departure of train (second entry to (Member State))	Valid for
13. I am aware of and consent to the following: any personal data concerning me which appear on the FRTD personal data sheet will be supplied to the relevant authorities in the Schengen States and processed by those authorities, if necessary, for the purposes of a decision on my FRTD application. Such data may be input into, and stored in, databases accessible to the relevant authorities in the various Schengen States. At my express request, the consular authority processing my application will inform me of the manner in which I may exercise my right to check the personal data concerning me and have them altered or deleted, in particular, should they be inaccurate, in accordance with the national law of the State concerned. I declare to the best of my knowledge all particulars supplied by me are correct and complete. I am aware that any false statements will lead to my application being rejected or to the cancellation or revocation of an FRTD already granted and may also render me liable to prosecution under the law of the Schengen State which deals with the application. I undertake to respect the time limit (maximum 3 months) of the FRTD. I have been informed that possession of an FRTD is only one of the prerequisites for entry in order to pass through the European territory of the Schengen States. The mere fact that an FRTD has been granted to me does not mean that I will be entitled to compensation if I fail to comply with the relevant provisions of Article 4 of Regulation (EC) No 693/2003 and am thus refused entry. The prerequisites for entry will be checked again on entry into the European territory of the Schengen States.		For Embassy/Consulate use only
14. Parent's home address *	15. Parent's telephone number *	
16. Place and date	17. Signature (for minors, signature of custodian/guardian)	

* The fields marked with * only have to be completed in the case of minors travelling unaccompanied.

** Basic personal data to be transmitted electronically.

COUNCIL REGULATION (EC) No 694/2003**of 14 April 2003****on uniform formats for Facilitated Transit Documents (FTD) and Facilitated Rail Transit Documents (FRTD) provided for in Regulation (EC) No 693/2003**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 62(2) thereof,

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

Having regard to the opinion of the European Parliament ⁽²⁾,

Whereas:

- (1) In order to prepare accession of new Member States, the Community should take into account specific situations, which may occur as a result of the enlargement and set out the relevant legislation in order to avoid future problems in relation with the crossing of the external border.
- (2) Council Regulation (EC) No 693/2003 ⁽³⁾ establishes a Facilitated Transit Document (FTD) and Facilitated Rail Transit Document (FRTD) for the case of a specific transit by land of third country nationals who must necessarily cross the territory of one or several Member States in order to travel between two parts of their own country which are not geographically contiguous. Uniform formats for these documents should be established.
- (3) These uniform formats should contain all the necessary information and meet high technical standards, in particular as regards safeguards against counterfeiting and falsification. The formats should also be suited to use by all Member States and bear universally recognisable harmonised security features which are clearly visible to the naked eye.
- (4) Powers to adopt such common standards should be conferred on the Commission, which should be assisted by the Committee established by Article 6 of Council Regulation (EC) No 1683/95 of 29 May 1995 laying down a uniform format for visas ⁽⁴⁾.
- (5) To ensure that the information in question is not divulged more widely than is necessary, it is also essential that each Member State issuing the FTD/FRTD designate a single body for printing the uniform format for FTD/FRTD, while retaining the possibility of changing that body, if necessary. For security reasons, each such

Member State should communicate the name of the competent body to the Commission and to the other Member States.

- (6) The measures necessary for the implementation of this Regulation should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred to the Commission ⁽⁵⁾.
- (7) In accordance with Articles 1 and 2 of the Protocol on the position of Denmark annexed to the Treaty on European Union and to the Treaty establishing the European Community, Denmark is not taking part in the adoption of this Regulation, and is not bound by it or subject to its application. Given that this Regulation builds upon the Schengen *acquis* under the provisions of Title IV of Part Three of the Treaty establishing the European Community, Denmark shall, in accordance with Article 5 of the said Protocol, decide within a period of six months after the Council has adopted this Regulation whether it will implement it in its national law.
- (8) As regards Iceland and Norway, this Regulation constitutes a development of provisions of the Schengen *acquis* within the meaning of the Agreement concluded by the Council of the European Union and the Republic of Iceland and the Kingdom of Norway concerning the association of those two States with the implementation, application and development of the Schengen *acquis* ⁽⁶⁾, which fall within the area referred to in Article 1, point B of Council Decision 1999/437/EC of 17 May 1999 on certain arrangements for the application of that Agreement ⁽⁷⁾.
- (9) This Regulation constitutes a development of provisions of the Schengen *acquis* in which the United Kingdom does not take part, in accordance with Council Decision 2000/365/EC of 29 May 2000 concerning the request of the United Kingdom of Great Britain and Northern Ireland to take part in some of the provisions of the Schengen *acquis* ⁽⁸⁾; the United Kingdom is therefore not taking part in its adoption and is not bound by it or subject to its application.

⁽¹⁾ Not yet published in the Official Journal.

⁽²⁾ Opinion delivered on 8 April 2003 (not yet published in the Official Journal).

⁽³⁾ See page 8 of this Official Journal.

⁽⁴⁾ OJ L 164, 14.7.1995, p.1. Regulation as last amended by Regulation (EC) No 334/2002 (OJ L 53, 23.2.2002, p. 23).

⁽⁵⁾ OJ L 184, 17.7.1999, p. 23.

⁽⁶⁾ OJ L 176, 10.7.1999, p. 36.

⁽⁷⁾ OJ L 176, 10.7.1999, p. 31.

⁽⁸⁾ OJ L 131, 1.6.2000, p. 43.

- (10) This Regulation constitutes a development of provisions of the Schengen *acquis* in which Ireland does not take part, in accordance with Council Decision 2002/192/EC of 28 February 2002 concerning Ireland's request to take part in some of the provisions of the Schengen *acquis* ⁽¹⁾; Ireland is therefore not taking part in its adoption and is not bound by it or subject to its application.
- (11) This Regulation constitutes an act building on the Schengen *acquis* or otherwise related to it within the meaning of Article 3(1) of the Act of Accession,

HAS ADOPTED THIS REGULATION:

Article 1

1. Facilitated Transit Documents (FTD) issued by the Member States as referred to in Article 2(1) of Regulation (EC) No 693/2003 shall be produced in the form of a uniform format (sticker) and shall have the same value as transit visas. They shall conform to the specifications set out in Annex I to this Regulation.

2. Facilitated Rail Transit Documents (FRTD) issued by the Member States as referred to in Article 2(2) of Regulation (EC) No 693/2003 shall be produced in the form of a uniform format (sticker) and shall have the same value as transit visas. They shall conform to the specifications set out in Annex II to this Regulation.

Article 2

1. Further technical specifications for the uniform format for FTD and FRTD relating to the following shall be established in accordance with the procedure referred to in Article 4(2):

- (a) additional security features and requirements including enhanced anti-forgery, counterfeiting and falsification standards;
- (b) technical processes and rules for the filling in of the uniform FTD/FRTD;
- (c) other rules to be observed for the filling in of the uniform FTD/FRTD.

2. The colours of the uniform FTD and FRTD may be changed in accordance with the procedure referred to in Article 4(2).

⁽¹⁾ OJ L 64, 7.3.2002, p. 20.

Article 3

1. The specifications referred to in Article 2 shall be secret and not be published. They shall be made available only to the bodies designated by the Member States as responsible for printing and to the persons duly authorised by a Member State or the Commission.

2. Each Member State which has decided to issue the FTD/FRTD shall designate one body having responsibility for printing them. It shall communicate the name of that body to the Commission and the other Member States. The same body may be designated by two or more Member States for this purpose. Each Member State shall be entitled to change its designated body. It shall inform the Commission and the other Member States accordingly.

Article 4

1. The Commission shall be assisted by the Committee set up by Article 6(2) of Regulation (EC) No 1683/95.

2. Where reference is made to this paragraph, Articles 5 and 7 of Decision 1999/468/EC shall apply.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be two months.

3. The Committee shall adopt its Rules of Procedure.

Article 5

Without prejudice to data protection rules, persons to whom the FTD and FRTD is issued shall have the right to verify the personal particulars contained in the FTD/FRTD and, where appropriate, to have them corrected or deleted. No information in machine-readable form shall be included in the FTD and FRTD, unless provided for in the Annexes to this Regulation or unless it is mentioned in the relevant travel document.

Article 6

Member States which have decided to do so shall issue the uniform format for FTD and FRTD as referred to in Article 1 no later than one year after the adoption of the additional security features and requirements referred to in Article 2(1)(a).

The need for the incorporation of the photograph referred to in point 2 of Annex I and point 2 of Annex II may be determined by the end of 2005.

Article 7

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

This Regulation shall be binding in its entirety and directly applicable in the Member States in accordance with the Treaty establishing the European Community.

Done at Luxembourg, 14 April 2003.

For the Council

The President

A. GIANNITSIS

ANNEX I

FACILITATED TRANSIT DOCUMENT (FTD)

Security features

1. An optically variable device (OVD), which provides a quality of identification and a level of security not less than the device used in the current uniform format for visas, shall appear in this space. Depending on the angle of view, 12 stars, the letter 'E' and a globe become visible in various sizes and colours.
2. An integrated photograph produced according to high security standards.
3. The logo consisting of a letter or letters indicating the issuing Member State with a latent image effect shall appear in this space. This logo shall appear light when held flat and dark when turned by 90°. The logos shall be used following Regulation (EC) No 1683/95.
4. The word 'FTD' in capital letters shall appear in the middle of this space in optically variable colouring. Depending on the angle of view, it shall appear in green or red.
5. This box shall contain the number of the FTD, which shall be pre-printed and shall begin with the letter or letters indicating the issuing country as described in point 3. A special type shall be used.

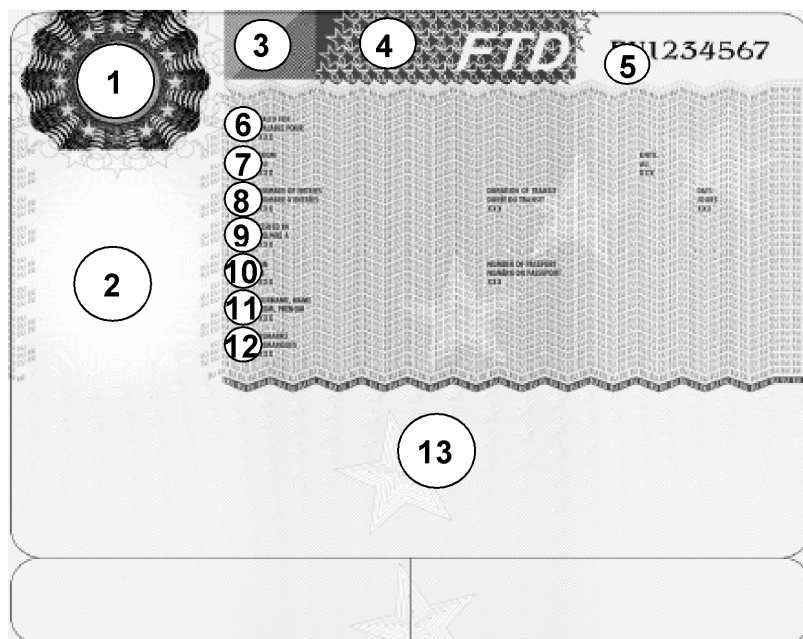
Sections to be completed

6. This box shall begin with the words 'valid for'. The issuing authority shall indicate the territory or territories for which the FTD is valid.
7. This box shall begin with the word 'from' and the word 'until' shall appear further along the line. The issuing authority shall indicate here the period of validity of the FTD.
8. This box shall begin with the words 'number of entries' and further along the line the words 'duration of transit' and again 'days' shall appear.
9. This box shall begin with the words 'issued in' and shall be used to indicate the place of issue.
10. This box shall begin with the word 'on' (after which the date of issue shall be filled in by the issuing authority) and further along the line the words 'number of passport' shall appear (after which the holder's passport number shall appear).
11. This box shall indicate the name and the forename of the holder.
12. This box shall begin with the word 'remarks'. It shall be used by the issuing authority to indicate any further information, which is considered necessary, provided that it complies with Article 5 of this Regulation. The following two-and-a-half lines shall be left empty for such remarks.
13. This box shall contain the relevant machine-readable information to facilitate external border controls.

The paper shall not be coloured (basic white shade).

The words designating the boxes shall appear in English, French and in the language of the issuing State.

Model of the FTD



ANNEX II

FACILITATED RAIL TRANSIT DOCUMENT (FRTD)**Security features**

1. An optically variable device (OVD), which provides a quality of identification and a level of security not less than the device used in the current uniform format for visas, shall appear in this space. Depending on the angle of view, 12 stars, the letter 'E' and a globe become visible in various sizes and colours.
2. An integrated photograph produced according to high security standards.
3. The logo consisting of a letter or letters indicating the issuing Member State with a latent image effect shall appear in this space. This logo shall appear light when held flat and dark when turned by 90°. The logos shall be used following Regulation (EC) 1683/95.
4. The word 'FRTD' in capital letters shall appear in the middle of this space in optically variable colouring. Depending on the angle of view, it shall appear in green or red.
5. This box shall contain the number of the FRTD, which shall be pre-printed and shall begin with the letter or letters indicating the issuing country as described in point 3 above. A special type shall be used.

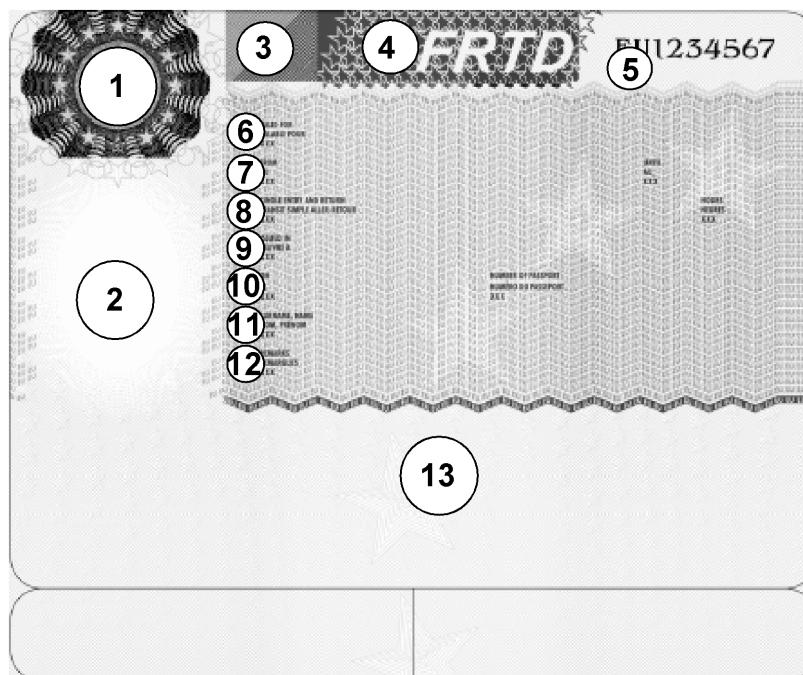
Sections to be completed

6. This box shall begin with the words 'valid for'. The issuing authority shall indicate the territory or territories for which the FRTD is valid.
7. This box shall begin with the word 'from' and the word 'until' shall appear further along the line. The issuing authority shall indicate here the period of validity of the FRTD.
8. In this box shall be stated 'single entry and return' and further along the line the word 'hours'.
9. This box shall begin with the words 'issued in' and shall be used to indicate the place of issue.
10. This box shall begin with the word 'on' (after which the date of issue shall be filled in by the issuing authority) and further along the line the words 'number of passport' shall appear (after which the holder's passport number shall appear).
11. This box shall indicate the name and the forename of the holder.
12. This box shall begin with the word 'remarks'. It shall be used by the issuing authority to indicate any further information, which is considered necessary, provided that it complies with Article 5 of this Regulation. The following two-and-a-half lines shall be left empty for such remarks.
13. This box shall contain the relevant machine-readable information to facilitate external border controls.

The paper shall not be coloured (basic white shade).

The words designating the boxes shall appear in English, French and in the language of the issuing State.

Model of the FRTD



COUNCIL REGULATION (EC) No 695/2003**of 14 April 2003****amending Regulation (EC) No 393/98 imposing a definitive anti-dumping duty on imports of stainless steel fasteners and parts thereof originating in the People's Republic of China, India, the Republic of Korea, Malaysia, Taiwan and Thailand**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Articles 133 and 233 thereof,

Having regard to Council Regulation (EC) No 384/96 of 22 December 1995 on protection against dumped imports from the countries not members of the European Community⁽¹⁾.

Whereas:

A. EXISTING MEASURES

- (1) By Regulation (EC) No 393/98⁽²⁾, the Council imposed a definitive anti-dumping duty on imports of stainless steel fasteners and parts thereof originating in the People's Republic of China, India, the Republic of Korea, Malaysia, Taiwan and Thailand falling within CN codes 7318 12 10, 7318 14 10, 7318 15 30, 7318 15 51, 7318 15 61, 7318 15 70 and 7318 16 30.

B. SUBSEQUENT PROCEDURE

- (2) Following the imposition of these definitive anti-dumping measures, the Indian companies Kundan Industries Limited and Tata International Limited, whose exports were subject to a definitive anti-dumping duty of 47,4 %, lodged an application for the annulment of Article 1 of Regulation (EC) No 393/98 before the Court of First Instance of the European Communities. This application was entered in the Register of the Court of First Instance of the European Communities on 7 June 1998 as Case T-88/98.
- (3) By its Judgment of 21 November 2002⁽³⁾, the Court of First Instance of the European Communities annulled Article 1 of Council Regulation (EC) No 393/98 insofar as it imposes a definitive anti-dumping duty on exports to the Community of stainless steel fasteners and parts thereof manufactured by Kundan Industries Limited and exported by Tata International Limited which exceeds that which would apply but for the adjustment to the export price made in respect of a commission. Since the original duty of 47,4 % was based on a dumping margin which included an adjustment of 2 % in respect of a commission, the anti-dumping duty is therefore annulled to the extent that it exceeds 45,4 %.

- (4) Consequently, in accordance with Article 233 of the Treaty, it is appropriate to amend the rate of duty established for Kundan Industries Limited and Tata International Limited in Article 1 of Regulation (EC) No 393/98 with retroactive effect. Amounts of anti-dumping duty paid in excess of a duty rate of 45,4 % on exports of stainless steel fasteners and parts thereof manufactured by Kundan Industries Limited and exported by Tata International to the European Community should be reimbursed,

HAS ADOPTED THIS REGULATION:

Article 1

In the table in Article 1(2) of Regulation (EC) No 393/98, the entry for Kundan Industries Ltd/Tata Export Ltd, Mumbai shall be replaced by:

Country	Company	Rate of duty	Taric additional code
India	Kundan Industries Ltd/Tata International Ltd, Mumbai	45,4 %	8416'

Article 2

The amounts collected in excess of the rate of anti-dumping duty specified in Article 1 shall be reimbursed. The requests for reimbursement shall be submitted to the customs authorities of the Member State of the territory in which the products were released for free circulation.

Article 3

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

Article 1 shall apply with effect from 21 February 1998.

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

⁽²⁾ OJ L 50, 20.2.1998, p. 1. Regulation as last amended by Regulation (EC) No 2570/2000 (OJ L 297, 24.11.2000, p. 1).

⁽³⁾ OJ C 19, 25.1.2003, p. 27.

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

Done at Luxembourg, 14 April 2003.

For the Council

The President

A. GIANNITSIS

**COUNCIL REGULATION (EC) No 696/2003
of 14 April 2003**

amending Regulation (EC) No 1268/1999 on Community support for pre-accession measures for agriculture and rural development in the applicant countries of Central and Eastern Europe in the pre-accession period

THE COUNCIL OF THE EUROPEAN UNION,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Community, and in particular Article 181A thereof,

Article 1

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

Regulation (EC) No 1268/1999 is hereby amended as follows:

Having regard to the opinion of the European Parliament ⁽²⁾,

Article 8 shall be replaced by the following:

‘Article 8

Having regard to the opinion of the European Economic and Social Committee ⁽³⁾,

Rate of Community contribution

After consulting the Committee of the Regions,

1. The Community contribution may amount to up to 75 % of the total eligible public expenditure except for the following:

Whereas:

(a) for relevant projects under any measure where the Commission determines that exceptional natural disasters have occurred, the Community contribution may amount to up to 85 % of the total eligible public expenditure;

(1) In mid-August 2002 considerable damage was caused, *inter alia*, in various candidate countries by floods in their rural areas. The Community needs to be able to respond appropriately to such exceptional natural disasters whenever they occur in candidate countries, using various instruments including the pre-accession instrument set up under Council Regulation (EC) No 1268/1999 ⁽⁴⁾, one of its objectives being to solve priority and specific problems for the sustainable adaptation of the agricultural sector and rural areas in these countries.

(b) for measures referred to in the last indent of Article 2 and Article 7(4), the Community contribution to financing may amount to up to 100 % of the total eligible cost.

(2) No special provision is included in that Regulation for actions to help restore rural areas following exceptional natural disasters.

2. For revenue generating investments,

(a) except those referred to in paragraph 1(a), public aid may amount to up to 50 % of the total eligible cost of which the Community contribution may amount to up to 75 %;

(3) Appropriate action by the Community in the wake of such disasters is needed. These events place *inter alia* a considerable economic burden on the affected parties both in the public and private sectors and coincide with the preparation for accession. Under a co-financing policy instrument such as that set up under Regulation (EC) No 1268/1999, appropriate action for the relevant projects in the countries concerned should include an increase both in the rate of Community assistance and in the normal ceilings on aid intensities.

(b) referred to in paragraph 1(a), public aid may amount to up to 75 % of the total eligible cost of which the Community contribution may amount to up to 85 % of the public aid.

In any case the Community contribution shall comply with the ceilings on rates of aid and cumulation laid down for State aid.

(4) Regulation (EC) No 1268/1999 should therefore be amended accordingly,

Article 2

3. The financial support and the payments shall be expressed in euro.’

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

It shall apply from 1 July 2002.

⁽¹⁾ OJ C 331E, 31.12.2002, p. 195.

⁽²⁾ Opinion delivered on 11 March 2003 (not yet published in the Official Journal).

⁽³⁾ OJ C 61, 14.3.2003, p. 194.

⁽⁴⁾ OJ L 161, 26.6.1999, p. 87. Regulation as amended by Regulation (EC) No 2500/2001 (OJ L 342, 27.12.2001, p. 1).

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

Done at Luxembourg, 14 April 2003.

For the Council

The President

A. GIANNITSIS

COMMISSION REGULATION (EC) No 697/2003
of 16 April 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 17 April 2003.

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

Done at Brussels, 16 April 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 16 April 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	143,6
	204	79,5
	212	129,8
	999	117,6
0707 00 05	052	116,4
	096	75,4
	204	40,0
	999	77,3
0709 10 00	220	190,1
	999	190,1
0709 90 70	052	122,0
	204	40,9
	999	81,5
0805 10 10, 0805 10 30, 0805 10 50	052	72,8
	204	41,0
	212	70,3
	220	46,5
	400	46,8
	600	49,6
	624	61,1
	999	55,4
0805 50 10	624	37,4
	999	37,4
0808 10 20, 0808 10 50, 0808 10 90	060	64,5
	388	86,2
	400	108,0
	404	86,6
	508	87,3
	512	82,3
	524	68,3
	528	77,7
	720	123,3
	804	128,6
	999	91,3
0808 20 50	388	71,0
	512	88,6
	528	72,7
	720	46,0
	999	69,6

⁽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 698/2003
of 16 April 2003**

**opening an invitation to tender for the reduction in the duty on maize imported into Spain from
third countries**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

- (1) Under the Agreement on Agriculture ⁽³⁾ concluded during the Uruguay Round of multilateral trade negotiations, the Community has undertaken to import a quantity of maize into Spain.
- (2) Commission Regulation (EC) No 1839/95 of 26 July 1995 laying down detailed rules for the application of tariff quotas for imports of maize and sorghum into Spain and imports of maize into Portugal ⁽⁴⁾, as last amended by Regulation (EC) No 2235/2000 ⁽⁵⁾, lays down the special detailed rules necessary for implementing invitations to tender.
- (3) In the light of current market needs in Spain, an invitation to tender for the reduction in the duty on imports of maize should be opened.
- (4) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

Article 1

1. An invitation to tender is hereby opened for the reduction in the import duty referred to in Article 10(2) of Regulation (EEC) No 1766/92 on maize to be imported into Spain.

2. Regulation (EC) No 1839/95 shall apply save as otherwise provided for in this Regulation.

Article 2

The invitation to tender shall be open until 26 June 2003. During that period, weekly invitations shall be issued with quantities and closing dates as shown in the notice of invitation to tender.

Article 3

Import licences issued under this invitation to tender shall be valid 50 days from the date they are issued within the meaning of Article 10(4) of Regulation (EC) No 1839/95.

Article 3

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, 16 April 2003.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 193, 29.7.2000, p. 1.

⁽³⁾ OJ L 336, 23.12.1994, p. 22.

⁽⁴⁾ OJ L 177, 28.7.1995, p. 4.

⁽⁵⁾ OJ L 256, 10.10.2000, p. 13.

COMMISSION REGULATION (EC) No 699/2003**of 16 April 2003****opening an invitation to tender for the reduction in the duty on sorghum imported into Spain from third countries**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

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

Having regard to the Treaty establishing the European Community,

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

HAS ADOPTED THIS REGULATION:

Whereas:

Article 1

- (1) Under the Agreement on Agriculture ⁽³⁾ concluded during the Uruguay Round of multilateral trade negotiations, the Community has undertaken to import a quantity of sorghum into Spain.
- (2) Commission Regulation (EC) No 1839/95 of 26 July 1995 laying down detailed rules for the application of tariff quotas for imports of maize and sorghum into Spain and imports of maize into Portugal ⁽⁴⁾, as last amended by Regulation (EC) No 2235/2000 ⁽⁵⁾, lays down the special detailed rules necessary for implementing invitations to tender.
- (3) In the light of current market needs in Spain, an invitation to tender for the reduction in the duty on imports of sorghum should be opened.
- (4) Council Regulation (EC) No 2286/2002 of 10 December 2002 on the arrangements applicable to agricultural products and goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States (ACP States) and repealing Regulation (EC) No 1706/98 ⁽⁶⁾ provides in particular for a reduction of 60 % in the import duty applicable to grain sorghum up to a quota of 100 000 tonnes per calendar year and of 50 % in excess of that quota. If that benefit is combined with the benefit resulting from the invitations to tender for the reduction in the import duty, this is likely to disturb the Spanish market for cereals. Such combined benefits should therefore be ruled out.
1. An invitation to tender is hereby opened for the reduction in the import duty referred to in Article 10(2) of Regulation (EEC) No 1766/92 on sorghum to be imported into Spain.
2. Regulation (EC) No 1839/95 shall apply save as otherwise provided for in this Regulation.
3. Under this invitation to tender, the reduction in the import duty on grain sorghum provided for in Annex II to Regulation (EC) No 2286/2002 shall not apply.

Article 2

The invitation to tender shall be open until 30 October 2003. During that period, weekly invitations shall be issued with quantities and closing dates as shown in the notice of invitation to tender.

Article 3

Import licences issued under these invitations to tender shall be valid 50 days from the date they are issued within the meaning of Article 10(4) of Regulation (EC) No 1839/95.

Article 4

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

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 193, 29.7.2000, p. 1.

⁽³⁾ OJ L 336, 23.12.1994, p. 22.

⁽⁴⁾ OJ L 177, 28.7.1995, p. 4.

⁽⁵⁾ OJ L 256, 10.10.2000, p. 13.

⁽⁶⁾ OJ L 348, 21.12.2002, p. 5.

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

Done at Brussels, 16 April 2003.

For the Commission
Franz FISCHLER
Member of the Commission

**COMMISSION REGULATION (EC) No 700/2003
of 16 April 2003**

**laying down to what extent applications for issue of export licences submitted during April 2003
for beef products which may benefit from special import treatment in a third country may be
accepted**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Community,

Article 1

Having regard to Commission Regulation (EC) No 1445/95 of 26 June 1995 on rules of application for import and export licences in the beef sector and repealing Regulation (EEC) No 2377/80 ⁽¹⁾, as last amended by Regulation (EC) No 118/2003 ⁽²⁾, and in particular Article 12(8) thereof,

No applications for export licences were lodged for the beef referred to in Regulation (EEC) No 2973/79 for the second quarter of 2003.

Whereas:

Article 2

(1) Regulation (EC) No 1445/95 lays down, in Article 12, detailed rules for export licence applications for the products referred to in Article 1 of Commission Regulation (EEC) No 2973/79 ⁽³⁾, as last amended by Regulation (EEC) No 3434/87 ⁽⁴⁾.

Applications for licences in respect of the meat referred to in Article 1 may be lodged in accordance with Article 12 of Regulation (EC) No 1445/95 during the first 10 days of the third quarter of 2003 the total quantity available being 3 750 t.

(2) Regulation (EEC) No 2973/79 fixed the quantities of meat which might be exported on special terms for the second quarter of 2003. No applications were submitted for export licences for beef,

Article 3

This Regulation shall enter into force on 21 April 2003.

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

Done at Brussels, 16 April 2003.

For the Commission

J. M. SILVA RODRÍGUEZ

Agriculture Director-General

⁽¹⁾ OJ L 143, 27.6.1995, p. 35.

⁽²⁾ OJ L 20, 24.1.2003, p. 3.

⁽³⁾ OJ L 336, 29.12.1979, p. 44.

⁽⁴⁾ OJ L 327, 18.11.1987, p. 7.

**COMMISSION REGULATION (EC) No 701/2003
of 16 April 2003**

**laying down detailed rules for the application of Council Regulation (EC) No 2286/2002 as regards
the arrangements applicable to imports of certain poultrymeat and egg products originating in the
African, Caribbean and Pacific States (ACP States)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2771/75 of 29 October 1975 on the common organisation of the market in eggs ⁽¹⁾, as last amended by Commission Regulation (EC) No 493/2002 ⁽²⁾, and in particular Article 3 thereof,

Having regard to Council Regulation (EEC) No 2777/75 of 29 October 1975 on the common organisation of the market in poultrymeat ⁽³⁾, as last amended by Regulation (EC) No 493/2002, and in particular Article 3 thereof,

Having regard to Council Regulation (EC) No 2286/2002 of 10 December 2002 on the arrangements applicable to agricultural products and goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States (ACP States) and repealing Regulation (EC) No 1706/98 ⁽⁴⁾, and in particular Article 5 thereof,

Whereas:

(1) Regulation (EC) No 2286/2002 implements the amendments to the arrangements for imports from the ACP States made as a result of the ACP-EC Partnership Agreement signed in Cotonou on 23 June 2000 ⁽⁵⁾. Article 1(3) of that Regulation introduces general arrangements for reducing customs duties for the products in Annex I thereto and specific arrangements for reducing customs duties, within the framework of the tariff quotas, for certain products in Annex II thereto.

(2) As a result of these new import arrangements, detailed rules of application should be laid down for the issue of import licences for products qualifying for reduced duties. Commission Regulation (EC) No 704/1999 of 31 March 1999 laying down detailed rules for the application of the arrangements for imports of eggs and poultrymeat products originating in the African, Caribbean and Pacific States (ACP States) and repealing Regulation (EEC) No 903/90 ⁽⁶⁾, as amended by Regulation (EC) No 1043/2001 ⁽⁷⁾, should therefore be repealed.

(3) For the purposes of managing the tariff import quotas, the general rules laid down by Commission Regulation (EC) No 1291/2000 of 9 June 2000 laying down common detailed rules for the application of the system of import and export licences and advance fixing certificates for agricultural products ⁽⁸⁾, as last amended by Regulation (EC) No 325/2003 ⁽⁹⁾, should be applied where this Regulation does not lay down specific rules.

(4) In order to ensure proper administration of the quotas, a security should be required for applications for import licences and certain conditions should be laid down as regards applicants themselves. The quotas should also be staggered over the year and the term of validity of licences should be specified.

(5) To allow optimum management of the tariff quota, this Regulation should apply from 1 January 2003.

(6) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Poultrymeat and Eggs,

HAS ADOPTED THIS REGULATION:

Article 1

All imports into the Community under Regulation (EC) No 2286/2002 of products covered by CN codes listed in Annex I to this Regulation shall qualify for reduced customs duties on presentation of an import licence.

Licences shall be issued under the conditions laid down in this Regulation and within the limit of the quotas laid down in Annex II to Regulation (EC) No 2286/2002.

Article 2

The annual tariff quota referred to in Part B of Annex I shall be staggered as follows:

- 50 % in the period 1 January to 30 June,
- 50 % in the period 1 July to 31 December.

⁽¹⁾ OJ L 282, 1.11.1975, p. 49.

⁽²⁾ OJ L 77, 20.3.2002, p. 7.

⁽³⁾ OJ L 282, 1.11.1975, p. 77.

⁽⁴⁾ OJ L 348, 21.12.2002, p. 5.

⁽⁵⁾ OJ L 317, 15.12.2000, p. 3.

⁽⁶⁾ OJ L 89, 1.4.1999, p. 29.

⁽⁷⁾ OJ L 145, 31.5.2001, p. 24.

⁽⁸⁾ OJ L 152, 24.6.2000, p. 1.

⁽⁹⁾ OJ L 47, 21.2.2003, p. 21.

Article 3

1. Applicants for import licences for products referred to in Annex I shall be natural or legal persons who, at the time when applications are submitted, can prove to the satisfaction of the competent authorities of the Member States that they have been active in trade with third countries in the poultrymeat sector for at least the preceding 12 months.

However, retail establishments or restaurants selling their products to final consumers shall be excluded from the reduction in customs duties.

2. Import licence applications may mention only one of the quota numbers referred to in Annex I. They may involve several products covered by different CN codes. In such cases, all the CN codes shall be indicated in box 16 and their description in box 15 of licence applications and licences.

Applications must be for a minimum of one tonne and a maximum of 50 % of the quantity available for the quota concerned and the period specified in Article 2.

Article 4

1. Box 8 of licence applications and licences shall indicate the country of origin. Licences shall entail an obligation to import from the country indicated.

2. Box 20 of licence applications and licences shall carry one of the following entries:

- Producto ACP — Reglamentos (CE) n° 2286/2002 y (CE) n° 701/2003
- AVS-produkt — förordning (EF) nr. 2286/2002 og (EF) nr. 701/2003
- AKP-Erzeugnis — Verordnungen (EG) Nr. 2286/2002 und (EG) Nr. 701/2003
- Προϊόν ΑΚΕ — Κανονισμοί (ΕΚ) αριθ. 2286/2002 και (ΕΚ) αριθ. 701/2003
- ACP product — Regulations (EC) No 2286/2002 and (EC) No 701/2003
- Produit ACP — règlements (CE) n° 2286/2002 et (CE) n° 701/2003
- Prodotto ACP — regolamenti (CE) n. 2286/2002 e (CE) n. 701/2003
- ACS-product — Verordeningen (EG) nr. 2286/2002 en (EG) nr. 701/2003
- Produto ACP — Regulamentos (CE) n.º 2286/2002 e (CE) n.º 701/2003
- AKT-tuote — asetukset (EY) N:o 2286/2002 ja (EY) N:o 701/2003
- AVS-produkt — förordningarna (EG) nr 2286/2002 och (EG) nr 701/2003.

3. Box 24 of licences shall carry one of the following entries:

- Reducción del derecho de aduana en virtud del Reglamento (CE) n° 701/2003

— Toldnedsættelse, jf. forordning (EF) nr. 701/2003

— Ermäßigung des Zollsatzes gemäß der Verordnung (EG) Nr. 701/2003

— Μείωση του δασμού όπως προβλέπεται στον κανονισμό (ΕΚ) αριθ. 701/2003

— Customs duty reduction as provided for in Regulation (EC) No 701/2003

— Réduction du droit de douane comme prévu au règlement (CE) n° 701/2003

— Riduzione del dazio doganale a norma del regolamento (CE) n. 701/2003

— Douanerecht verlaagd overeenkomstig Verordening (EG) nr. 701/2003

— Redução do direito aduaneiro conforme previsto no Regulamento (CE) n.º 701/2003

— Tullialennus, josta on säädetty asetuksessa (EY) N:o 701/2003

— Nedsättning av tullavgiften enligt förordning (EG) nr 701/2003.

Article 5

1. Licence applications may only be lodged during the first seven days of the month preceding each period specified in Article 2. They must be lodged with the competent authority of the Member State where the applicant is established or has his or her registered place of business.

2. Applications shall be admissible only where applicants declare in writing that they have not lodged and will not be lodging, for the period in question, other applications for products of the same quota in the Member State where the application is lodged or another Member State. If an applicant lodges more than one application for products of one quota none of the applications shall be valid.

3. The Member States shall notify the Commission no later than the third working day following the end of the application submission period of applications lodged for each of the products of the group in question. Such notification shall comprise a list of applicants and of quantities applied for by quota.

All notifications shall be made by fax or by electronic means using the model shown in Annex II in cases where no applications have been made ('nil' returns) or the models shown in Annexes II and III in cases where applications have been made.

4. The Commission shall decide to what extent quantities may be awarded in respect of applications.

If quantities in respect of which licences have been applied for exceed the quantities available, the Commission shall fix a single percentage reducing the quantities applied for.

If the overall quantity covered by applications is less than the quantity available, the Commission shall calculate the quantity remaining, which shall be added to the quantity available in respect of the following period in the same year.

5. Licences shall be issued as soon as possible subject to the Commission's decision regarding acceptance of the applications.

6. The Member States shall communicate to the Commission, before the end of the fourth month following each annual period specified in Article 2, the quantities actually imported under this Regulation in that period.

All notifications, including notifications that there have been no imports, shall be made using the model shown in Annex IV.

Article 6

1. Import licences shall be valid for 180 days from the date of actual issue in accordance with Article 23(2) of Regulation (EC) No 1291/2000.

However, licences shall not be valid beyond 31 December of the year of issue.

2. Import licences issued pursuant to this Regulation shall not be transferable.

Article 7

A security of EUR 20 per 100 kilograms shall be lodged for import licence applications for all products.

Article 8

Import under the arrangements for a reduction in customs duties provided for in this Regulation may take place only if the origin of the products concerned is certified by the competent authorities of the exporting countries in accordance with the rules of origin applicable to the products in question pursuant to Protocol 1 to the ACP-EC Partnership Agreement signed in Cotonou on 23 June 2000.

Article 9

Unless this Regulation provides otherwise, Regulation (EC) No 1291/2000 shall apply.

Article 10

Regulation (EC) No 704/1999 is hereby repealed.

Article 11

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

It shall apply from 1 January 2003.

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

Done at Brussels, 16 April 2003.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX I

A. Products referred to in Article 1(3) and Annex I to Regulation (EC) No 2286/2002 qualifying for a reduction in the out-of-quota customs duty

CN code	Reduction in customs duty (%)
0105	16
0209 00 90	
0210 99 71	
0210 99 79	
0407 00 11	
0407 00 19	
0407 00 30	
0408 11 80	
0408 19 81	
0408 19 89	
0408 91 80	
0408 99 80	
1501 00 90	

B. Products referred to in Article 1(3) and Annex II to Regulation (EC) No 2286/2002 qualifying for a reduction in customs duty under a quota

Order No	Quota No	CN code	Reduction in customs duty (%)	Annual quantity (tonnes)
09.4024	Q3	0207	65	400
09.4025	Q4	1602 31	65	500
		1602 32		
		1602 39		

ANNEX II

Regulation (EC) No 701/2003 — ACP imports

COMMISSION OF THE EUROPEAN COMMUNITIES - DG AGRI/D/2 - Poultrymeat		
Application for import licences	Date	Period
Member State:		
Sender:		
Contact:		
Telephone No:		
Fax No:		
To: DG AGRI/D/2 - Fax No: (32-2) 296 62 79 or AGRI-D2@cec.eu.int		
Quota No	Quantity applied for	
Q3		
Q4		

ANNEX III

Regulation (EC) No 701/2003 — ACP imports

COMMISSION OF THE EUROPEAN COMMUNITIES - DG AGRI/D/2 - Poultrymeat		
Application for import licences	Date	Period
Member State:		

(tonnes)

Quota No	CN code	Applicant (name and address)	Quantity	Country of origin
Q3				
		Total		

(tonnes)

Quota No	CN code	Applicant (name and address)	Quantity	Country of origin
Q4				
		Total		

ANNEX IV

Communication of quantities actually imported

Member State:

Application of Article of Regulation (EC) No

Quantities of products actually imported:

To: DG AGRI/D/2 - Fax No: (32-2) 296 62 79 or AGRI-D2@cec.eu.int

Quota No	Quantity actually imported	Country of origin

COMMISSION REGULATION (EC) No 702/2003
of 16 April 2003
fixing the import duties in the rice sector

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

Whereas:

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 17 April 2003.

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

Done at Brussels, 16 April 2003.

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

⁽¹⁾ OJ L 329, 30.12.1995, p. 18.

⁽²⁾ OJ L 62, 5.3.2002, p. 27.

⁽³⁾ OJ L 189, 30.7.1996, p. 71.

⁽⁴⁾ OJ L 189, 18.7.2002, p. 8.

ANNEX I

Import duties on rice and broken rice

(EUR/t)

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

⁽¹⁾ The duty on imports of rice originating in the ACP States is applicable, under the arrangements laid down in Council Regulation (EC) No 2286/2002 (OJ L 345, 10.12.2002, p. 5) and amended Commission Regulation (EC) No 2603/97 (OJ L 351, 23.12.1997, p. 22).

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

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

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

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

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

⁽⁷⁾ Duties fixed in the Common Customs Tariff.

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

ANNEX II

Calculation of import duties for rice

	Paddy	Indica rice		Japonica rice		Broken rice
		Husked	Milled	Husked	Milled	
1. Import duty (EUR/tonne)	(¹)	264,00	416,00	264,00	416,00	(¹)
2. Elements of calculation:						
(a) Arag cif price (EUR/tonne)	—	201,58	213,01	292,10	315,28	—
(b) fob price (EUR/tonne)	—	—	—	264,28	287,46	—
(c) Sea freight (EUR/tonne)	—	—	—	27,82	27,82	—
(d) Source	—	USDA and operators	USDA and operators	Operators	Operators	—

(¹) Duties fixed in the Common Customs Tariff.

**COMMISSION REGULATION (EC) No 703/2003
of 16 April 2003**

**determining to what extent applications lodged in April 2003 for the right to import bulls, cows
and heifers other than for slaughter of certain Alpine and mountain breeds can be met**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 1081/1999 of 26 May 1999 opening and providing for the administration of tariff quotas for imports of bulls, cows and heifers other than for slaughter of certain Alpine and mountain breeds, repealing Regulation (EC) No 1012/98 and amending Regulation (EC) No 1143/98 ⁽¹⁾, as amended by Regulation (EC) No 1096/2001 ⁽²⁾, and in particular Article 5 thereof,

Whereas:

- (1) Article 9(1) of Regulation (EC) No 1081/1999 provides for a further allocation of quantities not covered by import licence applications at 15 March 2003.
- (2) Article 1 of Commission Regulation (EC) No 541/2003 of 26 March 2003 providing for a further allocation of import rights under Regulation (EC) No 1081/1999 for bulls, cows and heifers other than for slaughter of certain Alpine and mountain breeds ⁽³⁾ lays down the quantities of bulls, cows and heifers other than for slaughter of certain Alpine and mountain breeds that may be imported under special conditions until 30 June 2003.

- (3) The quantities for which import rights have been requested exceed the quantities available. A uniform percentage reduction in the quantities applied for should therefore be set in accordance with Article 9(8) and Article 5(2) of Regulation (EC) No 1081/1999,

HAS ADOPTED THIS REGULATION:

Article 1

Each application for the right to import, lodged in accordance with Article 9 of Regulation (EC) No 1081/1999, shall be granted as follows:

- 7,3161 % of the quantity requested for serial number 09.0001,
- 1,2093 % of the quantity requested for serial number 09.0003.

Article 2

This Regulation shall enter into force on 17 April 2003.

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

Done at Brussels, 16 April 2003.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 131, 27.5.1999, p. 15.

⁽²⁾ OJ L 150, 6.6.2001, p. 33.

⁽³⁾ OJ L 80, 27.3.2003, p. 24.

COMMISSION REGULATION (EC) No 704/2003
of 16 April 2003
on the issue of licences for the import of garlic in the quarter from 1 June to 31 August 2003

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⁾,

Having regard to Commission Regulation (EC) No 565/2002 of 2 April 2002 establishing the method for managing the tariff quotas and introducing a system of certificates of origin for garlic imported from third countries ⁽³⁾, and in particular Article 8(2) thereof,

Whereas:

- (1) The quantities for which licence applications have been lodged by traditional importers and by new importers on 14 and 15 April 2003, under Article 5(2) of Regulation (EC) No 565/2002 exceed the quantities available for products originating in China, Argentina and in all third countries other than China and Argentina.
- (2) It is now necessary to establish the extent to which the licence applications sent to the Commission on 16 April 2003 can be met and to fix, for each category of importer and product origin, the dates until which the issue of certificates must be suspended,

HAS ADOPTED THIS REGULATION:

Article 1

Applications for import licences lodged under Article 3(1) of Regulation (EC) No 565/2002 on 14 and 15 April 2003 and sent to the Commission on 16 April 2003, shall be met at a percentage rate of the quantities applied for as set out in Annex I hereto.

Article 2

For each category of importer and the origin involved, applications for import licences under Article 3(1) of Regulation (EC) No 565/2002 relating to the quarter from 1 June to 31 August 2003 and lodged after 15 April 2003 but before the date in Annex II hereto, shall be rejected.

Article 3

This Regulation shall enter into force on 18 April 2003.

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

Done at Brussels, 16 April 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 86, 3.4.2002, p. 11.

ANNEX I

Origin of the products	Percentage allocations		
	China	Third countries other than China or Argentina	Argentina
— traditional importers (Article 2(c) of Regulation (EC) No 565/2002)	18,598 %	100 %	—
— new importers (Article 2(e) of Regulation (EC) No 565/2002)	0,862 %	13,825 %	—

X: No quota for this origin for the quarter in question.

—: No application for a licence has been sent to the Commission.

ANNEX II

Origin of the products	Dates		
	China	Third countries other than China or Argentina	Argentina
— traditional importers (Article 2(c) of Regulation (EC) No 565/2002)	31.8.2003	—	—
— new importers (Article 2(e) of Regulation (EC) No 565/2002)	31.8.2003	7.7.2003	—

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 8 April 2003

concerning the coverage of costs incurred by the European Investment Bank for the management of the Investment Facility of the Cotonou Agreement and the Overseas Association Decision

(2003/268/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to the Partnership Agreement between the members of the African, Caribbean and Pacific Group of States of the one part, and the European Community and its Member States, of the other part, signed in Cotonou on 23 June 2000 ⁽¹⁾, hereafter referred to as the 'Cotonou Agreement',

Having regard to the Internal Agreement of 12 September 2000 between Representatives of the Governments of the Member States, meeting within the Council, on the Financing and Administration of Community Aid under the Financial Protocol to the Partnership Agreement between the African, Caribbean and Pacific States and the European Community and its Member States signed in Cotonou (Benin) on 23 June 2000 and the allocation of financial assistance for the Overseas Countries and Territories to which Part Four of the EC Treaty applies ⁽²⁾ and in particular Article 8(2) thereof,

Having regard to Council Decision 2001/822/EC of 27 November 2001 on the association of the overseas countries and territories with the European Community (Overseas Association Decision) ⁽³⁾,

Having regard to the proposal from the Commission drawn up in agreement with the European Investment Bank, hereafter referred to as 'Bank',

Whereas:

- (1) There is at present no provision in the Cotonou Agreement and the Overseas Association Decision for meeting the costs incurred by the Bank for the management of the Investment Facility.

⁽¹⁾ OJ L 317, 15.12.2000, p. 3.

⁽²⁾ OJ L 317, 15.12.2000, p. 355.

⁽³⁾ OJ L 314, 30.11.2001, p. 1.

- (2) The Bank is to apply all income generated from standard appraisal fees charged to clients of the Investment facility towards the coverage of its normal costs, with the exclusion of exceptional fees received to cover extraordinary expenses incurred,

HAS ADOPTED THIS DECISION:

Article 1

The provision for the fees charged by the Bank to manage the Investment Facility and the interest rate subsidies including the resources reserved for the Overseas Countries and Territories (hereafter referred to as the 'OCT', shall be equivalent to a maximum of 10 % over five years of EUR 2 200 million. The fees are intended to cover in full the cost of managing the Investment Facility, including the management of sums allocated to finance interest subsidies for operations in the ACP States and the OCT, during the five years of the First Financial Protocol of the Cotonou Agreement.

Article 2

To the extent that the remit of the Bank as defined in Annex II of the Cotonou Agreement and in the operational guidelines of the Investment Facility remains unchanged, the maximum fee specified under Article 1 shall constitute a ceiling.

Article 3

Every year, by 1 September at the latest, the Bank shall present to the Investment Facility Committee its cost estimates for the following year and the corresponding level of fees required. These data shall be included in the Investment Facility business plan approved by the Investment Facility Committee. Cost presentation for the first year shall depend on the date of entry into force of the Cotonou Agreement.

Article 4

Every year the Bank shall present the actual costs incurred during the previous year in the annual report of the Investment Facility to be approved by the Investment Facility Committee, as well as the amount of appraisal fees recovered from the clients of the Investment Facility during that same year. The draft annual report containing these figures shall be submitted to the Investment Facility Committee by 28 February at the latest and the final report by 30 June at the latest.

Article 5

Should the costs incurred by the Bank during a given year be lower or higher than presented in the corresponding business plan, the Bank shall request the Investment Facility Committee to decide on the necessary arrangements.

Article 6

The provisions for the fees referred to in Article 1 shall be met from the reflows to the Member States of debt service payments generated by risk capital operations and special loans undertaken under the successive ACP-EC Conventions. The amount owed by each Member State will be determined by the relative share of its contribution to the 9th European Development Fund. In the case of Member States, which are not yet recipient of sufficient reflows, the Bank will debit their accounts and charge an annual interest rate equivalent to the prevailing EONIA rate minus twelve and a half basis points.

Article 7

The Council, acting on a proposal from the Commission, drawn up in agreement with the Bank, shall decide on how to finance the Bank fees as agreed in Article 1, should the reflows of debt service payments be insufficient for this purpose.

Article 8

The Member States hereby authorise the Bank to deduct the fees directly from their accounts held within the Bank to which the reflows specified under Article 6 are credited. Fees shall be deducted on the first working day of each quarter and shall be remunerated at an annual rate equivalent to the prevailing EONIA rate minus twelve and a half basis points.

Article 9

This Decision shall come into force on the same date as the Internal Agreement. It shall apply for a period of five years unless superseded by other agreements.

Article 10

This Decision is addressed to the Member States.

Done at Luxembourg, 8 April 2003.

For the Council
The President
G. DRYG

COUNCIL DECISION

of 8 April 2003

concerning the conclusion on behalf of the Community of the Agreement between the Government of the United States of America and the European Community on the coordination of energy-efficient labelling programmes for office equipment

(2003/269/EC)

THE COUNCIL OF THE EUROPEAN UNION,

HAS DECIDED AS FOLLOWS:

Having regard to the Treaty establishing the European Community, and in particular Article 133, in conjunction with Article 300(3) thereof,

Article 1

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

Having regard to the opinion of the European Parliament,

Whereas:

The Agreement between the Government of the United States of America and the European Community on the coordination of energy-efficient labelling programmes for office equipment, including its Annexes, is hereby approved on behalf of the Community.

The text of the Agreement, and the Annexes thereto, is attached to this Decision ⁽²⁾.

(1) The appropriate internal Community procedures should be established to ensure the proper functioning of the Agreement between the Government of the United States of America and the European Community on the coordination of energy-efficient labelling programmes for office equipment, signed in Washington on 19 December 2000 ⁽³⁾. It is necessary to empower the Commission, assisted by the special committee designated by the Council, to make certain technical amendments to the Agreement and to take certain decisions for its implementation. In all other cases the decision is to be taken in accordance with the normal procedures.

Article 2

The President of the Council shall, on behalf of the Community, give the notification in writing provided for in Article XII(1) of the Agreement.

Article 3

(2) The review of the implementation has been attributed to the technical commission established by the Agreement.

(3) Each party has designated a management entity. The Community has designated the Commission as its management entity. Parties may amend the Agreement and the Annexes and add new Annexes by mutual agreement.

(4) The European Court of Justice ⁽³⁾ has annulled Council Decision 2001/469/EC of 14 May 2001 concerning the conclusion on behalf of the European Community of the Agreement between the Government of the United States of America and the European Community on the coordination of energy-efficient labelling programmes for office equipment ⁽⁴⁾ which has therefore to be replaced.

(5) The Agreement should be approved,

1. The Commission shall represent the Community in the technical commission provided for in Article VI of the Agreement, assisted by the special committee designated by the Council. The Commission shall proceed, after consultation with this special committee, to the communications, cooperation, review of the implementation and notifications referred to in Articles V(5), VI(1) and (2), and VIII(4), of the Agreement.

2. With a view to preparing the Community position as regards amendments to the specifications and list of office equipment in Annex C of the Agreement, the Commission shall take into account any opinion given by the European Community Energy Star Board referred to in Articles 8 and 11 of Regulation (EC) No 2422/2001/EC of the European Parliament and of the Council of 6 November 2001 on a Community energy-efficiency labelling programme for office equipment ⁽⁶⁾.

3. The position of the Community with regard to decisions to be taken by the management entities shall be determined, with regard to amendments of technical specifications of office equipment listed in Annex C of the Agreement, by the Commission, after consultation with the special committee, referred to in paragraph 1.

⁽¹⁾ OJ C 274 E, 28.9.1999, p. 16.

⁽²⁾ OJ L 172, 26.6.2001, p. 3.

⁽³⁾ Judgment of 12 December 2002 in Case C-281/01, Commission of the European Communities v. Council of the European Union (OJ C 31, 8.2.2003, p. 3).

⁽⁴⁾ OJ L 172, 26.6.2001, p. 1.

⁽⁵⁾ OJ L 172, 26.6.2001, p. 3.

⁽⁶⁾ OJ L 332, 15.12.2001, p. 1.

4. In all other cases, the position of the Community with regard to decisions to be taken by the management entities or the Parties shall be determined by the Council, acting on a proposal from the Commission in accordance with Article 300 of the Treaty.

Done at Luxembourg, 8 April 2003.

For the Council

The President

G. DRYG

COUNCIL DECISION**of 8 April 2003****amending Decision 1999/70/EC concerning the external auditors of the national central banks as regards the external auditors of the Deutsche Bundesbank**

(2003/270/EC)

THE COUNCIL OF THE EUROPEAN UNION,

HAS DECIDED AS FOLLOWS:

Having regard to the Statute of the European System of Central Banks and of the European Central Bank (ECB) and in particular to Article 27(1) thereof,

Having regard to the recommendation of the ECB of 6 March 2003,

Whereas:

- (1) The accounts of the ECB and of the national central banks are to be audited by independent external auditors recommended by the Governing Council of the ECB and approved by the Council of the European Union.
- (2) The Governing Council of the ECB recommended the Council to approve the appointment, starting from the financial year 2003, of a new external auditor of the Deutsche Bundesbank, in addition to the continuing mandate of its other external auditor, as approved by virtue of Decision 1999/70/EC⁽¹⁾.
- (3) It is appropriate to follow the recommendation of the Governing Council of the ECB,

Article 1

Article 1(2) of Decision 1999/70/EC shall be replaced by the following:

‘2. PwC Deutsche Revision AG and Ernst & Young Deutsche Allgemeine Treuhand AG are hereby approved as the external auditors of the Deutsche Bundesbank as from the financial year 2003 for a renewable period of one year.’

Article 2

This Decision shall be notified to the ECB.

Article 3

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

Done at Luxembourg, 8 April 2003.

For the Council

The President

G. DRYS

⁽¹⁾ OJ L 22, 29.1.1999, p. 69. Decision as last amended by Decision 2000/737/EC (OJ L 298, 25.11.2000, p. 23).

COUNCIL DECISION
of 8 April 2003
appointing a member of the Committee of the Regions

(2003/271/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 263 thereof,

Having regard to the proposal from the Spanish Government,

Whereas:

- (1) On 22 January 2002 the Council adopted Decision 2002/60/EC appointing the members and alternate members of the Committee of the Regions ⁽¹⁾.
- (2) The seat of a member of the Committee of the Regions has become vacant following the resignation of Mr Eduardo ZAPLANA HERNÁNDEZ-SORO, of which the Council was notified on 6 February 2003,

HAS DECIDED AS FOLLOWS:

Sole Article

Mr José Luis OLIVAS MARTÍNEZ is hereby appointed a member of the Committee of the Regions in place of Mr Eduardo ZAPLANA HERNÁNDEZ-SORO for the remainder of his term of office, which ends on 25 January 2006.

Done at Luxembourg, 8 April 2003.

For the Council
The President
G. DRYŠ

⁽¹⁾ OJ L 24, 26.1.2002, p. 38.

COUNCIL DECISION
of 8 April 2003
appointing an alternate member of the Committee of the Regions

(2003/272/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 263 thereof,

Having regard to the proposal from the Spanish Government,

Whereas:

- (1) On 22 January 2002, the Council adopted Decision 2002/60/EC appointing the members and alternate members of the Committee of the Regions ⁽¹⁾.
- (2) The seat of an alternate member of the Committee of the Regions has become vacant following the appointment of Mr José Luis OLIVAS MARTÍNEZ as a member of the Committee of the Regions,

HAS DECIDED AS FOLLOWS:

Sole Article

Mr José Joaquín RIPOLL SERRANO is hereby appointed an alternate member of the Committee of the Regions in place of Mr José Luis OLIVAS MARTÍNEZ for the remainder of his term of office, which ends on 25 January 2006.

Done at Luxembourg, 8 April 2003.

For the Council

The President

G. DRYG

⁽¹⁾ OJ L 24, 26.1.2002, p. 38.

COMMISSION

COMMISSION DECISION

of 10 April 2003

on the clearance of the accounts of the Paying Agency in Greece in respect of expenditure financed by the European Agricultural Guidance and Guarantee Fund (EAGGF), Guarantee Section, for the 2000 financial year

(notified under document number C(2003) 1192)

(only the Greek text is authentic)

(2003/273/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 729/70 of 21 April 1970 on the financing of the common agricultural policy ⁽¹⁾, as last amended by Regulation (EC) No 1287/95 ⁽²⁾, and in particular Article 5(2)(b) thereof,

Having regard to Council Regulation (EC) No 1258/1999 of 17 May 1999 on the financing of the Common Agricultural Policy ⁽³⁾ and in particular Article 7(3) thereof.

After consulting the Fund Committee,

Whereas:

- (1) Under Article 5(2)(b) of Regulation (EEC) No 729/70 and Article 7(3) of Regulation (EC) No 1258/1999, the Commission, on the basis of the annual accounts submitted by the Member States, accompanied by the information required for clearance and a certificate regarding the veracity, completeness, and accuracy of the accounts transmitted clears the accounts of the paying agencies referred to in Article 4(1) of those Regulations.
- (2) With regard to Article 7(1) of Commission Regulation (EC) No 296/96 of 16 February 1996 on data to be transmitted by the Member States and the monthly booking of expenditure financed under the Guarantee Section of the European Agricultural Guidance and Guarantee Fund (EAGGF) and repealing Regulation (EEC) No 2776/88 ⁽⁴⁾, as last amended by Regulation (EC) No

1997/2002 ⁽⁵⁾, account is taken for the 2000 financial year of expenditure incurred by the Member States between 16 October 1999 and 15 October 2000.

- (3) By Commission Decision 2001/474/EC of 8 May 2001 on the clearance of the accounts of Member States' expenditure financed by the European Agricultural Guidance and Guarantee Fund (EAGGF), Guarantee Section, for the 2000 financial year ⁽⁶⁾, the Commission cleared the accounts of all the paying agencies that were not listed in Annex II to that Decision. Furthermore, the Commission decided that a sum amounting to GRD 133 512 was to be paid to Greece. The accounts of the paying agency of Greece concerning expenditure financed by the EAGGF Guarantee Section for the same financial year were disjoined from that Decision. Following the transmission of new information by Greece, the Commission can now take a decision on the veracity, completeness, and accuracy of the accounts of Gedidagep.
- (4) Pursuant to the second subparagraph of Article 7(1) of Regulation (EC) No 1663/95 of 7 July 1995 laying down detailed rules for the application of Council Regulation (EEC) 729/70 regarding the procedure for the clearance of the accounts of the EAGGF Guarantee Section ⁽⁷⁾, as last amended by Regulation (EC) No 2025/2001 ⁽⁸⁾ the amounts which are recoverable from, or payable to, each Member State are to be deducted from, or added to, advances against expenditure from the second month following that in which the accounts clearance decision is taken. By clearing the accounts of the Greek paying agency that could not be cleared by Decision 2001/474/EC, the Commission should take into account the sum already paid to Greece following that Decision. As a result, no financial consequences follow from the present Decision.

⁽¹⁾ OJ L 94, 28.4.1970, p. 13.

⁽²⁾ OJ L 125, 8.6.1995, p. 1.

⁽³⁾ OJ L 160, 26.6.1999, p. 103.

⁽⁴⁾ OJ L 39, 17.2.1996, p. 5.

⁽⁵⁾ OJ L 308, 9.11.2002, p. 9.

⁽⁶⁾ OJ L 167, 22.6.2001, p. 27.

⁽⁷⁾ OJ L 158, 8.7.1995, p. 6.

⁽⁸⁾ OJ L 274, 17.10.2001, p. 3.

- (5) In accordance with the final subparagraph of Article 5(2)(b) of Regulation (EEC) No 729/70, Article 7(3) of Regulation (EC) No 1258/1999 and Article 7(1) of Regulation (EC) No 1663/95, this Decision, adopted on the basis of accounting information, does not prejudice decisions taken subsequently by the Commission excluding from Community financing expenditure not effected in accordance with Community rules,

The amount recoverable from Greece is determined in the Annex to this decision.

Article 2

This Decision is addressed to the Republic of Greece.

HAS ADOPTED THIS DECISION:

Done at Brussels, 10 April 2003.

Article 1

The accounts of the paying agency of Greece concerning expenditure financed by the EAGGF Guarantee Section in respect of the 2000 financial year are hereby cleared.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX

Clearance of the accounts of the Greek paying agency not cleared in Decision 2001/474/EC — 2000 financial year

MS	2000 — Expenditure for the paying agencies for which the accounts are cleared		Reductions and suspensions for the whole financial year	Total including reductions and suspensions	Advances paid to the Member State for the financial year	Total amount to be paid to the Member State	Amount paid to the Member State following Decision 2001/474/EC	Amount to be recovered from (–) or paid to (+) the Member State following current Decision
	= expenditure declared in the annual declaration							
	a		b	c = a + b	d	e = c - d	h	i = g - h
GR	GRD	889 719 853 835,00	– 28 084 903 742,00	861 634 950 093,00	861 634 816 581,00	133 512,00	133 512,00	0,00
GR	EUR	2 611 063 400,84	– 82 420 847,37	2 528 642 553,46	2 528 642 161,65	391,82	391,82	0,00

COMMISSION RECOMMENDATION

of 14 April 2003

on the protection and information of the public with regard to exposure resulting from the continued radioactive caesium contamination of certain wild food products as a consequence of the accident at the Chernobyl nuclear power station

(notified under document number C(2003) 510)

(2003/274/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Atomic Energy Community, and in particular Article 38(1), and the second indent of Article 124 thereof,

Having regard to the opinion of the Group of Experts appointed by the Scientific and Technical Committee pursuant to Article 31 of the Treaty,

Whereas:

(1) Following the accident at the Chernobyl nuclear power station on 26 April 1986, considerable quantities of radioactive materials were released into the atmosphere.

(2) The fallout of radioactive caesium from the accident at the Chernobyl nuclear power station has affected a wide range of third countries.

(3) Significant fallout has affected certain parts of the territories of a number of Member States and countries applying for accession to the European Union.

(4) Council Regulation (EEC) No 737/90 of 22 March 1990 on the conditions governing imports of agricultural products originating in third countries following the accident at the Chernobyl nuclear power station⁽¹⁾, as last amended by Regulation (EC) No 616/2000⁽²⁾, fixed for agricultural products in third countries intended for human consumption, maximum permitted levels of radioactive caesium with which imports must comply and in connection with which checks are carried out by Member States.

(5) In a statement to the Council, on 12 May 1986 in connection to the adoption of Council Regulation (EEC) No 1707/86 of 30 May 1986 on the conditions governing imports of agricultural products originating in third countries following the accident at the Chernobyl nuclear power station⁽³⁾, Member States committed themselves to apply the same maximum permitted levels to trade within the Community.

(6) Commission Regulation (EC) No 1661/1999 of 27 July 1999 laying down detailed rules for the application of Council Regulation (EEC) No 737/90 on the conditions governing imports of agricultural products originating in third countries following the accident at the Chernobyl nuclear power station⁽⁴⁾, as last amended by Regulation (EC) No 1608/2002⁽⁵⁾, has, *inter alia*, introduced specific conditions strengthening the controls on the imports of non-cultivated mushrooms from a number of third countries.

(7) Member States have applied and still apply when necessary, similar checks and conditions for the placing on the market of foodstuffs emanating from their national agro-industrial food supply chains in particular with regard to meat from sheep and reindeer.

(8) The measures *in situ* in the territories of the Member States flow from existing legal obligations set out in Council Directive 96/29/Euratom of 13 May 1996 laying down basic safety standards for the protection of the health of the workers and the general public against the dangers arising from ionising radiation⁽⁶⁾ and in Articles 35 and 36 of the Euratom Treaty.

(9) Natural and semi-natural ecosystems such as forests and wooded areas generally are the natural habitat of wild game, berries and mushrooms and such ecosystems tend to retain radioactive caesium in a cyclic exchange between upper soil layers (litter), bacteria, microfauna, microflora and vegetation. In addition the soil of such ecosystems which consists for the most part of organic matter tends to increase the biological availability of radioactive caesium.

(10) Wild berries like bilberries, cloudberries, cranberries, raspberries, blackberries and wild strawberries, edible wild mushrooms (chanterelles, bay boletus, hedgehogs, for example), wild game meat from roe deer and red deer and carnivorous freshwater fish from lakes (pike and perch, for example) in certain regions of the European Union continue to show levels of radioactive caesium exceeding 600 Bq/kg.

⁽¹⁾ OJ L 82, 29.3.1990, p. 1.

⁽²⁾ OJ L 75, 24.3.2000, p. 1.

⁽³⁾ OJ L 146, 31.5.1986, p. 88.

⁽⁴⁾ OJ L 197, 29.7.1999, p. 17.

⁽⁵⁾ OJ L 243, 11.9.2002, p. 7.

⁽⁶⁾ OJ L 159, 29.6.1996, p. 1.

- (11) Mushrooms of the mycorrhizal species (*Boletus edulis*, for example) and meat of wild boar were affected much later by the fallout and today present very high levels of radioactive caesium contamination in areas with the highest deposition.
- (12) It is assumed that the duration of radioactive caesium contamination following the Chernobyl accident of a number of products originating from species living and growing in forests and other natural and semi-natural ecosystems essentially relates to the physical half-life of that radionuclide which is some 30 years and that therefore no appreciable change as regards the radioactive caesium contamination of these products will be observed in the next decades.
- (13) In recent years, data provided by some Member States to the Commission has shown that high levels of radioactive caesium continue to be found in wild game, wild berries, wild mushrooms and carnivorous lake fish.
- (14) The placing on the market of edible wild products does not necessarily proceed through the agro-industrial food supply chains, the national statutory monitoring and checks could therefore be bypassed.
- (15) Public awareness of the continued contamination of wild products tends to decline, even though the implication of the contamination of these products for the health of persons who consume large quantities of such products from affected regions cannot be neglected.
- (16) The implication of the contamination of wild products for the health of the general public is very low, and there is therefore no need for more binding requirements to be adopted.
- (17) Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety ⁽¹⁾ has set up a system for the rapid exchange of information. It is necessary to use that system for exchanging information between the Member States on recorded cases of exceedance of the maximum permitted levels,
- HEREBY RECOMMENDS:
1. For the purpose of protecting the health of the consumer, Member States should take appropriate steps to ensure that the maximum permitted levels in terms of caesium-134 and caesium-137 referred to in Article 3 of Regulation (EEC) No 737/90 are respected in the Community for the placing on the market of wild game, wild berries, wild mushrooms and carnivorous lake fish.
 2. Member States should inform the population, in regions where there is a potential for such products to exceed the maximum permitted levels, of the health risk involved.
 3. Member States should inform the Commission and each other of recorded cases of such products placed on the Community market exceeding the maximum permitted levels through the Community Rapid Alert System laid down in Regulation (EC) 178/2002.
 4. Member States should inform the Commission and the other Member States of the action taken in response to this recommendation.
- Done at Brussels, 14 April 2003.
- For the Commission
Margot WALLSTRÖM
Member of the Commission

⁽¹⁾ OJ L 31, 1.2.2002, p. 1.

COMMISSION DECISION
of 16 April 2003
concerning protection measures in relation to a strong suspicion of avian influenza in Belgium

(notified under document number C(2003) 1335)

(Text with EEA relevance)

(2003/275/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 90/425/EEC of 26 June 1990 concerning veterinary and zootechnical checks applicable in intra-community trade in certain live animals and products with a view to the completion of the internal market ⁽¹⁾, as last amended by Council Directive 2002/33/EC ⁽²⁾, and, in particular, Article 10 (3) thereof,

Whereas:

- (1) On 16 April 2003 the veterinary authorities of Belgium have informed the Commission about a strong suspicion of avian influenza in the province of Limburg.
- (2) Avian influenza is a highly contagious poultry disease that can pose a serious threat for the poultry industry.
- (3) The Belgian authorities have immediately, before the official confirmation of the disease, implemented the measures foreseen in Council Directive 92/40/EEC ⁽³⁾ introducing Community measures for the control of avian influenza while further confirmatory diagnostic procedures are carried out.
- (4) Council Directive 92/40/EEC sets out the minimum control measures to be applied in the event of an outbreak of avian influenza. The Member State may take more stringent action in the field covered by this Directive if deemed necessary and proportionate to contain the disease, taking into account the particular epidemiological, animal husbandry, commercial and social conditions prevailing.
- (5) The Belgian authorities have in co-operation with the Commission, put in place a nation-wide standstill for transport of live poultry and hatching eggs, which includes a prohibition of dispatch of live poultry and hatching eggs to Member States and third countries. However, in view of the specificity of poultry production, movements of hatching eggs, day-old chicks, ready-to-lay pullets and poultry for immediate slaughter may be authorised within Belgium. Furthermore the dispatch

to Member States and third countries of fresh, unprocessed manure and litter of poultry should also be prohibited.

- (6) Fresh poultry meat destined for intra-Community trade has to be marked with a health mark in accordance with the health mark foreseen in Chapter XII of Annex I of Directive 71/118/EEC ⁽⁴⁾, as last amended by Council Directive 97/79/EC ⁽⁵⁾. In order to allow the marketing on the Belgian market of fresh poultry meat obtained from poultry originating from the established surveillance zones special provisions for its health marking shall be laid down.
- (7) The Belgian authorities should reinforce bio-security and hygiene measures including cleaning and disinfection procedures to prevent the further spread of the disease at all levels of poultry and egg production.
- (8) In order to avoid the spread of the infection and after evaluation of the epidemiological situation the preventive culling of poultry at risk may be appropriate and decided by the Belgian authorities.
- (9) These measures should be urgently adopted by the Commission for the sake of clarity and transparency, in collaboration with the Belgian authorities.
- (10) The situation shall be reviewed at the meeting of the Standing Committee on the Food Chain and Animal Health scheduled for 23 April 2003,

HAS ADOPTED THIS DECISION:

Article 1

1. Without prejudice to the measures taken by Belgium within the framework of Council Directive 92/40/EEC applied to the surveillance zones, the Belgian veterinary authorities shall ensure that no live poultry, hatching eggs and fresh, unprocessed and non-heat-treated poultry manure or litter are dispatched from Belgium to other Member States and to third countries.

⁽¹⁾ OJ L 224, 18.8.1990, p. 29.

⁽²⁾ OJ L 315, 19.11.2002, p. 14.

⁽³⁾ OJ L 167, 22.6.1992, p. 1.

⁽⁴⁾ OJ L 55, 8.3.1971, p. 23.

⁽⁵⁾ OJ L 13, 16.1.1997, p. 18.

2. Without prejudice to the measures taken by Belgium within the framework of Council Directive 92/40/EEC within the surveillance zones the Belgian veterinary authorities shall ensure that no live poultry and hatching eggs are transported within Belgium.

3. By way of derogation from paragraph 2 the competent veterinary authority, taking all appropriate bio-security measures in accordance with Articles 4 and 5 to avoid the spread of avian influenza, may authorise the transport from areas situated outside the surveillance zones of:

- (a) poultry for immediate slaughter, including spent laying hens, to a slaughterhouse that has been designated by the competent veterinary authority;
- (b) day-old chicks and ready-to-lay pullets to a holding under official control, where no other poultry is kept;
- (c) hatching eggs to a hatchery under official control.

If live poultry transported in accordance with (a) or (b) originate in another Member State or third country the transport has to be approved by the Belgian authorities and the competent authority of the Member State or third country of dispatch.

4. By way of derogation from paragraph 2 the competent veterinary authority, taking all appropriate bio-security measures to avoid the spread of avian influenza, may authorise transport of live poultry and hatching eggs not prohibited by Council Directive 92/40/EEC and in particular in respect to movements of day-old chicks in accordance with the provisions of Article 9 paragraph 4 (a), (b) and (c), which shall be transported to holdings within Belgium under official control.

Article 2

Fresh poultry meat obtained from slaughter poultry transported by taking all appropriate bio-security measures in accordance with Articles 4 and 5 and originating from the established surveillance zones:

- (a) shall be marked with a round format mark in accordance with the further requirements of the competent authorities;
- (b) shall not be dispatched to other Member States or third countries;
- (c) must be obtained, cut, stored and transported separately from other fresh poultry meat destined for intra-Community trade and for exports to third countries and must be used in such a way as to avoid it being introduced into meat products or meat preparations intended for intra-Community trade or for export to third countries, unless it has undergone the treatment specified in table 1 (a),(b) or (c) of Annex III of Directive 2002/99/EC.

Article 3

Without prejudice to the measures already taken in the framework of Directive 92/40/EEC, Belgium shall ensure that the preventive emptying and culling of poultry in holdings and areas at risk is completed as soon as possible.

The precautionary measures referred to in the first subparagraph shall be taken without prejudice to Council Decision 90/424/EEC⁽¹⁾ on expenditure in the veterinary field as last amended by Decision 2001/572/EC⁽²⁾.

Article 4

In order to enhance bio-security in the poultry sector, the competent veterinary authority of Belgium shall ensure that:

- (a) table eggs shall only be transported from a holding to a packing station either in disposable packaging or in containers, trays and other non-disposable equipment, which must be cleaned and disinfected before and after each use in accordance with d). In addition, in case of table eggs originating from another Member State, the competent veterinary authority shall ensure that the packaging, containers, trays and other non-disposable equipment used for their transport are returned;
- (b) slaughter poultry intended for immediate slaughter shall be transported with trucks and in crates or cages which must be cleaned and disinfected before and after each use in accordance with d). In addition, in case of slaughter poultry originating from another Member State, the competent veterinary authority shall ensure that the crates and cages and containers are returned;
- (c) day-old chicks are transported in disposable packing material to be destroyed after use;
- (d) the disinfectants and the method of cleaning and disinfection must be approved by the competent authority.

Article 5

The competent veterinary authority of Belgium shall ensure that stringent bio-security measures are taken on all levels of poultry and egg production in order to avoid risky contacts that may cause the spread of avian influenza between farms. These measures aim in particular to avoid risky contacts of poultry, transport means, equipment and people entering or leaving poultry farms, egg packing stations, hatcheries, slaughterhouses, feedmills, litter processing and rendering plants. For this purpose all poultry farmers shall keep a register for all professional visits to their farms as well as their professional visits to other poultry holdings.

Article 6

This Decision shall apply until 24.00 hours on 25 April 2003.

⁽¹⁾ OJ L 224, 18.8.1990, p. 19.

⁽²⁾ OJ L 203, 28.7.2001, p. 16.

Article 7

Member States shall amend the measures which they apply to trade so as to bring them into compliance with this Decision and they shall give immediate appropriate publicity to the measures adopted. They shall immediately inform the Commission thereof.

Article 8

This Decision is addressed to the Member States.

Done at Brussels, 16 April 2003.

For the Commission

David BYRNE

Member of the Commission

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

**COUNCIL DECISION 2003/276/CFSP
of 14 April 2003**

**concerning the implementation of Joint Action 2002/589/CFSP with a view to a European Union
contribution to the destruction of ammunition for small arms and light weapons in Albania**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to Joint Action 2002/589/CFSP of 12 July 2002 on the European Union's contribution to combating the destabilising accumulation and spread of small arms and light weapons and repealing Joint Action 1999/34/CFSP ⁽¹⁾, and in particular Article 6 thereof, in conjunction with the second indent of Article 23(2) of the Treaty on European Union,

Whereas:

- (1) In Common Position 97/357/CFSP of 2 June 1997 on Albania ⁽²⁾ the European Union expressed its intention to help Albania to promote the democratic process, the return to political stability and internal security. The excessive and uncontrolled accumulation and spread of small arms and light weapons (SALW) and their ammunition poses a threat to peace and security and reduces the prospects for sustainable development; this is acutely the case in Albania.
- (2) In pursuing the objectives set out in Article 1 of Joint Action 2002/589/CFSP, the European Union envisages operating within the relevant international fora and in a regional context, as appropriate, to render assistance through international organisations, programmes and agencies as well as regional arrangements.
- (3) The Albanian Ministry of Defence has identified a large amount of SALW ammunition, surplus to their requirements or recovered from the public. Much of the ammunition is incorrectly packaged and stored in inappropriate locations and conditions.
- (4) The NATO Maintenance and Supply Agency (NAMSA), under the terms of the Partnership for Peace Trust Fund, is managing a project aimed at the consolidation and demilitarisation of surplus SALW ammunition, amounting to a total of 11 665 tonnes, during a period of four years.
- (5) The Commission has agreed to be entrusted with the implementation of this Decision.

(6) The European Union therefore intends to offer financial assistance to the NAMSA project in accordance with Title II of Joint Action 2002/589/CFSP.

(7) The Commission will ensure an adequate visibility of the contribution of the EU to the project, including by appropriate measures taken by NAMSA,

HAS DECIDED AS FOLLOWS:

Article 1

1. The European Union shall contribute to the destruction of surplus SALW ammunition in Albania.
2. For this purpose, the European Union shall provide financial support to the NAMSA project aimed at the consolidation and demilitarisation of surplus SALW ammunition.
3. The Commission shall be entrusted with the implementation of this Decision. To that end, the Commission shall conclude a financing agreement with NAMSA on the conditions for use of the European Union contribution, which will take the form of a grant. Amongst other things, this grant will be used to cover, over a period of 12 months, salaries, travel expenses, supplies and equipment necessary for the destruction of surplus SALW ammunition in Albania. The financing agreement will stipulate that NAMSA shall ensure visibility of the European Union contribution to the project, appropriate to its size.

Article 2

1. The financial reference amount for the purpose referred to in Article 1 shall be EUR 820 000.
2. The management of the expenditure financed by the amount specified in paragraph 1 shall be subject to the Community procedures and rules applicable to the general budget of the European Union.

⁽¹⁾ OJ L 191, 19.7.2002, p. 1.

⁽²⁾ OJ L 153, 11.6.1997, p. 4.

Article 3

The Commission shall submit regular reports on the implementation of this Decision to the relevant Council bodies, in accordance with Article 9(1) of the Joint Action 2002/589/CFSP. This information will in particular be based on regular reports to be provided by NAMSA under its contractual relationship with the Commission, as stipulated in Article 1.

Article 4

1. This Decision shall take effect on the date of its adoption. It shall expire twelve months after the financing agreement between the Commission and NAMSA has been concluded.
2. This Decision shall be reviewed ten months after the date of its adoption.

Article 5

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

Done at Luxembourg, 14 April 2003.

For the Council

The President

A. GIANNITSIS

CORRIGENDA**Corrigendum to Commission Regulation (EC) No 645/2003 of 10 April 2003 fixing the export refunds on beef and veal**

(Official Journal of the European Union L 95 of 11 April 2003)

On page 5, in the Annex, in the column headed 'Unit of measurement', against the Product code 0201 10 00 9110 ⁽¹⁾, destination 'B02':

for: 'EUR/100 kg live weight',

read: 'EUR/100 kg net weight'.
