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Contents

I Acts whose publication is obligatory

- ★ **Council Regulation (EC) No 882/2003 of 19 May 2003 establishing a tuna tracking and verification system** 1
- Commission Regulation (EC) No 883/2003 of 22 May 2003 establishing the standard import values for determining the entry price of certain fruit and vegetables 9
- Commission Regulation (EC) No 884/2003 of 22 May 2003 fixing the definitive rate of refund and the percentage of system B export licences to be issued in the fruit and vegetables sector (tomatoes, oranges, lemons and apples) 11
- Commission Regulation (EC) No 885/2003 of 22 May 2003 fixing the export refunds on products processed from cereals and rice 13
- Commission Regulation (EC) No 886/2003 of 22 May 2003 fixing the export refunds on cereal-based compound feedingstuffs 16
- ★ **Commission Regulation (EC) No 887/2003 of 22 May 2003 laying down transitional provisions for Regulation (EC) No 2535/2001 as regards the import of certain milk products from the Czech Republic and the Slovak Republic** 18
- ★ **Commission Regulation (EC) No 888/2003 of 22 May 2003 fixing the quantities which may be transferred to another group of varieties in Germany, Spain and Portugal under the guarantee threshold for the 2003 harvest in the raw tobacco sector** 19
- Commission Regulation (EC) No 889/2003 of 22 May 2003 fixing the representative prices and the additional import duties for molasses in the sugar sector 21
- Commission Regulation (EC) No 890/2003 of 22 May 2003 fixing the export refunds on white sugar and raw sugar without further processing 23

Commission Regulation (EC) No 891/2003 of 22 May 2003 fixing the maximum export refund for white sugar to certain third countries for the 30th partial invitation to tender issued within the framework of the standing invitation to tender provided for in Regulation (EC) No 1331/2002	25
Commission Regulation (EC) No 892/2003 of 22 May 2003 providing for the rejection of applications for export licences for certain milk products	26
Commission Regulation (EC) No 893/2003 of 22 May 2003 concerning tenders notified in response to the invitation to tender for the export of barley issued in Regulation (EC) No 901/2002	27
Commission Regulation (EC) No 894/2003 of 22 May 2003 fixing the maximum export refund on oats in connection with the invitation to tender issued in Regulation (EC) No 1582/2002	28
Commission Regulation (EC) No 895/2003 of 22 May 2003 concerning tenders notified in response to the invitation to tender for the export of common wheat issued in Regulation (EC) No 899/2002	29
Commission Regulation (EC) No 896/2003 of 22 May 2003 fixing the maximum reduction in the duty on maize imported in connection with the invitation to tender issued in Regulation (EC) No 698/2003	30
Commission Regulation (EC) No 897/2003 of 22 May 2003 concerning tenders notified in response to the invitation to tender for the import of maize issued in Regulation (EC) No 581/2003	31
Commission Regulation (EC) No 898/2003 of 22 May 2003 fixing the rates of the refunds applicable to certain cereal and rice-products exported in the form of goods not covered by Annex I to the Treaty	32
Commission Regulation (EC) No 899/2003 of 22 May 2003 amending the rates of refunds applicable to certain products from the sugar sector exported in the form of goods not covered by Annex I to the Treaty	36
Commission Regulation (EC) No 900/2003 of 22 May 2003 fixing the export refunds on cereals and on wheat or rye flour, groats and meal	38
Commission Regulation (EC) No 901/2003 of 22 May 2003 fixing the export refunds on rice and broken rice and suspending the issue of export licences	40
Commission Regulation (EC) No 902/2003 of 22 May 2003 fixing production refunds on cereals and rice	43
Commission Regulation (EC) No 903/2003 of 22 May 2003 amending the export refunds on syrups and certain other sugar sector products exported in the natural state	44
Commission Regulation (EC) No 904/2003 of 22 May 2003 correcting Regulation (EC) No 880/2003 fixing the import duties in the rice sector	46

II Acts whose publication is not obligatory

Commission

2003/369/EC:

- ★ **Commission Decision of 16 May 2003 amending Decision 85/377/EEC establishing a Community typology for agricultural holdings** (notified under document number C(2003) 1557)

48

- ★ **Commission Decision of 21 May 2003 allowing Member States to extend provisional authorisations granted for the new active substances iodosulfuron-methyl-sodium, indoxacarb, S-metolachlor, *Spodoptera exigua* nuclear polyhedrosis virus, tepraloxydim and dimethenamid-P ⁽¹⁾ (notified under document number C(2003) 1583) ...** 58

- ★ **Commission Decision of 22 May 2003 terminating the anti-dumping proceeding concerning imports of recordable compact disks originating in India** 60
-

Notice to readers (see page 64)

I

(Acts whose publication is obligatory)

**COUNCIL REGULATION (EC) No 882/2003
of 19 May 2003
establishing a tuna tracking and verification system**

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⁾,

Whereas:

- (1) As the Community has fishing interests in the eastern Pacific and has started the procedure to accede to the InterAmerican Tropical Tuna Commission, hereinafter referred to as the 'IATTC' and in accordance with its cooperation obligations under the United Nations Convention on the Law of the Sea the Community has decided to apply the measures adopted by the IATTC pending its accession to that organisation.
- (2) The Community has signed the Agreement on the International Dolphin Conservation Programme ⁽³⁾, hereinafter referred to as the 'AIDCP', and has decided to apply it provisionally by means of Decision 1999/386/EC ⁽⁴⁾, pending its full approval. The Community must therefore apply the provisions of the Agreement, the Secretariat for which is provided by the IATTC.
- (3) In July 1999 the Contracting Parties to the AIDCP decided to establish a system to track and verify tuna caught in the Agreement's area of application. Accordingly, the Community should establish a tuna tracking and verification system for tuna caught in the Agreement area by vessels fishing under the AIDCP. The purpose of this system is to enable dolphin-safe tuna to be distinguished from non-dolphin-safe tuna from the time it is caught to the time it is ready for retail sale. The system is based on the premise that dolphin-safe tuna shall, from the time of capture, during unloading, storage, transfer, and processing, be identified as dolphin-safe tuna.

(4) As this Decision has become binding on the Parties to the Agreement, the Community must therefore implement it.

(5) Supervision of catch unloading and transport is the responsibility of each Member State, but it can delegate this responsibility to the State where unloading occurs by administrative arrangement or agreement.

(6) Council Regulation (EEC) No 2847/93 of 12 October 1993 establishing a control system applicable to the common fisheries policy ⁽⁵⁾ applies to all fishing activity and all related activities carried out on the territory and in the maritime waters falling within the jurisdiction or sovereignty of the Member States, including the activities of Community fishing vessels operating in the waters of third countries or on the high seas, notwithstanding the fisheries agreements concluded between the Community and third countries or international conventions to which the Community is a signatory.

(7) 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 on the Commission ⁽⁶⁾,

HAS ADOPTED THIS REGULATION:

Article 1

Purpose

This Regulation lays down the general principles and conditions relating to the Community's application of the tuna tracking and verification system adopted by the Agreement on the International Dolphin Conservation Programme (AIDCP).

⁽¹⁾ OJ C 304 E, 30.10.2001, p. 212.

⁽²⁾ Opinion delivered on 27 March 2003 (not yet published in the Official Journal).

⁽³⁾ OJ L 132, 27.5.1999, p. 3.

⁽⁴⁾ OJ L 147, 12.6.1999, p. 23.

⁽⁵⁾ OJ L 261, 20.10.1993, p. 1; Regulation as last amended by Regulation (EC) No 2846/98 (OJ L 358, 31.12.1998, p. 5).

⁽⁶⁾ OJ L 184, 17.7.1999, p. 23.

Article 2

Scope

This Regulation shall apply to fishing vessels flying the flag of a Member State and registered in the Community, hereinafter referred to as 'Community fishing vessels', fishing for tuna in the Agreement Area.

This Regulation also applies to all Community vessels, flying the flag of a Member State and registered in the Community, that carry tuna identified by a tracking form. It shall also apply to tuna caught in the Agreement Area, unloaded, stored, transferred or processed in the Community.

Article 3

Definitions

For the purposes of this Regulation, the following definitions shall apply:

1. 'tuna' means species of the suborder Scombridae, with the exception of the genus *Scomber*;
2. 'dolphin' means species of the *Delphinidae* family, associated with yellowfin tuna fishing in the Agreement Area;
3. 'Agreement area' means the waters of the eastern Pacific as defined in Article 3 of the AIDCP;
4. 'dolphin-safe tuna' means tuna captured in sets in which there is no mortality or serious injury of dolphins;
5. 'non-dolphin-safe tuna' is tuna captured in sets in which mortality or serious injury of dolphins occurs; any tuna caught in sets in which dolphins were intentionally encircled by vessels without a dolphin mortality limit (DML) or whose captain is not on the list of qualified captains maintained by the secretariat, shall not be considered dolphin safe;
6. 'observer' is the person assigned to the vessel by the IATTC or the Contracting Party's national observer programme to record the vessel's fishing activities;
7. 'tracking form' is a document presented in accordance with model A in Annex I (dolphin-safe tuna) and model B in Annex II (non-dolphin-safe tuna) hereto;
8. 'set' is the act of deploying and retrieving the purse seine in order to catch tuna;
9. 'bin' is any container used to store tuna after unloading, during cold storage or for transport to processing.

Article 4

Member States' obligations

1. The Member States shall be responsible for tracking and verifying, in accordance with this Regulation, tuna caught, transported and unloaded for processing on their territory.
2. The obligation in paragraph 1 shall also apply to tuna unloaded outside the Agreement area by vessels operating in that area. In the case of those vessels, the tracking system shall involve confirmation of the weight unloaded.
3. The AIDCP secretariat shall issue the tuna tracking forms to the on-board observers, except where the Member State having jurisdiction over the vessel has a national observers' programme in operation. In such cases, Member States shall provide the on-board observer with tracking forms for each of the vessels flying their flag and authorised to fish for tuna in the Agreement area.
4. Member States shall take the necessary measures to ensure that the tuna caught in the Agreement area, which is stored, processed or marketed in their territory be clearly identified, until the time it is ready for retail sale, as the case may be, as dolphin-safe tuna or non-dolphin-safe tuna. These procedures shall include the following requirements, namely that:
 - (a) any change in ownership of unprocessed tuna covered by a tracking form number shall be dealt with in accordance with Article 6(4), (5) and (7);
 - (b) during processing, dolphin-safe and non-dolphin safe tuna shall not be processed on the same production line at the same time;
 - (c) processors shall maintain records which are sufficiently clear to permit the lot numbers of processed tuna to be traced back to the corresponding tracking form number.

Article 5

Obligations during fishing operations

1. The observer shall determine whether the tuna caught is 'dolphin safe' or not and, based on this determination, the tuna shall be loaded into prepared holds identified to this effect.
2. Upon completion of these loading operations, the species and estimated quantity of tuna loaded into each hold, per net, shall be indicated by the observer on the corresponding tracking form, in consultation with the captain or his representative. The captain or his representative and the observer shall initial each completed tracking form.

3. Transfers of tuna at sea from the net of one fishing vessel to another fishing vessel must be indicated on the tracking form by the observers of both vessels, specifying the quantity involved, the species and dolphin-safe status of the tuna being transferred.

4. At the end of the fishing trip, the captain and observer shall together review the tracking form, enter any additional comments and sign it. A fishing trip terminates when a vessel unloads two thirds or more of its catches, during a single unloading or during a series of partial unloadings.

5. The Commission may adopt detailed rules for the application of this Article in accordance with the procedure laid down in Article 10(2).

Article 6

Unloading, transport, storage and processing operations

1. No later than 72 hours before the estimated date of unloading, the vessel captain, the owner or his agent shall notify their national authorities of the dates and places of unloading of all or part of a catch, with a view to its verification.

2. If a fishing trip terminates when the vessel has been unloaded, a new tracking form shall be issued for that vessel for its next fishing trip and any tuna retained on board shall be recorded as the first entry on the new form.

3. If a fishing trip does not terminate when the vessel has been unloaded, the vessel shall retain the original tracking form and a copy shall be sent, with original signatures, to the national authorities of the port of unloading.

4. Where tuna is unloaded from one fishing vessel and then loaded aboard a carrier vessel for transport to a processing location, the flag State of the carrier vessel shall be responsible for obtaining the relevant tuna tracking form, retaining the information on the unloading (including the total weight unloaded if it has been checked), verifying that the dolphin-safe tuna is kept separate from the non-dolphin-safe tuna during loading and transport and transmitting all relevant informations to the AIDCP secretariat, with a copy to the Commission. The two kinds of tuna may be stored in the same place during transport, provided that they remain physically separated by netting or similar material, and the non-dolphin-safe tuna is clearly identified as such.

5. If the tuna is unloaded for immediate processing, the Member State where processing takes place shall be responsible for keeping the documentation on unloading and for recording the confirmed weight of the dolphin-safe and non-dolphin-safe tuna. The Member State in question shall use the original tuna tracking form for entering the requisite information into the database and for tracking of the processed tuna, and shall send a copy of this form to the flag Member State of the vessel that fished the tuna concerned.

6. Unloaded tuna shall be placed in different bins, according to their dolphin-safe status or otherwise. Each bin shall be identified by the corresponding tuna tracking form number, the status of the tuna and the confirmed weight.

7. Each sale of part of the catch must be accompanied by the corresponding reference number throughout all stages of processing. Every transfer of the catch must be notified to the competent authorities of the Member State of unloading/processing, specifying the tracking form number, the species and quantity of tuna involved, and the consignee.

8. When tuna is landed in third country ports, the Member State may, under specific agreement, delegate the supervision of unloading and transport to the national authorities of the port involved.

When the third country port State is a Party to the AIDCP, the responsibility of the tracking form becomes that of the port State.

When the third country port State is not a Party to the AIDCP, the flag Member State of the vessel remains responsible for the tracking form, unless otherwise agreed in a specific bilateral arrangement.

9. The Commission may adopt detailed rules for the application of this Article in accordance with the procedure provided for in Article 10(2).

Article 7

Data transmission

1. For the implementation of these rules the Member States shall create a computer database to which the Commission must have computerised access.

2. Within 10 days of receipt of a tuna tracking form, the Member States shall send the tracking form, signed by the observer and captain, to the AIDCP secretariat, and a copy to the Commission.

3. Member States shall report to the AIDCP secretariat, with a copy to the Commission, the changes in ownership of unprocessed tuna pursuant to Article 4(4).

4. Before 1 May each year, Member States shall send a report of their implementation of the tuna tracking and verification system to the Commission, which shall send a report on this basis to the AIDCP secretariat before each annual meeting.

5. The Member States shall send the Commission the names and addresses of the officials responsible for implementing the tuna tracking and verification system as established by this Regulation.

6. The Commission shall send the AIDCP secretariat the names and addresses of the Commission officials responsible for implementing the tuna tracking and verification system as established by this Regulation.

Article 8

Annexes

Annexes I and II may be amended to apply AIDCP conservation measures which become obligatory for the Community, in accordance with the procedure laid down in Article 10(3).

Article 9

Implementation

The measures necessary for the implementation of Article 5(5) and Article 6(9) shall be adopted in accordance with the procedure referred to in Article 10(2).

The measures to be taken pursuant to Article 8 shall be adopted in accordance with the procedure referred to in Article 10(3).

Article 10

Committee procedures

1. The Commission shall be assisted by the Committee established by Article 30 of Council Regulation (EC) No 2371/2002 ⁽¹⁾.
2. Where reference is made to this paragraph, Articles 4 and 7 of Decision 1999/468/EC shall apply.
3. Where reference is made to this paragraph, Articles 5 and 7 of Decision 1999/468/EC shall apply.
4. The period laid down in Article 4(3) and Article 5(6) of Decision 1999/468/EC shall be set at three months.
5. The Committee shall adopt its Rules of Procedure.

Article 11

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 all Member States.

Done at Brussels, 19 May 2003.

For the Council

The President

A.-A. TSOCHATZOPOULOS

⁽¹⁾ OJ L 358, 31.12.2002, p. 59.

ANNEX I

Tracking document (model A) for dolphin-safe tuna

Programa Internacional para la Conservación de los Delfines – International dolphin conservation programme

Registro de Seguimiento de Atún (Registro A) – Tuna tracking form (form A)[illegible]

ANNEX II

Tracking document (model B) for non-dolphin-safe tuna

Programa Internacional para la Conservación de los Delfines – International dolphin conservation programme

Registro de Seguimiento de Atún (Registro B) – Tuna tracking form (form B)[illegible]

COMMISSION REGULATION (EC) No 883/2003
of 22 May 2003
establishing the standard import values for determining the entry price of certain fruit and vegetables

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 3223/94 of 21 December 1994 on detailed rules for the application of the import arrangements for fruit and vegetables ⁽¹⁾, as last amended by Regulation (EC) No 1947/2002 ⁽²⁾, and in particular Article 4(1) thereof,

Whereas:

- (1) Regulation (EC) No 3223/94 lays down, pursuant to the outcome of the Uruguay Round multilateral trade negotiations, the criteria whereby the Commission fixes the standard values for imports from third countries, in respect of the products and periods stipulated in the Annex thereto.

- (2) In compliance with the above criteria, the standard import values must be fixed at the levels set out in the Annex to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The standard import values referred to in Article 4 of Regulation (EC) No 3223/94 shall be fixed as indicated in the Annex hereto.

Article 2

This Regulation shall enter into force on 23 May 2003.

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

Done at Brussels, 22 May 2003.

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

⁽¹⁾ OJ L 337, 24.12.1994, p. 66.

⁽²⁾ OJ L 299, 1.11.2002, p. 17.

ANNEX

to the Commission Regulation of 22 May 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	110,0
	096	100,5
	999	105,3
0707 00 05	052	110,5
	999	110,5
0709 90 70	052	88,0
	999	88,0
0805 10 10, 0805 10 30, 0805 10 50	052	83,4
	204	39,7
	220	41,7
	382	63,3
	388	60,4
	400	42,8
	524	65,6
	600	54,2
	624	54,8
	999	56,2
0805 50 10	382	63,8
	388	65,5
	528	57,2
	999	62,2
0808 10 20, 0808 10 50, 0808 10 90	204	46,5
	388	82,1
	400	105,4
	404	78,2
	508	84,2
	512	68,4
	524	67,5
	528	72,5
	720	125,9
	804	111,7
	999	84,2

⁽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 884/2003**of 22 May 2003****fixing the definitive rate of refund and the percentage of system B export licences to be issued in the fruit and vegetables sector (tomatoes, oranges, lemons and apples)**

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 Commission Regulation (EC) No 47/2003 ⁽²⁾,

Having regard to Commission Regulation (EC) No 1961/2001 of 8 October 2001 on detailed rules for implementing Council Regulation (EC) No 2200/96 as regards export refunds on fruit and vegetables ⁽³⁾, as amended by Regulation (EC) No 1176/2002 ⁽⁴⁾, and in particular Article 6(7) thereof,

Whereas:

- (1) Commission Regulation (EC) No 307/2003 ⁽⁵⁾ fixed the indicative quantities for the issue of B system export licences.
- (2) In the light of information now available to the Commission, the indicative quantities have been exceeded in the case of tomatoes, oranges and apples.

- (3) These overruns are without prejudice to compliance with the limits resulting from the agreements concluded in accordance with Article 300 of the Treaty. The definitive rate of refund for tomatoes, oranges, lemons and apples covered by licences applied for under system B between 16 March and 13 May 2003 should be fixed at the indicative rate, and the percentage of licences to be issued for the quantities applied for should be laid down,

HAS ADOPTED THIS REGULATION:

Article 1

For applications for B system export licences submitted under Article 1 of Regulation (EC) No 307/2003 between 16 March 2003 and 13 May 2003, the percentages of licences to be issued and the rates of refund applicable are fixed in the Annex hereto.

Article 2

This Regulation shall enter into force on 23 May 2003.

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

Done at Brussels, 22 May 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 268, 9.10.2001, p. 8.

⁽⁴⁾ OJ L 170, 29.6.2002, p. 69.

⁽⁵⁾ OJ L 45, 19.2.2003, p. 4.

ANNEX

Percentages for the issuing of licences and rates of refund applicable to system B licences applied for between 16 March and 13 May 2003 (tomatoes, oranges, lemons and apples)

Product	Rate of refund (EUR/t net)	Percentages of licences to be issued for the quantities applied for
Tomatoes	20,0	100 %
Oranges	21,0	100 %
Lemons	18,0	100 %
Apples	10,0	100 %

COMMISSION REGULATION (EC) No 885/2003
of 22 May 2003
fixing the export refunds on products processed from cereals and rice

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 organization of the market in cereals ⁽¹⁾, as last amended by Regulation (EC) No 1666/2000 ⁽²⁾, and in particular Article 13(3) thereof,

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organization of the market in rice ⁽³⁾, as last amended by Commission Regulation (EC) No 411/2002 ⁽⁴⁾, and in particular Article 13(3) thereof,

Whereas:

- (1) Article 13 of Regulation (EEC) No 1766/92 and Article 13 of Regulation (EC) No 3072/95 provide that the difference between quotations or prices on the world market for the products listed in Article 1 of those Regulations and prices for those products within the Community may be covered by an export refund.
- (2) Article 13 of Regulation (EC) No 3072/95 provides that when refunds are being fixed account must be taken of the existing situation and the future trend with regard to prices and availabilities of cereals, rice and broken rice on the Community market on the one hand and prices for cereals, rice, broken rice and cereal products on the world market on the other. The same Articles provide that it is also important to ensure equilibrium and the natural development of prices and trade on the markets in cereals and rice and, furthermore, to take into account the economic aspect of the proposed exports, and the need to avoid disturbances on the Community market.
- (3) Article 4 of Commission Regulation (EC) No 1518/95 ⁽⁵⁾, as amended by Regulation (EC) No 2993/95 ⁽⁶⁾, on the import and export system for products processed from cereals and from rice defines the specific criteria to be taken into account when the refund on these products is being calculated.
- (4) The refund to be granted in respect of certain processed products should be graduated on the basis of the ash, crude fibre, tégument, protein, fat and starch content of

the individual product concerned, this content being a particularly good indicator of the quantity of basic product actually incorporated in the processed product.

- (5) There is no need at present to fix an export refund for manioc, other tropical roots and tubers or flours obtained therefrom, given the economic aspect of potential exports and in particular the nature and origin of these products. For certain products processed from cereals, the insignificance of Community participation in world trade makes it unnecessary to fix an export refund at the present time.
- (6) The world market situation or the specific requirements of certain markets may make it necessary to vary the refund for certain products according to destination.
- (7) The refund must be fixed once a month. It may be altered in the intervening period.
- (8) Certain processed maize products may undergo a heat treatment following which a refund might be granted that does not correspond to the quality of the product; whereas it should therefore be specified that on these products, containing pregelatinized starch, no export refund is to be granted.
- (9) The Management Committee for Cereals has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1(1)(d) of Regulation (EEC) No 1766/92 and in Article 1(1)(c) of Regulation (EC) No 3072/95 and subject to Regulation (EC) No 1518/95 are hereby fixed as shown in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 23 May 2003.

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 193, 29.7.2000, p. 1.

⁽³⁾ OJ L 329, 30.12.1995, p. 18.

⁽⁴⁾ OJ L 62, 5.3.2002, p. 27.

⁽⁵⁾ OJ L 147, 30.6.1995, p. 55.

⁽⁶⁾ OJ L 312, 23.12.1995, p. 25.

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

Done at Brussels, 22 May 2003.

For the Commission
Franz FISCHLER
Member of the Commission

ANNEX

to the Commission Regulation of 22 May 2003 fixing the export refunds on products processed from cereals and rice

Product code	Destination	Unit of measurement	Refunds	Product code	Destination	Unit of measurement	Refunds
1102 20 10 9200 ⁽¹⁾	C11	EUR/t	40,78	1104 23 10 9300	C14	EUR/t	33,50
1102 20 10 9400 ⁽¹⁾	C11	EUR/t	34,96	1104 29 11 9000	C13	EUR/t	0,00
1102 20 90 9200 ⁽¹⁾	C11	EUR/t	34,96	1104 29 51 9000	C13	EUR/t	0,00
1102 90 10 9100	C17	EUR/t	12,17	1104 29 55 9000	C13	EUR/t	0,00
1102 90 10 9900	C17	EUR/t	8,27	1104 30 10 9000	C13	EUR/t	0,00
1102 90 30 9100	C18	EUR/t	0,00	1104 30 90 9000	C14	EUR/t	7,28
1103 19 40 9100	C16	EUR/t	0,00	1107 10 11 9000	C21	EUR/t	0,00
1103 13 10 9100 ⁽¹⁾	C19	EUR/t	52,43	1107 10 91 9000	C21	EUR/t	14,44
1103 13 10 9300 ⁽¹⁾	C19	EUR/t	40,78	1108 11 00 9200	C10	EUR/t	0,00
1103 13 10 9500 ⁽¹⁾	C19	EUR/t	34,96	1108 11 00 9300	C10	EUR/t	0,00
1103 13 90 9100 ⁽¹⁾	C14	EUR/t	34,96	1108 12 00 9200	C10	EUR/t	46,61
1103 19 10 9000	C16	EUR/t	36,04	1108 12 00 9300	C10	EUR/t	46,61
1103 19 30 9100	C14	EUR/t	12,57	1108 13 00 9200	C10	EUR/t	46,61
1103 20 60 9000	C20	EUR/t	0,00	1108 13 00 9300	C10	EUR/t	46,61
1103 20 20 9000	C17	EUR/t	8,27	1108 19 10 9200	C10	EUR/t	50,16
1104 19 69 9100	C14	EUR/t	12,17	1108 19 10 9300	C10	EUR/t	50,16
1104 12 90 9100	C13	EUR/t	0,00	1109 00 00 9100	C10	EUR/t	0,00
1104 12 90 9300	C13	EUR/t	0,00	1702 30 51 9000 ⁽²⁾	C10	EUR/t	45,66
1104 19 10 9000	C13	EUR/t	0,00	1702 30 59 9000 ⁽²⁾	C10	EUR/t	34,96
1104 19 50 9110	C14	EUR/t	46,61	1702 30 91 9000	C10	EUR/t	45,66
1104 19 50 9130	C14	EUR/t	37,87	1702 30 99 9000	C10	EUR/t	34,96
1104 29 01 9100	C14	EUR/t	12,17	1702 40 90 9000	C10	EUR/t	34,96
1104 29 03 9100	C14	EUR/t	12,17	1702 90 50 9100	C10	EUR/t	45,66
1104 29 05 9100	C14	EUR/t	16,22	1702 90 50 9900	C10	EUR/t	34,96
1104 29 05 9300	C14	EUR/t	12,98	1702 90 75 9000	C10	EUR/t	47,85
1104 22 20 9100	C13	EUR/t	0,00	1702 90 79 9000	C10	EUR/t	33,21
1104 22 30 9100	C13	EUR/t	0,00	2106 90 55 9000	C10	EUR/t	34,96
1104 23 10 9100	C14	EUR/t	43,70				

⁽¹⁾ No refund shall be granted on products given a heat treatment resulting in pregelatinisation of the starch.

⁽²⁾ Refunds are granted in accordance with Council Regulation (EEC) No 2730/75 (OJ L 281, 1.11.1975, p. 20), as amended.

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

The numeric destination codes are set out in Regulation (EC) No 1779/2002 (OJ L 269, 5.10.2002, p. 6).

The other destinations are as follows:

C10 All destinations except for Estonia,

C11 All destinations except for Estonia, Hungary, Poland and Slovenia,

C12 All destinations except for Estonia, Hungary, Latvia and Poland,

C13 All destinations except for Estonia, Hungary and Lithuania,

C14 All destinations except for Estonia and Hungary,

C15 All destinations except for Estonia, Hungary, Latvia, Lithuania and Poland,

C16 All destinations except for Estonia, Hungary, Latvia and Lithuania,

C17 All destinations except for Bulgaria, Estonia, Hungary, Poland and Slovenia,

C18 All destinations except for Bulgaria, Estonia, Hungary, Latvia, Lithuania, Poland and Slovenia,

C19 All destinations except for Estonia, Hungary and Slovenia,

C20 All destinations except for Estonia, Hungary, Latvia, Lithuania and Romania,

C21 All destinations except for Bulgaria, Estonia, Hungary, Lithuania, Romania and Slovenia.

COMMISSION REGULATION (EC) No 886/2003
of 22 May 2003
fixing the export refunds on cereal-based compound feedingstuffs

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 organization of the market in cereals ⁽¹⁾, as last amended by Regulation (EC) No 1666/2000 ⁽²⁾, and in particular Article 13(3) thereof,

Whereas:

- (1) Article 13 of Regulation (EEC) No 1766/92 provides that the difference between quotations or prices on the world market for the products listed in Article 1 of that Regulation and prices for those products within the Community may be covered by an export refund.
- (2) Regulation (EC) No 1517/95 of 29 June 1995 laying down detailed rules for the application of Regulation (EEC) No 1766/92 as regards the arrangements for the export and import of compound feedingstuffs based on cereals and amending Regulation (EC) No 1162/95 laying down special detailed rules for the application of the system of import and export licences for cereals and rice ⁽³⁾ in Article 2 lays down general rules for fixing the amount of such refunds.
- (3) That calculation must also take account of the cereal products content. In the interest of simplification, the refund should be paid in respect of two categories of 'cereal products', namely for maize, the most commonly used cereal in exported compound feeds and maize products, and for 'other cereals', these being eligible cereal products excluding maize and maize products. A refund should be granted in respect of the quantity of cereal products present in the compound feedingstuff.

- (4) Furthermore, the amount of the refund must also take into account the possibilities and conditions for the sale of those products on the world market, the need to avoid disturbances on the Community market and the economic aspect of the export.
- (5) However, in fixing the rate of refund it would seem advisable to base it at this time on the difference in the cost of raw inputs widely used in compound feedingstuffs as the Community and world markets, allowing more accurate account to be taken of the commercial conditions under which such products are exported.
- (6) The refund must be fixed once a month; whereas it may be altered in the intervening period.
- (7) The Management Committee for Cereals has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the compound feedingstuffs covered by Regulation (EEC) No 1766/92 and subject to Regulation (EC) No 1517/95 are hereby fixed as shown in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 23 May 2003.

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

Done at Brussels, 22 May 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 147, 30.6.1995, p. 51.

ANNEX

to the Commission Regulation of 22 May 2003 fixing the export refunds on cereal-based compound feedingstuffs

Product codes benefiting from export refund:

2309 10 11 9000, 2309 10 13 9000, 2309 10 31 9000,
2309 10 33 9000, 2309 10 51 9000, 2309 10 53 9000,
2309 90 31 9000, 2309 90 33 9000, 2309 90 41 9000,
2309 90 43 9000, 2309 90 51 9000, 2309 90 53 9000.

Cereal products	Destination	Unit of measurement	Amount of refunds
Maize and maize products: CN codes 0709 90 60, 0712 90 19, 1005, 1102 20, 1103 13, 1103 29 40, 1104 19 50, 1104 23, 1904 10 10	C10	EUR/t	29,13
Cereal products excluding maize and maize products	C10	EUR/t	4,06

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

The other destinations are as follows:

C10 All destinations except for Estonia.

COMMISSION REGULATION (EC) No 887/2003

of 22 May 2003

laying down transitional provisions for Regulation (EC) No 2535/2001 as regards the import of certain milk products from the Czech Republic and the Slovak Republic

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1255/1999 of 17 May 1999 on the common organisation of the market in milk and milk products ⁽¹⁾, as last amended by Commission Regulation (EC) No 509/2002 ⁽²⁾, and in particular Article 29(1) thereof,

Whereas:

- (1) Commission Regulation (EC) No 2535/2001 of 14 December 2001 laying down detailed rules for applying Council Regulation (EC) No 1255/1999 as regards the import arrangements for milk and milk products and opening tariff quotas ⁽³⁾, as last amended by Regulation (EC) No 2302/2002 ⁽⁴⁾, lays down, *inter alia*, detailed rules for the application to milk and milk products of the import arrangements provided for in the Europe Agreements between the Community and certain central and eastern European countries.
- (2) Under Sections 1 and 4 of Chapter I of Title II of Regulation (EC) No 2535/2001, import licences at a rate of duty of 20 % were issued at the end of January 2003 within the framework of certain quotas agreed with the Czech Republic and the Slovak Republic; these licences were valid for 150 days from the date of issue.
- (3) The concessions provided for in Council Decisions 2003/298/EC and 2003/299/EC on the conclusion of a Protocol adjusting the trade aspects of the Europe Agreement establishing an association between the European Communities and their Member States, of the one part,

and the Czech Republic ⁽⁵⁾, and the Slovak Republic ⁽⁶⁾, respectively, of the other part, enter into force on 1 May 2003. Since these concessions involve, *inter alia*, exemption from customs duty for imports within the framework of the quotas in question from the date of entry into force of the additional protocols, imports carried out from 1 May 2003 under these quotas must be exempted from customs duty.

- (4) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Milk and Milk Products,

HAS ADOPTED THIS REGULATION:

Article 1

Under the concessions provided for in Council Decisions 2003/298/EC and 2003/299/EC on the conclusion of a Protocol adjusting the trade aspects of the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and the Czech Republic and the Slovak Republic, respectively, of the other part, imports carried out from 1 May 2003 under licences issued for the period from January to June 2003 for quotas Nos 09.4611 and 09.4612 shall be exempt from customs duty.

Article 2

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

It shall apply from 1 May 2003.

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

Done at Brussels, 22 May 2003.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 160, 26.6.1999, p. 48.

⁽²⁾ OJ L 79, 22.3.2002, p. 15.

⁽³⁾ OJ L 341, 22.12.2001, p. 29.

⁽⁴⁾ OJ L 348, 21.12.2002, p. 78.

⁽⁵⁾ OJ L 107, 30.4.2003, p. 12.

⁽⁶⁾ OJ L 107, 30.4.2003, p. 36.

COMMISSION REGULATION (EC) No 888/2003**of 22 May 2003****fixing the quantities which may be transferred to another group of varieties in Germany, Spain and Portugal under the guarantee threshold for the 2003 harvest in the raw tobacco sector**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2075/92 of 30 June 1992 on the common organisation of the market in raw tobacco ⁽¹⁾, as last amended by Regulation (EC) No 546/2002 ⁽²⁾, and in particular Article 9(4) thereof,

Whereas:

- (1) Article 9 of Regulation (EEC) No 2075/92 introduced production quotas for the different groups of varieties of tobacco. The individual quotas are divided among producers on the basis of the guarantee thresholds for the 2003 harvest laid down in Annex II to Council Regulation (EC) No 546/2002 of 25 March 2002 fixing the premiums and guarantee thresholds for leaf tobacco by variety group and Member State for the 2002, 2003 and 2004 harvests and amending Regulation (EEC) No 2075/92. Pursuant to Article 9 of Regulation (EEC) No 2075/92, the Commission may authorise Member States to transfer parts of their guarantee threshold quantities between groups of varieties provided that such transfers do not give rise to additional costs for the EAGGF and do not involve any increase in Member States' overall guarantee threshold allocations.

- (2) Since these conditions have been met, transfers should be authorised in the Member States which have made application to do so.

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

HAS ADOPTED THIS REGULATION:

Article 1

For the 2003 harvest, before the deadline for the conclusion of cultivation contracts laid down in Article 10(1) of Commission Regulation (EC) No 2848/98 ⁽³⁾, Member States are hereby authorised to transfer quantities from one group of varieties to another in accordance with the Annex to this Regulation.

Article 2

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

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

Done at Brussels, 22 May 2003.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 215, 30.7.1992, p. 70.

⁽²⁾ OJ L 84, 28.3.2002, p. 4.

⁽³⁾ OJ L 358, 31.12.1998, p. 17.

ANNEX

Guarantee threshold quantities which each Member State is authorised to transfer from one group of varieties to another

Member State	Group of varieties from which transfer is made	Group of varieties to which transfer is made
GERMANY	5,6 t: dark air-cured (group III)	5,0 t: light air-cured (group II)
SPAIN	2 516,0 t: dark air-cured (group III)	789,7 t: flue-cured (group I)
		1 528,7 t: light air-cured (group II)
PORTUGAL	160,0 t: light air-cured (group II)	128,0 t: flue-cured (group I)

COMMISSION REGULATION (EC) No 889/2003**of 22 May 2003****fixing the representative prices and the additional import duties for molasses in the sugar sector**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1260/2001 of 19 June 2001 on the common organisation of the market in sugar ⁽¹⁾, as amended by Commission Regulation (EC) No 680/2002 ⁽²⁾,

Having regard to Commission Regulation (EC) No 1422/95 of 23 June 1995 laying down detailed rules of application for imports of molasses in the sugar sector and amending Regulation (EEC) No 785/68 ⁽³⁾, as amended by Regulation (EC) No 79/2003 ⁽⁴⁾, and in particular Article 1(2) and Article 3(1) thereof,

Whereas:

- (1) Regulation (EC) No 1422/95 stipulates that the cif import price for molasses, hereinafter referred to as the 'representative price', should be set in accordance with Commission Regulation (EEC) No 785/68 ⁽⁵⁾. That price should be fixed for the standard quality defined in Article 1 of the above Regulation.
- (2) The representative price for molasses is calculated at the frontier crossing point into the Community, in this case Amsterdam; that price must be based on the most favourable purchasing opportunities on the world market established on the basis of the quotations or prices on that market adjusted for any deviations from the standard quality. The standard quality for molasses is defined in Regulation (EEC) No 785/68.
- (3) When the most favourable purchasing opportunities on the world market are being established, account must be taken of all available information on offers on the world market, on the prices recorded on important third-country markets and on sales concluded in international trade of which the Commission is aware, either directly or through the Member States. Under Article 7 of Regulation (EEC) No 785/68, the Commission may for this purpose take an average of several prices as a basis, provided that this average is representative of actual market trends.
- (4) The information must be disregarded if the goods concerned are not of sound and fair marketable quality or if the price quoted in the offer relates only to a small

quantity that is not representative of the market. Offer prices which can be regarded as not representative of actual market trends must also be disregarded.

- (5) If information on molasses of the standard quality is to be comparable, prices must, depending on the quality of the molasses offered, be increased or reduced in the light of the results achieved by applying Article 6 of Regulation (EEC) No 785/68.
- (6) A representative price may be left unchanged by way of exception for a limited period if the offer price which served as a basis for the previous calculation of the representative price is not available to the Commission and if the offer prices which are available and which appear not to be sufficiently representative of actual market trends would entail sudden and considerable changes in the representative price.
- (7) Where there is a difference between the trigger price for the product in question and the representative price, additional import duties should be fixed under the conditions set out in Article 3 of Regulation (EC) No 1422/95. Should the import duties be suspended pursuant to Article 5 of Regulation (EC) No 1422/95, specific amounts for these duties should be fixed.
- (8) Application of these provisions will have the effect of fixing the representative prices and the additional import duties for the products in question as set out in the Annex to this Regulation.
- (9) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Sugar,

HAS ADOPTED THIS REGULATION:

Article 1

The representative prices and the additional duties applying to imports of the products referred to in Article 1 of Regulation (EC) No 1422/95 are fixed in the Annex hereto.

Article 2

This Regulation shall enter into force on 23 May 2003.

⁽¹⁾ OJ L 178, 30.6.2001, p. 1.

⁽²⁾ OJ L 104, 20.4.2002, p. 26.

⁽³⁾ OJ L 141, 24.6.1995, p. 12.

⁽⁴⁾ OJ L 13, 18.1.2003, p. 4.

⁽⁵⁾ OJ L 145, 27.6.1968, p. 12.

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

Done at Brussels, 22 May 2003.

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

ANNEX

to the Commission Regulation of 22 May 2003 fixing the representative prices and additional import duties to imports of molasses in the sugar sector

(in EUR)

CN code	Amount of the representative price in 100 kg net of the product in question	Amount of the additional duty in 100 kg net of the product in question	Amount of the duty to be applied to imports in 100 kg net of the product in question because of suspension as referred to in Article 5 of Regulation (EC) No 1422/ 95 ⁽²⁾
1703 10 00 ⁽¹⁾	6,84	0,08	—
1703 90 00 ⁽¹⁾	8,98	—	0,00

⁽¹⁾ For the standard quality as defined in Article 1 of amended Regulation (EEC) No 785/68.

⁽²⁾ This amount replaces, in accordance with Article 5 of Regulation (EC) No 1422/95, the rate of the Common Customs Tariff duty fixed for these products.

COMMISSION REGULATION (EC) No 890/2003**of 22 May 2003****fixing the export refunds on white sugar and raw sugar without further processing**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1260/2001 of 19 June 2001 on the common organisation of the markets in the sugar sector ⁽¹⁾, as amended by Commission Regulation (EC) No 680/2002 ⁽²⁾, and in particular the second subparagraph of Article 27(5) thereof,

Whereas:

(1) Article 27 of Regulation (EC) No 1260/2001 provides that the difference between quotations or prices on the world market for the products listed in Article 1(1)(a) of that Regulation and the prices for those products within the Community may be covered by an export refund.

(2) Regulation (EC) No 1260/2001 provides that when refunds on white sugar and raw sugar, non-denatured and exported without further processing, are being fixed, account must be taken of the situation on the Community and world markets in sugar, and in particular of the price and cost factors set out in Article 28 of that Regulation. The same Article provides that the economic aspect of the proposed exports should also be taken into account.

(3) The refund on raw sugar must be fixed in respect of the standard quality. The latter is defined in Annex I, point II, to Regulation (EC) No 1260/2001. Furthermore, this refund should be fixed in accordance with Article 28(4) of Regulation (EC) No 1260/2001. Candy sugar is defined in Commission Regulation (EC) No 2135/95 of 7 September 1995 laying down detailed rules of application for the grant of export refunds in the sugar sector ⁽³⁾. The refund thus calculated for sugar containing added flavour or colouring matter must apply to their sucrose content and, accordingly, be fixed per 1 % of the said content.

(4) In special cases, the amount of the refund may be fixed by other legal instruments.

(5) The refund must be fixed every two weeks. It may be altered in the intervening period.

(6) The first subparagraph of Article 27(5) of Regulation (EC) No 1260/2001 provides that refunds on the products referred to in Article 1 of that Regulation may vary according to destination, where the world market situation or the specific requirements of certain markets make this necessary.

(7) The significant and rapid increase in preferential imports of sugar from the western Balkan countries since the start of 2001 and in exports of sugar to those countries from the Community seems to be highly artificial in nature.

(8) In order to prevent any abuses associated with the re-importation into the Community of sugar sector products that have qualified for export refunds, refunds for the products covered by this Regulation should not be fixed for all the countries of the western Balkans.

(9) In view of the above and of the present situation on the market in sugar, and in particular of the quotations or prices for sugar within the Community and on the world market, refunds should be fixed at the appropriate amounts.

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

HAS ADOPTED THIS REGULATION:

Article 1

The refunds to be granted on exports of the products listed in Article 1(1)(a) of Regulation (EC) No 1260/2001, non-denatured and without further processing, are hereby fixed in accordance with the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 23 May 2003.

⁽¹⁾ OJ L 178, 30.6.2001, p. 1.

⁽²⁾ OJ L 104, 20.4.2002, p. 26.

⁽³⁾ OJ L 214, 8.9.1995, p. 16.

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

Done at Brussels, 22 May 2003.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX

REFUNDS ON WHITE SUGAR AND RAW SUGAR EXPORTED WITHOUT FURTHER PROCESSING

Product code	Destination	Unit of measurement	Amount of refund
1701 11 90 9100	S00	EUR/100 kg	43,65 ⁽¹⁾
1701 11 90 9910	S00	EUR/100 kg	43,65 ⁽¹⁾
1701 12 90 9100	S00	EUR/100 kg	43,65 ⁽¹⁾
1701 12 90 9910	S00	EUR/100 kg	43,65 ⁽¹⁾
1701 91 00 9000	S00	EUR/1 % of sucrose × 100 kg product net	0,4745
1701 99 10 9100	S00	EUR/100 kg	47,45
1701 99 10 9910	S00	EUR/100 kg	47,45
1701 99 10 9950	S00	EUR/100 kg	47,45
1701 99 90 9100	S00	EUR/1 % of sucrose × 100 kg of net product	0,4745

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

The numeric destination codes are set out in Commission Regulation (EC) No 1779/2002 (OJ L 269, 5.10.2002, p. 6).

The other destinations are:

S00: all destinations (third countries, other territories, victualling and destinations treated as exports from the Community) with the exception of Albania, Croatia, Bosnia and Herzegovina, Serbia and Montenegro (including Kosovo, as defined in UN Security Council Resolution 1244 of 10 June 1999) and the former Yugoslav Republic of Macedonia, save for sugar incorporated in the products referred to in Article 1(2)(b) of Council Regulation (EC) No 2201/96 (OJ L 297, 21.11.1996, p. 29).

⁽¹⁾ This amount is applicable to raw sugar with a yield of 92 %. Where the yield for exported raw sugar differs from 92 %, the refund amount applicable shall be calculated in accordance with Article 28(4) of Regulation (EC) No 1260/2001.

COMMISSION REGULATION (EC) No 891/2003**of 22 May 2003****fixing the maximum export refund for white sugar to certain third countries for the 30th partial invitation to tender issued within the framework of the standing invitation to tender provided for in Regulation (EC) No 1331/2002**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1260/2001 of 19 June 2001 on the common organisation of the markets in the sugar sector ⁽¹⁾, as amended by Commission Regulation (EC) No 680/2002 ⁽²⁾, and in particular Article 27(5) thereof,

Whereas:

(1) Commission Regulation (EC) No 1331/2002 of 23 July 2002 on a standing invitation to tender to determine levies and/or refunds on exports of white sugar ⁽³⁾, as amended by Regulation (EC) No 432/2003 ⁽⁴⁾, for the 2002/2003 marketing year, requires partial invitations to tender to be issued for the export of this sugar to certain third countries.

(2) Pursuant to Article 9(1) of Regulation (EC) No 1331/2002 a maximum export refund shall be fixed, as the case may be, account being taken in particular of the state and foreseeable development of the Community and world markets in sugar, for the partial invitation to tender in question.

(3) Following an examination of the tenders submitted in response to the 30th partial invitation to tender, the provisions set out in Article 1 should be adopted.

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

HAS ADOPTED THIS REGULATION:

Article 1

For the 30th partial invitation to tender for white sugar issued pursuant to Regulation (EC) No 1331/2002 the maximum amount of the export refund to certain third countries is fixed at 50,520 EUR/100 kg.

Article 2

This Regulation shall enter into force on 23 May 2003.

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

Done at Brussels, 22 May 2003.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 178, 30.6.2001, p. 1.

⁽²⁾ OJ L 104, 20.4.2002, p. 26.

⁽³⁾ OJ L 195, 24.7.2002, p. 6.

⁽⁴⁾ OJ L 65, 8.3.2003, p. 21.

COMMISSION REGULATION (EC) No 892/2003
of 22 May 2003
providing for the rejection of applications for export licences for certain milk products

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1255/1999 of 17 May 1999 on the common organisation of the market in milk and milk products ⁽¹⁾, as last amended by Commission Regulation (EC) No 509/2002 ⁽²⁾,

Having regard to Commission Regulation (EC) No 174/1999 of 26 January 1999 laying down special detailed rules for the application of Council Regulation (EEC) No 804/68 as regards export licences and export refunds in the case of milk and milk products ⁽³⁾, as last amended by Regulation (EC) No 754/2003 ⁽⁴⁾, and in particular Article 10(3) thereof,

Whereas:

Uncertainty is a feature of the market in certain milk products. It is necessary to prevent speculative applications that may lead to a distortion in competition between traders. Applications for export licences for the products concerned should be rejected and the lodging of applications for export licences for the products concerned should be suspended temporarily,

HAS ADOPTED THIS REGULATION:

Article 1

Applications for export licences for milk products falling within CN code 0406 90 78 to destination L 04 made between 16 and 22 May 2003 inclusive, shall be rejected.

Applications for export licences for milk products falling within CN code 0406 90 78 to destination L04 are suspended for the period 23 to 28 May 2003.

Article 2

This Regulation shall enter into force on 23 May 2003.

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

Done at Brussels, 22 May 2003.

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

⁽¹⁾ OJ L 160, 26.6.1999, p. 48.

⁽²⁾ OJ L 79, 22.3.2002, p. 15.

⁽³⁾ OJ L 20, 27.1.1999, p. 8.

⁽⁴⁾ OJ L 107, 30.4.2003, p. 5.

COMMISSION REGULATION (EC) No 893/2003**of 22 May 2003****concerning tenders notified in response to the invitation to tender for the export of barley issued in Regulation (EC) No 901/2002**

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⁾,

Having regard to Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules for the application of Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals ⁽³⁾, as last amended by Regulation (EC) No 1163/2002 ⁽⁴⁾, as amended by Regulation (EC) No 1324/2002 ⁽⁵⁾, and in particular Article 4 thereof,

Whereas:

- (1) An invitation to tender for the refund for the export of barley to all third countries except the United States of America, Canada, Estonia and Latvia was opened pursuant to Commission Regulation (EC) No 901/2002 ⁽⁶⁾, as amended by Regulation (EC) No 1230/2002 ⁽⁷⁾.

(2) Article 7 of Regulation (EC) No 1501/95, allows the Commission to decide, in accordance with the procedure laid down in Article 23 of Regulation (EEC) No 1766/92 and on the basis of the tenders notified, to make no award.

(3) On the basis of the criteria laid down in Article 1 of Regulation (EC) No 1501/95 a maximum refund should not be fixed.

(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

No action shall be taken on the tenders notified from 16 to 22 May 2003 in response to the invitation to tender for the refund for the export of barley issued in Regulation (EC) No 901/2002.

Article 2

This Regulation shall enter into force on 23 May 2003.

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

Done at Brussels, 22 May 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 147, 30.6.1995, p. 7.

⁽⁴⁾ OJ L 170, 29.6.2002, p. 46.

⁽⁵⁾ OJ L 194, 23.7.2002, p. 26.

⁽⁶⁾ OJ L 127, 9.5.2002, p. 11.

⁽⁷⁾ OJ L 180, 10.7.2002, p. 3.

COMMISSION REGULATION (EC) No 894/2003**of 22 May 2003****fixing the maximum export refund on oats in connection with the invitation to tender issued in Regulation (EC) No 1582/2002**

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⁾,

Having regard to Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules for the application of Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals ⁽³⁾, as last amended by Regulation (EC) No 1163/2002 ⁽⁴⁾, as amended by Regulation (EC) No 1324/2002 ⁽⁵⁾, and in particular Article 4 thereof,

Having regard to Commission Regulation (EC) No 1582/2002 of 5 September 2002 on a special intervention measure for cereals in Finland and Sweden ⁽⁶⁾, and in particular Article 8 thereof,

Whereas:

- (1) An invitation to tender for the refund for the export of oats produced in Finland and Sweden for export from Finland or Sweden to all third countries was opened pursuant to Regulation (EC) No 1582/2002, except for Estonia, Lithuania, Latvia und Hungary.

- (2) Article 8 of Regulation (EC) No 1582/2002 provides that the Commission may, on the basis of the tenders notified, in accordance with the procedure laid down in Article 23 of Regulation (EEC) No 1766/92, decide to fix a maximum export refund taking account of the criteria referred to in Article 1 of Regulation (EC) No 1501/95. In that case a contract is awarded to any tenderer whose bid is equal to or lower than the maximum refund.
- (3) The application of the abovementioned criteria to the current market situation for the cereal in question results in the maximum export refund being fixed at the amount specified in Article 1.
- (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

For tenders notified from 16 to 22 May 2003, pursuant to the invitation to tender issued in Regulation (EC) No 1582/2002, the maximum refund on exportation of oats shall be EUR 9,95/t.

Article 2

This Regulation shall enter into force on 23 May 2003.

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

Done at Brussels, 22 May 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 147, 30.6.1995, p. 7.

⁽⁴⁾ OJ L 170, 29.6.2002, p. 46.

⁽⁵⁾ OJ L 194, 23.7.2002, p. 26.

⁽⁶⁾ OJ L 243, 13.9.2001, p. 15.

COMMISSION REGULATION (EC) No 895/2003**of 22 May 2003****concerning tenders notified in response to the invitation to tender for the export of common wheat issued in Regulation (EC) No 899/2002**

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⁾,

Having regard to Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules for the application of Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals ⁽³⁾, as last amended by Regulation (EC) No 1163/2002 ⁽⁴⁾, as amended by Regulation (EC) No 1324/2002 ⁽⁵⁾, and in particular Article 4 thereof,

Whereas:

- (1) An invitation to tender for the refund for the export of common wheat to all third countries, with the exclusion of Hungary, Poland, Estonia, Lithuania and Latvia was opened pursuant to Commission Regulation (EC) No 899/2002 ⁽⁶⁾, as amended by Regulation (EC) No 1520/2002 ⁽⁷⁾.

(2) Article 7 of Regulation (EC) No 1501/95 allows the Commission to decide, in accordance with the procedure laid down in Article 23 of Regulation (EEC) No 1766/92 and on the basis of the tenders notified, to make no award.

(3) On the basis of the criteria laid down in Article 1 of Regulation (EC) No 1501/95 a maximum refund should not be fixed.

(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

No action shall be taken on the tenders notified from 16 to 22 May 2003 in response to the invitation to tender for the refund for the export of common wheat issued in Regulation (EC) No 899/2002.

Article 2

This Regulation shall enter into force on 23 May 2003.

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

Done at Brussels, 22 May 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 147, 30.6.1995, p. 7.

⁽⁴⁾ OJ L 170, 29.6.2002, p. 46.

⁽⁵⁾ OJ L 194, 23.7.2002, p. 26.

⁽⁶⁾ OJ L 133, 16.5.2001, p. 3.

⁽⁷⁾ OJ L 228, 24.8.2002, p. 18.

COMMISSION REGULATION (EC) No 896/2003**of 22 May 2003****fixing the maximum reduction in the duty on maize imported in connection with the invitation to tender issued in Regulation (EC) No 698/2003**

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) An invitation to tender for the maximum reduction in the duty on maize imported into Spain from third countries was opened pursuant to Commission Regulation (EC) No 698/2003⁽³⁾.

(2) Pursuant to Article 5 of Commission Regulation (EC) No 1839/95⁽⁴⁾, as last amended by Regulation (EC) No 2235/2000⁽⁵⁾, the Commission, acting under the procedure laid down in Article 23 of Regulation (EEC) No 1766/92, may decide to fix maximum reduction in the import duty. In fixing this maximum the criteria provided for in Articles 6 and 7 of Regulation (EC) No 1839/95 must be taken into account. A contract is awarded to any tenderer whose tender is equal to or less than the maximum reduction in the duty.

(3) The application of the abovementioned criteria to the current market situation for the cereal in question results in the maximum reduction in the import duty being fixed at the amount specified in Article 1.

(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

For tenders notified from 16 to 22 May 2003, pursuant to the invitation to tender issued in Regulation (EC) No 698/2003, the maximum reduction in the duty on maize imported shall be 44,95 EUR/t and be valid for a total maximum quantity of 125 000 t.

Article 2

This Regulation shall enter into force on 23 May 2003.

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

Done at Brussels, 22 May 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 99, 17.4.2003, p. 28.

⁽⁴⁾ OJ L 177, 28.7.1995, p. 4.

⁽⁵⁾ OJ L 256, 10.10.2000, p. 13.

COMMISSION REGULATION (EC) No 897/2003
of 22 May 2003
concerning tenders notified in response to the invitation to tender for the import of maize issued
in Regulation (EC) No 581/2003

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) An invitation to tender for the maximum reduction in the duty on maize imported into Portugal from third countries was opened pursuant to Commission Regulation (EC) No 581/2003 ⁽³⁾.
- (2) Article 5 of Commission Regulation (EC) No 1839/95 ⁽⁴⁾, as last amended by Regulation (EC) No 2235/2000 ⁽⁵⁾, allows the Commission to decide, in accordance with the procedure laid down in Article 23 of Regulation (EEC) No 1766/92 and on the basis of the tenders notified, to make no award.

(3) On the basis of the criteria laid down in Articles 6 and 7 of Regulation (EC) No 1839/95 a maximum reduction in the duty should not be fixed.

(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

No action shall be taken on the tenders notified from 16 to 22 May 2003 in response to the invitation to tender for the reduction in the duty on imported maize issued in Regulation (EC) No 581/2003.

Article 2

This Regulation shall enter into force on 23 May 2003.

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

Done at Brussels, 22 May 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 83, 1.4.2003, p. 36.

⁽⁴⁾ OJ L 177, 28.7.1995, p. 4.

⁽⁵⁾ OJ L 256, 10.10.2000, p. 13.

COMMISSION REGULATION (EC) No 898/2003**of 22 May 2003****fixing the rates of the refunds applicable to certain cereal and rice-products exported in the form of goods not covered by Annex I to the Treaty**

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 13(3) thereof,

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organisation of the market in rice⁽³⁾, as last amended by Commission Regulation (EC) No 411/2002⁽⁴⁾, and in particular Article 13(3) thereof,

Whereas:

- (1) Article 13(1) of Regulation (EEC) No 1766/92 and Article 13(1) of Regulation (EC) No 3072/95 provide that the difference between quotations of prices on the world market for the products listed in Article 1 of each of those Regulations and the prices within the Community may be covered by an export refund.
- (2) Commission Regulation (EC) No 1520/2000 of 13 July 2000 laying down common implementing rules for granting export refunds on certain agricultural products exported in the form of goods not covered by Annex I to the Treaty, and the criteria for fixing the amount of such refunds⁽⁵⁾, as last amended by Regulation (EC) No 740/2003⁽⁶⁾, specifies the products for which a rate of refund should be fixed, to be applied where these products are exported in the form of goods listed in Annex B to Regulation (EEC) No 1766/92 or in Annex B to Regulation (EC) No 3072/95 as appropriate.
- (3) In accordance with the first subparagraph of Article 4(1) of Regulation (EC) No 1520/2000, the rate of the refund per 100 kilograms for each of the basic products in question must be fixed for each month.
- (4) The commitments entered into with regard to refunds which may be granted for the export of agricultural products contained in goods not covered by Annex I to the Treaty may be jeopardised by the fixing in advance of high refund rates. It is therefore necessary to take precautionary measures in such situations without, however, preventing the conclusion of long-term contracts. The fixing of a specific refund rate for the advance fixing of refunds is a measure which enables these various objectives to be met.

- (5) Now that a settlement has been reached between the European Community and the United States of America on Community exports of pasta products to the United States and has been approved by Council Decision 87/482/EEC⁽⁷⁾, it is necessary to differentiate the refund on goods falling within CN codes 1902 11 00 and 1902 19 according to their destination.
- (6) Pursuant to Article 4(3) and (5) of Regulation (EC) No 1520/2000 provides that a reduced rate of export refund has to be fixed, taking account of the amount of the production refund applicable, pursuant to Council Regulation (EEC) No 1722/93⁽⁸⁾, as last amended by Commission Regulation (EC) No 1786/2001⁽⁹⁾, for the basic product in question, used during the assumed period of manufacture of the goods.
- (7) Spirituous beverages are considered less sensitive to the price of the cereals used in their manufacture. However, Protocol 19 of the Act of Accession of the United Kingdom, Ireland and Denmark stipulates that the necessary measures must be decided to facilitate the use of Community cereals in the manufacture of spirituous beverages obtained from cereals. Accordingly, it is necessary to adapt the refund rate applying to cereals exported in the form of spirituous beverages.
- (8) It is necessary to ensure continuity of strict management taking account of expenditure forecasts and funds available in the budget.
- (9) The Management Committee for Cereals has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

Article 1

The rates of the refunds applicable to the basic products appearing in Annex A to Regulation (EC) No 1520/2000 and listed either in Article 1 of Regulation (EEC) No 1766/92 or in Article 1(1) of Regulation (EC) No 3072/95, exported in the form of goods listed in Annex B to Regulation (EEC) No 1766/92 or in Annex B to amended Regulation (EC) No 3072/95 respectively, are hereby fixed as shown in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 23 May 2003.

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 193, 29.7.2000, p. 1.

⁽³⁾ OJ L 329, 30.12.1995, p. 18.

⁽⁴⁾ OJ L 62, 5.3.2002, p. 27.

⁽⁵⁾ OJ L 117, 15.7.2000, p. 1.

⁽⁶⁾ OJ L 106, 29.4.2003, p. 12.

⁽⁷⁾ OJ L 275, 29.9.1987, p. 36.

⁽⁸⁾ OJ L 159, 1.7.1993, p. 112.

⁽⁹⁾ OJ L 242, 12.9.2001, p. 3.

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

Done at Brussels, 22 May 2003.

For the Commission
Erkki LIIKANEN
Member of the Commission

ANNEX

to the Commission Regulation of 22 May 2003 fixing the rates of the refunds applicable to certain cereals and rice products exported in the form of goods not covered by Annex I to the Treaty

(EUR/100 kg)

CN code	Description of products ⁽¹⁾	Rate of refund per 100 kg of basic product	
		In case of advance fixing of refunds	Other
1001 10 00	Durum wheat:		
	– on exports of goods falling within CN codes 1902 11 and 1902 19 to the United States of America	—	—
	– in other cases	—	—
1001 90 99	Common wheat and meslin:		
	– on exports of goods falling within CN codes 1902 11 and 1902 19 to the United States of America	—	—
	– in other cases:		
	– – where Article 4(5) of Regulation (EC) No 1520/2000 applies ⁽²⁾	—	—
	– – where goods falling within subheading 2208 ⁽³⁾ are exported	—	—
	– – in other cases	—	—
1002 00 00	Rye	3,604	3,604
1003 00 90	Barley		
	– where goods falling within subheading 2208 ⁽³⁾ are exported	—	—
	– in other cases	0,811	0,811
1004 00 00	Oats	—	—
1005 90 00	Maize (corn) used in the form of:		
	– starch:		
	– – where Article 4(5) of Regulation (EC) No 1520/2000 applies ⁽²⁾	2,913	2,913
	– – where goods falling within subheading 2208 ⁽³⁾ are exported	1,082	1,082
	– – in other cases	2,913	2,913
	– glucose, glucose syrup, maltodextrine, maltodextrine syrup of CN codes 1702 30 51, 1702 30 59, 1702 30 91, 1702 30 99, 1702 40 90, 1702 90 50, 1702 90 75, 1702 90 79, 2106 90 55 ⁽⁴⁾ :		
	– – where Article 4(5) of Regulation (EC) No 1520/2000 applies ⁽²⁾	2,185	2,185
	– – where goods falling within subheading 2208 ⁽²⁾ are exported	0,812	0,812
	– – in other cases	2,185	2,185
	– where goods falling within subheading 2208 ⁽²⁾ are exported	1,082	1,082
	– other (including unprocessed)	2,913	2,913
	Potato starch of CN code 1108 13 00 similar to a product obtained from processed maize:		
	– where Article 4(5) of Regulation (EC) No 1520/2000 applies ⁽³⁾	2,913	2,913
	– – where goods falling within subheading 2208 ⁽³⁾ are exported	1,082	1,082
	– in other cases	2,913	2,913

CN code	Description of products ⁽¹⁾	(EUR/100 kg)	
		Rate of refund per 100 kg of basic product	
		In case of advance fixing of refunds	Other
ex 1006 30	Wholly-milled rice:		
	– round grain	13,200	13,200
	– medium grain	13,200	13,200
	– long grain	13,200	13,200
1006 40 00	Broken rice	3,300	3,300
1007 00 90	Sorghum	0,811	0,811

⁽¹⁾ As far as agricultural products obtained from the processing of a basic product or/and assimilated products are concerned, the coefficients shown in Annex E of amended Commission Regulation (EC) No 1520/2000 shall be applied (OJ L 177, 15.7.2000, p. 1).

⁽²⁾ The goods concerned fall under CN code 3505 10 50.

⁽³⁾ Goods listed in Annex B of Council Regulation (EEC) No 1766/92 or referred to in Article 2 of Regulation (EEC) No 2825/93.

⁽⁴⁾ For syrups of CN codes NC 1702 30 99, 1702 40 90 and 1702 60 90, obtained from mixing glucose and fructose syrup, the export refund may be granted only for the glucose syrup.

COMMISSION REGULATION (EC) No 899/2003**of 22 May 2003****amending the rates of refunds applicable to certain products from the sugar sector exported in the form of goods not covered by Annex I to the Treaty**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1260/2001 of 19 June 2001 on the common organisation of the markets in the sugar sector ⁽¹⁾, as last amended by Commission Regulation (EC) No 680/2002 ⁽²⁾, and in particular Article 27(5)(a) and (15) thereof,

Whereas:

- (1) The rates of the refunds applicable from 1 May 2003 to the products listed in the Annex, exported in the form of goods not covered by Annex I to the Treaty, were fixed by Commission Regulation (EC) No 760/2003 ⁽³⁾.

- (2) It follows from applying the rules and criteria contained in Regulation (EC) No 760/2003 to the information at present available to the Commission that the export refunds at present applicable should be altered as shown in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The rates of refund fixed by Regulation (EC) No 760/2003 are hereby altered as shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 23 May 2003.

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

Done at Brussels, 22 May 2003.

For the Commission

Erkki LIIKANEN

Member of the Commission

⁽¹⁾ OJ L 178, 30.6.2001, p. 1.

⁽²⁾ OJ L 104, 20.4.2002, p. 26.

⁽³⁾ OJ L 109, 1.5.2003, p. 5.

ANNEX

to the Commission Regulation of 22 May 2003 altering the rates of refunds applicable to certain products from the sugar sector exported in the form of goods not covered by Annex I to the Treaty

Product	Rate of refund in EUR/100 kg	
	In case of advance fixing of refunds	Other
White sugar:	47,45	47,45

COMMISSION REGULATION (EC) No 900/2003**of 22 May 2003****fixing the export refunds on cereals and on wheat or rye flour, groats and meal**

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 13(2) thereof,

Whereas:

- (1) Article 13 of Regulation (EEC) No 1766/92 provides that the difference between quotations or prices on the world market for the products listed in Article 1 of that Regulation and prices for those products in the Community may be covered by an export refund.
- (2) The refunds must be fixed taking into account the factors referred to in Article 1 of Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules under Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals ⁽³⁾, as last amended by Regulation (EC) No 1163/2002 ⁽⁴⁾, as amended by Regulation (EC) No 1324/2002 ⁽⁵⁾.
- (3) As far as wheat and rye flour, groats and meal are concerned, when the refund on these products is being calculated, account must be taken of the quantities of cereals required for their manufacture. These quantities were fixed in Regulation (EC) No 1501/95.

- (4) The world market situation or the specific requirements of certain markets may make it necessary to vary the refund for certain products according to destination.
- (5) The refund must be fixed once a month. It may be altered in the intervening period.
- (6) It follows from applying the detailed rules set out above to the present situation on the market in cereals, and in particular to quotations or prices for these products within the Community and on the world market, that the refunds should be as set out in the Annex hereto.
- (7) 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

The export refunds on the products listed in Article 1(a), (b) and (c) of Regulation (EEC) No 1766/92, excluding malt, exported in the natural state, shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 23 May 2003.

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

Done at Brussels, 22 May 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 147, 30.6.1995, p. 7.

⁽⁴⁾ OJ L 170, 29.6.2002, p. 46.

⁽⁵⁾ OJ L 194, 23.7.2002, p. 26.

ANNEX

to the Commission Regulation of 22 May 2003 fixing the export refunds on cereals and on wheat or rye flour, groats and meal

Product code	Destination	Unit of measurement	Amount of refunds	Product code	Destination	Unit of measurement	Amount of refunds
1001 10 00 9200	—	EUR/t	—	1101 00 15 9130	C09	EUR/t	0
1001 10 00 9400	—	EUR/t	—	1101 00 15 9150	C09	EUR/t	0
1001 90 91 9000	—	EUR/t	—	1101 00 15 9170	C09	EUR/t	0
1001 90 99 9000	C05	EUR/t	0	1101 00 15 9180	C09	EUR/t	0
1002 00 00 9000	C06	EUR/t	0	1101 00 15 9190	—	EUR/t	—
1003 00 10 9000	—	EUR/t	—	1101 00 90 9000	—	EUR/t	—
1003 00 90 9000	C07	EUR/t	0	1102 10 00 9500	C10	EUR/t	38,25
1004 00 00 9200	—	EUR/t	—	1102 10 00 9700	C10	EUR/t	30,25
1004 00 00 9400	C06	EUR/t	0	1102 10 00 9900	—	EUR/t	—
1005 10 90 9000	—	EUR/t	—	1103 11 10 9200	C11	EUR/t	0 ⁽¹⁾
1005 90 00 9000	C08	EUR/t	0	1103 11 10 9400	C11	EUR/t	0 ⁽¹⁾
1007 00 90 9000	—	EUR/t	—	1103 11 10 9900	—	EUR/t	—
1008 20 00 9000	—	EUR/t	—	1103 11 90 9200	C11	EUR/t	0 ⁽¹⁾
1101 00 11 9000	—	EUR/t	—	1103 11 90 9800	—	EUR/t	—
1101 00 15 9100	C09	EUR/t	0				

⁽¹⁾ No refund is granted when this product contains compressed meal.

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

The other destinations are as follows:

C05 All destinations except for Bulgaria, Estonia, Hungary, Latvia, Lithuania, Poland, the Czech Republic, Romania, Slovakia and Slovenia.

C06 All destinations except for Bulgaria, Estonia, Hungary, Latvia, Lithuania, the Czech Republic, Slovakia and Slovenia.

C07 All destinations except for Bulgaria, Estonia, Hungary, Latvia, the Czech Republic, Slovakia and Slovenia.

C08 All destinations except for Bulgaria, Estonia, Hungary, the Czech Republic, Romania, Slovakia and Slovenia.

C09 All destinations except for Estonia, Hungary, Latvia, Lithuania, Poland and Romania.

C10 All destinations except for Bulgaria, Estonia, Hungary, Latvia, Lithuania, Poland and Slovenia.

C11 All destinations except for Estonia, Hungary, Latvia, Lithuania and Romania.

COMMISSION REGULATION (EC) No 901/2003**of 22 May 2003****fixing the export refunds on rice and broken rice and suspending the issue of export licences**

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⁾, and in particular the second subparagraph of Article 13(3) and (15) thereof,

Whereas:

- (1) Article 13 of Regulation (EC) No 3072/95 provides that the difference between quotations or prices on the world market for the products listed in Article 1 of that Regulation and prices for those products within the Community may be covered by an export refund.
- (2) Article 13(4) of Regulation (EC) No 3072/95, provides that when refunds are being fixed account must be taken of the existing situation and the future trend with regard to prices and availabilities of rice and broken rice on the Community market on the one hand and prices for rice and broken rice on the world market on the other. The same Article provides that it is also important to ensure equilibrium and the natural development of prices and trade on the rice market and, furthermore, to take into account the economic aspect of the proposed exports and the need to avoid disturbances of the Community market with limits resulting from agreements concluded in accordance with Article 300 of the Treaty.
- (3) Commission Regulation (EEC) No 1361/76 ⁽³⁾ lays down the maximum percentage of broken rice allowed in rice for which an export refund is fixed and specifies the percentage by which that refund is to be reduced where the proportion of broken rice in the rice exported exceeds that maximum.
- (4) Export possibilities exist for a quantity of 3 900 tonnes of rice to certain destinations. The procedure laid down in Article 7(4) of Commission Regulation (EC) No 1162/95 ⁽⁴⁾, as last amended by Regulation (EC) No 498/2003 ⁽⁵⁾, should be used. Account should be taken of this when the refunds are fixed.
- (5) Article 13(5) of Regulation (EC) No 3072/95 defines the specific criteria to be taken into account when the export refund on rice and broken rice is being calculated.

- (6) The world market situation or the specific requirements of certain markets may make it necessary to vary the refund for certain products according to destination.
- (7) A separate refund should be fixed for packaged long grain rice to accommodate current demand for the product on certain markets.
- (8) The refund must be fixed at least once a month; whereas it may be altered in the intervening period.
- (9) It follows from applying these rules and criteria to the present situation on the market in rice and in particular to quotations or prices for rice and broken rice within the Community and on the world market, that the refund should be fixed as set out in the Annex hereto.
- (10) For the purposes of administering the volume restrictions resulting from Community commitments in the context of the WTO, the issue of export licences with advance fixing of the refund should be restricted.
- (11) 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

The export refunds on the products listed in Article 1 of Regulation (EC) No 3072/95 with the exception of those listed in paragraph 1(c) of that Article, exported in the natural state, shall be as set out in the Annex hereto.

Article 2

With the exception of the quantity of 3 900 tonnes provided for in the Annex, the issue of export licences with advance fixing of the refund is suspended.

Article 3

This Regulation shall enter into force on 23 May 2003.

⁽¹⁾ OJ L 329, 30.12.1995, p. 18.

⁽²⁾ OJ L 62, 5.3.2002, p. 27.

⁽³⁾ OJ L 154, 15.6.1976, p. 11.

⁽⁴⁾ OJ L 117, 24.5.1995, p. 2.

⁽⁵⁾ OJ L 74, 20.3.2003, p. 15.

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

Done at Brussels, 22 May 2003.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX

to the Commission Regulation of 22 May 2003 fixing the export refunds on rice and broken rice and suspending the issue of export licences

Product code	Destination	Unit of measurement	Amount of refunds ⁽¹⁾	Product code	Destination	Unit of measurement	Amount of refunds ⁽¹⁾
1006 20 11 9000	R01	EUR/t	101	1006 30 65 9900	R01	EUR/t	126
1006 20 13 9000	R01	EUR/t	101		064 and 066	EUR/t	152
1006 20 15 9000	R01	EUR/t	101		A97	EUR/t	132
1006 20 17 9000	—	EUR/t	—	1006 30 67 9100	021 and 023	EUR/t	132
1006 20 92 9000	R01	EUR/t	101		064 and 066	EUR/t	152
1006 20 94 9000	R01	EUR/t	101	1006 30 67 9900	064 and 066	EUR/t	152
1006 20 96 9000	R01	EUR/t	101	1006 30 92 9100	R01	EUR/t	126
1006 20 98 9000	—	EUR/t	—		R02	EUR/t	132
1006 30 21 9000	R01	EUR/t	101		R03	EUR/t	137
1006 30 23 9000	R01	EUR/t	101		064 and 066	EUR/t	152
1006 30 25 9000	R01	EUR/t	101		A97	EUR/t	132
1006 30 27 9000	—	EUR/t	—		021 and 023	EUR/t	132
1006 30 42 9000	R01	EUR/t	101	1006 30 92 9900	R01	EUR/t	126
1006 30 44 9000	R01	EUR/t	101		A97	EUR/t	132
1006 30 46 9000	R01	EUR/t	101		064 and 066	EUR/t	152
1006 30 48 9000	—	EUR/t	—	1006 30 94 9100	R01	EUR/t	126
1006 30 61 9100	R01	EUR/t	126		R02	EUR/t	132
	R02	EUR/t	132		R03	EUR/t	137
	R03	EUR/t	137		064 and 066	EUR/t	152
	064 and 066	EUR/t	152		A97	EUR/t	132
	A97	EUR/t	132		021 and 023	EUR/t	132
	021 and 023	EUR/t	132	1006 30 94 9900	R01	EUR/t	126
1006 30 61 9900	R01	EUR/t	126		A97	EUR/t	132
	A97	EUR/t	132		064 and 066	EUR/t	152
	064 and 066	EUR/t	152	1006 30 96 9100	R01	EUR/t	126
1006 30 63 9100	R01	EUR/t	126		R02	EUR/t	132
	R02	EUR/t	132		R03	EUR/t	137
	R03	EUR/t	137		064 and 066	EUR/t	152
	064 and 066	EUR/t	152		A97	EUR/t	132
	A97	EUR/t	132		021 and 023	EUR/t	132
	021 and 023	EUR/t	132	1006 30 96 9900	R01	EUR/t	126
1006 30 63 9900	R01	EUR/t	126		A97	EUR/t	132
	064 and 066	EUR/t	152		064 and 066	EUR/t	152
	A97	EUR/t	132	1006 30 98 9100	021 and 023	EUR/t	132
	021 and 023	EUR/t	132	1006 30 98 9900	—	EUR/t	—
1006 30 65 9100	R01	EUR/t	126	1006 40 00 9000	—	EUR/t	—
	R02	EUR/t	132				
	R03	EUR/t	137				
	064 and 066	EUR/t	152				
	A97	EUR/t	132				
	021 and 023	EUR/t	132				

⁽¹⁾ The procedure laid down in Article 7(4) of Regulation (EC) No 1162/95 applies to licences applied for under that Regulation for quantities according to the destination:

destination R01: 1 000 t,
all destinations R02 and R03: 500 t,
destinations 021 and 023: 200 t,
destinations 064 and 066: 2 000 t,
destination A97: 200 t.

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

The numeric destination codes are set out in Commission Regulation (EC) No 1779/2002 (OJ L 269, 5.10.2002, p. 6).

The other destinations are defined as follows:

R01:

Switzerland, Liechtenstein, communes of Livigno and Campione d'Italia.

R02:

Morocco, Algeria, Tunisia, Malta, Egypt, Israel, Lebanon, Libya, Syria, Ex-Spanish Sahara, Cyprus, Jordan, Iraq, Iran, Yemen, Kuwait, United Arab Emirates, Oman, Bahrain, Qatar, Saudi Arabia, Eritrea, West Bank/Gaza Strip, Estonia, Latvia, Lithuania, Poland, Czech Republic, Slovenia, Slovakia, Norway, Faroe Islands, Iceland, Russia, Belarus, Bosnia and Herzegovina, Croatia, Serbia and Montenegro, Former Yugoslav Republic of Macedonia, Albania, Bulgaria, Georgia, Armenia, Azerbaijan, Moldova, Ukraine, Kazakhstan, Turkmenistan, Uzbekistan, Tajikistan, Kyrgyzstan.

R03:

Colombia, Ecuador, Peru, Bolivia, Chile, Argentina, Uruguay, Paraguay, Brazil, Venezuela, Canada, Mexico, Guatemala, Honduras, El Salvador, Nicaragua, Costa Rica, Panama, Cuba, Bermuda, South Africa, Australia, New Zealand, Hong Kong SAR, Singapore, A40 except the Netherlands Antilles, Aruba, Turks and Caicos Islands, A11 except Suriname, Guyana, Madagascar.

COMMISSION REGULATION (EC) No 902/2003
of 22 May 2003
fixing production refunds on cereals and rice

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 7(3) thereof,

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organisation of the market in rice ⁽³⁾, as last amended by Commission Regulation (EC) No 411/2002 ⁽⁴⁾, and in particular Article 7(2) thereof,

Having regard to Commission Regulation (EEC) No 1722/93 of 30 June 1993 laying down detailed rules for the arrangements concerning production refunds in the cereals and rice sectors ⁽⁵⁾, as last amended by Regulation (EC) No 1786/2001 ⁽⁶⁾, and in particular Article 3 thereof,

Whereas:

- (1) Regulation (EEC) No 1722/93 establishes the conditions for granting the production refund. The basis for the calculation is established in Article 3 of the said Regula-

tion. The refund thus calculated must be fixed once a month and may be altered if the price of maize and/or wheat changes significantly.

- (2) The production refunds to be fixed in this Regulation should be adjusted by the coefficients listed in the Annex II to Regulation (EEC) No 1722/93 to establish the exact amount payable.
- (3) The Management Committee for Cereals has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

Article 1

The refund referred to in Article 3(2) of Regulation (EEC) No 1722/93, expressed per tonne of starch extracted from maize, wheat, barley, oats, potatoes, rice or broken rice, shall be EUR 9,31/t.

Article 2

This Regulation shall enter into force on 23 May 2003.

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

Done at Brussels, 22 May 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 329, 30.12.1995, p. 18.

⁽⁴⁾ OJ L 62, 5.3.2002, p. 27.

⁽⁵⁾ OJ L 159, 1.7.1993, p. 112.

⁽⁶⁾ OJ L 242, 12.9.2001, p. 3.

COMMISSION REGULATION (EC) No 903/2003
of 22 May 2003
amending the export refunds on syrups and certain other sugar sector products exported in the
natural state

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1260/2001 of 19 June 2001 on the common organisation of the markets in the sugar sector ⁽¹⁾, as amended by Commission Regulation (EC) No 680/2002 ⁽²⁾, and in particular the third indent of Article 27(5) thereof,

Whereas:

- (1) The refunds on syrups and certain other sugar products were fixed by Commission Regulation (EC) No 756/2003 ⁽³⁾.
- (2) It follows from applying the rules, criteria and other provisions contained in Regulation (EC) No 756/2003 to the information at present available to the Commission that the export refunds at present in force should be altered as shown in the Annex hereto,

Article 1

The refunds to be granted on the products listed in Article 1(1)(d), (f) and (g) of Regulation (EC) No 1260/2001, exported in the natural state, as fixed in the Annex to Regulation (EC) No 756/2003 are hereby altered to the amounts shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 23 May 2003.

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

Done at Brussels, 22 May 2003.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 178, 30.6.2001, p. 1.

⁽²⁾ OJ L 104, 20.4.2002, p. 26.

⁽³⁾ OJ L 107, 30.4.2003, p. 8.

ANNEX

EXPORT REFUNDS ON SYRUPS AND CERTAIN OTHER SUGAR PRODUCTS EXPORTED WITHOUT FURTHER PROCESSING

Product code	Destination	Unit of measurement	Amount of refund
1702 40 10 9100	S00	EUR/100 kg dry matter	47,45 ⁽¹⁾
1702 60 10 9000	S00	EUR/100 kg dry matter	47,45 ⁽¹⁾
1702 60 80 9100	S00	EUR/100 kg dry matter	90,16 ⁽²⁾
1702 60 95 9000	S00	EUR/1 % sucrose × net 100 kg of product	0,4745 ⁽³⁾
1702 90 30 9000	S00	EUR/100 kg dry matter	47,45 ⁽¹⁾
1702 90 60 9000	S00	EUR/1 % sucrose × net 100 kg of product	0,4745 ⁽³⁾
1702 90 71 9000	S00	EUR/1 % sucrose × net 100 kg of product	0,4745 ⁽³⁾
1702 90 99 9900	S00	EUR/1 % sucrose × net 100 kg of product	0,4745 ⁽³⁾ ⁽⁴⁾
2106 90 30 9000	S00	EUR/100 kg dry matter	47,45 ⁽¹⁾
2106 90 59 9000	S00	EUR/1 % sucrose × net 100 kg of product	0,4745 ⁽³⁾

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

The numeric destination codes are set out in Commission Regulation (EC) No 1779/2002 (OJ L 269, 5.10.2002, p. 6).

The other destinations are defined as follows:

S00: all destinations (third countries, other territories, victualling and destinations treated as exports from the Community) with the exception of Albania, Croatia, Bosnia and Herzegovina, Serbia and Montenegro (including Kosovo as defined by the United Nations Security Council Resolution 1244 of 10 June 1999) and the former Yugoslav Republic of Macedonia, except for sugar incorporated into the products referred to in Article 1(2)(b) of Council Regulation (EC) No 2201/96 (OJ L 297, 21.11.1996, p. 29).

⁽¹⁾ Applicable only to products referred to in Article 5 of Regulation (EC) No 2135/95.

⁽²⁾ Applicable only to products referred to in Article 6 of Regulation (EC) No 2135/95.

⁽³⁾ The basic amount is not applicable to syrups which are less than 85 % pure (Regulation (EC) No 2135/95). Sucrose content is determined in accordance with Article 3 of Regulation (EC) No 2135/95.

⁽⁴⁾ The basic amount is not applicable to the product defined under point 2 of the Annex to Commission Regulation (EEC) No 3513/92 (OJ L 355, 5.12.1992, p. 12).

COMMISSION REGULATION (EC) No 904/2003
of 22 May 2003
correcting Regulation (EC) No 880/2003 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 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:

An error has been discovered in Annex I to Commission Regulation (EC) No 880/2003 ⁽⁵⁾. The Regulation in question should therefore be corrected,

HAS ADOPTED THIS REGULATION:

Article 1

Annex I to Regulation (EC) No 880/2003 is hereby replaced by the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 23 May 2003.

It shall apply from 22 May 2003.

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

Done at Brussels, 22 May 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.

⁽⁵⁾ OJ L 126, 22.5.2003, p. 31.

ANNEX

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 ⁽⁸⁾
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	250,66	83,39	120,99		188,00
1006 20 13	250,66	83,39	120,99		188,00
1006 20 15	250,66	83,39	120,99		188,00
1006 20 17	264,00	88,06	127,66	14,00	198,00
1006 20 92	250,66	83,39	120,99		188,00
1006 20 94	250,66	83,39	120,99		188,00
1006 20 96	250,66	83,39	120,99		188,00
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).

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 16 May 2003

amending Decision 85/377/EEC establishing a Community typology for agricultural holdings

(notified under document number C(2003) 1557)

(2003/369/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation No 79/65/EEC of 15 June 1965 setting up a network for the collection of accountancy data on the incomes and business operation of agricultural holdings in the European Economic Community ⁽¹⁾, as last amended by Regulation (EC) No 1256/97 ⁽²⁾, and in particular Articles 4(4) and 7(3) thereof,

Whereas:

(1) Commission Decision 85/377/EEC ⁽³⁾, as last amended by Decision 1999/725/EC ⁽⁴⁾, is the basis for the classification of agricultural holdings by economic size and type of farming both in the farm structure surveys and under the Farm Accountancy Data Network (FADN). The results of the farm structure surveys, classified by European size units and type of farming serve as a basis for selecting and weighting the FADN farm sample.

(2) Commission Regulation (EEC) No 2237/77 of 23 September 1977 on the form of farm return to be used for the purpose of determining incomes of agricultural holdings ⁽⁵⁾, as last amended by Regulation (EC) 1837/2001 ⁽⁶⁾, lays down the type of accountancy data to be given in the farm return.

(3) Council Regulation (EEC) No 571/88 of 29 February 1988 on the organisation of Community surveys on the structure of agricultural holdings ⁽⁷⁾, as last amended by Commission Regulation (EC) No 143/2002 ⁽⁸⁾, lists the characteristics to be surveyed in a series of surveys on the structure of agricultural holdings.

(4) The structure and content of both the farm return and the list of survey characteristics for the 2003, 2005 and 2007 surveys have been recently amended by those Regulations.

(5) Decision 85/377/EEC should therefore be amended accordingly.

(6) The measures provided for in this Decision are in accordance with the opinion of the Community Committee for the Farm Accountancy Data Network,

HAS ADOPTED THIS DECISION:

Article 1

Annexes I and II to Decision 85/377/EEC are amended in accordance with the Annex to this Decision.

⁽¹⁾ OJ 109, 23.6.1965, p. 1859/65.

⁽²⁾ OJ L 174, 2.7.1997, p. 7.

⁽³⁾ OJ L 220, 17.8.1985, p. 1.

⁽⁴⁾ OJ L 291, 13.11.1999, p. 28.

⁽⁵⁾ OJ L 263, 17.10.1977, p. 1.

⁽⁶⁾ OJ L 255, 24.9.2001, p. 1.

⁽⁷⁾ OJ L 56, 2.3.1998, p. 1.

⁽⁸⁾ OJ L 24, 26.1.2002, p. 16.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 16 May 2003.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX

Decision 85/377/EEC is amended as follows:

1. In Annex I, point 1(f)(2) is replaced by the following:

'(2) Monetary units and rounding

The basic data for determining the SGMs and the calculated SGMs are established in euro. For the Member States not taking part in the Economic and Monetary Union, the SGMs are converted into euro using the average exchange rates for the reference period as defined in point 1(e) of this Annex. These rates are communicated by the Commission to these Member States.

The SGMs may be rounded to the nearest EUR 5 where appropriate.'

2. Annex II is amended as follows:

- (a) Part B is amended as follows:

- (i) Point (a) is replaced by the following:

'(a) The nature of the enterprises concerned

These enterprises refer to the list of characteristics surveyed in the 2003, 2005 and 2007 surveys on the structure of agricultural holdings: they are indicated by using the code in Annex I to Council Regulation (EEC) No 571/88 (*) or by a code regrouping several of those characteristics as set out in Annex II, part C, of this Regulation (**).

(*) OJ L 56, 2.3.1988, p. 1.

(**) The characteristics D/12 (Fodder roots and brassicas), D/18 (Forage plants), D/21 (Fallow land without any subsidies), E (Kitchen gardens), F/1 (Pasture and meadows, excluding rough grazing), F/2 (Rough grazing) and J/11 (Piglets less than 20 kg live weight) are used only under certain conditions (see point 5 of Annex I).'

- (ii) In the table entitled 'Specialist holdings — crops products', the rows corresponding to point 1 (Specialist field crops) are replaced by the following:

Specialist holdings — crop products					
General types of farming	Principal types of farming	Particular types of farming	Subdivision of particular types of farming	Definition	Code of characteristics and thresholds (reference: Annex IIC)
1. Specialist field crops				General cropping i.e. cereals, protein crops for the production of grain, potatoes, sugar beet, fodder roots and brassicas, industrial plants, fresh vegetables, melons, strawberries open field, forage plants, arable land seed and seedlings, other arable land crops, non-forage secondary successive crops and fallow land subject to set-aside incentive schemes with no economic use $> 2/3$	$P1 > 2/3$
	13. Specialist cereals, oilseeds and protein crops			Cereals, oilseeds, protein crops and fallow land subject to set-aside incentive schemes with no economic use $> 2/3$	$P11 + P12 + D/9 + D/22 > 2/3$
		131. Specialist cereals (other than rice) oilseeds and protein crops		Cereals, excluding rice, oilseeds, protein crops and fallow land subject to set-aside incentive schemes with no economic use $> 2/3$	$P111 + P12 + D/9 + D/22 > 2/3$
		132. Specialist rice		Rice $> 2/3$	$D/7 > 2/3$
		133. Cereals, oilseeds, protein crops and rice combined		Holdings in class 13, excluding those in classes 131 and 132	
	14. General field cropping			General crops $> 2/3$; cereals, oilseeds, protein crops and fallow land subject to set-aside incentive schemes with no economic use $\leq 2/3$	$P1 > 2/3$; $P11 + P12 + D/9 + D/22 \leq 2/3$

Specialist holdings — crop products					
General types of farming	Principal types of farming	Particular types of farming	Subdivision of particular types of farming	Definition	Code of characteristics and thresholds (reference: Annex IIC)
		141. Specialist root crops		Potatoes, sugar beet and fodder roots and brassicas > 2/3	P121 > 2/3
		142. Cereals and roots crops combined		Cereals, oilseeds, protein crops and fallow land subject to set-aside incentive schemes with no economic use > 1/3; roots > 1/3	P11 + P12 + D/9 + D/22 > 1/3; P121 > 1/3
		143. Specialist field vegetables		Fresh vegetables, melons, strawberries open field > 2/3	D/14a > 2/3
		144. Various field crops		Holdings in class 14, excluding those in classes 141, 142 and 143	
			1441. Specialist tobacco	Tobacco > 2/3	D/23 > 2/3
			1442. Specialist cotton	Cotton > 2/3	D/25 > 2/3
			1443. Various field crops combined	Holdings in class 144 excluding those in subdivisions 1441 and 1442'	

(b) Part C is amended as follows:

(i) Point I is replaced by the following:

I. Codes regrouping several characteristics included in the 2003, 2005 and 2007 farm structure surveys

- P1. *General cropping* = D/1 (common wheat and spelt) + D/2 (durum wheat) + D/3 (rye) + D/4 (barley) + D/5 (oats) + D/6 (grain maize) + D/7 (rice) + D/8 (other cereals) + D/9 (protein crops) + D/10 (potatoes) + D/11 (sugar beet) + D/12 (forage roots and tubers) + D/23 (tobacco) + D/24 (hops) + D/25 (cotton) + D/26 (rape and turnip rape) + D/27 (sunflower) + D/28 (soya) + D/29 (linseed (oil flax)) + D/30 (other oil seed crops) + D/31 (flax) + D/32 (hemp) + D/33 (other textile crops) + D/34 (aromatic and medicinal plants and herbs) + D/35 (industrial plants, not mentioned elsewhere) + D/14a (fresh vegetables, melons, strawberries, open field) + D/18 (forage plants) + D/19 (arable land seeds and seedlings) + D/20 (other arable land crops) + D/22 (fallow land subject to set-aside incentive schemes with no economic use) + I/1 (successive secondary crops) ⁽¹⁾.
- P2. *Horticulture* = D/14b (fresh vegetables, melons, strawberries — outdoor, market gardening) + D/15 (fresh vegetables, melons, strawberries under glass) + D/16 (flowers and ornamental plants — outdoor) + D/17 (flowers and ornamental plants — under glass) + I/2 (mushrooms).
- P3. *Permanent crops* = G/1 (fruit and berry plantations) + G/2 (citrus plantations) + G/3 (olive plantations) + G/4 (vineyards) + G/5 (nurseries) + G/6 (other permanent crops) + G/7 (permanent crops under glass).
- P4. *Meadows and grazing livestock* = F/1 (permanent pasture and meadows, not including rough grazing) + F/2 (rough grazing) + J/1 (equidae) + J/2 (cattle under one year old) + J/3 (male cattle over one but under two years old) + J/4 (female cattle over one but under two years old) + J/5 (male cattle two years old and over) + J/6 (heifers) + J/7 (dairy cows) + J/8 (other cows) + J/9 (sheep) + J/10 (goats).
- P5. *Granivores* = J/11 (piglets of less than 20 kilograms live weight) + J/12 (breeding sows of 50 kilograms or more) + J/13 (other pigs) + J/14 (broilers) + J/15 (laying hens) + J/16 (other poultry) + J/17 (rabbits, breeding females).
- P11. *Cereals* = D/1 (common wheat and spelt) + D/2 (durum wheat) + D/3 (rye) + D/4 (barley) + D/5 (oats) + D/6 (grain maize) + D/7 (rice) + D/8 (other cereals).
- P12. *Oil seeds* = D/26 (rape and turnip rape) + D/27 (sunflower) + D/28 (soya) + D/29 (linseed (oil flax)) + D/30 (other oil seed crops).
- P41. *Cattle, dairying* = J/2 (bovine animals under one year old) + J/4 (female bovine animals over one but under two years old) + J/6 (heifers) + J/7 (dairy cows).
- P42. *Cattle* = J/2 (cattle under one year old) + J/3 (male bovine animals over one but under two years old) + J/4 (female bovine animals over one but under two years old) + J/5 (male bovine animals two years old and over) + J/6 (heifers) + J/7 (dairy cows) + J/8 (other cows).
- P51. *Pigs* = J/11 (piglets of less than 20 kilograms live weight) + J/12 (breeding sows of 50 kilograms or more) + J/13 (other pigs).
- P52. *Poultry* = J/14 (broilers) + J/15 (laying hens) + J/16 (other poultry).
- P111. *Cereals without rice* = D/1 (common wheat and spelt) + D/2 (durum wheat) + D/3 (rye) + D/4 (barley) + D/5 (oats) + D/6 (grain maize) + D/8 (other cereals).
- P121. *Roots* = D/10 (potatoes) + D/11 (sugar beet) + D/12 (Fodder roots and brassicas).

⁽¹⁾ 'Successive secondary non-fodder crops (101) form part of general cropping (P1) and their SGMs are the same as those of the corresponding general crops.'

(ii) Point II is replaced by the following:

II. Correspondence between the headings of the structure surveys and the farm return of the Farm Accountancy Data Network (FADN)

Equivalent headings for the application of SGMs	
2003, 2005, 2007 Community surveys on the structure of agricultural holdings (Council Regulation (EEC) No 571/88)	FADN farm return (Commission Regulation (EEC) No 2237/77)
I. Crops	
D/1 Common wheat and spelt	120. Common wheat and spelt
D/2 Durum wheat	121. Durum wheat
D/3 Rye	122. Rye (including meslin)

Equivalent headings for the application of SGMs	
2003, 2005, 2007 Community surveys on the structure of agricultural holdings (Council Regulation (EEC) No 571/88)	FADN farm return (Commission Regulation (EEC) No 2237/77)
D/4 Barley	123. Barley
D/5 Oats	124. Oats 125. Summer cereal mixes
D/6 Grain maize	126. Grain maize (including humid grain maize)
D/7 Rice	127. Rice
D/8 Other cereals for the production of grain	128. Other cereals
D/9 Protein crops for the production of grain (including seed and mixtures of cereals and pulses) Of which:	129. Protein crops
D/9e Peas, field beans and sweet lupins	360. Peas, field beans and sweet lupins
D/9f Lentils, chickpeas and vetches	361. Lentils, chickpeas and vetches
D/9g Other protein crops harvested dry	330. Other protein crops
D/10 Potatoes (including early potatoes and seed potatoes)	130. Potatoes (including early potatoes and seed)
D/11 Sugar beet (excluding seeds)	131. Sugar beet (excluding seed)
D/12 Fodder roots and brassicas (excluding seeds)	144. Fodder roots and brassicas (excluding seeds)
Industrial crops	
D/23 a) Tobacco	134. Tobacco
D/24 b) Hops	133. Hops
D/25 c) Cotton	347. Cotton
D/26 Rape and turnip rape	331. Rape
D/27 Sunflower	332. Sunflower
D/28 Soya	333. Soya
D/29 Linseed (oil flax)	364. Flax other than fibre flax
D/30 Other oil seed crops	
D/31 Flax	373. Flax
D/32 Hemp	374. Hemp
D/33 Other textile crops	
D/34 Aromatic plants, medicinal and culinary plants	345. Medicinal plants condiments, aromatics and spices, including tea, coffee and coffee chicory
D/35 Industrial plants, not mentioned elsewhere	346. Sugar cane 348. Other industrial crops
Fresh vegetables, melons, strawberries:	
D/14 outdoor or under low (not accessible) protective cover of which:	
D/14a open field	136. Field scale fresh vegetables, melons and strawberries grown in the open

Equivalent headings for the application of SGMs	
2003, 2005, 2007 Community surveys on the structure of agricultural holdings (Council Regulation (EEC) No 571/88)	FADN farm return (Commission Regulation (EEC) No 2237/77)
D/14b market gardening	137. Fresh vegetables, melons, strawberries grown in market gardens in the open
D/15 under glass or other (accessible) protective cover	138. Fresh vegetables, melons and strawberries under shelter
Flowers and ornamental plants (excluding nurseries):	
D/16 outdoor or under low (not accessible) protective cover	140. Flowers and ornamental plants grown in the open (excluding nurseries)
D/17 under glass or other (accessible) protective cover	141. Flowers and ornamental plants grown under shelter
D/18 Forage plants	
D/18a temporary grass	147. Temporary grass
D/18b other green fodder of which:	145. Other fodder plants
D/18b (i) green maize (maize for silage)	326. Fodder maize
D/18b (iii) other forage plants	327. Other silage cereals 328. Other fodder plants
D/19 Arable land seeds and seedlings (excluding cereals, dried vegetables, potatoes and oil-seed plants)	142. Grass seeds 143. Other seeds
D/20 Other arable land crops	148. Other arable crops not included in headings 120 to 147 149. Land ready for sowing leased to others, including land made available to employees as a benefit in kind
D/21 Fallow land without any subsidies	146. Fallows — Code 0: Fallows (without set-aside land)
D/22 Fallow land subject to set-aside incentive schemes with no economic use	146. — Code 8: area compulsory set aside and not cultivated (in accordance with Council Regulation (EC) No 1251/1999) ⁽²⁾
F/1 Pasture and meadow, excluding rough grazings	150. Meadows and permanent pasture
F/2 Rough grazing	151. Rough grazing
G/1 Fruit and berry plantations	152. Fruit and berry orchards
G/1a fresh fruit and berry species of temperate climate zones	349. Pome fruit 350. Stone fruit 352. Small fruit and berries
G/1b fruit and berry species of subtropical climate zones	353. Tropical and subtropical fruit
G/1c Nuts	351. Nuts
G/2 Citrus plantations	153. Citrus fruit orchards
G/3 Olive plantations	154. Olive groves
G/3a normally producing table olives	281. Table olives

Equivalent headings for the application of SGMs	
2003, 2005, 2007 Community surveys on the structure of agricultural holdings (Council Regulation (EEC) No 571/88)	FADN farm return (Commission Regulation (EEC) No 2237/77)
G/3b normally producing olives for oil production	282. Olives for oil production 283. Olive oil
G/4 Vineyards of which normally producing:	155. Vines
G/4a quality wine	286. Grapes for quality wine 289. Quality wine
G/4b other wines	287. Grapes for table wine and wine other than quality wine 288. Miscellaneous products of vines: grape must, juice, brandy, vinegar and others produced on the farm 290. Table wine and wine other than quality wine
G/4c table grapes	285. Table grapes
G/4d Raisins	291. Raisins
G/5 Nurseries	157. Nurseries
G/6 Other permanent crops	158. Other permanent crops
G/7 Permanent crops under glass	156. Permanent crops grown under shelter
I/1 Successive secondary crops (excluding market-garden crops and crops under glass)	Code culture "3" or "7"
I/2 Mushrooms	139. Mushrooms
E Kitchen gardens	
II. Livestock	
J/1 Equidae	22. Equidae (all ages)
J/2 Bovine animals, under one year old, male and female	23. Calves for fattening 24. Other cattle less than one year old
J/3 Male bovine animals, one but less than two years old	25. Male cattle, from one to less than two years old
J/4 Female bovine animals, one but less than two years old	26. Female cattle, from one to less than two years old
J/5 Male bovine animals, two years old and over	27. Male cattle, two years old or more
J/6 Heifers, two years old and over	28. Breeding heifers 29. Heifers for fattening
J/7 Dairy cows	30. Dairy cows 31. Cull dairy cows
J/8 Other cows	32. Other cows 1. Female bovine animals, having calved (including those less than two years old) which are kept exclusively or principally for production of calves 2. Cows for work 3. Non-dairy cull cows

Equivalent headings for the application of SGMs	
2003, 2005, 2007 Community surveys on the structure of agricultural holdings (Council Regulation (EEC) No 571/88)	FADN farm return (Commission Regulation (EEC) No 2237/77)
J/9 Sheep (all ages) a) sheep, breeding females b) other sheep	40. Ewes (one year old or more) 41. Other sheep
J/10 Goats (all ages) a) goats, breeding females b) other goats	38. Breeding females 39. Other goats
J/11 Piglets having a live weight of under 20 kilograms	43. Piglets less than 20 kilograms live weight
J/12 Breeding sows weighing 50 kilograms and over	44. Breeding sows of 50 kilograms or more
J/13 Other pigs	45. Pigs for fattening 46. Other pigs
J/14 Broilers	47. Table chickens
J/15 Laying hens	48. Laying hens
J/16 Other poultry J/16a Turkeys J/16b Ducks J/16c Geese	49. Other poultry
J/16d Other poultry, not mentioned elsewhere	
J/17 Rabbits, breeding females	34. Rabbits, breeding females
J/18 Bees	33. Bees
(2) OJ L 160, 26.6.1999, p. 1.	

COMMISSION DECISION

of 21 May 2003

allowing Member States to extend provisional authorisations granted for the new active substances iodosulfuron-methyl-sodium, indoxacarb, S-metolachlor, *Spodoptera exigua* nuclear polyhedrosis virus, tepraloxydim and dimethenamid-P

*(notified under document number C(2003) 1583)***(Text with EEA relevance)**

(2003/370/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 91/414/EEC of 15 July 1991 concerning the placing of plant protection products on the market ⁽¹⁾, as last amended by Commission Directive 2003/31/EC ⁽²⁾ and in particular the fourth subparagraph of Article 8(1) thereof,

Whereas:

- (1) In accordance with Article 6(2) of Directive 91/414/EEC, in December 1998 Germany received an application from AgrEvo GmbH (now Bayer CropScience) for the inclusion of the active substance iodosulfuron-methyl-sodium in Annex I to Directive 91/414/EEC. Commission Decision 1999/392/EC ⁽³⁾ confirmed that the dossier was complete and could be considered as satisfying, in principle, the data and information requirements of Annex II and Annex III to the Directive.
- (2) The authorities of the Netherlands received a similar application in October 1997 from Du Pont de Nemours concerning indoxacarb. This dossier was declared complete by Commission Decision 98/398/EC ⁽⁴⁾.
- (3) Belgium received a similar application in August 1997 from Novartis NV (now Syngenta) concerning S-metolachlor. This dossier was declared complete by Commission Decision 98/512/EC ⁽⁵⁾.
- (4) The Netherlands received a similar application in July 1996 from Biosys concerning *Spodoptera exigua* nuclear polyhedrosis virus. This dossier was declared complete by Commission Decision 97/865/EC ⁽⁶⁾.
- (5) Spain received a similar application in September 1997 from BASF AG concerning tepraloxydim. This dossier was declared complete by Decision 98/512/EC.
- (6) Germany received a similar application in April 1999 from BASF AG concerning dimethenamid-P. This dossier was declared complete by Commission Decision 1999/555/EC ⁽⁷⁾.

(7) Confirmation of the completeness of the dossiers was necessary in order to allow them to be examined in detail and to allow Member States the possibility of granting provisional authorisations, for periods up to three years, for plant protection products containing the active substances concerned, while complying with the conditions laid down in Article 8(1) of Directive 91/414/EEC and, in particular, the condition relating to the detailed assessment of the active substance and the plant protection product in the light of the requirements laid down by the Directive.

(8) For these active substances, the effects on human health and the environment have been assessed, in accordance with the provisions of Article 6(2) and (4) of Directive 91/414/EEC, for the uses proposed by the respective applicants. The rapporteur Member States submitted the draft assessment reports to the Commission on 30 May 2000 (iodosulfuron-methyl-sodium), 7 February 2000 (indoxacarb), 3 May 1999 (S-metolachlor), 9 November 1999 (*Spodoptera exigua* NPV), 21 January 2001 (tepraloxydim) and 26 September 2000 (dimethenamid-P).

(9) The examination of the dossiers is still ongoing after submission of the draft assessment reports by the respective rapporteur Member States and it will not be possible to complete the evaluation within the timeframe foreseen by Directive 91/414/EEC.

(10) As the evaluation so far has not identified any reason for immediate concern, Member States should be given the possibility of prolonging provisional authorisations granted for plant protection products containing the active substances concerned for a period of 24 months in accordance with the provisions of Article 8 of Directive 91/414/EEC so as to enable the examination of the dossiers to continue. It is expected that the evaluation and decision-making process with respect to a decision on possible Annex I inclusion for each of the active substances concerned will have been completed within 24 months.

⁽¹⁾ OJ L 230, 19.8.1991, p. 1.

⁽²⁾ OJ L 101, 23.4.2003, p. 3.

⁽³⁾ OJ L 148, 15.6.1999, p. 44.

⁽⁴⁾ OJ L 176, 20.6.1998, p. 34.

⁽⁵⁾ OJ L 228, 15.8.1998, p. 35.

⁽⁶⁾ OJ L 351, 23.12.1997, p. 67.

⁽⁷⁾ OJ L 210, 10.8.1999, p. 22.

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

Article 2

This Decision is addressed to the Member States.

HAS ADOPTED THIS DECISION:

Article 1

Member States may extend provisional authorisations for plant protection products containing iodosulfuron-methyl-sodium, indoxacarb, S-metolachlor, *Spodoptera exigua* nuclear polyhedrosis virus, tepraloxydim and dimethenamid-P for a period not exceeding 24 months from the date of adoption of this Decision.

Done at Brussels, 21 May 2003.

For the Commission

David BYRNE

Member of the Commission

COMMISSION DECISION

of 22 May 2003

terminating the anti-dumping proceeding concerning imports of recordable compact disks originating in India

(2003/371/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 384/96 of 22 December 1995 on protection against dumped imports from countries not members of the European Community ⁽¹⁾, as last amended by Regulation (EC) No 1972/2002 ⁽²⁾, and in particular Article 9 thereof,

After consulting the Advisory Committee,

Whereas:

A. PROCEDURE

- (1) On 17 May 2002, the Commission announced, by a notice published in the *Official Journal of the European Communities* ⁽³⁾, the initiation of an anti-dumping proceeding with regard to imports into the Community of recordable compact disks (CD-Rs) originating in India.
- (2) The proceeding was initiated as a result of a complaint lodged in April 2002 by the Committee of CD-R manufacturers (CECMA), acting on behalf of producers representing a major proportion of the total Community production of CD-Rs. The complaint contained evidence of dumping of the said product and of material injury resulting therefrom, which was considered sufficient to justify the initiation of an anti-dumping proceeding.
- (3) There are definitive anti-dumping measures currently in force on imports of CD-Rs originating in Taiwan (Council Regulation (EC) No 1050/2002 ⁽⁴⁾). A parallel anti-subsidy proceeding concerning imports into the Community of the same product originating in India was initiated by a notice published in the *Official Journal of the European Communities* ⁽⁵⁾ on the same date of the initiation of the anti-dumping proceeding referred to in recital 1.
- (4) The Commission officially advised the applicant and the other known Community producers, the exporting producer, importers, users and suppliers known to be concerned as well as the representatives of India of the initiation of the proceeding. The parties directly concerned were given an opportunity to make their views known in writing and to request a hearing within the time limit set in the notice of initiation.

- (5) The exporting producer in India, as well as the applicant and other Community producers, importers, consumers association and suppliers, made their views known in writing. All parties who so requested within the above time limit and indicated that there were particular reasons why they should be heard were granted a hearing.

- (6) Certain parties contended that the applicant Community producers did not fulfil the requirements of Article 5(4) of Council Regulation (EC) No 384/96 (basic Regulation) and that the initiation of the investigation was not warranted. In this respect, it should be noted that both statutory pre-initiation thresholds, namely the 25 % and 50 % thresholds of Article 5(4), were met and, therefore, the investigation could be initiated.

- (7) The Commission sought, by means of questionnaires sent to all known parties, and verified all the information it deemed necessary for the purpose of a determination of dumping, injury and Community interest. In this regard, the Commission carried out verification visits at the premises of the following companies:

(a) Exporting producer in India:

— Moser Baer India Ltd., New Delhi, India;

(b) Producers in the Community:

- Computer Support Italcards SRL, Milan, Italy,
- C.D.A Datenträger Albrechts GmbH, Albrechts, Germany,
- CPO Magnetic Products BV, Oosterhout, the Netherlands,
- Fuji Magnetics GmbH, Kleve, Germany,
- Mitsui Advanced Media SA, Ensisheim, France,
- MPO Media SAS, Averton, France,
- TDK Recording Media Europe SA, Bascharage, Luxembourg,
- Prime Disc Technologies GmbH, Wiesbaden, Germany,
- IMAG Optical Storage Ltd, Limerick, Ireland,
- Multimedia Info-Tech Ltd, Belfast, Northern Ireland;

⁽¹⁾ OJ L 56, 6.3.1996, p. 1.

⁽²⁾ OJ L 305, 7.11.2002, p. 1.

⁽³⁾ OJ C 116, 17.5.2002, p. 2.

⁽⁴⁾ OJ L 160, 18.6.2002, p. 2.

⁽⁵⁾ OJ C 116, 17.5.2002, p. 4.

(c) *Suppliers in the Community:*

- Bayer AG, Leverkusen, Germany,
- Steag Hamatech, Sternenfels, Germany,

- (8) The investigation of dumping and injury covered the period from 1 April 2001 to 31 March 2002 (investigation period or IP). The examination of trends relevant for the assessment of injury covered the period from 1 January 1998 to the end of the investigation period.

B. PRODUCT UNDER CONSIDERATION AND LIKE PRODUCT**1. Product under consideration**

- (9) The product under consideration is recordable compact discs (CD-Rs) currently classifiable under CN code ex 8523 90 00.
- (10) A CD-R is a polycarbonate disc, which is coated with a layer of dye, a layer of reflective material such as gold or silver and a protective layer. Recording on such a disc can be done only once and therefore the disc is said to be of the type WORM (Write Once Read Many). The disc is an optical storage medium for digital data or music. Recording is realised by exposing the dye-layer to an infrared laser beam in a CD-R recorder.

CD-Rs can be distinguished according to the type of data stored (data CD-R versus music CD-R), the storage capacity, the reflective metal layer (mainly silver) and whether or not the CD-R is printed upon.

The product is also sold in different qualities and comes on the market in different types of packaging of which the most frequently encountered are regular or slim jewel cases containing one CD-R, shrink-wrapped spindles of 10 to 100 CD-Rs, cake-boxes of 10 to 100 CD-Rs, envelopes containing one CD-R packed in cellophane, or in a carton or paper sleeve, etc.

Although the use and the quality of the various types of CD-Rs sold may differ, this does not entail any significant differences in the basic physical and technical characteristics of the different types. They are therefore considered as one product for the purpose of this investigation.

2. Like product

- (11) The investigation showed that CD-Rs produced and sold on the domestic market of India have similar basic physical and technical characteristics and uses compared with that exported from this country to the Community. Similarly, CD-Rs manufactured by the applicant and other Community producers and sold on the Community market have similar basic physical and technical characteristics and uses when compared to these exported to the Community from the country in question.

- (12) Consequently, CD-Rs sold on the domestic market of India and exported to the Community as well as CD-Rs produced and sold in the Community are considered as a like product within the meaning of Article 1(4) of the basic Regulation.

C. DUMPING

- (13) The investigation has shown that Moser Baer India Ltd. is the sole exporting producer of the product concerned in India.

1. Normal value

- (14) In accordance with Article 2(2) of the basic Regulation, the Commission first examined whether the domestic sales of CD-Rs to independent customers by the sole exporting producer were representative, i.e. whether the total volume of such sales was equal to or greater than 5 % of the total volume of the corresponding export sales to the Community.
- (15) This assessment revealed that the exporting producer had representative sales of CD-Rs on the domestic market during the IP.
- (16) The Commission considered domestically sold and exported product types, which had similar storage capacity, metal layer, printing, quality and uses, as being directly comparable.
- (17) Domestic sales of a particular product type were considered as sufficiently representative when the total domestic sales volume of that type during the IP represented 5 % or more of the total sales volume of the comparable product type exported to the Community.
- (18) The Commission subsequently examined whether the domestic sales of the exporting producer could be considered as being made in the ordinary course of trade pursuant to Article 2(4) of the basic Regulation.

This was done by establishing the proportion of domestic sales to independent customers, of each exported product type, sold at a loss on the domestic market during the IP. For those product types where more than 80 % by volume of sales on the domestic market were not below unit costs, and where the weighted average sales price was equal to or higher than the weighted average production cost, normal value, by product type, was calculated as the weighted average of all domestic sales prices of the type in question.

- (19) For all types exported to the Community, domestic sales were found to have been made in the ordinary course of trade. Normal value was, therefore, based for the corresponding product type on the actual prices paid or payable, by independent customers in the domestic market of India, during the IP, as set out in Article 2(1) of the basic Regulation.

- (20) Where necessary, the manufacturing costs and the selling, general and administrative (SG&A) expenses reported were corrected before being used in the ordinary course of trade test.

2. Export price

- (21) Certain exports of the product under consideration by the exporting producer were made directly to independent customers in the Community and consequently the export price was established in accordance with Article 2(8) of the basic Regulation, on the basis of export prices actually paid or payable.
- (22) The exporting producer also sold the product concerned to related parties in the Community. For these exports, the export price was established in accordance with Article 2(9) of the basic Regulation, on the basis of prices at which the imported products were first resold to an independent buyer. For this purpose, adjustments were made to take account of all costs, including duties and taxes, incurred between importation and resale, and of profits normally accruing, so that a reliable export price could be established.

3. Comparison

- (23) The comparison between normal value and export price for the exporting producer concerned was made on an ex-factory basis. For the purpose of ensuring a fair comparison between the normal value and the export price, due allowance in the form of adjustments was made for differences affecting price comparability in accordance with Article 2(10) of the basic Regulation. In this respect, allowances for differences in transport costs, ocean freight and insurance costs, handling, loading and ancillary costs, packing costs, credit costs and commissions have been granted where applicable and justified.
- (24) The exporting producer claimed a special adjustment for differences in the level of trade pursuant to Article 2(10)(d) of the basic Regulation. The company argued that its domestic market is formed mainly by distributors and retailers while in the export market there are either OEM (i.e. original equipment manufacturers) sales or sales through distributors. In view of the absence of retailers in the export market, the exporting producer claimed an adjustment on sales prices to retailers quantified at the level of a weighted average price difference between sales prices to retailers and those to distributors in the domestic market.
- (25) It is noted that the exporting producer did not claim an adjustment which may arise in OEM sales. Furthermore, it has not shown that there are differences in functions of the seller for sales in the domestic market to retailers

and to distributors which could affect the comparability of export price and normal value. More importantly, the investigation has shown that the vast majority of its exports to the Community concerned OEM sales, whilst such sales did not exist in the domestic market. The majority of the domestic sales were sales to distributors and only a minor proportion were sales to retailers. The request for a level of trade adjustment thus rests on the assumption that the distribution level on the domestic side is comparable to the level of OEM sales on the export side. In view of the conclusions reached in recital 27, it was decided not to pursue this matter further and consequently no adjustment was made for the alleged differences in the level of trade.

4. Dumping margin

- (26) Pursuant to Article 2(11) of the basic Regulation, the weighted average normal value by product type was compared with the weighted average export price by product type.
- (27) The calculation has shown no dumping for Moser Baer India Ltd. Given that this is the sole exporting producer in India, and pursuant to Article 9(3) of the basic Regulation, the Commission concludes that the anti-dumping proceeding concerning CD-Rs originating in India should be terminated without the imposition of measures.

D. INJURY

- (28) In view of the conclusions concerning dumping, it was not considered necessary to analyse injury, causality and Community interest aspects arising from the investigation since this would not alter the conclusions reached.

E. CONCLUSION

- (29) All parties concerned were informed of the essential facts and considerations on the basis of which the termination of the anti-dumping proceeding would be based. They were granted a period within which to make representations subsequent to the disclosure. Representations received further to the disclosure did not however provide any new elements which could affect the above findings.
- (30) In particular, CECMA claimed that there was a particular market situation and the normal value should have been constructed because the domestic sales did not permit a proper comparison since the sole exporting producer operates an Export Oriented Unit which received countervailable subsidies. CECMA also claimed that the 'strategy' of the exporting producer to sell only low quality CD-Rs in its domestic market must be regarded as a particular market situation.

- (31) As set out in recitals 14 to 20 above, the investigation has shown that the domestic sales were sufficiently representative and in the ordinary course of trade. The quality of CD-Rs was taken into account when comparing domestically sold and exported product types. No particular market situation was established, which could allow the use of constructed normal value in accordance with Article 2(3) of the basic Regulation. The existence of any countervailable subsidies is the subject of the parallel anti-subsidy investigation and has not affected the establishment of normal value.
- (32) In view of the findings set out above, the Commission considers that the anti-dumping proceeding concerning imports into the Community of CD-Rs originating in India should be terminated,

HAS DECIDED AS FOLLOWS:

Sole Article

The anti-dumping proceeding concerning imports into the Community of recordable compact discs (CD-Rs) currently classifiable within CN code ex 8523 90 00 and originating in India is hereby terminated.

Done at Brussels, 22 May 2003.

For the Commission

Pascal LAMY

Member of the Commission



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Directorate-General
for Justice and Home Affairs



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