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## Legislation

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## I

(Acts whose publication is obligatory)

**COMMISSION REGULATION (EC) No 994/2003  
of 11 June 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 <sup>(1)</sup>, as last amended by Regulation (EC) No 1947/2002 <sup>(2)</sup>, 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 12 June 2003.

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

Done at Brussels, 11 June 2003.

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

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<sup>(1)</sup> OJ L 337, 24.12.1994, p. 66.

<sup>(2)</sup> OJ L 299, 1.11.2002, p. 17.

## ANNEX

**to the Commission Regulation of 11 June 2003 establishing the standard import values for determining the entry price of certain fruit and vegetables**

| (EUR/100 kg)                       |                                   |                       |
|------------------------------------|-----------------------------------|-----------------------|
| CN code                            | Third country code <sup>(1)</sup> | Standard import value |
| 0702 00 00                         | 052                               | 84,6                  |
|                                    | 096                               | 52,4                  |
|                                    | 999                               | 68,5                  |
| 0707 00 05                         | 052                               | 109,0                 |
|                                    | 999                               | 109,0                 |
| 0709 90 70                         | 052                               | 92,6                  |
|                                    | 999                               | 92,6                  |
| 0805 50 10                         | 382                               | 63,8                  |
|                                    | 388                               | 58,6                  |
|                                    | 528                               | 60,5                  |
|                                    | 999                               | 61,0                  |
| 0808 10 20, 0808 10 50, 0808 10 90 | 388                               | 79,0                  |
|                                    | 400                               | 103,1                 |
|                                    | 404                               | 89,5                  |
|                                    | 508                               | 75,9                  |
|                                    | 512                               | 71,0                  |
|                                    | 524                               | 59,9                  |
|                                    | 528                               | 68,2                  |
|                                    | 720                               | 115,0                 |
|                                    | 800                               | 224,9                 |
|                                    | 804                               | 102,3                 |
|                                    | 999                               | 98,9                  |
| 0809 10 00                         | 052                               | 111,0                 |
|                                    | 999                               | 111,0                 |
| 0809 20 95                         | 064                               | 261,1                 |
|                                    | 068                               | 156,6                 |
|                                    | 400                               | 289,8                 |
|                                    | 999                               | 235,8                 |

<sup>(1)</sup> 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 995/2003****of 11 June 2003****derogating from Regulation (EC) No 43/2003 and amending it as regards the period for the submission of applications for aid for the ageing of Madeira liqueur wine and Azores wine**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1453/2001 of 28 June 2001 introducing specific measures for certain agricultural products for the Azores and Madeira and repealing Regulation (EEC) No 1600/92 (Poseima) <sup>(1)</sup>, and in particular Article 34 thereof,

Whereas:

- (1) Article 38(2) of Commission Regulation (EC) No 43/2003 of 23 December 2002 laying down detailed rules for applying Council Regulations (EC) No 1452/2001, (EC) No 1453/2001 and (EC) No 1454/2001 as regards aid for the local production of crop products in the outermost regions of the European Union <sup>(2)</sup> provides that applications for aid for ageing must be submitted to the competent body during the first two months of each year.
- (2) For 2003, the period for the submission of applications for aid for the ageing of wines in the Azores should be extended to enable the competent authorities to take all the necessary administrative measures as regards management and control, in particular for the aid scheme for the ageing of 'verdelho' wine provided for in Article 31 of Regulation (EC) No 1453/2001.
- (3) For the sake of sound management and in order to harmonise the provisions on the submission of aid applications, in line with the provisions of Article 54 of Regulation (EC) No 43/2003 on area aid applications, the competent authorities of the Member State should also lay down the periods for the submission of applications for aid for the ageing of wine.

(4) Regulation (EC) No 43/2003 should be amended accordingly.

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

HAS ADOPTED THIS REGULATION:

*Article 1*

For 2003, applications for aid for the ageing of Azores wine shall be submitted by 31 July 2003.

*Article 2*

Article 38(2) of Regulation (EC) No 43/2003 is hereby replaced by the following:

'2. Aid for the ageing of Madeira liqueur wine and Azores wine shall be granted to producers in those regions who submit an application to the competent body during the period laid down by the competent authorities of the Member State. That period shall be laid down so as to allow time for the necessary on-the-spot checks to be made.'

*Article 3*

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, 11 June 2003.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ L 198, 21.7.2001, p. 26.

<sup>(2)</sup> OJ L 7, 11.1.2003, p. 25.

**COMMISSION REGULATION (EC) No 996/2003**  
**of 11 June 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 <sup>(1)</sup>, as last amended by Commission Regulation (EC) No 411/2002 <sup>(2)</sup>,

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 <sup>(3)</sup>, as last amended by Regulation (EC) No 1298/2002 <sup>(4)</sup>, and in particular Article 4(1) thereof,

Whereas:

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

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

HAS ADOPTED THIS REGULATION:

*Article 1*

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

*Article 2*

This Regulation shall enter into force on 12 June 2003.

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

Done at Brussels, 11 June 2003.

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

<sup>(1)</sup> OJ L 329, 30.12.1995, p. 18.

<sup>(2)</sup> OJ L 62, 5.3.2002, p. 27.

<sup>(3)</sup> OJ L 189, 30.7.1996, p. 71.

<sup>(4)</sup> OJ L 189, 18.7.2002, p. 8.

## ANNEX I

## Import duties on rice and broken rice

(EUR/t)

| CN code    | Duties <sup>(2)</sup>                                              |                                                  |                           |                                              |                      |
|------------|--------------------------------------------------------------------|--------------------------------------------------|---------------------------|----------------------------------------------|----------------------|
|            | Third countries<br>(except ACP and Bangla-<br>desh) <sup>(3)</sup> | ACP <sup>(1)</sup> <sup>(2)</sup> <sup>(3)</sup> | Bangladesh <sup>(4)</sup> | Basmati<br>India and Pakistan <sup>(5)</sup> | Egypt <sup>(8)</sup> |
| 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 | 238,82                                                             | 79,25                                            | 115,07                    |                                              | 179,12               |
| 1006 20 13 | 238,82                                                             | 79,25                                            | 115,07                    |                                              | 179,12               |
| 1006 20 15 | 238,82                                                             | 79,25                                            | 115,07                    |                                              | 179,12               |
| 1006 20 17 | 264,00                                                             | 88,06                                            | 127,66                    | 14,00                                        | 198,00               |
| 1006 20 92 | 238,82                                                             | 79,25                                            | 115,07                    |                                              | 179,12               |
| 1006 20 94 | 238,82                                                             | 79,25                                            | 115,07                    |                                              | 179,12               |
| 1006 20 96 | 238,82                                                             | 79,25                                            | 115,07                    |                                              | 179,12               |
| 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                |

<sup>(1)</sup> 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).

<sup>(2)</sup> 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.

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

<sup>(4)</sup> 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).

<sup>(5)</sup> 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).

<sup>(6)</sup> 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).

<sup>(7)</sup> Duties fixed in the Common Customs Tariff.

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

## ANNEX II

**Calculation of import duties for rice**

|                                | Paddy            | Indica rice        |                    | Japonica rice |           | Broken rice      |
|--------------------------------|------------------|--------------------|--------------------|---------------|-----------|------------------|
|                                |                  | Husked             | Milled             | Husked        | Milled    |                  |
| 1. Import duty (EUR/tonne)     | ( <sup>1</sup> ) | 264,00             | 416,00             | 238,82        | 416,00    | ( <sup>1</sup> ) |
| 2. Elements of calculation:    |                  |                    |                    |               |           |                  |
| (a) Arag cif price (EUR/tonne) | —                | 235,80             | 206,68             | 333,36        | 359,01    | —                |
| (b) fob price (EUR/tonne)      | —                | —                  | —                  | 307,72        | 333,37    | —                |
| (c) Sea freight (EUR/tonne)    | —                | —                  | —                  | 25,64         | 25,64     | —                |
| (d) Source                     | —                | USDA and operators | USDA and operators | Operators     | Operators | —                |

(<sup>1</sup>) Duties fixed in the Common Customs Tariff.

**COMMISSION REGULATION (EC) No 997/2003****of 11 June 2003****fixing the export refunds on olive oil**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organisation of the market in oils and fats <sup>(1)</sup>, as last amended by Regulation (EC) No 1513/2001 <sup>(2)</sup>, and in particular Article 3(3) thereof,

Whereas:

- (1) Article 3 of Regulation No 136/66/EEC provides that, where prices within the Community are higher than world market prices, the difference between these prices may be covered by a refund when olive oil is exported to third countries.
- (2) The detailed rules for fixing and granting export refunds on olive oil are contained in Commission Regulation (EEC) No 616/72 <sup>(3)</sup>, as last amended by Regulation (EEC) No 2962/77 <sup>(4)</sup>.
- (3) Article 3(3) of Regulation No 136/66/EEC provides that the refund must be the same for the whole Community.
- (4) In accordance with Article 3(4) of Regulation No 136/66/EEC, the refund for olive oil must be fixed in the light of the existing situation and outlook in relation to olive oil prices and availability on the Community market and olive oil prices on the world market. However, where the world market situation is such that the most favourable olive oil prices cannot be determined, account may be taken of the price of the main competing vegetable oils on the world market and the difference recorded between that price and the price of olive oil during a representative period. The amount of the refund may not exceed the difference between the price of olive oil in the Community and that on the world market, adjusted, where appropriate, to take account of export costs for the products on the world market.
- (5) In accordance with Article 3(3) third indent, point (b) of Regulation No 136/66/EEC, it may be decided that the refund shall be fixed by tender. The tendering procedure should cover the amount of the refund and may be limited to certain countries of destination, quantities, qualities and presentations.
- (6) The second indent of Article 3(3) of Regulation No 136/66/EEC provides that the refund on olive oil may be varied according to destination where the world market situation or the specific requirements of certain markets make this necessary.
- (7) The refund must be fixed at least once every month. It may, if necessary, be altered in the intervening period.
- (8) It follows from applying these detailed rules to the present situation on the market in olive oil and in particular to olive oil prices within the Community and on the markets of third countries that the refund should be as set out in the Annex hereto.
- (9) The Management Committee for Oils and Fats 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(2)(c) of Regulation No 136/66/EEC shall be as set out in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 12 June 2003.

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

Done at Brussels, 11 June 2003.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ L 72, 30.9.1966, p. 3025/66.

<sup>(2)</sup> OJ L 201, 26.7.2001, p. 4.

<sup>(3)</sup> OJ L 78, 31.3.1972, p. 1.

<sup>(4)</sup> OJ L 348, 30.12.1977, p. 53.

## ANNEX

**to the Commission Regulation of 11 June 2003 fixing the export refunds on olive oil**

| Product code    | Destination | Unit of measurement | Amount of refund |
|-----------------|-------------|---------------------|------------------|
| 1509 10 90 9100 | A00         | EUR/100 kg          | 0,00             |
| 1509 10 90 9900 | A00         | EUR/100 kg          | 0,00             |
| 1509 90 00 9100 | A00         | EUR/100 kg          | 0,00             |
| 1509 90 00 9900 | A00         | EUR/100 kg          | 0,00             |
| 1510 00 90 9100 | A00         | EUR/100 kg          | 0,00             |
| 1510 00 90 9900 | A00         | EUR/100 kg          | 0,00             |

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).

## II

(Acts whose publication is not obligatory)

## COMMISSION

## COMMISSION DECISION

of 6 June 2003

**amending Decision 96/603/EC establishing the list of products belonging to Classes A 'No contribution to fire' provided for in Decision 94/611/EC implementing Article 20 of Council Directive 89/106/EEC on construction products**

(notified under document number C(2003) 1673)

(Text with EEA relevance)

(2003/424/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 89/106/EEC of 21 December 1988 on the approximation of laws, regulations and administrative provisions of the Member States relating to construction products <sup>(1)</sup>, as amended by Directive 93/68/EEC <sup>(2)</sup>,

Having regard to Commission Decision 2000/147/EC of 8 February 2000 implementing Council Directive 89/106/EEC as regards the classification of the reaction to fire performance of construction products <sup>(3)</sup>, and in particular Article 1(1) thereof,

Whereas:

- (1) Commission Decision 96/603/EC <sup>(4)</sup>, as amended by Decision 2000/605/EC <sup>(5)</sup>, established a list of products belonging to Classes A 'No contribution to fire' provided for in Tables 1 and 2 of the Annex to Commission Decision 94/611/EC <sup>(6)</sup>, which described the European classification system for expressing the reaction to fire performance of construction products.
- (2) Decision 94/611/EC has been replaced by Decision 2000/147/EC.
- (3) The notes for 'Mortar with inorganic binding agents' in the table set out in the Annex to Decision 96/603/EC should be adapted to technical progress.
- (4) Decision 96/603/EC should therefore be amended accordingly.

- (5) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Construction,

HAS ADOPTED THIS DECISION:

*Article 1*

In the table set out in the Annex to Decision 96/603/EC, for 'Mortar with inorganic binding agents' the notes 'Rendering/plastering mortars and mortars for floor screeds based on one or more inorganic binding agent(s), e.g. cement, lime, masonry cement and gypsum' are replaced by 'Rendering/plastering mortars, mortars for floor screeds and masonry mortars based on one or more inorganic binding agent(s), e.g. cement, lime, masonry cement and gypsum'.

*Article 2*

This Decision is addressed to the Member States.

Done at Brussels, 6 June 2003.

*For the Commission*

Erkki LIIKANEN

*Member of the Commission*

<sup>(1)</sup> OJ L 40, 11.2.1989, p. 12.

<sup>(2)</sup> OJ L 220, 30.8.1993, p. 1.

<sup>(3)</sup> OJ L 50, 23.2.2000, p. 14.

<sup>(4)</sup> OJ L 267, 19.10.1996, p. 23.

<sup>(5)</sup> OJ L 258, 12.10.2000, p. 36.

<sup>(6)</sup> OJ L 241, 19.9.1994, p. 25.

**COMMISSION DECISION****of 11 June 2003****setting up a group of experts to advise the Commission on a strategy for dealing with accidents in the transport sector**

(2003/425/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS DECISION:

Having regard to the Treaty establishing the European Community,

*Article 1*

Whereas:

**Subject**

A group of experts to advise the Commission on a strategy for dealing with accidents in the transport sector, hereinafter referred to as the 'Group of Experts', is hereby set up.

- (1) A high and uniform level of protection for European citizens should at all times be ensured in all modes of transport, and a strategy should be introduced to reduce the number of accidents. Independent technical investigations of transport accidents and incidents are one way of improving safety by identifying the causes of such accidents and thereby preventing them from occurring.

*Article 2*

- (2) Investigations into the causes of accidents should not be linked to compensation for damages or determination of liability. Therefore, they should be independent of investigations conducted by the judicial authorities, insurance companies, industry, operators and regulators, or any other party whose interests could conflict with the task entrusted to the investigating body or entity.

**Mission**

The Group of Experts shall advise the Commission on the need to improve existing legislation, and, where necessary, on the need to propose new initiatives for all modes of transport, including the transport of energy (oil and gas pipelines), but excluding the occupational health and safety aspects.

- (3) In its White Paper on European transport policy for 2010: time to decide <sup>(1)</sup>, the Commission indicated that there is a growing need for independent technical investigations geared towards revealing the causes of accidents and ways of improving legislation. For this purpose, in the White Paper the Commission recommended the creation of 'a group of independent experts within the Commission, whose job would be to improve the existing legislation and adapt the (European) methodology, *inter alia*, to technical developments'.

*Article 3***Composition**

The Group of Experts shall be composed of qualified individuals competent to consider matters relating to transport safety issues, in particular independent technical accidents investigations in all modes of transport, including the transport of energy (oil and gas pipelines). The Group shall have 12 members and be chaired by a representative of the Commission.

- (4) For the examination of all issues pertinent to independent technical accident investigations, the Commission intends to set up a Group of Experts to advise the Commission on a strategy for dealing with accidents in the transport sector.

*Article 4***Appointment**

- (5) The setting up of this Group will contribute to the advancement of Community policy in the field of independent accident investigations, alongside other appropriate consultation procedures. The Group should advise the Commission on the need to improve existing legislation, and, where necessary, on the need to propose new initiatives for all modes of transport, including transport of energy (oil and gas pipelines),

1. The members of the Group of Experts shall be appointed individually by the Commission on the basis of objective criteria of proven competence and experience. They shall have a two-year renewable mandate with one possibility of renewal by a Commission decision.

2. When their mandate lapses, members of the Group of Experts shall remain in office until such time as they are replaced or their mandate renewed.

<sup>(1)</sup> COM(2001) 370, 12 September 2001, p. 69.

3. A member's mandate shall lapse before expiry thereof in the event of resignation or death. In such case, the member shall be replaced and shall be appointed by the Commission pursuant to the procedure mentioned in paragraph 2.

4. A call for applications for the membership shall be published in the *Official Journal of the European Union*. The Commission shall select the members on the basis of the applications received following this call. The selection criteria shall take account of the candidates' competence and experience, their representativeness and their ability to contribute to strategic discussions, and will promote a balance in terms of specialists from the various modes of transport.

5. The Commission will publish the list of members for information in the *Official Journal of the European Union*.

#### *Article 5*

#### **Terms of office, working groups and additional experts**

1. The Group of Experts shall meet in plenary session twice a year at the Commission headquarters on invitation by the Commission.

2. In fulfilment of its mission as set out in Article 2, the Group of Experts may set up ad hoc working groups.

3. The Chairman may decide to invite other experts to address particular matters, at the request of a member or on his or her own initiative.

4. The members of the Group of Experts and any experts invited under paragraph 3 shall have their travel and subsistence expenses reimbursed in accordance with the provisions in force within the Commission.

#### *Article 6*

#### **Confidentiality**

Without prejudice to the provisions of Article 287 of the EC Treaty, the members of the Group of Experts shall not divulge any information they obtain through their work in the Group of Experts or its working groups.

#### *Article 7*

#### **Rules of procedure and secretariat**

1. The Group of Experts shall adopt its rules of procedure.

2. The secretariat of the Group of Experts shall be provided by the Commission.

#### *Article 8*

#### **Entry into force**

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

Done at Brussels, 11 June 2003.

*For the Commission*

Loyola DE PALACIO

*Vice-President*

## COMMISSION DECISION

of 5 June 2003

**authorising the placing on the market of 'noni juice' (juice of the fruit of *Morinda citrifolia* L.) as a novel food ingredient under Regulation (EC) No 258/97 of the European Parliament and of the Council**

(notified under document number C(2003) 1789)

(Only the English text is authentic)

(2003/426/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS DECISION:

Having regard to the Treaty establishing the European Community,

Having regard to Regulation (EC) No 258/97 of the European Parliament and of the Council of 27 January 1997 concerning novel foods and novel food ingredients <sup>(1)</sup>, and in particular Article 7 thereof,

Having regard to the request by Morinda Inc. to the competent authorities of Belgium of 25 April 2000 for placing 'noni juice' (juice of the fruit of *Morinda citrifolia* L.) on the market as a novel food,

Having regard to the initial assessment report drawn up by the competent authorities of Belgium,

Whereas:

- (1) In their initial assessment report the Belgian competent food assessment body came to the conclusion that an additional assessment was required.
- (2) The Commission forwarded the initial assessment report to all Member States on 18 September 2001.
- (3) The Scientific Committee on Food (SCF) was asked to provide an additional assessment on 4 December 2001. The SCF in its opinion of 4 December 2002 considered Tahitian Noni® juice, at the observed levels of intake, as acceptable. The Committee also noted that the data supplied and the information available provided no evidence for special health benefits of 'Noni juice' which go beyond those of other fruit juices.
- (4) 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 1*

'Noni juice' (juice of the fruit of *Morinda citrifolia* L.) may be placed on the market in the Community as a novel food ingredient to be used in pasteurised fruit drinks.

*Article 2*

The term 'Noni juice' or 'juice of *Morinda citrifolia*' shall be displayed on the labelling of the product as such or in the list of ingredients of fruit drinks containing it in accordance with Directive 2000/13/EC of the European Parliament and of the Council of 20 March 2000, on the approximation of the laws of the Member States relating to the labelling, presentation and advertising of foodstuffs <sup>(2)</sup>.

*Article 3*

This Decision is addressed to Morinda Inc., 333 W. River Park Drive, Provo, UT 84604, USA.

Done at Brussels, 5 June 2003.

*For the Commission*

David BYRNE

*Member of the Commission*

<sup>(1)</sup> OJ L 43, 14.2.1997, p. 1.

<sup>(2)</sup> OJ L 109, 6.5.2000, p. 29.

## COMMISSION DECISION

of 5 June 2003

**authorising the placing on the market of oil rich in DHA (docosahexaenoic acid) from the microalgae *Schizochytrium* sp. as a novel food ingredient under Regulation (EC) No 258/97 of the European Parliament and of the Council**

(notified under document number C(2003) 1790)

(Only the English text is authentic)

(2003/427/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Regulation (EC) No 258/97 of the European Parliament and of the Council of 27 January 1997 concerning novel foods and novel food ingredients <sup>(1)</sup>, and in particular Article 7 thereof,

Having regard to the request by Martek Biosciences Corporation, formerly OmegaTech GmbH to the competent authorities of the United Kingdom of 13 February 2001 for placing oil rich in DHA (docosahexaenoic acid) from the microalgae *Schizochytrium* sp. on the market as a novel food ingredient,

Having regard to the initial assessment report drawn up by the competent authorities of the United Kingdom,

Whereas:

- (1) In their initial assessment report the United Kingdom's competent food assessment body came to the conclusion that DHA-rich oil from the microalgae *Schizochytrium* sp. is safe for human consumption.
- (2) The Commission forwarded the initial assessment report to all Member States on 20 June 2002.
- (3) Within the 60-day period laid down in Article 6(4) of Regulation (EC) No 258/97, reasoned objections to the marketing of the product were raised in accordance with that provision.
- (4) In response to the comments and objections raised, OmegaTech GmbH amended the specifications and the applications of the DHA-rich oil. These amendments were discussed with Member States' experts on 21 October 2002.

(5) On the basis of the initial assessment report, it is established that DHA-rich oil from the microalgae *Schizochytrium* sp. complies with the criteria laid down in Article 3(1) of the Regulation.

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

HAS ADOPTED THIS DECISION:

Article 1

DHA-rich oil from the microalgae *Schizochytrium* sp. as specified in Annex 1, may be placed on the market in the Community as a novel food ingredient for the uses and at the maximum levels as listed in Annex 2.

Article 2

The designation 'DHA-rich oil from the microalgae *Schizochytrium* sp.' shall be displayed on the labelling of the product as such or in the list of ingredients of foodstuffs containing it.

Article 3

This Decision is addressed to Martek Biosciences Corporation, 6480 Dobbin Road, Columbia, Maryland 21045 USA.

Done at Brussels, 5 June 2003.

For the Commission

David BYRNE

Member of the Commission

<sup>(1)</sup> OJ L 43, 14.2.1997, p. 1.

## ANNEX 1

**SPECIFICATION OF OIL RICH IN DHA (DOCOSAHEXAENOIC ACID) OBTAINED BY HEXANE EXTRACTION OF MICROALGAE *SCHIZOCHYTRIUM SP.***

| Test                   | Specification                |
|------------------------|------------------------------|
| Acid value             | Not more than 0,5 mg KOH/g   |
| Peroxide value (PV)    | Not more than 5,0 meq/kg oil |
| Moisture and volatiles | Not more than 0,05 %         |
| Unsaponifiabiles       | Not more than 4,5 %          |
| Trans-fatty acids      | Not more than 1 %            |
| DHA content            | Not less than 32,0 %         |

## ANNEX 2

**USES OF OIL RICH IN DHA (DOCOSAHEXAENOIC ACID) FROM THE MICROALGAE *SCHIZOCHYTRIUM SP.***

| Use group                                                              | Maximum use level of DHA                                                                                     |
|------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------|
| Dairy products except milk-based drinks                                | 200 mg/100 g or for cheese products 600 mg/100 g                                                             |
| Dairy analogues except drinks                                          | 200 mg/100 g or for analogues to cheese products 600 mg/100 g                                                |
| Spreadable fat and dressings                                           | 600 mg/100 g                                                                                                 |
| Breakfast cereals                                                      | 500 mg/100 g                                                                                                 |
| Food supplements                                                       | 200 mg per daily dose as recommended by the manufacturer                                                     |
| Dietary foods for special medical purposes                             | In accordance with the particular nutritional requirements of the persons for whom the products are intended |
| Foods intended for use in energy-restricted diets for weight reduction | 200 mg/meal replacement                                                                                      |

*Note:* All food products containing DHA-rich oil from *Schizochytrium sp.* should demonstrate oxidative stability by appropriate and recognised national/international test methodology (e.g. AOAC).

## COMMISSION DECISION

of 11 June 2003

**laying down additional measures to be carried out before lifting restrictions applied in accordance with Council Directive 92/40/EEC in relation to avian influenza***(notified under document number C(2003) 1817)***(Only the German, French and Dutch texts are authentic)****(Text with EEA relevance)**

(2003/428/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Having regard to Council Directive 89/662/EEC of 11 December 1989 concerning veterinary checks in intra-Community trade with a view to the completion of the internal market <sup>(3)</sup>, as last amended by Regulation (EC) No 806/2003 <sup>(4)</sup>, and in particular Article 9 thereof,

Whereas:

- (1) Council Directive 92/40/EEC <sup>(5)</sup>, as last amended by Regulation (EC) No 806/2003, introduced Community measures for the control of avian influenza.
- (2) Since 28 February 2003 the Netherlands declared several outbreaks of avian influenza. Since 16 April 2003 outbreaks have also been notified by Belgium. On 13 May 2003 the veterinary authorities of Germany have confirmed avian influenza in a poultry flock in the *Land* of North Rhine-Westphalia.
- (3) The Commission, in order to reinforce the measures taken by the affected Member States in the framework of Directive 92/40/EEC has adopted several Decisions, including Decisions 2003/289/EC <sup>(6)</sup>, as amended by Decision 2003/388/EC <sup>(7)</sup> for Belgium, 2003/290/EC <sup>(8)</sup>, as amended by Decision 2003/387/EC <sup>(9)</sup> for the Netherlands and 2003/358/EC <sup>(10)</sup>, as amended by Decision 2003/386/EC <sup>(11)</sup> for Germany concerning certain protection measures with regard to avian influenza in the respective Member State.

- (4) The establishment of protection and surveillance zones around confirmed outbreaks in accordance with Article 9 of Directive 92/40/EEC is an essential element of disease control. However the Directive does not provide for the measures necessary to be carried out before the restrictions applied in the zones may be lifted.
- (5) In the last weeks the disease situation has improved in all three affected countries, so that restrictions for surveillance zones could be lifted in the near future. The large scale of the epidemic however, requires that the established protection and surveillance zones be lifted with the maximum caution. Before the zones are lifted it is appropriate to ensure a safe removal of manure and other substances from those infected holdings, where it has not been possible to ensure an appropriate treatment of this material.
- (6) Until the measures in the surveillance zones are lifted certain measures for the transport of one day-old chicks, meat from slaughter poultry and table eggs should be maintained.
- (7) During this epidemic a large number of poultry holdings and other establishments have been depopulated due to infection with avian influenza or for preventive reasons. In view of the severe extent of the disease and before large scale restocking should take place, sentinel birds should be introduced into the holdings and other establishments where avian influenza occurred, in order to demonstrate the absence of any avian influenza virus in the environment.
- (8) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

<sup>(1)</sup> OJ L 224, 18.8.1990, p. 29.

<sup>(2)</sup> OJ L 315, 19.11.2002, p. 14.

<sup>(3)</sup> OJ L 395, 30.12.1989, p. 13.

<sup>(4)</sup> OJ L 122, 16.5.2003, p. 1.

<sup>(5)</sup> OJ L 167, 22.6.1992, p. 1.

<sup>(6)</sup> OJ L 105, 26.4.2003, p. 24.

<sup>(7)</sup> OJ L 133, 29.5.2003, p. 92.

<sup>(8)</sup> OJ L 105, 26.4.2003, p. 28.

<sup>(9)</sup> OJ L 133, 29.5.2003, p. 91.

<sup>(10)</sup> OJ L 123, 17.5.2003, p. 55.

<sup>(11)</sup> OJ L 133, 29.5.2003, p. 89.

HAS ADOPTED THIS DECISION:

#### Article 1

Belgium, Germany and the Netherlands may authorise, in addition to the provisions of Article 5(1)(b) of Directive 92/40/EEC, the transport of animal feed, litter or manure, under official supervision and by taking all necessary bio-security measures, to an approved plant within their territory in order to incinerate such material, or to apply to it any other treatment that ensures the destruction of any avian influenza virus present. Awaiting the incineration or treatment, the competent authority may authorise the transport of such material, under official supervision and taking all necessary bio-security measures, to storage facilities specially approved for that purpose by the competent authority. In case of treatment, the competent authority shall ensure that the treated material is not being dispatched to other Member States or third countries.

#### Article 2

Belgium, Germany and the Netherlands shall ensure that the following measures are carried out in the protection and surveillance zones established within their territory in accordance with Article 9 of Directive 92/40/EEC:

1. All holdings, as referred to in Article 5(1) of Directive 92/40/EEC, shall be inspected visually by the competent authority and shall be submitted to supplementary testing in order to confirm the satisfactory completion of the cleaning and disinfecting operations, as laid down in Articles 5(1)(e) and 11 of the Directive.
2. Without prejudice to the provisions of Articles 5(1)(e) and 11 of Directive 92/40/EEC, sentinel birds shall be placed, according to the requirements and procedures laid down in the Annex, in holdings and other establishments, in which the presence of avian influenza has previously been officially confirmed and before reintroduction of poultry can take place in accordance with Article 5(1)(f). The reintroduction of poultry on depopulated holdings and other depopulated establishments in a surveillance zone shall only take place after the procedures laid down in the Annex have been completed for the concerned surveillance zone and when it has been shown that the sentinel birds have not become infected with avian influenza virus.

#### Article 3

The competent authorities of Belgium, Germany and the Netherlands shall ensure that the following measures are applied:

1. without prejudice to Article 9(5) of Directive 92/40/EEC, the measures applied in the surveillance zone shall not be lifted until it has been shown that the sentinel birds referred to in Article 2(2) have not become infected with avian influenza virus;

2. until the measures are lifted according to paragraph 1,

- (a) the competent authority, taking all appropriate bio-security measures to avoid the spread of avian influenza, may authorise transport not prohibited by Council Directive 92/40/EEC of live poultry and hatching eggs, in particular to allow movements of day-old chicks in accordance with the provisions of Article 9 paragraph 4(a), (b) and (c). The animals and eggs shall be transported under official control to holdings within the territory of the Member State concerned;
- (b) fresh poultry meat obtained from the slaughter of poultry transported by taking all appropriate bio-security measures and originating from the established surveillance zones:
  - shall be marked with a round format mark in accordance with the further requirements of the competent authority,
  - shall not be dispatched to other Member States or third countries,
  - must be obtained, cut, stored and transported separately from other fresh poultry meat destined for intra-Community trade and for exports to third countries, and must be used in such a way as to avoid it being introduced into meat products or meat preparations intended for intra-Community trade or for export to third countries, unless it has undergone the treatment specified in table 1(a), (b) or (c) of Annex III to Council Directive 2002/99/EC <sup>(1)</sup>;
- (c) in order to enhance bio-security in the poultry sector and to avoid cross contamination, the competent authority shall ensure that, as regards Belgium and the Netherlands on their whole territory and as regards Germany on the territory of North Rhine-Westphalia:
  - table eggs shall only be transported from a holding to a packing station either in disposable packaging or in containers, trays and other non-disposable equipment, which must be cleaned and disinfected before and after each use. In addition, in case of table eggs originating from another Member State, the competent authority shall ensure that the packaging, containers, trays and other non-disposable equipment used for their transport are returned after having been cleaned and disinfected, or are handled otherwise under official supervision and according to the instructions of the competent authority,
  - poultry intended for immediate slaughter shall be transported with trucks and in crates or cages, which must be cleaned and disinfected before and after each use. In addition, in case of slaughter poultry originating from another Member State, the competent veterinary authority shall ensure that the crates and cages and containers are returned after having been cleaned and disinfected or are handled otherwise under official supervision and according to the instructions of the competent authority,

<sup>(1)</sup> OJ L 18, 23.1.2003, p. 11.

- day-old chicks are transported in disposable packing material to be destroyed after use,
- the disinfectants and the method of cleaning and disinfection are approved by the competent authority.

3. No poultry shall be introduced in preventively depopulated holdings and other preventively depopulated establishments at risk referred to in Article 3 of Decisions 2003/290/EC for the Netherlands, 2003/289/EC for Belgium and 2003/358/EC for Germany, until it has been shown that the sentinel birds referred to in Article 2(2) in all surveillance zones adjacent to the concerned area have not become infected with avian influenza virus.

#### Article 4

This Decision is addressed to Belgium, Germany and the Netherlands.

Done at Brussels, 11 June 2003.

*For the Commission*

David BYRNE

*Member of the Commission*

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#### ANNEX

1. Before or during any sentinel birds are introduced in the holdings and establishments in which the presence of avian influenza has been officially confirmed, poultry on all holdings located in the protection and surveillance zones established around the holdings in question shall be submitted to a clinical inspection to exclude any suspicion of avian influenza.
  2. The sentinel birds to be used for introduction into holdings and establishments must:
    - be susceptible to avian influenza and may only be used once as sentinel birds,
    - be unvaccinated against avian influenza,
    - have been found sero-negative for avian influenza within 14 days before their placing in the holdings and establishments,
    - be at least three weeks old,
    - be leg-banded for identification purposes, or be identified with another non-removable identification mark.
  3. The sentinel birds must be placed in the holdings and establishments not before five days have elapsed after cleaning and disinfection according to Articles 5 and 11 of Directive 92/40/EEC.
  4. The sentinel birds must have permanent access and contact to a large surface of the poultry house.
  5. The number of sentinel birds to be placed in the holdings and establishments must correspond to at least 1 % of the regular stocking density of the holding, and the sentinels must be distributed evenly.
  6. The sentinel birds must undergo a clinical examination supervised by the competent authorities at least once a week.
  7. The sentinel birds must remain in the holdings and establishments for at least 21 days.
  8. All sentinel birds that die during the 21-day period after introduction in the holding or establishment must undergo a pathological investigation. Appropriate samples must be taken and tested for avian influenza in accordance with the instructions of the competent authority.
  9. After 21 days a number of blood samples and samples of faeces or tracheal exudate shall be taken from the sentinel birds in order to detect avian influenza virus and specific antibodies with 5 % prevalence within a 95 % confidence interval.
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