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I

(Acts whose publication is obligatory)

**REGULATION (EC) No 1177/2003 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL
of 16 June 2003
concerning Community statistics on income and living conditions (EU-SILC)
(Text with EEA relevance)**

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 285(1) thereof,

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

Having regard to the opinion of the European Economic and Social Committee ⁽²⁾,

Acting in accordance with the procedure laid down in Article 251 of the Treaty ⁽³⁾,

Whereas:

- (1) In order to carry out the tasks assigned to it, particularly after the Lisbon, Nice, Stockholm and Laeken European Council meetings held in March 2000, December 2000, March 2001 and December 2001 respectively, the Commission should be kept informed of income distribution and of the level and composition of poverty and social exclusion in the Member States.
- (2) The new open method of coordination in the field of social inclusion as well as the structural indicators to be produced for the annual synthesis report increase the need for comparable and timely cross-sectional and longitudinal data on income distribution and on the level and composition of poverty and social exclusion for establishing reliable and relevant comparisons between the Member States.
- (3) Decision No 50/2002/EC of the European Parliament and of the Council of 7 December 2001 establishing a programme of Community action to encourage cooperation between Member States to combat social exclusion ⁽⁴⁾ has established, under Action 1.2 of Strand 1 concerning the 'analysis of social exclusion', the necessary conditions in relation to the funding of measures concerning the collection and dissemination of comparable statistics and in particular supporting the improvement of surveys and analysis of poverty and social exclusion.

(4) The best method of assessing the situation as regards income, poverty and social exclusion is to compile Community statistics using harmonised methods and definitions. Some Member States may require additional time to adapt their systems to these harmonised methods and definitions.

(5) To reflect changes taking place in the distribution of income and in the level and composition of poverty and social exclusion, the statistics need to be updated annually.

(6) To investigate major issues of social concern, especially new issues requiring specific research, the Commission needs cross-sectional and longitudinal micro-data at household and personal level.

(7) Priority should be given to the production of timely and comparable annual cross-sectional data on income, poverty and social exclusion.

(8) Flexibility in terms of data sources, in particular the use of existing national data sources, whether they be surveys or registers, and national sample designs should be encouraged and the integration of the new source(s) into established national statistical systems should be promoted.

(9) Commission Regulation (EC) No 831/2002 of 17 May 2002 implementing Council Regulation (EC) No 322/97 on Community statistics, concerning access to confidential data for scientific purposes ⁽⁵⁾ has established, for the purpose of enabling statistical conclusions to be drawn for scientific purposes, the conditions pursuant to which access to confidential data transmitted to the Community authority may be granted.

(10) The production of specific Community statistics is governed by the rules set out in Council Regulation (EC) No 322/97 of 17 February 1997 on Community Statistics ⁽⁶⁾.

⁽¹⁾ OJ C 103 E, 30.4.2002, p. 198, and amended proposal of 15 November 2002.

⁽²⁾ OJ C 149, 21.6.2002, p. 24.

⁽³⁾ Opinion of the European Parliament of 14 May 2002 (not yet published in the Official Journal), Council Common Position of 6 March 2003 (OJ C 107 E, 6.5.2003, p. 26) and Decision of the European Parliament of 13 May 2003 (not yet published in the Official Journal).

⁽⁴⁾ OJ L 10, 12.1.2002, p. 1.

⁽⁵⁾ OJ L 133, 18.5.2002, p. 7.

⁽⁶⁾ OJ L 52, 22.2.1997, p. 1.

- (11) 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 ⁽¹⁾.
- (12) The Statistical Programme Committee (SPC) has been consulted in accordance with Article 3 of Council Decision 89/382/EEC, Euratom ⁽²⁾,

HAVE ADOPTED THIS REGULATION:

Article 1

Aim

The aim of this Regulation shall be to establish a common framework for the systematic production of Community statistics on income and living conditions (hereinafter referred to as EU-SILC), encompassing comparable and timely cross-sectional and longitudinal data on income and on the level and composition of poverty and social exclusion at national and European levels.

Comparability of data between Member States shall be a fundamental objective and shall be pursued through the development of methodological studies from the outset of EU-SILC data collection, carried out in close cooperation between the Member States and Eurostat.

Article 2

Definitions

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

- (a) 'Community statistics' shall have the meaning assigned to it in Article 2 of Regulation (EC) No 322/97;
- (b) 'production of statistics' shall have the meaning assigned to it in Article 2 of Regulation (EC) No 322/97;
- (c) 'year of survey': means the year in which the survey-data collection, or most of the collection, is carried out;
- (d) 'fieldwork period': means the period of time in which the survey component is collected;
- (e) 'reference period': means the period of time to which a particular item of information relates;
- (f) 'private household': means a person living alone or a group of people who live together in the same private dwelling and share expenditures, including the joint provision of the essentials of living;
- (g) 'cross-sectional data': means the data pertaining to a given time or a certain time period. Cross-sectional data may be extracted either from a cross-sectional sample survey with or without a rotational sample or from a pure panel sample survey (on condition that cross-sectional representativeness is guaranteed); such data may be combined with register data (data on persons, households or dwellings compiled from a unit-level administrative or statistical register);

- (h) 'longitudinal data': means the data pertaining to individual-level changes over time, observed periodically over a certain duration. Longitudinal data may come either from a cross-sectional survey with a rotational sample where individuals once selected are followed up or from a pure panel survey; it may be combined with register data;
- (i) 'sample persons': means the persons selected to constitute the sample in the first wave of a longitudinal panel. They may comprise all members of an initial sample of households, or a representative sample of individuals in a survey of persons;
- (j) 'target primary areas': means the subject areas for which data are to be collected on an annual basis;
- (k) 'target secondary areas': means the subject areas for which data are to be collected every four years or less frequently;
- (l) 'gross income': means the total monetary and non-monetary income received by the household over a specified 'income reference period', before deduction of income tax, regular taxes on wealth, employees', self-employed and unemployed (if applicable) persons' compulsory social insurance contributions and employers' social insurance contributions, but after including inter-household transfers received;
- (m) 'disposable income': means gross income less income tax, regular taxes on wealth, employees', self-employed and unemployed (if applicable) persons' compulsory social insurance contributions, employers' social insurance contributions and inter-household transfers paid.

Article 3

Scope

The EU-SILC shall cover cross-sectional data on income, poverty, social exclusion and other living conditions as well as longitudinal data restricted to income, labour and a limited number of non-monetary indicators of social exclusion.

Article 4

Time reference

1. The cross-sectional and longitudinal data shall be produced annually as from 2004. In any given Member State, the timing of collection shall be kept the same from one year to the next as far as possible.

2. By way of exception to paragraph 1, Germany, the Netherlands and the United Kingdom may start the annual cross-sectional and longitudinal data collection in 2005. This will be the case provided that those Member States supply comparable data for the year 2004 for the cross-sectional common European Union indicators, which have been adopted by the Council before 1 January 2003 in the context of the open method of coordination and which can be derived on the basis of the EU-SILC instrument.

⁽¹⁾ OJ L 184, 17.7.1999, p. 23.

⁽²⁾ OJ L 181, 28.6.1989, p. 47.

3. The income reference period shall be a 12-month period. This may be a fixed 12-month period (such as the previous calendar or tax year) or a moving 12-month period (such as the 12 months preceding the interview) or be based on a comparable measure.

4. If a fixed income reference period is used, fieldwork for the survey component shall be carried out over a limited period as close as possible to the income reference period or to the tax declaration period so as to minimise time lag between income and current variables.

Article 5

Characteristics of the data

1. In order to permit multi-dimensional analysis at the level of households and persons and in particular investigation of major issues of social concern that are new and require specific research, all household and individual data shall be linkable in the cross-sectional component.

Similarly, all household and personal data shall be linkable in the longitudinal component.

Longitudinal micro-data do not need to be linkable with cross-sectional micro-data.

The longitudinal component shall cover at least four years.

2. In order to reduce response burdens, to help in income imputation procedures and to test data quality, the national authorities shall have access to relevant administrative data sources in accordance with Regulation (EC) No 322/97.

Article 6

Data required

1. The target primary areas and corresponding reference periods to be covered by the cross-sectional and the longitudinal components are laid down in Annex I.

2. Target secondary areas shall be included every year starting from 2005 only in the cross-sectional component. They shall be defined in accordance with the procedure referred to in Article 14(2). One secondary area shall be covered each year.

Article 7

Collection unit

1. The reference population for the EU-SILC shall be all private households and their current members residing in the territory of the Member State at the time of the data collection.

2. The main information collected shall pertain to

- (a) private households, including data on household size, composition and basic characteristics of its current members; and
- (b) persons aged 16 and over.

3. The collection unit, together with the mode of collection for household and personal information, shall be as laid down in Annex I.

Article 8

Sampling and tracing rules

1. Cross-sectional and longitudinal data shall be based on nationally representative probability samples.

2. By way of exception to paragraph 1, Germany shall supply cross-sectional data based on a nationally representative probability sample for the first time for the year 2008. For the year 2005, Germany shall supply data of which 25 % shall be based on probability sampling and 75 % shall be based on quota samples, the latter to be progressively replaced by random selection so as to achieve fully representative probability sampling by 2008.

For the longitudinal component, Germany shall supply for the year 2006 one third of longitudinal data (data for years 2005 and 2006) based on probability sampling and two thirds based on quota samples. For the year 2007, half of the longitudinal data relating to years 2005, 2006 and 2007 shall be based on probability sampling and half on quota samples. After 2007 all longitudinal data shall be based on probability sampling.

3. In the longitudinal component, individuals included in the initial sample, that is to say, sample persons, shall be followed over the duration of the panel. Every sample person who has moved to a private household within the national boundaries shall be followed up to the new location in accordance with tracing rules and procedures to be defined under the procedure referred to in Article 14(2).

Article 9

Sample sizes

1. On the basis of various statistical and practical considerations and the precision requirements for the most critical variables, the minimum effective sample sizes to be achieved shall be as set out in the table in Annex II.

2. Sample size for the longitudinal component refers, for any pair of consecutive years, to the number of households successfully interviewed in the first year in which all or at least a majority of the household members aged 16 or over are successfully interviewed in both the years.

3. Member States using registers for income and other data may use a sample of persons rather than a sample of complete households in the interview survey. The minimum effective sample size in terms of the number of persons aged 16 or over to be interviewed in detail shall be taken as 75 % of the figures shown in columns 3 and 4 of the table in Annex II, for the cross-sectional and longitudinal components respectively.

Information on income and other data shall also be collected for the household of each selected respondent and for all its members.

Article 10

Transmission of data

1. Member States shall transmit to the Commission (Eurostat) in the form of micro-data files weighted cross-sectional and longitudinal data which has been fully checked, edited and imputed in relation to income.

Member States shall transmit the data in electronic form, in conformity with an appropriate technical format to be adopted in accordance with the procedure referred to in Article 14(2).

2. Regarding the cross-sectional component, Member States shall transmit the micro-data files relating to year of survey N to the Commission (Eurostat), preferably within 11 months after the end of the data collection. The extreme deadline for the transmission of micro-data to Eurostat shall be 30 November (N+1) for Member States where data are collected at the end of year N or through a continuous survey or through registers and 1 October (N+1) for other Member States.

Together with the micro-data files, Member States shall transmit social cohesion indicators based on the cross-sectional sample of year N which will be included in the annual Spring report of year (N+2) to the European Council.

The dates of transmission of data also apply for the transmission of comparable data for cross-sectional common EU indicators for those Member States which start annual collection of data after 2004 in accordance with Article 4(2).

3. As for the longitudinal component, Member States shall transmit the micro-data files up to year N to the Commission (Eurostat) preferably within 15 months after the end of the fieldwork. The mandatory deadline for the transmission of micro-data to Eurostat shall be the end of March (N+2), each year starting from the second year of EU-SILC.

The first transmission of data, covering longitudinally linked data for:

- the survey years 2004 and 2005, in the case of Member States starting annual data collection in 2004, shall take place by the end of March 2007; and
- the survey years 2005 and 2006, in the case of Member States starting annual data collection in 2005, shall take place by the end of March 2008.

The next transmission shall cover the first three survey years 2004-2006 (2005-2007) and shall take place respectively by the end of March 2008 and 2009.

Thereafter, each year longitudinal data shall be provided covering the preceding four survey years (revised from previous releases as necessary).

Article 11

Publication

For the cross-sectional component, the Commission (Eurostat) shall publish an annual cross-sectional report at Community level by the end of June N+2, based on the data collected during year N.

For those Member States which start annual data collection after 2004 in accordance with Article 4(2) the cross-sectional report for 2004 shall include the common cross-sectional EU indicators.

As from 2006, the cross sectional report shall include the available results of methodological studies referred to in Article 16.

Article 12

Access for scientific purposes to EU-SILC confidential data

1. The Community authority (Eurostat) may grant access on its premises to confidential data or release sets of anonymised micro-data from the EU-SILC source, for scientific purposes and under the conditions laid down in Regulation (EC) No 831/2002.

2. For the cross-sectional component, micro-data files at Community level for data collected during year N shall be made available for scientific purposes by the end of February N+2.

3. For the longitudinal component, micro-data files at Community level for data collected up to year N shall be made available for scientific purposes by the end of July N+2.

The first issue of longitudinal micro-data files for those Member States which start data collection in 2004 shall cover the years 2004 and 2005 and shall take place at the end of July 2007.

The second issue in July 2008 shall cover the years 2004-2006, for those Member States which start the data collection in 2004, and the years 2005 and 2006, for those Member States which start data collection in 2005.

The third issue in July 2009 shall cover the years 2004-2007, for those Member States which start the data collection in 2004, and the years 2005-2007 for those Member States which start data collection in 2005.

Thereafter, each July release shall cover longitudinal data at Community level for the four most recent years for which data are available.

4. Reports produced by the Scientific Community based on cross-sectional micro-data files for data collected during year N shall not be disseminated before July N+2.

Reports produced by the Scientific Community based on longitudinal micro-data files in relation to the year of the survey N shall not be disseminated before July N+3.

*Article 13***Financing**

1. For the first four years of data collection in each Member State, that Member State shall receive a financial contribution from the Community towards the cost of the work involved.
2. The amount of the appropriations allocated annually for the financial contribution referred to in paragraph 1 shall be fixed as part of the annual budgetary procedures.
3. The budget authority shall grant the appropriations available for each year.

*Article 14***Committee**

1. The Commission shall be assisted by the Statistical Programme Committee, set up by Decision 89/382 (EEC/Euratom).
2. Where reference is made to this paragraph, Articles 5 and 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.

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

3. The Committee shall adopt its rules of procedure.

*Article 15***Implementing measures**

1. The measures necessary for the implementation of this Regulation, including measures to take account of economic and technical changes, shall be taken, at least 12 months before the beginning of the year of the survey, in accordance with the procedure referred to in Article 14(2).
2. Such measures shall concern:
 - (a) the definition of the list of target primary variables to be included in each area for the cross-sectional component and the list of target variables included in the longitudinal component, including the specification of variable codes and the technical format of transmission to Eurostat;
 - (b) the detailed content of both intermediate and final quality reports;
 - (c) the definitions and the updating of the definitions, in particular the bringing into operation of the income definitions given in points (l) and (m) of Article 2 (including the timetable for the inclusion of the various components);
 - (d) the sampling aspects, including tracing rules;
 - (e) the fieldwork aspects and the imputation procedures;
 - (f) the list of target secondary areas and variables.

3. By way of exception, the measures, including those which take into account economic and technical changes, necessary for the implementation of this Regulation regarding the 2004 data collection, shall relate only to points (a) to (e) of paragraph 2 and shall be taken at least six months before the beginning of the year of the survey.

4. In each Member State the total duration of the interview relating to the target primary and target secondary variables of the cross-sectional component, including household and individual interviews, shall not exceed one hour on average.

*Article 16***Reports and studies**

1. Member States shall produce by the end of the year N+1 an intermediate quality report relating to the common cross-sectional EU indicators based on the cross-sectional component of year N.

Member States shall produce by the end of year N+2, final quality reports that cover both cross-sectional and longitudinal components in relation to the year of the survey N, focusing on the internal accuracy. By way of exception, the 2004 report (for Member States starting data collection in 2004) and 2005 report (for Member States starting data collection in 2005) shall only cover the cross-sectional component.

Small departures from common definitions, such as those relating to private household definition and income reference period, shall be allowed, provided they affect comparability only marginally. The impact on comparability shall be reported in the quality reports.

2. The Commission (Eurostat) shall produce by the end of June N+2 a comparative intermediate quality report relating to the common cross-sectional EU indicators of year N.

The Commission (Eurostat) shall produce by 30 June N+3 a comparative final quality report that covers both cross-sectional and longitudinal components in relation to the year of the survey N. By way of exception, the 2004 report (for those Member States starting data collection in 2004) and the 2005 report (for those Member States starting data collection in 2005) shall cover only the cross-sectional component.

3. No later than 31 December 2007, the Commission will submit a report to the European Parliament and the Council on the work done under this Regulation.

4. The Commission (Eurostat) shall organise from 2004 methodological studies to estimate the impact on comparability of the national data sources used and to identify best practices to be followed. The results of these studies shall be included in the report referred to in paragraph 3.

*Article 17***Entry into force**

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

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

Done at Luxembourg, 16 June 2003.

For the European Parliament

The President

P. COX

For the Council

The President

G. PAPANDREOU

ANNEX I

PRIMARY AREAS COVERED IN THE CROSS-SECTIONAL COMPONENT AND AREAS COVERED IN THE LONGITUDINAL COMPONENT

1. Household information

Unit (Persons or households)	Mode of collection	Domains	Areas	Reference period	Cross-sectional (X) and/or longitudinal (L) area
Household	Information collected from a household member aged 16 or over or extracted from registers	Basic data	Basic household data including degree of urbanisation	Current	X, L
		Income	Total household income (gross ⁽¹⁾ and disposable)	Income reference period	X, L
			Gross income components at household level	Income reference period	X, L
		Social exclusion	Housing and non-housing related arrears	Last 12 months	X, L
			Non-monetary household deprivation indicators, including problems in making ends meet, extent of debt and enforced lack of basic necessities	Current	X, L
			Physical and social environment	Current	X
		Labour information	Child care	Current	X
		Housing	Dwelling type, tenure status and housing conditions	Current	X, L
			Amenities in the dwelling	Current	X
			Housing costs	Current	X

⁽¹⁾ Gross income components shall cover gross employee and self-employment income (monetary and non-monetary), gross employer's social insurance contributions, imputed rent, property income, gross current transfers received, other gross income and interest payments.

Non-monetary components of employee (with the exception of company cars that is to be calculated as from the first year of the survey) and self-employed income, imputed rent and interest payments shall be optional from the first year of the survey and compulsory from 2007.

Gross employer's social insurance contributions shall only be included from 2007 if results of feasibility studies are positive.

Variables required for calculating imputed rent will be collected as from the first year of data collection for each Member State (2004 or 2005).

2. Personal information

Unit (Persons or households)	Mode of collection	Domains	Areas	Reference period	Cross-sectional (X) and/or longitudinal (L) area
All persons aged under 16	Personal information collected from a household member aged 16 or over or extracted from registers	Basic data	Demographic data	Current	X, L
Former household members			Demographic data	Income reference period	L
All persons aged 16 or over in the household	Personal information collected from all household members aged 16 or over (proxy as an exception for persons temporarily away or incapacitated) or extracted from registers	Income	Gross personal income, total and components at personal level	Income reference period	X, L
		Basic data	Basic personal data	Current	X, L
			Demographic data	Current	X, L
		Education	Education, including highest ISCED level attained	Current	X, L
		Labour information	Basic labour information on current activity status and on current main job, including information on last main job for unemployed	Current	X, L
			Basic information on activity status during income reference period	Income reference period	X
			Total number of hours worked on current second/third ... jobs	Current	X
At least one household member aged 16 or over (the selected respondent)	Personal information collected from individual(s) (proxy as an exception) or extraction from registers	Health	Health, including health status and chronic illness or condition	Current	X, L
			Access to health care	Past 12 months	X
		Labour information	Detailed labour information	Current	X, L
			Activity history	Working life	L
			Calendar of activities	Income reference period	L

ANNEX II

Minimum effective sample sizes

	Households		Persons aged 16 or over to be interviewed	
	Cross-sectional	Longitudinal	Cross-sectional	Longitudinal
	1	2	3	4
EU Member States				
Belgium	4 750	3 500	8 750	6 500
Denmark	4 250	3 250	7 250	5 500
Germany	8 250	6 000	14 500	10 500
Greece	4 750	3 500	10 000	7 250
Spain	6 500	5 000	16 000	12 250
France	7 250	5 500	13 500	10 250
Ireland	3 750	2 750	8 000	6 000
Italy	7 250	5 500	15 500	11 750
Luxembourg	3 250	2 500	6 500	5 000
Netherlands	5 000	3 750	8 750	6 500
Austria	4 500	3 250	8 750	6 250
Portugal	4 500	3 250	10 500	7 500
Finland	4 000	3 000	6 750	5 000
Sweden	4 500	3 500	7 500	5 750
United Kingdom	7 500	5 750	13 750	10 500
Total of EU Member States	80 000	60 000	156 000	116 500
Iceland	2 250	1 700	3 750	2 800
Norway	3 750	2 750	6 250	4 650
Total including Iceland and Norway	86 000	64 450	166 000	123 950

Note: The reference is to the effective sample size which is the size required if the survey were based on simple random sampling (design effect in relation to the 'risk of poverty rate' variable = 1,0). The actual sample sizes will have to be larger to the extent that the design effects exceed 1,0 and to compensate for non-response of all kinds. Furthermore, the sample size refers to the number of valid households which are households for which, and for all members of which, all or nearly all the required information has been obtained.

COMMISSION REGULATION (EC) No 1178/2003
of 2 July 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 3 July 2003.

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

Done at Brussels, 2 July 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 2 July 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	096	33,4
	999	33,4
0707 00 05	052	88,1
	628	119,5
	999	103,8
0709 90 70	052	76,5
	999	76,5
0805 50 10	382	59,8
	388	57,7
	524	80,7
	528	65,3
	999	65,9
0808 10 20, 0808 10 50, 0808 10 90	388	68,8
	400	121,9
	508	80,3
	512	77,0
	524	46,9
	528	60,6
	720	58,1
	804	92,5
	999	75,8
0808 20 50	388	103,8
	512	85,2
	528	75,8
	999	88,3
0809 10 00	052	198,2
	064	149,9
	999	174,1
0809 20 95	052	316,8
	060	156,6
	061	210,0
	064	231,2
	068	99,1
	400	255,6
	616	181,2
	999	207,2
0809 40 05	052	203,9
	624	193,6
	999	198,8

⁽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 1179/2003
of 1 July 2003
establishing unit values for the determination of the customs value of certain perishable goods

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code ⁽¹⁾, as last amended by Regulation (EC) No 2700/2000 of the European Parliament and of the Council ⁽²⁾,

Having regard to Commission Regulation (EEC) No 2454/93 of 2 July 1993 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code ⁽³⁾, as last amended by Regulation (EC) No 444/2002 ⁽⁴⁾, and in particular Article 173(1) thereof,

Whereas:

- (1) Articles 173 to 177 of Regulation (EEC) No 2454/93 provide that the Commission shall periodically establish unit values for the products referred to in the classification in Annex 26 to that Regulation.

- (2) The result of applying the rules and criteria laid down in the abovementioned Articles to the elements communicated to the Commission in accordance with Article 173(2) of Regulation (EEC) No 2454/93 is that unit values set out in the Annex to this Regulation should be established in regard to the products in question,

HAS ADOPTED THIS REGULATION:

Article 1

The unit values provided for in Article 173(1) of Regulation (EEC) No 2454/93 are hereby established as set out in the table in the Annex hereto.

Article 2

This Regulation shall enter into force on 4 July 2003.

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

Done at Brussels, 1 July 2003.

For the Commission

Erkki LIIKANEN

Member of the Commission

⁽¹⁾ OJ L 302, 19.10.1992, p. 1.

⁽²⁾ OJ L 311, 12.12.2000, p. 17.

⁽³⁾ OJ L 253, 11.10.1993, p. 1.

⁽⁴⁾ OJ L 68, 12.3.2002, p. 11.

ANNEX

Code	Description	Amount of unit values per 100 kg			
	Species, varieties, CN code	EUR	DKK	SEK	GBP
1.10	New potatoes 0701 90 50	—	—	—	—
1.30	Onions (other than seed) 0703 10 19	47,00	349,08	431,61	32,44
1.40	Garlic 0703 20 00	141,30	1 049,41	1 297,50	97,51
1.50	Leeks ex 0703 90 00	40,98	304,36	376,31	28,28
1.80	White cabbages and red cabbages 0704 90 10	52,34	388,73	480,63	36,12
1.90	Sprouting broccoli or calabrese (<i>Brassica oleracea</i> L. convar. <i>botrytis</i> (L.) <i>Alef</i> var. <i>italica</i> Plenck) ex 0704 90 90	61,43	456,24	564,10	42,39
1.100	Chinese cabbage ex 0704 90 90	54,27	403,06	498,35	37,45
1.130	Carrots ex 0706 10 00	36,50	271,09	335,17	25,19
1.140	Radishes ex 0706 90 90	92,37	686,03	848,22	63,74
1.160	Peas (<i>Pisum sativum</i>) 0708 10 00	449,91	3 341,49	4 131,44	310,48
1.170	Beans:				
1.170.1	— Beans (<i>Vigna</i> spp., <i>Phaseolus</i> spp.) ex 0708 20 00	48,19	357,89	442,50	33,25
1.170.2	— Beans (<i>Phaseolus</i> ssp. <i>vulgaris</i> var. <i>Compressus</i> Savi) ex 0708 20 00	93,80	696,65	861,35	64,73
1.200	Asparagus:				
1.200.1	— green ex 0709 20 00	248,39	1 844,82	2 280,95	171,42
1.200.2	— other 0709 20 00	218,23	1 620,79	2 003,96	150,60
1.210	Aubergines (eggplants) 0709 30 00	89,34	663,55	820,42	61,66
1.220	Ribbed celery (<i>Apium graveolens</i> L., var. <i>dulce</i> (Mill.) Pers.) ex 0709 40 00	79,14	587,77	726,73	54,61
1.230	Chantarelles 0709 59 10	1 166,78	8 665,68	10 714,31	805,19
1.240	Sweet peppers 0709 60 10	163,10	1 211,31	1 497,67	112,55
1.270	Sweet potatoes, whole, fresh (intended for human consumption) 0714 20 10	86,03	638,94	789,99	59,37
2.30	Pineapples, fresh ex 0804 30 00	85,22	632,95	782,58	58,81

Code	Description	Amount of unit values per 100 kg			
	Species, varieties, CN code	EUR	DKK	SEK	GBP
2.40	Avocados, fresh ex 0804 40 00	152,17	1 130,18	1 397,37	105,01
2.50	Guavas and mangoes, fresh ex 0804 50 00	166,24	1 234,64	1 526,52	114,72
2.60	Sweet oranges, fresh:				
2.60.1	— Sanguines and semi-sanguines 0805 10 10	50,80	377,29	466,49	35,06
2.60.2	— Navels, navelines, navelates, salustianas, vernas, Valencia lates, Maltese, shamoutis, ovalis, trovita and hamlins 0805 10 30	53,37	396,36	490,06	36,83
2.60.3	— Others 0805 10 50	44,82	332,88	411,57	30,93
2.70	Mandarins (including tangerines and satsumas), fresh; clementines, wilkings and similar citrus hybrids, fresh:				
2.70.1	— Clementines ex 0805 20 10	85,76	636,91	787,48	59,18
2.70.2	— Monreales and satsumas ex 0805 20 30	84,93	630,80	779,92	58,61
2.70.3	— Mandarines and wilkings ex 0805 20 50	72,51	538,54	665,86	50,04
2.70.4	— Tangerines and others ex 0805 20 70 ex 0805 20 90	81,99	608,94	752,90	56,58
2.85	Limes (<i>Citrus aurantifolia</i> , <i>Citrus latifolia</i>), fresh 0805 50 90	96,39	715,85	885,09	66,52
2.90	Grapefruit, fresh:				
2.90.1	— white ex 0805 40 00	92,96	690,40	853,61	64,15
2.90.2	— pink ex 0805 40 00	91,51	679,68	840,36	63,15
2.100	Table grapes 0806 10 10	193,12	1 434,28	1 773,35	133,27
2.110	Water melons 0807 11 00	40,27	299,08	369,78	27,79
2.120	Melons (other than water melons):				
2.120.1	— Amarillo, cuper, honey dew (including cantalene), onteniente, piel de sapo (including verde liso), rochet, tendral, futuro ex 0807 19 00	69,83	518,63	641,24	48,19
2.120.2	— Other ex 0807 19 00	88,43	656,77	812,04	61,03
2.140	Pears				
2.140.1	— Pears — nashi (<i>Pyrus pyrifolia</i>), Pears — Ya (<i>Pyrus bretschneideri</i>) ex 0808 20 50	—	—	—	—
2.140.2	— Other ex 0808 20 50	—	—	—	—
2.200	Strawberries 0810 10 00	110,16	818,16	1 011,58	76,02
2.205	Raspberries 0810 20 10	447,60	3 324,33	4 110,22	308,89

Code	Description	Amount of unit values per 100 kg			
	Species, varieties, CN code	EUR	DKK	SEK	GBP
2.210	Fruit of the species <i>Vaccinium myrtillus</i> 0810 40 30	2 297,10	17 060,56	21 093,81	1 585,23
2.220	Kiwi fruit (<i>Actinidia chinensis</i> Planch.) 0810 50 00	130,13	966,45	1 194,92	89,80
2.230	Pomegranates ex 0810 90 95	381,46	2 833,10	3 502,87	263,25
2.240	Khakis (including sharon fruit) ex 0810 90 95	238,07	1 768,18	2 186,19	164,30
2.250	Lychees ex 0810 90 30	316,48	2 350,50	2 906,18	218,40

COMMISSION REGULATION (EC) No 1180/2003
of 2 July 2003
establishing specific measures for import licences covering sugar from Serbia and Montenegro

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 22(2) thereof,

Whereas:

- (1) Commission Regulation (EC) No 764/2003 of 30 April 2003 suspending for a period of three months, with regard to sugar of CN codes 1701 and 1702 imported from Serbia and Montenegro, the arrangements provided for in Council Regulation (EC) No 2007/2000 introducing exceptional trade measures for countries and territories participating in or linked to the European Union's Stabilisation and Association process ⁽³⁾, was published in the *Official Journal of the European Union* on 1 May 2003 and came into force on 8 May 2003.
- (2) Regulation (EC) No 764/2003 suspends the preferential treatment of sugar imported from Serbia and Montenegro as from 8 May 2003. Suitable measures should be

adopted to enable holders of import licences to recover their security where they no longer wish to avail themselves of a certificate on the terms pertaining as from 8 May 2003.

- (3) 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

Holders of import licences issued under Article 7(2) of Commission Regulation (EC) No 1464/95 ⁽⁴⁾ and valid after 7 May 2003 may request that such licences be cancelled. In such cases, the security referred to in Article 8(1)(d) of that Regulation shall be released without delay.

Article 2

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

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

Done at Brussels, 2 July 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 109, 1.5.2003, p. 13.

⁽⁴⁾ OJ L 144, 28.6.1995, p. 14, as last amended by Regulation (EC) No 995/2002 (OJ L 152, 12.6.2002, p. 11).

COMMISSION REGULATION (EC) No 1181/2003**of 2 July 2003****amending Council Regulation (EEC) No 2136/89 laying down common marketing standards for preserved sardines**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 104/2000 of 17 December 1999 on the common organisation of the markets in fishery and aquaculture products ⁽¹⁾, and in particular Article 2(3) thereof,

Whereas:

- (1) Regulation (EC) No 104/2000 provides for the possibility of adopting common marketing standards for fishery products in the Community, particularly in order to facilitate commerce based on fair competition. These standards may, in particular, cover labelling.
- (2) Council Regulation (EEC) No 2136/89 ⁽²⁾ lays down common marketing standards for preserved sardines in the Community.
- (3) The widening variety of supply of preserved products marketed and presented in the same way as preserved sardines in the Community makes it necessary to provide consumers with sufficient information on the identity and the main characteristics of the product. It is therefore necessary to lay down common rules on trade descriptions for preserved products marketed and presented in the same way as preserved sardines in the Community.
- (4) The *Codex Alimentarius* standard Codex STAN94 as well as the particular conditions prevailing on the Community market should be taken into account to that purpose.
- (5) In the interest of market transparency, fair competition and variety of choice, it is necessary to specify that preserved sardine-type products should be prepared exclusively from well defined species.
- (6) It is necessary to take account of changes in the Combined Nomenclature codes for preserved sardines.
- (7) The term 'sardine' can only be part of the trade description of sardine-type products if it is adequately qualified. Trade descriptions based on geographic names alone are not sufficiently distinctive. In order to enable a proper identification of each sardine-type product, thus avoiding confusion between different fish species, the scientific name of the species should be used as a qualifier term.

- (8) The combination of the word 'sardines' with the common name of a sardine-type fish species can only generate confusion as to the true nature of the product. On the other hand, common names not including the word 'sardines' may continue to be used for the marketing of sardine-type products, in accordance with the law of the Member State on marketing and in a manner not to mislead the consumers.
- (9) The requirements laid down in this Regulation should be applied without prejudice to 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 ⁽³⁾.
- (10) Regulation (EEC) No 2136/89 should therefore be amended accordingly.
- (11) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Fishery Products,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 2136/89 is amended as follows:

1. In the title the words 'laying down common marketing standards for preserved sardines' are replaced by the following: 'laying down common marketing standards for preserved sardines and trade descriptions for preserved sardines and sardine-type products'.
2. Article 1 is replaced by the following:

'Article 1

This Regulation defines the standards governing the marketing of preserved sardines and the trade descriptions for preserved sardines and preserved sardine-type products marketed in the Community.'

3. The following Article 1a is inserted:

'Article 1a

For the purposes of this Regulation:

1. "preserved sardines" means products prepared from fish of the species *Sardina pilchardus*;

⁽¹⁾ OJ L 17, 21.1.2000, p. 22.

⁽²⁾ OJ L 212, 22.7.1989, p. 79.

⁽³⁾ OJ L 109, 6.5.2000, p. 29.

2. "preserved sardine-type products" means products marketed and presented in the same way as preserved sardines and prepared from fish of the following species:
- (a) *Sardinops melanosticus*, *S. neopilchardus*, *S. ocellatus*, *S. sagax*, *S. caeryleus*;
 - (b) *Sardinella aurita*, *S. brasiliensis*, *S. maderensis*, *S. longiceps*, *S. gibbosa*;
 - (c) *Clupea harengus*;
 - (d) *Sprattus sprattus*;
 - (e) *Hyperlophus vittatus*;
 - (f) *Nematalosa vlaminghi*;
 - (g) *Etrumeus teres*;
 - (h) *Ethmidium maculatum*;
 - (i) *Engraulis anchoita*, *E. mordax*, *E. ringens*;
 - (j) *Opisthonema oglinum*.'
4. The first indent of Article 2 is replaced by the following:
- they must be covered by CN codes 1604 13 11, 1604 13 19 and ex 1604 20 50;.

5. The following Article 7a is inserted:

'Article 7a

1. Without prejudice to Directive 2000/13/EC of the European Parliament and of the Council (*), preserved sardine-type products may be marketed in the Community under a trade description consisting of the word "sardines" joined together with the scientific name of the species.

2. Wherever the trade description provided for in paragraph 1 is marked on the container of a preserved sardine-type product, it shall be displayed in a clear and distinct manner.

3. The scientific name shall include in all cases the generic and the specific Latin names.

4. Only one species shall be marketed under a single trade description.

(*) OJ L 109, 6.5.2000, p. 29.'

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 July 2003.

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

Done at Brussels, 2 July 2003.

For the Commission

Franz FISCHLER

Member of the Commission

COMMISSION REGULATION (EC) No 1182/2003**of 2 July 2003****correcting Regulation (EC) No 315/2003 amending Regulation (EC) No 1227/2000 laying down detailed rules for the application of Council Regulation (EC) No 1493/1999 on the common organisation of the market in wine, as regards production potential**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1493/1999 of 17 May 1999 on the common organisation of the market in wine ⁽¹⁾, as last amended by Regulation (EC) No 806/2003 ⁽²⁾, and in particular Articles 10 and 15 thereof,

Whereas:

- (1) There is an error in Commission Regulation (EC) No 315/2003 ⁽³⁾. In order to prevent incorrect interpretation and ensure correct application of the measures provided for in that Regulation, the error should be rectified.
- (2) Regulation (EC) No 315/2003 should be corrected accordingly.
- (3) 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

Regulation (EC) No 315/2003 is hereby corrected as follows:

1. the following point is added to Article 1:
‘5. The Annex is amended in accordance with the Annex hereto.’;
2. in the Annex, the following is inserted after ‘ANNEX’:
‘Tables 4.1, 4.2 and 4.3 are replaced by the following.’.

*Article 2*This Regulation shall enter into force on the third day following its publication in the *Official Journal of the European Union*.

It shall apply from 24 February 2003.

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

Done at Brussels, 2 July 2003.

For the Commission

Franz FISCHLER

Member of the Commission⁽¹⁾ OJ L 179, 14.7.1999, p. 1.⁽²⁾ OJ L 122, 16.5.2003, p. 1.⁽³⁾ OJ L 46, 20.2.2003, p. 9.

COMMISSION REGULATION (EC) No 1183/2003**of 2 July 2003****amending Regulation (EC) No 1623/2000 laying down detailed rules for implementing Council Regulation (EC) No 1493/1999 on the common organisation of the market in wine with regard to market mechanisms**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1493/1999 of 17 May 1999 on the common organisation of the market in wine ⁽¹⁾, as last amended by Regulation (EC) No 806/2003 ⁽²⁾, and in particular Article 33 thereof,

Whereas:

- (1) Under the distillation of wine to produce potable alcohol, opened in the Community each year, producers are required to deliver their wine for distillation and distillers must distil the wine before a specified date.
- (2) The public storage facilities in some Member States are full and consequently the public authorities can no longer accept deliveries of alcohol from the distillers, with the result that the storage facilities of certain distillers are also full. The lack of storage capacity prevents them from accepting delivery of new wine for distillation into potable alcohol before the date laid down in Commission Regulation (EC) No 1623/2000 ⁽³⁾, as last amended by Regulation (EC) No 625/2003 ⁽⁴⁾.
- (3) To rectify this situation, the date by which wine must be delivered for distillation and the date by which wine must be distilled should be postponed for one-and-a-half months.

(4) Regulation (EC) No 1623/2000 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

Article 63a of Regulation (EC) No 1623/2000 is hereby amended as follows:

- (a) the following second subparagraph is added to paragraph 8:
'For the 2002/03 wine year the date in the first subparagraph shall be 31 August of the following wine year.;
- (b) the following second subparagraph is added to paragraph 10:
'For the 2002/03 wine year the date in the first subparagraph shall be 15 November of the following wine year.'

Article 2

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, 2 July 2003.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 179, 14.7.1999, p. 1.

⁽²⁾ OJ L 122, 16.5.2003, p. 1.

⁽³⁾ OJ L 194, 31.7.2000, p. 45.

⁽⁴⁾ OJ L 90, 8.4.2003, p. 4.

COMMISSION REGULATION (EC) No 1184/2003**of 2 July 2003****amending for the 20th time Council Regulation (EC) No 881/2002 imposing certain specific restrictive measures directed against certain persons and entities associated with Usama bin Laden, the Al-Qaida network and the Taliban, and repealing Council Regulation (EC) No 467/2001**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 881/2002 of 27 May 2002 imposing certain specific restrictive measures directed against certain persons and entities associated with Usama bin Laden, the Al-Qaida network and the Taliban, and repealing Regulation (EC) No 467/2001 prohibiting the export of certain goods and services to Afghanistan, strengthening the flight ban and extending the freeze of funds and other financial resources in respect of the Taliban of Afghanistan ⁽¹⁾, as last amended by Commission Regulation (EC) No 1012/2003 ⁽²⁾, and in particular Article 7(1), first indent, thereof,

Whereas:

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

- (2) On 25 June 2003, the Sanctions Committee decided to amend the list of persons, groups and entities to whom the freezing of funds and economic resources should apply. Therefore, Annex I should be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

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

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

Done at Brussels, 2 July 2003.

For the Commission

Christopher PATTEN

Member of the Commission

⁽¹⁾ OJ L 139, 29.5.2002, p. 9.

⁽²⁾ OJ L 146, 13.6.2003, p. 50.

ANNEX

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

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

1. Youssef ABDAOUI (alias Abu ABDULLAH, ABDELLAH, ABDULLAH), Piazza Giovane Italia 2, Varese, Italy. Place of birth: Kairouan (Tunisia). Date of birth: 4 June 1966.
2. Mohamed Amine AKLI (alias (a) Mohamed Amine Akli, (b) Killech Shamir, (c) Kali Sami, (d) Elias). Place of birth: Abordj El Kiffani (Algeria). Date of birth: 30 March 1972.
3. Mehrez AMDOUNI (alias (a) Fabio FUSCO, (b) Mohamed HASSAN, (c) Thale ABU). Place of birth: Tunis (Tunisia). Date of birth: 18 December 1969.
4. Chiheb Ben Mohamed AYARI (alias Abu Hchem HICHEM), Via di Saliceto 51/9, Bologna, Italy. Place of birth: Tunis (Tunisia). Date of birth: 19 December 1965.
5. Mondher BAAZAOUI (alias HAMZA), Via di Saliceto 51/9, Bologna, Italy. Place of birth: Kairouan (Tunisia). Date of birth: 18 March 1967.
6. Lionel DUMONT (alias (a) BILAL, (b) HAMZA, (c) Jacques BROUGERE). Place of birth: Roubaix (France). Date of birth: 21 January 1971.
7. Moussa Ben Amor ESSAADI (alias (a) DAH DAH, (b) ABDELRAHMMAN, (c) BECHIR), Via Milano 108, Brescia, Italy. Place of birth: Tabarka (Tunisia). Date of birth: 4 December 1964.
8. Rachid FETTAR (alias (a) Amine del Belgio, (b) Djaffar), Via degli Apuli 5, Milan, Italy. Place of birth: Boulogin (Algeria). Date of birth: 16 April 1969.
9. Brahim Ben Hedili HAMAMI, Via de' Carracci 15, Casalecchio di Reno (Bologna), Italy. Place of birth: Goubellat (Tunisia). Date of birth: 20 November 1971.
10. Khalil JARRAYA (alias (a) Khalil YARRAYA, (b) Aziz Ben Narvan ABDEL', (c) AMRO, (d) OMAR, (e) AMROU, (f) AMR) Via Bellaria 10, Bologna, Italy or Via Lazio 3, Bologna, Italy. Place of birth: Sfax (Tunisia). Date of birth: 8 February 1969. He has also been identified as Ben Narvan Abdel Aziz, born in Sereka (ex-Yugoslavia) on 15 August 1970.
11. Mounir Ben Habib JARRAYA (alias YARRAYA), Via Mirasole 11, Bologna, Italy or Via Ariosto 8, Casalecchio di Reno (Bologna), Italy. Place of birth: Sfax (Tunisia). Date of birth: 25 October 1963.
12. Faouzi JENDOUBI (alias (a) SAID, (b) SAMIR) Via Agucchi 250, Bologna, Italy or Via di Saliceto 51/9, Bologna, Italy. Place of birth: Beja (Tunisia). Date of birth: 30 January 1966.
13. Fethi Ben Rebai MNASRI (alias (a) AMOR, (b) Omar ABU, (c) Fethi ALIC), Via Toscana 46, Bologna, Italy or Via di Saliceto 51/9, Bologna, Italy. Place of birth: Nefza (Tunisia). Date of birth: 6 March 1969.
14. Najib OUAZ, Vicolo dei Prati 2/2, Bologna, Italy. Place of birth: Hekaima (Tunisia). Date of birth: 12 April 1960.
15. Ahmed Hosni RARRBO (alias ABDALLAH, ABDULLAH). Place of birth: Bologhine (Algeria). Date of birth: 12 September 1974.
16. Nedal SALEH (alias HITEM), Via Milano 105, Casal di Principe (Caserta), Italy or Via di Saliceto 51/9, Bologna, Italy. Place of birth: Taiz (Yemen). Date of birth: 1 March 1970.
17. Zelimkhan Ahmedovic (Abdul-Muslimovich) YANDARBIEV. Place of birth: village of Vydriha, Eastern Kazakhstan region, USSR. Date of birth: 12 September 1952. Nationality: Russian Federation. Passports: Russian passport 43 No 1600453.

COUNCIL DIRECTIVE 2003/61/EC**of 18 June 2003**

amending Directives 66/401/EEC on the marketing of fodder plant seed, 66/402/EEC on the marketing of cereal seed, 68/193/EEC on the marketing of material for the vegetative propagation of the vine, 92/33/EEC on the marketing of vegetable propagating and planting material, other than seed, 92/34/EEC on the marketing of propagating and planting material of fruit plants, 98/56/EC on the marketing of propagating material of ornamental plants, 2002/54/EC on the marketing of beet seed, 2002/55/EC on the marketing of vegetable seed, 2002/56/EC on the marketing of seed potatoes and 2002/57/EC on the marketing of seed of oil and fibre plants as regards Community comparative tests and trials

THE COUNCIL OF THE EUROPEAN UNION,

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

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

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

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

Whereas:

(1) The Commission is required to ensure that, in appropriate cases, arrangements for coordinating, carrying out and inspecting the Community comparative tests and trials are made in accordance with the procedures laid down in the following provisions:

Directive 66/401/EEC ⁽⁴⁾, and in particular Article 20(3) thereof,

Directive 66/402/EEC ⁽⁵⁾, and in particular Article 20(3) thereof,

Directive 68/193/EEC ⁽⁶⁾, and in particular Article 16(3) thereof,

Directive 92/33/EEC ⁽⁷⁾, and in particular Article 20(4) thereof,

Directive 92/34/EEC ⁽⁸⁾, and in particular Article 20(4) thereof,

Directive 98/56/EC ⁽⁹⁾, and in particular Article 14(4) thereof, and

Directive 2002/54/EC ⁽¹⁰⁾, and in particular Article 26(3) thereof,

Directive 2002/55/EC ⁽¹¹⁾, and in particular Article 43(3) thereof,

Directive 2002/56/EC ⁽¹²⁾, and in particular Article 20(3) thereof, and

Directive 2002/57/EC ⁽¹³⁾, and in particular Article 23(3) thereof.

(2) These necessary arrangements implied in the past years that a Community contribution for the execution of the above Community comparative tests and trials had been decided.

(3) Tests and trials should be organised for species and under conditions listed by the above Directives irrespective whether the provisions are mandatory or discretionary.

(4) Tests and trials should cover in particular seed and propagating material harvested in third countries, seed and propagating material suitable for organic farming and seed and propagating material marketed in relation to the conservation *in situ* and the sustainable use of plant genetic resources.

(5) It is moreover appropriate to harmonise the drafting of the relevant articles of the above Directives.

(6) In the interest of transparency a clear legal basis for the Community financial contribution is needed. Provisions for Community financial measures for carrying out the Community comparative tests and trials which involve compulsory Community budget expenditure should therefore be made,

⁽¹⁾ OJ C 20 E, 28.1.2003, p. 208.

⁽²⁾ Opinion of 10 April 2003 (not yet published in the Official Journal).

⁽³⁾ OJ C 85, 8.4.2003, p. 43.

⁽⁴⁾ OJ L 125, 11.7.1966, p. 2298/66. Directive as last amended by Directive 2001/64/EC (OJ L 234, 1.9.2001, p. 60).

⁽⁵⁾ OJ L 125, 11.7.1966, p. 2309/66. Directive as last amended by Directive 2001/64/EC.

⁽⁶⁾ OJ L 93, 17.4.1968, p. 15. Directive as last amended by Directive 2002/11/EC (OJ L 53, 23.2.2002, p. 20).

⁽⁷⁾ OJ L 157, 10.6.1992, p. 1. Directive as last amended by Regulation (EC) No 806/2003 (OJ L 122, 16.5.2003, p. 1).

⁽⁸⁾ OJ L 157, 10.6.1992, p. 10. Directive as last amended by Regulation (EC) No 806/2003.

⁽⁹⁾ OJ L 226, 13.8.1998, p. 16. Directive as amended by Regulation (EC) No 806/2003.

⁽¹⁰⁾ OJ L 193, 20.7.2002, p. 12.

⁽¹¹⁾ OJ L 193, 20.7.2002, p. 33.

⁽¹²⁾ OJ L 193, 20.7.2002, p. 60. Directive as amended by Commission Decision 2003/66/EC (OJ L 25, 30.1.2003, p. 42).

⁽¹³⁾ OJ L 193, 20.7.2002, p. 74. Directive as amended by Directive 2002/68/EC (OJ L 195, 24.7.2002, p. 32).

HAS ADOPTED THIS DIRECTIVE:

Article 1

1. Article 20 of Directive 66/401/EEC shall be replaced by the following:

'Article 20

1. Community comparative tests and trials shall be carried out within the Community for the post-control of samples of fodder plant seed placed on the market under the provisions of this Directive, whether mandatory or discretionary, and taken during sampling. The comparative tests and trials may include the following:

- seed harvested in third countries,
- seed suitable for organic farming,
- seed marketed in relation to the conservation *in situ* and the sustainable use of plant genetic resources.

2. These comparative tests and trials shall be used to harmonise the technical methods of certification and to check satisfaction of the conditions with which the seed must comply.

3. The Commission, acting in accordance with the procedure referred to in Article 21, shall make the necessary arrangements for the comparative tests and trials to be carried out. The Commission shall inform the Committee referred to in Article 21 about the technical arrangements for holding the tests and trials and the results thereof.

4. The Community may make a financial contribution to the performance of the tests and trials foreseen in paragraphs 1 and 2. The financial contribution shall not exceed the annual appropriations decided by the budgetary authority.

5. The tests and trials which may benefit from a Community financial contribution, and detailed rules for the provision of the financial contribution, shall be established in accordance with the procedure laid down in Article 21.

6. The tests and trials foreseen in paragraphs 1 and 2 may be performed only by State authorities or legal persons acting under the responsibility of the State.'

2. Article 20 of Directive 66/402/EEC shall be replaced by the following:

'Article 20

1. Community comparative tests and trials shall be carried out within the Community for the post-control of samples of cereal seed placed on the market under the provisions of this Directive, whether mandatory or discretionary, and taken during sampling. The comparative tests and trials may include the following:

- seed harvested in third countries,
- seed suitable for organic farming,

— seed marketed in relation to the conservation *in situ* and the sustainable use of plant genetic resources.

2. These comparative tests and trials shall be used to harmonise the technical methods of certification and to check satisfaction of the conditions with which the seed must comply.

3. The Commission, acting in accordance with the procedure referred to in Article 21, shall make the necessary arrangements for the comparative tests and trials to be carried out. The Commission shall inform the Committee referred to in Article 21 about the technical arrangements for holding the tests and trials and the results thereof.

4. The Community may make a financial contribution to the performance of the tests and trials foreseen in paragraphs 1 and 2.

The financial contribution shall not exceed the annual appropriations decided by the budgetary authority.

5. The tests and trials which may benefit from a Community financial contribution, and detailed rules for the provision of the financial contribution, shall be established in accordance with the procedure laid down in Article 21.

6. The tests and trials foreseen in paragraphs 1 and 2 may be performed only by State authorities or legal persons acting under the responsibility of the State.'

3. Article 16 of Directive 68/193/EEC shall be replaced by the following:

'Article 16

1. Community comparative tests and trials shall be carried out within the Community for the post-control of samples of vine propagation material placed on the market under the provisions of this Directive, whether mandatory or discretionary, including those relating to plant health and taken during sampling. The comparative tests and trials may include the following:

- propagation material produced in third countries,
- propagation material suitable for organic farming,
- propagation material marketed in relation to measures intended to help preserve genetic diversity.

2. These comparative tests and trials shall be used to harmonise the technical methods of certification and to check satisfaction of the conditions with which the propagation material must comply.

3. The Commission, acting in accordance with the procedure referred to in Article 17, shall make the necessary arrangements for the comparative tests and trials to be carried out. The Commission shall inform the Committee referred to in Article 17 about the technical arrangements for holding the tests and trials and the results thereof. When plant health problems occur, the Commission shall notify the Standing Committee on Plant Health.

4. The Community may make a financial contribution to the performance of the tests and trials foreseen in paragraphs 1 and 2.

The financial contribution shall not exceed the annual appropriations decided by the budgetary authority.

5. The tests and trials which may benefit from a Community financial contribution, and detailed rules for the provision of the financial contribution, shall be established in accordance with the procedure laid down in Article 17.

6. The tests and trials foreseen in paragraphs 1 and 2 may be performed only by State authorities or legal persons acting under the responsibility of the State.'

4. Article 20 of Directive 92/33/EEC shall be replaced by the following:

'Article 20

1. Trials, or, where appropriate, tests shall be carried out in the Member States on samples to check that vegetable propagating and planting material complies with the requirements and conditions of this Directive, including those relating to plant health. The Commission may organise inspections of the trials by representatives of the Member States and of the Commission.

2. Community comparative tests and trials may be carried out within the Community for the post-control of samples of vegetable propagating and planting material placed on the market under the provisions of this Directive whether mandatory or discretionary, including those relating to plant health. The comparative tests and trials may include the following:

- vegetable propagating and planting material produced in third countries,
- vegetable propagating and planting material suitable for organic farming,
- vegetable propagating and planting material marketed in relation to measures aimed at preserving genetic diversity.

3. These comparative tests and trials shall be used to harmonise the technical methods of examination of vegetable propagating and planting material and to check satisfaction of the conditions with which the material must comply.

4. The Commission, acting in accordance with the procedure referred to in Article 21, shall make the necessary arrangements for the comparative tests and trials to be carried out. The Commission shall inform the Committee referred to in Article 21 about the technical arrangements for holding the tests and trials and the results thereof. When plant health problems occur, the Commission shall notify the Standing Committee on Plant Health.

5. The Community may make a financial contribution to the performance of the tests and trials foreseen in paragraphs 2 and 3.

The financial contribution shall not exceed the annual appropriations decided by the budgetary authority.

6. The tests and trials which may benefit from a Community financial contribution, and detailed rules for the provision of the financial contribution, shall be established in accordance with the procedure laid down in Article 21.

7. The tests and trials foreseen in paragraphs 2 and 3 may be performed only by State authorities or legal persons acting under the responsibility of the State.'

5. Article 20 of Directive 92/34/EEC shall be replaced by the following:

'Article 20

1. Trials, or, where appropriate, tests shall be carried out in the Member States on samples to check that propagating material or fruit plants comply with the requirements and conditions of this Directive, including those relating to plant health. The Commission may organise inspections of the trials by representatives of the Member States and of the Commission.

2. Community comparative tests and trials may be carried out within the Community for the post-control of samples of propagating material or fruit plants placed on the market under the provisions of this Directive whether mandatory or discretionary, including those relating to plant health. The comparative tests and trials may include the following:

- propagating material or fruit plants produced in third countries,
- propagating material or fruit plants suitable for organic farming,
- propagating material or fruit plants marketed in relation to measures for the conservation of genetic diversity.

3. These comparative tests and trials shall be used to harmonise the technical methods of examination of propagating material and fruit plants and to check satisfaction of the conditions with which the material must comply.

4. The Commission, acting in accordance with the procedure referred to in Article 21, shall make the necessary arrangements for the comparative tests and trials to be carried out. The Commission shall inform the Committee referred to in Article 21 about the technical arrangements for holding the tests and trials and the results thereof. When plant health problems occur, the Commission shall notify the Standing Committee on Plant Health.

5. The Community may make a financial contribution to the performance of the tests and trials foreseen in paragraphs 2 and 3.

The financial contribution shall not exceed the annual appropriations decided by the budgetary authority.

6. The tests and trials which may benefit from a Community financial contribution, and detailed rules for the provision of the financial contribution, shall be established in accordance with the procedure laid down in Article 21.

7. The tests and trials foreseen in paragraphs 2 and 3 may be performed only by State authorities or legal persons acting under the responsibility of the State.'

6. Article 14 of Directive 98/56/EC shall be replaced by the following:

'Article 14

1. Where appropriate, trials or tests shall be carried out in the Member States on samples to check that propagating material complies with the requirements and conditions of this Directive. The Commission may organise inspections of trials by representatives of the Member States and of the Commission.

2. Community comparative tests and trials may be carried out within the Community for the post-control of samples of propagating material or ornamental plants placed on the market under the provisions of this Directive, whether mandatory or discretionary, including those relating to plant health. The comparative tests and trials may include the following:

- propagating material produced in third countries,
- propagating material suitable for organic farming,
- propagating material marketed in relation to measures for the conservation of genetic diversity.

3. These comparative tests and trials shall be used to harmonise the technical methods of examination of propagating material of ornamental plants and to check satisfaction of the conditions with which the material must comply.

4. The Commission, acting in accordance with the procedure referred to in Article 17, shall make the necessary arrangements for the comparative tests and trials to be carried out. The Commission shall inform the Committee referred to in Article 17 about the technical arrangements for holding the tests and trials and the results thereof. When problems occur in relation to organisms covered by Directive 2000/29/EC of 8 May 2000 on protective measures against the introduction in the Community of organisms harmful to plants or plant products and against their spread within the Community (*), the Commission shall notify the Standing Committee on Plant Health, which shall also be consulted on protocols for Community trials where these concern organisms covered by Directive 2000/29/EC.

5. The Community may make a financial contribution to the performance of the tests and trials foreseen in paragraphs 2 and 3.

The financial contribution shall not exceed the annual appropriations decided by the budgetary authority.

6. The tests and trials which may benefit from a Community financial contribution, and detailed rules for the provision of the financial contribution, shall be established in accordance with the procedure laid down in Article 17.

7. The tests and trials foreseen in paragraphs 2 and 3 may be performed only by State authorities or legal persons acting under the responsibility of the State.

(*) OJ L 169, 10.7.2000, p. 1. Directive as last amended by Regulation (EC) No 806/2003 (OJ L 122, 16.5.2003, p. 1).'

7. Article 26 of Directive 2002/54/EC shall be replaced by the following:

'Article 26

1. Community comparative tests and trials shall be carried out within the Community for the post-control of samples of beet seed placed on the market under the provisions of this Directive, whether mandatory or discretionary, and taken during sampling. The comparative tests and trials may include the following:

- seed harvested in third countries,
- seed suitable for organic farming,
- seed marketed in relation to the conservation *in situ* and the sustainable use of plant genetic resources.

2. These comparative tests and trials shall be used to harmonise the technical methods of certification and to check satisfaction of the conditions with which the seed must comply.

3. The Commission, acting in accordance with the procedure referred to in Article 28(2), shall make the necessary arrangements for the comparative tests and trials to be carried out. The Commission shall inform the Committee referred to in Article 28(1) about the technical arrangements for holding the tests and trials and the results thereof.

4. The Community may make a financial contribution to the performance of the tests and trials foreseen in paragraphs 1 and 2.

The financial contribution shall not exceed the annual appropriations decided by the budgetary authority.

5. The tests and trials which may benefit from a Community financial contribution, and detailed rules for the provision of the financial contribution, shall be established in accordance with the procedure laid down in Article 28(2).

6. The tests and trials foreseen in paragraphs 1 and 2 may be performed only by State authorities or legal persons acting under the responsibility of the State.'

8. Article 43 of Directive 2002/55/EC shall be replaced by the following:

‘Article 43

1. Community comparative tests and trials shall be carried out within the Community for the post-control examination of samples of vegetable seed placed on the market under the provisions of this Directive, whether mandatory or discretionary, and taken during sampling. The comparative tests and trials may include the following:

- seed harvested in third countries,
- seed suitable for organic farming,
- seed marketed in relation to the conservation *in situ* and the sustainable use of plant genetic resources.

2. These comparative tests and trials shall be used to harmonise the technical methods of certification and to check satisfaction of the conditions with which the seed must comply.

3. The Commission, acting in accordance with the procedure referred to in Article 46(2), shall make the necessary arrangements for the comparative tests and trials to be carried out. The Commission shall inform the Committee referred to in Article 46(1) about the technical arrangements for holding the tests and trials and the results thereof.

4. The Community may make a financial contribution to the performance of the tests and trials foreseen in paragraphs 1 and 2.

The financial contribution shall not exceed the annual appropriations decided by the budgetary authority.

5. The tests and trials which may benefit from a Community financial contribution, and detailed rules for the provision of the financial contribution, shall be established in accordance with the procedure laid down in Article 46(2).

6. The tests and trials foreseen in paragraphs 1 and 2 may be performed only by State authorities or legal persons acting under the responsibility of the State.’

9. Article 20 of Directive 2002/56/EC shall be replaced by the following:

‘Article 20

1. Community comparative tests and trials shall be carried out within the Community for the post-control of samples of seed potatoes placed on the market under the provisions of this Directive, whether mandatory or discretionary, including those relating to plant health and taken during sampling. The comparative tests and trials may include the following:

- seed potatoes harvested in third countries,
- seed potatoes suitable for organic farming,
- seed potatoes marketed in relation to the conservation *in situ* and the sustainable use of plant genetic resources.

2. These comparative tests and trials shall be used to harmonise the technical methods of certification and to check satisfaction of the conditions with which the seed must comply.

3. The Commission, acting in accordance with the procedure referred to in Article 25(2), shall make the necessary arrangements for the comparative tests and trials to be carried out. The Commission shall inform the Committee referred to in Article 25(1) about the technical arrangements for holding the tests and trials and the results thereof. When plant health problems occur, the Commission shall notify the Standing Committee on Plant Health.

4. The Community may make a financial contribution to the performance of the tests and trials foreseen in paragraphs 1 and 2.

The financial contribution shall not exceed the annual appropriations decided by the budgetary authority.

5. The tests and trials which may benefit from a Community financial contribution, and detailed rules for the provision of the financial contribution, shall be established in accordance with the procedure laid down in Article 25(2).

6. The tests and trials foreseen in paragraphs 1 and 2 may be performed only by State authorities or legal persons acting under the responsibility of the State.

7. In accordance with the procedure referred to in Article 25(2), the Commission may prohibit, in whole or in part, the marketing of seed potatoes harvested in a particular area of the Community if the progeny of officially drawn samples of basic seed potatoes or certified seed potatoes harvested in that particular area and grown in one or more Community tests and trials has for three successive years fallen appreciably below the minimum conditions laid down in Annex I(1)(c), (2)(c), (3) and (4).

8. Any measures taken under paragraph 7 shall be withdrawn by the Commission as soon as it has been established with adequate certainty that the basic seed potatoes and certified seed potatoes harvested in the particular area of the Community concerned will in future satisfy the minimum conditions referred to in paragraph 7.’

10. Article 23 of Directive 2002/57/EC shall be replaced by the following:

‘Article 23

1. Community comparative tests and trials shall be carried out within the Community for the post-control of samples of seed of oil and fibre plants placed on the market under the provisions of this Directive, whether mandatory or discretionary, and taken during sampling. The comparative tests and trials may include the following:

- seed harvested in third countries,
- seed suitable for organic farming,
- seed marketed in relation to the conservation *in situ* and the sustainable use of plant genetic resources.

2. These comparative tests and trials shall be used to harmonise the technical methods of certification and to check satisfaction of the conditions with which the seed must comply.

3. The Commission, acting in accordance with the procedure referred to in Article 25(2), shall make the necessary arrangements for the comparative tests and trials to be carried out. The Commission shall inform the Committee referred to in Article 25(1) about the technical arrangements for holding the tests and trials and the results thereof.

4. The Community may make a financial contribution to the performance of the tests and trials foreseen in paragraphs 1 and 2.

The financial contribution shall not exceed the annual appropriations decided by the budgetary authority.

5. The tests and trials which may benefit from a Community financial contribution, and detailed rules for the provision of the financial contribution, shall be established in accordance with the procedure laid down in Article 25(2).

6. The tests and trials foreseen in paragraphs 1 and 2 may be performed only by State authorities or legal persons acting under the responsibility of the State.'

Article 2

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 10 October 2003 at the latest. They shall forthwith inform the Commission thereof.

When Member States adopt these measures, they shall contain a reference to this Directive or shall be accompanied by such a reference on the occasion of their official publication. The methods of making such reference shall be laid down by Member States.

Article 3

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

Article 4

This Directive is addressed to the Member States.

Done at Luxembourg, 18 June 2003.

For the Council

The President

G. DRYS

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 3 June 2003

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

(2003/487/EC)

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the recommendation from the Commission under Article 104(6),

Having regard to the observations made by France,

Whereas:

- (1) In stage three of Economic and Monetary Union (EMU), according to Article 104 of the Treaty Member States are to avoid excessive government deficits.
- (2) The Stability and Growth Pact is based on the objective of sound government finances as a means of strengthening the conditions for price stability and for strong sustainable growth conducive to employment creation.
- (3) The Amsterdam Resolution of the European Council on the Stability and Growth Pact of 17 June 1997 ⁽¹⁾ solemnly invites all parties, namely the Member States, the Council and the Commission to implement the Treaty and the Stability and Growth pact in a strict and timely manner.
- (4) The excessive deficit procedure under Article 104 provides for a decision on the existence of an excessive deficit. The Protocol on the excessive deficit procedure annexed to the Treaty sets out further provisions relating to the implementation of the excessive deficit procedure. Council Regulation (EC) No 3605/93 ⁽²⁾ lays down detailed rules and definitions for the application of the provision of the said Protocol.
- (5) Article 104(5) of the Treaty requires the Commission to address an opinion to the Council if the Commission considers that an excessive deficit in a Member State

exists or may occur. The Commission addressed such an opinion on France to the Council on 7 May 2003. According to this opinion:

- following publication by the Commission of the first notification on deficit and debt data for 2002, showing that the general Government deficit in France reached 3,1 % of GDP in that year, the Commission, in accordance with Article 104(3) of the Treaty, adopted on 2 April 2003 a report on France which takes account of the relevant factors,
- in accordance with Article 104(4) of the Treaty, the Economic and Financial Committee formulated an opinion on the report of the Commission,
- the Commission considers that there exists an excessive deficit in France.

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

(7) The overall assessment leads to the following conclusions. The general Government deficit reached 3,1 % of GDP in 2002 in France. Although budgetary developments have been adversely affected by continued weakness in economic activity, the excess of the general Government deficit over the 3 % of GDP reference value does not result, in the meaning of the Treaty, from an unusual event outside the control of the French authorities, nor is it the result of a severe economic downturn. According to Commission calculations, the deterioration

⁽¹⁾ OJ C 236, 2.8.1997, p. 1.

⁽²⁾ OJ L 332, 31.12.1993, p. 7. Regulation as last amended by Commission Regulation (EC) No 351/2002 (OJ L 55, 26.2.2002, p. 23).

in the 2002 budgetary position results mainly from a worsening in the cyclically-adjusted budgetary position. The breaching of the 3 % of GDP threshold in 2002 is also rooted in the reversal of the budgetary consolidation process which took place since 1999, and is likely not to be temporary. Indeed, according to the French authorities and to the Commission Spring 2003 forecasts, the general Government deficit will be above 3 % of GDP also in 2003. Finally, the debt ratio will increase further in 2003, and will very likely breach the 60 % of GDP Treaty reference value in that year,

HAS ADOPTED THIS DECISION:

Article 1

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

Article 2

This Decision is addressed to the French Republic.

Done at Luxembourg, 3 June 2003.

For the Council

The President

N. CHRISTODOULAKIS

COUNCIL RECOMMENDATION

of 18 June 2003

on the prevention and reduction of health-related harm associated with drug dependence

(2003/488/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular the second subparagraph of Article 152(4) thereof,

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

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

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

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

Whereas:

- (1) In accordance with Article 3(1)(p) of the Treaty, Community action is to include a contribution towards the attainment of a high level of health protection. The third subparagraph of Article 152(1) of the Treaty also makes provision for action in reducing drugs-related health damage, including information and prevention.
- (2) The European Council, meeting in Helsinki on 10 and 11 December 1999, endorsed the European Union Drugs Strategy 2000 — 2004 that covers all European Union drug-related activities and sets main targets. These targets include a substantial reduction over five years of the incidence of drug-related health damage (such as HIV, hepatitis B and C and tuberculosis) and the number of drug-related deaths.
- (3) The European Council, meeting in Santa Maria da Feira on 19 and 20 June 2000, endorsed the European Union Action Plan on Drugs 2000 — 2004 as a crucial instrument for transposing the European Union Drugs Strategy 2000 — 2004 into concrete actions which provide an effective integrated and multi-disciplinary response to the drug problem.
- (4) The Commission, in its Communication to the European Parliament and the Council on the European Union Action Plan to Combat Drugs (2000 — 2004), considered a comprehensive approach that should cover all areas of drug abuse prevention, from discouraging the initial use to reducing the negative health and social consequences as the best strategy.
- (5) The European Parliament, in its Resolution on the abovementioned Communication welcomed the objective of reducing the number of deaths among addicts and called on the European Union and its Member States

to encourage and develop damage limitation policies, without debarring individual Member States from adopting measures and pilot schemes in this area.

- (6) The programme of Community action on the prevention of drug dependence within the framework for action in the field of public health and the programme of Community action on the prevention of AIDS and certain other communicable diseases within the framework for action in the field of public health have supported projects aimed at preventing and reducing the risks associated with drug dependence, in particular by encouraging cooperation between the Member States, supporting their action and promoting coordination between their policies and programmes. Both programmes have been contributing to improving information, education and training aimed at preventing drug dependence and the associated risks, in particular, for young people and particularly vulnerable groups.
- (7) The decision of the European Parliament and of the Council adopting a programme of action in the field of public health (2003 — 2008) includes the development of strategies and measures on drug dependence, as one of the important lifestyle-related health determinants.
- (8) Since, according to research, the morbidity and the mortality associated with drug dependence affects a sizeable number of European citizens, the health-related harm associated with drug dependence constitutes a major problem for public health.
- (9) In accordance with the principle of subsidiarity, any new measure taken in an area which does not fall within the exclusive competence of the Community, such as prevention and reduction of risks associated with drug dependence, may be taken up by the Community only if, by reason of the scale or effects of the proposed action, the objectives proposed can be better achieved by the Community than by Member States. Prevention and reduction of risks associated with drug dependence cannot be confined to a geographical region or Member State and action therefore requires coordination at Community level.
- (10) Provisions should be made on reporting at national and Community level to monitor the measures taken by the Member States in this area, and the results thereof, and the way these Recommendations have been implemented.
- (11) The most important measure to reduce the risk associated with drug abuse is to prevent the abuse itself,

⁽¹⁾ Proposal of 17 May 2002 (not yet published in the Official Journal).

⁽²⁾ Opinion delivered on 13 February 2003 (not yet published in the Official Journal).

⁽³⁾ OJ C 61, 13.2.2003, p. 189.

⁽⁴⁾ OJ C 73, 26.3.2003, p. 5.

HEREBY RECOMMENDS THAT:

1. Member States should, in order to provide for a high level of health protection, set as a public health objective the prevention of drug dependence and the reduction of related risks, and develop and implement comprehensive strategies accordingly.
 2. Member States should, in order to reduce substantially the incidence of drug-related health damage (such as HIV, hepatitis B and C and tuberculosis) and the number of drug-related deaths, make available, as an integral part of their overall drug prevention and treatment policies, a range of different services and facilities, particularly aiming at risk reduction; to this end, bearing in mind the general objective, in the first place, to prevent drug abuse, Member States should:
 1. provide information and counselling to drug users to promote risk reduction and to facilitate their access to appropriate services;
 2. inform communities and families and enable them to be involved in the prevention and reduction of health risks associated with drug dependence;
 3. include outreach work methodologies within the national health and social drug policies, and support appropriate outreach work training and the development of working standards and methods; outreach work is defined as a community-oriented activity undertaken in order to contact individuals or groups from particular target populations, who are not effectively contacted or reached by existing services or through traditional health education channels;
 4. encourage, when appropriate, the involvement of, and promote training for, peers and volunteers in outreach work, including measures to reduce drug-related deaths, first aid and early involvement of the emergency services;
 5. promote networking and cooperation between agencies involved in outreach work, to permit continuity of services and better users' accessibility;
 6. provide, in accordance with the individual needs of the drug abuser, drug-free treatment as well as appropriate substitution treatment supported by adequate psycho-social care and rehabilitation taking into account the fact that a wide variety of different treatment options should be provided for the drug-abuser;
 7. establish measures to prevent diversion of substitution substances while ensuring appropriate access to treatment;
 8. consider making available to drug abusers in prison access to services similar to those provided to drug abusers not in prison, in a way that does not compromise the continuous and overall efforts of keeping drugs out of prison;
 9. promote adequate hepatitis B vaccination coverage and prophylactic measures against HIV, hepatitis B and C, tuberculosis and sexually transmitted diseases, as well as screening for all the aforementioned diseases among injection drug users and their immediate social networks, and take the appropriate medical actions;
 10. provide where appropriate, access to distribution of condoms and injection materials, and also to programmes and points for their exchange;
 11. ensure that emergency services are trained and equipped to deal with overdoses;
 12. promote appropriate integration between health, including mental health, and social care, and specialised approaches in risk reduction;
 13. support training leading to a recognised qualification for professionals responsible for the prevention and reduction of health-related risks associated with drug dependence.
3. Member States should consider, in order to develop appropriate evaluation to increase the effectiveness and efficiency of drug prevention and the reduction of drug-related health risks:
 1. using scientific evidence of effectiveness as a main basis to select the appropriate intervention;
 2. supporting the inclusion of needs assessments at the initial stage of any programme;
 3. developing and implementing adequate evaluation protocols for all drug prevention and risk reduction programmes;
 4. establishing and implementing evaluation quality criteria, taking into account the Recommendations of the European Monitoring Centre for Drugs and Drug Addiction (EMCDDA);
 5. organising standardised data-collection and information dissemination according to the EMCDDA recommendations through the REITOX national focal points;
 6. making effective use of evaluation results for the refining and development of drug prevention policies;
 7. setting up evaluation training programmes for different levels and audiences;
 8. integrating innovative methods that enable all actors and stakeholders to be involved in evaluation, in order to increase acceptance of evaluation;
 9. encouraging, in collaboration with the Commission, the exchange of programme results, skills and experience within the European Union and with third countries, especially the applicant countries.

4. Member States should report to the Commission on the implementation of this Recommendation within two years of its adoption and subsequently on request by the Commission with a view to contributing to the follow-up of this recommendation at Community level and acting as appropriate in the context of the European Union Action Plan on Drugs.

HEREBY INVITES the Commission to:

- cooperate with the Pompidou Group of the Council of Europe, the World Health Organisation, the United Nations International Drug Control Programme and other relevant international organisations active in the field,
- prepare a report, in accordance with the European Union Action Plan on Drugs and with the technical support of the EMCDDA, with a view to the revision and updating of this Recommendation, on the basis of the information submitted by the Member States to the Commission and the EMCDDA, and the latest scientific data and advice.

Done at Luxembourg, 18 June 2003.

For the Council

The President

G. DRYS
