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Contents

I Acts whose publication is obligatory

- ★ **Council Regulation (EC) No 1445/2003 of 21 January 2003 concerning the export of certain steel products from Romania to the Community for the period from the date of entry into force of this Regulation to the date of accession by Romania to the European Union (extension of the double-checking system)** 1
- Commission Regulation (EC) No 1446/2003 of 14 August 2003 establishing the standard import values for determining the entry price of certain fruit and vegetables 5
- ★ **Commission Regulation (EC) No 1447/2003 of 14 August 2003 suspending the buying-in of skimmed-milk powder at the intervention price** 7
- Commission Regulation (EC) No 1448/2003 of 14 August 2003 fixing the import duties in the cereals sector 8
- Commission Regulation (EC) No 1449/2003 of 14 August 2003 fixing the representative prices and the additional import duties for molasses in the sugar sector 11
- Commission Regulation (EC) No 1450/2003 of 14 August 2003 fixing the export refunds on white sugar and raw sugar without further processing 13
- Commission Regulation (EC) No 1451/2003 of 14 August 2003 fixing the maximum export refund for white sugar to certain third countries for the second partial invitation to tender issued within the framework of the standing invitation to tender provided for in Regulation (EC) No 1290/2003 16
- ★ **Commission Regulation (EC) No 1452/2003 of 14 August 2003 maintaining the derogation provided for in Article 6(3)(a) of Council Regulation (EEC) No 2092/91 with regard to certain species of seed and vegetative propagating material and laying down procedural rules and criteria relating to that derogation** 17
- Commission Regulation (EC) No 1453/2003 of 14 August 2003 fixing the maximum reduction in the duty on sorghum imported in connection with the invitation to tender issued in Regulation (EC) No 699/2003 22

Commission Regulation (EC) No 1454/2003 of 14 August 2003 fixing the export refunds on cereal-based compound feedingstuffs	23
Commission Regulation (EC) No 1455/2003 of 14 August 2003 fixing the refunds applicable to cereal and rice sector products supplied as Community and national food aid	25
★ Commission Regulation (EC) No 1456/2003 of 14 August 2003 amending for the 21st 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	27
★ Commission Directive 2003/76/EC of 11 August 2003 amending Council Directive 70/220/EEC relating to measures to be taken against air pollution by emissions from motor vehicles ⁽¹⁾	29

II Acts whose publication is not obligatory

Council

2003/604/EC:

- | | |
|--|-----------|
| ★ Decision No 1/2003 of the EU-Romania Association Council of 8 May 2003 extending the double-checking system established by Decision No 3/2002 of the Association Council for the period from the date of entry into force of this Decision up to the date of accession by Romania to the European Union | 31 |
|--|-----------|

2003/605/CFSP:

- | | |
|---|-----------|
| ★ Political and Security Committee Decision DRC/3/2003 of 31 July 2003 amending the Political and Security Committee Decision DRC/1/2003 on the acceptance of third States' contributions to the EU military operation in the Democratic Republic of Congo | 32 |
|---|-----------|

I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EC) No 1445/2003**of 21 January 2003**

concerning the export of certain steel products from Romania to the Community for the period from the date of entry into force of this Regulation to the date of accession by Romania to the European Union (extension of the double-checking system)

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal from the Commission,

Whereas:

- (1) The Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and Romania, of the other part ⁽¹⁾, entered into force on 1 February 1995.
- (2) The Parties have agreed, by Association Council Decision No 1/2003 ⁽²⁾, to extend the double-checking system reintroduced by Decision No 3/2002 ⁽³⁾ for the period from the date of entry into force of this Regulation to the date of accession by Romania to the European Union.
- (3) It is consequently necessary to extend the Community implementing legislation introduced by Council Regulation (EC) No 1499/2002 of 20 June 2002, concerning the export of certain steel products from Romania to the Community for the period from 1 July to 31 December 2002 (double-checking system) ⁽⁴⁾,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 1499/2002 shall continue to apply for the period from the date of entry into force of this Regulation to the date of accession by Romania to the European Union, in

accordance with the provisions of Decision No 1/2003 of the Association Council between the European Communities and their Member States, of the one part, and Romania, of the other part.

Article 2

Regulation (EC) No 1499/2002 shall in consequence be amended as follows:

1. In the title, preamble and Article 1(1) of the Regulation, references to the period '1 July to 31 December 2002' shall be replaced by references to '25 August 2003 to the date of accession by Romania to the European Union'.
2. Annex IV to that Regulation shall be replaced by the text contained in the Annex to this Regulation.

Article 3

Goods shipped to the Community from 1 January 2003 to the date of entry into force of this Regulation shall be excluded from the scope of this Regulation.

Article 4

This Regulation shall enter into force on the 10th day following that of its publication in the *Official Journal of the European Union*.

⁽¹⁾ OJ L 357, 31.12.1994, p. 2.

⁽²⁾ See page 31 of this Official Journal.

⁽³⁾ OJ L 227, 23.8.2002, p. 38.

⁽⁴⁾ OJ L 227, 23.8.2002, p. 1.

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

Done at Brussels, 21 January 2003.

For the Council
The President
N. CHRISTODOULAKIS

ANNEX

‘ANNEX IV

LISTA DE LAS AUTORIDADES NACIONALES COMPETENTES
LISTE OVER KOMPETENTE NATIONALE MYNDIGHEDER
LISTE DER ZUSTÄNDIGEN BEHÖRDEN DER MITGLIEDSTAATEN
ΔΙΕΥΘΥΝΣΕΙΣ ΤΩΝ ΑΡΧΩΝ ΕΚΔΟΣΗΣ ΑΔΕΙΩΝ ΤΩΝ ΚΡΑΤΩΝ ΜΕΛΩΝ
LIST OF THE COMPETENT NATIONAL AUTHORITIES
LISTE DES AUTORITÉS NATIONALES COMPÉTENTES
ELENCO DELLE COMPETENTI AUTORITÀ NAZIONALI
LIJST VAN BEVOEGDE NATIONALE INSTANTIES
LISTA DAS AUTORIDADES NACIONAIS COMPETENTES
LUETTELO TOIMIVALTAISISTA KANSALLISISTA VIRANOMAISISTA
FÖRTECKNING ÖVER BEHÖRIGA NATIONELLA MYNDIGHETER

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COMMISSION REGULATION (EC) No 1446/2003
of 14 August 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 15 August 2003.

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

Done at Brussels, 14 August 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 14 August 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	060	66,2
	999	66,2
0709 90 70	052	83,4
	999	83,4
0805 50 10	382	50,7
	388	52,5
	524	49,5
	528	59,3
	999	53,0
0806 10 10	052	114,5
	064	140,1
	400	193,4
	600	129,5
	999	144,4
0808 10 20, 0808 10 50, 0808 10 90	039	64,2
	388	71,6
	400	89,6
	508	84,8
	512	91,8
	528	65,1
	720	54,2
	800	191,4
	804	90,7
	999	89,3
0808 20 50	052	96,4
	388	69,1
	512	53,6
	800	123,4
	999	85,6
0809 30 10, 0809 30 90	052	128,0
	068	54,1
	094	70,9
	999	84,3
0809 40 05	064	65,8
	066	58,4
	093	63,0
	094	61,2
	624	145,2
	999	78,7

⁽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 1447/2003
of 14 August 2003
suspending the buying-in of skimmed-milk powder at the intervention price

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1255/1999 of 17 May 1999 on the common organisation of the market in milk and milk products ⁽¹⁾, as last amended by Regulation (EC) No 806/2003 ⁽²⁾, and in particular Article 10 thereof,

Whereas:

- (1) Article 7(2) of Regulation (EC) No 1255/1999 provides that the Commission may suspend the buying-in of skimmed-milk powder as soon as the quantities offered for intervention in the period from 1 March to 31 August each year exceed 109 000 tonnes and that in that case buying-in by the intervention agencies may be carried out under an open standing invitation to tender on the basis of specifications to be determined.
- (2) Since the condition for suspending buying-in is met, it should be suspended and the Member States authorised to buy in under a standing invitation to tender for the remaining intervention period so as to continue to support the skimmed-milk powder market by fixing a maximum buying-in price on the basis of the applicable intervention price and taking account of tenders received for each invitation to tender.

(3) Commission Regulation (EC) No 214/2001 of 12 January 2001 laying down detailed rules for the application of Council Regulation (EC) No 1255/1999 as regards intervention on the market in skimmed-milk powder ⁽³⁾, as last amended by Commission Regulation (EC) No 2239/2002 ⁽⁴⁾, lays down provisions to apply where the Commission decides that buying-in is to take place under a standing invitation to tender.

(4) The Management Committee for Milk and Milk Products has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

Article 1

The buying-in of skimmed-milk powder at the intervention price provided for in Article 7(1) of Regulation (EC) No 1255/1999 is suspended throughout the Community.

Until 31 August 2003, intervention agencies may buy in skimmed-milk powder meeting the requirements of Article 7(1) of Regulation (EC) No 1255/1999 under a standing invitation to tender in accordance with Articles 13 to 20 of Regulation (EC) No 214/2001.

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, 14 August 2003.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 160, 26.6.1999, p. 48.

⁽²⁾ OJ L 122, 16.5.2003, p. 1.

⁽³⁾ OJ L 37, 7.2.2001, p. 100.

⁽⁴⁾ OJ L 341, 17.12.2002, p. 12.

COMMISSION REGULATION (EC) No 1448/2003
of 14 August 2003
fixing the import duties in the cereals sector

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organisation of the market in cereals ⁽¹⁾, as last amended by Regulation (EC) No 1104/2003 ⁽²⁾,

Having regard to Commission Regulation (EC) No 1249/96 of 28 June 1996 laying down detailed rules for the application of Council Regulation (EEC) No 1766/92 as regards import duties in the cereals sector ⁽³⁾, as last amended by Regulation (EC) No 1110/2003 ⁽⁴⁾, and in particular Article 2(1) thereof,

Whereas:

- (1) Article 10 of Regulation (EEC) No 1766/92 provides that the rates of duty in the Common Customs Tariff are to be charged on import of the products referred to in Article 1 of that Regulation. However, in the case of the products referred to in paragraph 2 of that Article, the import duty is to be equal to the intervention price valid for such products on importation and increased by 55 %, minus the cif import price applicable to the consignment in question. However, that duty may not exceed the rate of duty in the Common Customs Tariff.
- (2) Pursuant to Article 10(3) of Regulation (EEC) No 1766/92, the cif import prices are calculated on the basis of the representative prices for the product in question on the world market.

- (3) Regulation (EC) No 1249/96 lays down detailed rules for the application of Council Regulation (EEC) No 1766/92 as regards import duties in the cereals sector.
- (4) The import duties are applicable until new duties are fixed and enter into force. They also remain in force in cases where no quotation is available for the reference exchange referred to in Annex II to Regulation (EC) No 1249/96 during the two weeks preceding the next periodical fixing.
- (5) In order to allow the import duty system to function normally, the representative market rates recorded during a reference period should be used for calculating the duties.
- (6) Application of Regulation (EC) No 1249/96 results in import duties being fixed as set out in the Annex to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The import duties in the cereals sector referred to in Article 10(2) of Regulation (EEC) No 1766/92 shall be those fixed in Annex I to this Regulation on the basis of the information given in Annex II.

Article 2

This Regulation shall enter into force on 16 August 2003.

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

Done at Brussels, 14 August 2003.

For the Commission

J. M. SILVA RODRÍGUEZ

Agriculture Director-General

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 158, 27.6.2003, p. 1.

⁽³⁾ OJ L 161, 29.6.1996, p. 125.

⁽⁴⁾ OJ L 158, 27.6.2003, p. 12.

ANNEX I

Import duties for the products covered by Article 10(2) of Regulation (EEC) No 1766/92

CN code	Description	Import duty ⁽¹⁾ (EUR/tonne)
1001 10 00	Durum wheat high quality	0,00
	medium quality	0,00
	low quality	0,00
1001 90 91	Common wheat seed	0,00
ex 1001 90 99	Common high quality wheat other than for sowing	0,00
1002 00 00	Rye	20,65
1005 10 90	Maize seed other than hybrid	63,90
1005 90 00	Maize other than seed ⁽²⁾	63,90
1007 00 90	Grain sorghum other than hybrids for sowing	30,74

⁽¹⁾ For goods arriving in the Community via the Atlantic Ocean or via the Suez Canal (Article 2(4) of Regulation (EC) No 1249/96), the importer may benefit from a reduction in the duty of:

— EUR 3 per tonne, where the port of unloading is on the Mediterranean Sea, or

— EUR 2 per tonne, where the port of unloading is in Ireland, the United Kingdom, Denmark, Sweden, Finland or the Atlantic coasts of the Iberian peninsula.

⁽²⁾ The importer may benefit from a flat-rate reduction of EUR 24 per tonne, where the conditions laid down in Article 2(5) of Regulation (EC) No 1249/96 are met.

ANNEX II

Factors for calculating duties

(period from 31 July to 13 August 2003)

1. Averages over the two-week period preceding the day of fixing:

Exchange quotations	Minneapolis	Chicago	Minneapolis	Minneapolis	Minneapolis	Minneapolis
Product (% proteins at 12 % humidity)	HRS2. 14 %	YC3	HAD2	Medium quality (*)	Low quality (**)	US barley 2
Quotation (EUR/t)	1 34,48 (****)	73,72	169,67 (***)	159,67 (***)	139,67 (***)	109,76 (***)
Gulf premium (EUR/t)	—	12,23	—	—	—	—
Great Lakes premium (EUR/t)	22,99	—	—	—	—	—

(*) A discount of 10 EUR/t (Article 4(3) of Regulation (EC) No 1249/96).

(**) A discount of 30 EUR/t (Article 4(3) of Regulation (EC) No 2378/2002).

(***) Fob Duluth.

(****) Premium of 14 EUR/t incorporated (Article 4(3) of Regulation (EC) No 1249/96).

2. Averages over the two-week period preceding the day of fixing:

Freight/cost: Gulf of Mexico–Rotterdam: 17,27 EUR/t; Great Lakes–Rotterdam: 26,62 EUR/t.

3. Subsidy within the meaning of the third paragraph of Article 4(2) of Regulation (EC) No 1249/96: 0,00 EUR/t (HRW2)
0,00 EUR/t (SRW2).

COMMISSION REGULATION (EC) No 1449/2003**of 14 August 2003****fixing the representative prices and the additional import duties for molasses in the sugar sector**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

Whereas:

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 15 August 2003.

⁽¹⁾ OJ L 178, 30.6.2001, p. 1.

⁽²⁾ OJ L 104, 20.4.2002, p. 26.

⁽³⁾ OJ L 141, 24.6.1995, p. 12.

⁽⁴⁾ OJ L 13, 18.1.2003, p. 4.

⁽⁵⁾ OJ L 145, 27.6.1968, p. 12.

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

Done at Brussels, 14 August 2003.

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

ANNEX

to the Commission Regulation of 14 August 2003 fixing the representative prices and additional import duties to imports of molasses in the sugar sector

(in EUR)

CN code	Amount of the representative price in 100 kg net of the product in question	Amount of the additional duty in 100 kg net of the product in question	Amount of the duty to be applied to imports in 100 kg net of the product in question because of suspension as referred to in Article 5 of Regulation (EC) No 1422/95 ⁽²⁾
1703 10 00 ⁽¹⁾	7,00	0,03	—
1703 90 00 ⁽¹⁾	9,20	—	0

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

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

COMMISSION REGULATION (EC) No 1450/2003**of 14 August 2003****fixing the export refunds on white sugar and raw sugar without further processing**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

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

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

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

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

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

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

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

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 15 August 2003.

⁽¹⁾ OJ L 178, 30.6.2001, p. 1.

⁽²⁾ OJ L 104, 20.4.2002, p. 26.

⁽³⁾ OJ L 214, 8.9.1995, p. 16.

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

Done at Brussels, 14 August 2003.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX

REFUNDS ON WHITE SUGAR AND RAW SUGAR EXPORTED WITHOUT FURTHER PROCESSING

Product code	Destination	Unit of measurement	Amount of refund
1701 11 90 9100	S00	EUR/100 kg	42,30 ⁽¹⁾
1701 11 90 9910	S00	EUR/100 kg	43,44 ⁽¹⁾
1701 12 90 9100	S00	EUR/100 kg	42,30 ⁽¹⁾
1701 12 90 9910	S00	EUR/100 kg	43,44 ⁽¹⁾
1701 91 00 9000	S00	EUR/1 % of sucrose × 100 kg product net	0,4598
1701 99 10 9100	S00	EUR/100 kg	45,98
1701 99 10 9910	S00	EUR/100 kg	47,22
1701 99 10 9950	S00	EUR/100 kg	47,22
1701 99 90 9100	S00	EUR/1 % of sucrose × 100 kg of net product	0,4598

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

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

The other destinations are:

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

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

**COMMISSION REGULATION (EC) No 1451/2003
of 14 August 2003**

fixing the maximum export refund for white sugar to certain third countries for the second partial invitation to tender issued within the framework of the standing invitation to tender provided for in Regulation (EC) No 1290/2003

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

- (1) Commission Regulation (EC) No 1290/2003 of 18 July 2003 on a standing invitation to tender to determine levies and/or refunds on exports of white sugar ⁽³⁾, for the 2003/2004 marketing year, requires partial invitations to tender to be issued for the export of this sugar to certain third countries.
- (2) Pursuant to Article 9(1) of Regulation (EC) No 1290/2003 a maximum export refund shall be fixed, as the case may be, account being taken in particular of the state and foreseeable development of the Community and world markets in sugar, for the partial invitation to tender in question.

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

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

HAS ADOPTED THIS REGULATION:

Article 1

For the second partial invitation to tender for white sugar issued pursuant to Regulation (EC) No 1290/2003 the maximum amount of the export refund to certain third countries is fixed at 50,320 EUR/100 kg.

Article 2

This Regulation shall enter into force on 15 August 2003.

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

Done at Brussels, 14 August 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 181, 19.7.2003, p. 7.

COMMISSION REGULATION (EC) No 1452/2003**of 14 August 2003****maintaining the derogation provided for in Article 6(3)(a) of Council Regulation (EEC) No 2092/91 with regard to certain species of seed and vegetative propagating material and laying down procedural rules and criteria relating to that derogation**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2092/91 of 24 June 1991 on organic production of agricultural products and indications referring thereto on agricultural products and foodstuffs ⁽¹⁾, as last amended by Commission Regulation (EC) No 599/2003 ⁽²⁾, and in particular the second and third indent of point (b) of Article 6(3) thereof,

Whereas:

(1) Article 6(3) of Regulation (EEC) No 2092/91 provides for a derogation by which Member States may authorise, during a transitional period expiring on 31 December 2003, the use in organic production of seed and vegetative propagating material not produced by the organic production method, where the producers are unable to obtain propagating material from the organic production method.

(2) Community legislation of relevance for seed and vegetative propagating material is also applicable according to Article 3 of Regulation (EEC) No 2092/91.

(3) Maintaining biodiversity is an important principle of organic farming and it should therefore be ensured that farmers have a big range of cultivars and varieties to choose among, including local cultivars and varieties.

(4) It is clear that for certain species grown within the Community, there will not be adequate amounts of organically produced seed and vegetative propagating material available after 31 December 2003.

(5) It is therefore necessary to maintain the possibility to use seed and vegetative propagating material not obtained by the organic production method if it is not possible to obtain seed or vegetative propagating material produced by the organic production method.

(6) For the species for which there will be adequate amounts of organically produced seed or vegetative propagating material of a significant number of varieties available it should not be possible to use seed or vegetative propagating material not obtained by the organic production method. Accordingly, a list of the species excluded from the scope of the derogation should be established.

(7) The application of the derogation with regard to vegetative propagating material, other than seed potatoes, should fall under the discretion of the Member States, until appropriate criteria can be adopted at Community level.

(8) It is important to make the supply and demand for seed and vegetative propagating material produced by the organic production method more transparent in order to stimulate increased production and use of seed and vegetative propagating material produced by this method.

(9) Each Member State should therefore ensure that a database, in which seed and seed potatoes produced by the organic production method and respecting the general criteria for production of seed and vegetative propagating material can be registered, is established and is made available to the users. In this context, and in order to facilitate access to information, it is appropriate to develop a harmonised model for the registration form to be used by the supplier of seed for the registration of seed and seed potatoes in the databases.

(10) Each Member State should ensure the publication of a report on their granting of authorisations, for the information of all stakeholders, Member States and the Commission.

(11) The system should be re-examined thoroughly after the first two years of experience in order to assess to what extent organically produced seed and vegetative propagating material have been used by the farmers. In this context the Commission should consider the opportunity of developing a database at Community level.

(12) The measures provided for in this Regulation are in accordance with the opinion of the Committee set up in accordance with Article 14 of Regulation (EEC) No 2092/91,

⁽¹⁾ OJ L 198, 22.7.1991, p. 1.

⁽²⁾ OJ L 85, 2.4.2003, p. 15.

HAS ADOPTED THIS REGULATION:

CHAPTER I

GENERAL RULES

Article 1

Maintenance of the derogation

1. The derogation provided for in Article 6(3)(a) of Regulation (EEC) No 2092/91, according to which Member States may authorise the use of seed or vegetative propagating material not obtained by the organic production method, subject to the conditions set out in that Article, is maintained after 31 December 2003 as regards species not listed in the Annex to this Regulation.

For the application of the derogation concerning seed or seed potatoes referred to in the first subparagraph, procedural rules and criteria are set out in Articles 3 to 14.

2. Species for which it is established, in accordance with the procedure laid down in Article 14 of Regulation (EEC) No 2092/91, that organically produced seed or seed potatoes are available in sufficient quantities and for a significant number of varieties in all parts of the Community are set out in the Annex to this Regulation.

The species listed in the Annex are not entitled to authorisations pursuant to the derogation referred to in paragraph 1 unless it is justified by one of the purposes referred to in Article 5(1)(d).

Article 2

Definitions

For the purpose of this Regulation:

- (a) the definitions in Regulation (EEC) No 2092/91 shall apply;
- (b) 'supplier' means an operator who markets seed or seed potatoes to other operators.

CHAPTER II

APPLICATION OF THE DEROGATION

Article 3

Use of seed or seed potatoes not obtained by the organic production method

Member States may, pursuant to the procedure set out in Article 5, authorise the use of seed or seed potatoes not obtained by the organic production method, provided that the seed or seed potatoes are:

- (a) not treated with plant protection products, other than those accepted for treatment of seed in part B of Annex II, to Regulation (EEC) No 2092/91, unless chemical treatment is

prescribed in accordance with Council Directive 2000/29/EC⁽¹⁾ for phytosanitary purposes by the competent authority of the Member State for all varieties of a given species in the area where the seed or seed potatoes are to be used, and

- (b) produced without the use of genetically modified organisms and/or any products derived from such organisms.

Article 4

Authorities or bodies responsible for granting authorisations

Inspection authorities or bodies referred to in Article 9 of Regulation (EEC) No 2092/91 are responsible for granting the authorisation referred to in Article 5 of the present Regulation, unless the Member State designates other authorities or bodies supervised by the Member State concerned.

Article 5

Conditions for granting authorisations

1. Authorisation to use seed or seed potatoes not obtained by the organic production method may only be granted in the following cases:

- (a) if no variety of the species which the user wants to obtain is registered in the database provided for in Article 6;
- (b) if no supplier is able to deliver the seed or seed potatoes before sowing or planting in situations where the user has ordered the seed or seed potatoes in reasonable time;
- (c) if the variety which the user wants to obtain is not registered in the database, and the user is able to demonstrate that none of the registered alternatives of the same species are appropriate and that the authorisation therefore is significant for his production;
- (d) if it is justified for use in research, test in small-scale field trials or for variety conservation purposes agreed by the competent authority of the Member State.

2. The authorisation shall be granted before the sowing of the crop.

3. The authorisation shall be granted only to individual users for one season at a time and the authority or body responsible for the authorisations shall register the quantities of seed or seed potatoes authorised.

⁽¹⁾ OJ L 169, 10.7.2000, p. 1.

4. By way of derogation from paragraph 3, the competent authority of the Member State may grant to all users a general authorisation for a given

- species when and in so far as the condition laid down in paragraph 1(a) is fulfilled, or
- variety when and in so far as the conditions laid down in paragraph 1(c) are fulfilled.

Such authorisations shall be clearly indicated in the database.

5. Authorisation may only be granted during periods for which the database is updated in accordance with Article 7(3).

CHAPTER III

RULES ON REGISTRATION OF SEED OR SEED POTATOES OBTAINED BY THE ORGANIC PRODUCTION METHOD

Article 6

Database

1. Each Member State shall ensure that a computerised database is established for the listing of the varieties for which seed or seed potatoes obtained by the organic production method prescribed in Article 6(2) of Regulation (EEC) No 2092/91 are available on its territory.

2. The database shall be managed either by the competent authority of the Member State or by an authority or body designated for this purpose by the Member State, hereinafter referred to as 'manager of the database'. Member States may also designate an authority or a private body in another country.

3. Each Member State shall inform the Commission and the other Member States of the authority or private body designated to manage the database.

Article 7

Registration

1. Varieties for which seed or seed potatoes produced by the organic production method are available shall be registered in the database at the request of the supplier.

2. Any variety which has not been registered in the database shall be considered as unavailable with regard to the application of Article 5 of the present Regulation.

3. Each Member State shall decide in which period of the year the database has to be regularly updated for each species or group of species cultivated on its territory. The database shall hold information on this.

Article 8

Conditions for registration

1. For registration, the supplier must be able to:

- (a) demonstrate that he or the last operator, in cases where the supplier is only dealing with prepackaged seed or seed potatoes, has been subject to the inspection system referred to in Article 9 of Regulation (EEC) No 2092/91;
- (b) demonstrate that the seed or seed potatoes to be placed on the market comply with the general requirements applicable to seed and vegetative propagating material;
- (c) make available all the information required under article 9 of this Regulation, and undertake to update this information at the request of the manager of the database or whenever such updating is necessary to ensure that the information remains reliable.

2. The manager of the database may, with the approval by the competent authority of the Member State, refuse a supplier's application for registration or delete an already accepted registration if the supplier does not comply with the requirements set out in paragraph 1.

Article 9

Registered information

1. For each registered variety and for each supplier, the database shall contain at least the following information:

- (a) the scientific name of the species and the variety denomination;
- (b) the name and contact details of the supplier or his representative;
- (c) the area where the supplier can deliver the seed or seed potatoes to the user in the usual time needed for the delivery;
- (d) the country or region in which the variety is tested and approved for the purpose of the common catalogue of varieties of agricultural plant species and vegetable species;
- (e) the date from which the seed or seed potatoes will be available;
- (f) the name and/or code number of the inspection authority or body in charge of the inspection of the operator as referred to in Article 9 of Regulation (EEC) No 2092/91.

2. The supplier shall immediately inform the manager of the database if any of the registered varieties are no longer available. The amendments shall be recorded in the database.

3. Besides the information specified in paragraph 1, the database shall contain a list of the species listed in the Annex.

*Article 10***Access to information**

1. The information in the database shall be available through the Internet, free of cost, to the users of seed or seed potatoes and to the public. Member States may decide that users who are registered according to Article 8(1)(a) of Regulation (EEC) No 2092/91 shall obtain, at request, an extract of data concerning one or several groups of species from the database manager.

2. The Member States shall ensure that all users who are registered according to Article 8(1)(a) of Regulation (EEC) No 2092/91 are informed, at least once a year, about the system and how to obtain the information in the database.

*Article 11***Registration fee**

Each registration may be subject to the levying of a fee, which shall represent the cost of introducing and maintaining the information in the database. The competent authority of the Member State shall approve the level of the fee practised by the manager of the database.

CHAPTER IV

REPORT AND FINAL PROVISIONS*Article 12***Annual report**

1. The authorities or bodies designated to grant authorisations in accordance with Article 4 shall register all authorisations, and shall make this information available in a report to the competent authority of the Member State and to the manager of the database.

The report shall contain, for each species concerned by an authorisation according to Article 5(1), the following information:

- (a) the scientific name of the species and the variety denomination;
- (b) the justification for the authorisation indicated by a reference to Article 5(1)(a), (b), (c) or (d);
- (c) the total number of authorisations;

(d) the total quantity of seed or seed potatoes involved;

(e) the chemical treatment for phytosanitary purposes, as referred to in Article 3(a).

2. For authorisations according to Article 5(4) the report shall contain the information referred to in paragraph 1(a) and the period for which the authorisations were in force.

*Article 13***Summary report**

The competent authority of the Member State shall, before 31 March each year, collect the reports and send a summary report covering all authorisations of the Member State from the previous calendar year to the Commission and to the other Member States. The report shall cover the information specified in Article 12. The information shall be published in the database. The competent authority may delegate the task of collecting the reports to the manager of the database.

*Article 14***Information upon request**

Upon request from a Member State or the Commission, detailed information on authorisations granted in individual cases shall be made available to other Member States or to the Commission.

*Article 15***Revision**

Before 31 July 2006 the Commission will examine the availability and use of seed or vegetative propagating material obtained by the organic production method and the effective implementation of the present regulation and will, if necessary, make the appropriate amendments.

*Article 16***Entry into force and application**

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

It shall apply from 1 January 2004.

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

Done at Brussels, 14 August 2003.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX

The Commission is currently investigating this issue with the Member States in order to establish a list of species to be included in the Annex, in accordance with the opinion of the Committee set up in accordance with Article 14 of Regulation (EEC) No 2092/91.

**COMMISSION REGULATION (EC) No 1453/2003
of 14 August 2003**

**fixing the maximum reduction in the duty on sorghum imported in connection with the invitation
to tender issued in Regulation (EC) No 699/2003**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organisation of the market in cereals⁽¹⁾, as last amended by Regulation (EC) No 1104/2003⁽²⁾, and in particular Article 12(1) thereof,

Whereas:

- (1) An invitation to tender for the maximum reduction in the duty on sorghum imported into Spain was opened pursuant to Commission Regulation (EC) No 699/2003⁽³⁾.
- (2) Pursuant to Article 5 of Commission Regulation (EC) No 1839/95⁽⁴⁾, as last amended by Regulation (EC) No 2235/2000⁽⁵⁾, the Commission, acting under the procedure laid down in Article 23 of Regulation (EEC) No 1766/92, may decide to fix a maximum reduction in the import duty. In fixing this maximum the criteria provided for in Articles 6 and 7 of Regulation (EC) No 1839/95 must be taken into account. Whereas a contract is awarded to any tenderer whose tender is equal to or less than the maximum reduction in the duty.

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

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

HAS ADOPTED THIS REGULATION:

Article 1

For tenders notified from 8 to 14 August 2003, pursuant to the invitation to tender issued in Regulation (EC) No 699/2003, the maximum reduction in the duty on sorghum imported shall be 18,75 EUR/t and be valid for a total maximum quantity of 7 000 t.

Article 2

This Regulation shall enter into force on 15 August 2003.

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

Done at Brussels, 14 August 2003.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 158, 27.6.2003, p. 1.

⁽³⁾ OJ L 99, 17.4.2003, p. 29.

⁽⁴⁾ OJ L 177, 28.7.1995, p. 4.

⁽⁵⁾ OJ L 256, 10.10.2000, p. 13.

COMMISSION REGULATION (EC) No 1454/2003
of 14 August 2003
fixing the export refunds on cereal-based compound feedingstuffs

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organisation of the market in cereals ⁽¹⁾, as last amended by Regulation (EC) No 1104/2003 ⁽²⁾, and in particular Article 13(3) thereof,

Whereas:

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

products, and for 'other cereals', these being eligible cereal products excluding maize and maize products. A refund should be granted in respect of the quantity of cereal products present in the compound feedingstuff.

- (4) Furthermore, the amount of the refund must also take into account the possibilities and conditions for the sale of those products on the world market, the need to avoid disturbances on the Community market and the economic aspect of the export.
- (5) The current situation on the cereals market and, in particular, the supply prospects mean that the export refunds should be abolished.
- (6) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 15 August 2003.

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

Done at Brussels, 14 August 2003.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 158, 27.6.2003, p. 1.

⁽³⁾ OJ L 147, 30.6.1995, p. 51.

ANNEX

to the Commission Regulation of 14 August 2003 fixing the export refunds on cereal-based compound feedingstuffs

Product codes benefiting from export refund:

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

Cereal products	Destination	Unit of measurement	Amount of refunds
Maize and maize products: CN codes 0709 90 60, 0712 90 19, 1005, 1102 20, 1103 13, 1103 29 40, 1104 19 50, 1104 23, 1904 10 10	C10	EUR/t	0,00
Cereal products excluding maize and maize products	C10	EUR/t	0,00

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

C10 All destinations except for Estonia.

COMMISSION REGULATION (EC) No 1455/2003**of 14 August 2003****fixing the refunds applicable to cereal and rice sector products supplied as Community and national food aid**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organisation of the market in cereals ⁽¹⁾, as last amended by Commission Regulation (EC) No 1104/2003 ⁽²⁾, and in particular the third subparagraph of Article 13(2) thereof,

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

Whereas:

- (1) Article 2 of Council Regulation (EEC) No 2681/74 of 21 October 1974 on Community financing of expenditure incurred in respect of the supply of agricultural products as food aid ⁽⁵⁾ lays down that the portion of the expenditure corresponding to the export refunds on the products in question fixed under Community rules is to be charged to the European Agricultural Guidance and Guarantee Fund, Guarantee Section.
- (2) In order to make it easier to draw up and manage the budget for Community food aid actions and to enable the Member States to know the extent of Community participation in the financing of national food aid actions, the level of the refunds granted for these actions should be determined.

- (3) The general and implementing rules provided for in Article 13 of Regulation (EEC) No 1766/92 and in Article 13 of Regulation (EC) No 3072/95 on export refunds are applicable *mutatis mutandis* to the abovementioned operations.

- (4) The specific criteria to be used for calculating the export refund on rice are set out in Article 13 of Regulation (EC) No 3072/95.

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

HAS ADOPTED THIS REGULATION:

Article 1

For Community and national food aid operations under international agreements or other supplementary programmes, and other Community free supply measures, the refunds applicable to cereals and rice sector products shall be as set out in the Annex.

Article 2

This Regulation shall enter into force on 15 August 2003.

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

Done at Brussels, 14 August 2003.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 158, 27.6.2003, p. 1.

⁽³⁾ OJ L 329, 30.12.1995, p. 18.

⁽⁴⁾ OJ L 62, 5.3.2002, p. 27.

⁽⁵⁾ OJ L 288, 25.10.1974, p. 1.

ANNEX

to the Commission Regulation of 14 August 2003 fixing the refunds applicable to cereal and rice sector products supplied as Community and national food aid

(EUR/t)	
Product code	Refund
1001 10 00 9400	0,00
1001 90 99 9000	0,00
1002 00 00 9000	0,00
1003 00 90 9000	0,00
1005 90 00 9000	0,00
1006 30 92 9100	128,00
1006 30 92 9900	128,00
1006 30 94 9100	128,00
1006 30 94 9900	128,00
1006 30 96 9100	128,00
1006 30 96 9900	128,00
1006 30 98 9100	128,00
1006 30 98 9900	128,00
1006 30 65 9900	128,00
1007 00 90 9000	0,00
1101 00 15 9100	0,00
1101 00 15 9130	0,00
1102 10 00 9500	38,25
1102 20 10 9200	59,79
1102 20 10 9400	51,25
1103 11 10 9200	0,00
1103 13 10 9100	76,88
1104 12 90 9100	0,00

NB: The product codes are defined in Commission Regulation (EEC) No 3846/87 (OJ L 366, 24.12.1987, p. 1), amended.

**COMMISSION REGULATION (EC) No 1456/2003
of 14 August 2003**

amending for the 21st 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 Council 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 1184/2003 ⁽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 19 June and 12 August 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.

- (3) In order to ensure that the measures provided for in this Regulation are effective, this Regulation must enter into force immediately,

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 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, 14 August 2003.

For the Commission

Christopher PATTEN

Member of the Commission

⁽¹⁾ OJ L 139, 29.5.2002, p. 9.

⁽²⁾ OJ L 165, 3.7.2003, p. 21.

ANNEX

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

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

'Shamil BASAYEV, leader (amir) of the Riyadus-Salikhin Reconnaissance and Sabotage Battalion of Chechen Martyrs (⁽¹⁾)'.

2. The entry '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' under the heading 'natural persons' shall be replaced with the following:

'Zelimkhan Ahmedovich (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'.

3. The entry 'AL-MASRI, Abu Hamza (a.k.a. AL-MISRI, Abu Hamza); date of birth: 15 April 1958; 9 Alboume Road, Shepherds Bush, London W12 OLW, UK; 8 Adie Road, Hammersmith, London W6 OPW, UK' under the heading 'natural persons' shall be replaced with the following:

'Mostafa Kamel MOSTAFA (alias a) Mustafa Kamel MUSTAFA, b) Adam Ramsey Eaman, c) Abu Hamza Al-Masri, d) Al-Masri, Abu Hamza, e) Al-Misri, Abu Hamza), 9 Alboume Road, Shepherds Bush, London W12 OLW, United Kingdom; 8 Adie Road, Hammersmith, London W6 OPW, United Kingdom. Date of birth: 15 April 1958'.

(⁽¹⁾) This legal person, group or entity was added to Annex I by means of Regulation (EC) No 414/2003, OJ L 62, 6.3.2003, p. 24.

COMMISSION DIRECTIVE 2003/76/EC**of 11 August 2003****amending Council Directive 70/220/EEC relating to measures to be taken against air pollution by emissions from motor vehicles****(Text with EEA relevance)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 70/156/EEC of 6 February 1970 on the approximation of the laws of the Member States relating to the type-approval of motor vehicles and their trailers ⁽¹⁾, as last amended by Regulation (EC) No 807/2003 ⁽²⁾, and in particular Article 13(2) thereof,

Having regard to Council Directive 70/220/EEC of 20 March 1970 on the approximation of the laws of the Member States on measures to be taken against air pollution by emissions from motor vehicles ⁽³⁾, as last amended by Commission Directive 2002/80/EC ⁽⁴⁾, and in particular Article 5 thereof,

Whereas:

- (1) Directive 70/220/EEC is one of the separate directives for the purposes of the EC type-approval procedure established by Directive 70/156/EEC.
- (2) Directive 70/220/EEC, as amended by Directive 2002/80/EC, introduced specific requirements relating to the type-approval of bi-fuelled and mono-fuelled gas vehicles with respect to on-board diagnostic (OBD) systems. It also made provision for the type-approval, for a limited period of time, of gas-fuelled vehicle OBD systems containing minor deficiencies. It is necessary to complement those provisions with additional technical measures covering the transmission of diagnostic signals in order to prevent a barrier to trade arising as a result of certain recently developed gas vehicle OBD technologies that comply in all other respects with the requirements of Directive 70/220/EEC.
- (3) Directive 70/220/EEC, as amended by Directive 2002/80/EC, also introduced specific requirements relating to the EC-type-approval of replacement catalytic converters. Those requirements should be adjusted so that a replacement catalytic converter can be type-approved as a separate technical unit on the ground that it is of the same type as an original equipment catalytic converter or an original replacement catalytic converter for which type-approval has already been granted.
- (4) Directive 70/220/EEC should therefore be amended accordingly.

- (5) The measures provided for in this Directive are in accordance with the opinion of the Committee for Adaptation to Technical Progress established by Directive 70/156/EEC,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Annexes XI and XIII to Directive 70/220/EEC are amended in accordance with the Annex to this Directive.

Article 2

1. Member States shall adopt and publish, by 4 September 2004 at the latest, the laws, regulations and administrative provisions necessary to comply with this Directive. They shall forthwith communicate to the Commission the text of those provisions and a correlation table between those provisions and this Directive.

They shall apply those provisions from 4 September 2004.

When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.

Article 3

This Directive shall enter into force on the 20th 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 Brussels, 11 August 2003.

For the Commission

Erkki LIIKANEN

Member of the Commission

⁽¹⁾ OJ L 42, 23.2.1970, p. 1.

⁽²⁾ OJ L 122, 16.5.2003, p. 36.

⁽³⁾ OJ L 76, 6.4.1970, p. 1.

⁽⁴⁾ OJ L 291, 28.10.2002, p. 20.

ANNEX

Annexes XI and XIII to Directive 70/220/EEC are amended as follows:

A. Annex XI is amended as follows:

1. Section 3.3.3.4 is replaced by the following:

‘3.3.3.4. If active on the selected fuel, other emission control system components or systems, or emission-related powertrain components or systems which are connected to a computer, the failure of which may result in tailpipe emissions exceeding the limits given in 3.3.2.’.

2. Section 4.5.2 is replaced by the following:

‘4.5.2. Notwithstanding the requirements of section 6.6 of Appendix 1 to this Annex, and where requested by the manufacturer, the type-approval authority shall accept the following deficiencies as meeting the requirements of this Annex for the evaluation and transmission of diagnostic signals:

- transmission of the diagnostic signals for the fuel currently in use on a single source address,
- evaluation of one set of diagnostic signals for both fuel types (corresponding to the evaluation on mono-fuelled gas vehicles, and independent of the fuel currently in use),
- selection of one set of diagnostic signals (associated to one of the two fuel types) by the position of a fuel switch,
- evaluation and transmission of one set of diagnostic signals for both fuels in the petrol computer independent of the fuel in use. The gas supply system computer will evaluate and transmit the gaseous fuel system related diagnostic signals and store fuel status history.

Further options may be requested by the manufacturer and granted at the discretion of the type-approval authority.’.

3. In Appendix 1, section 6.6 is replaced by the following:

‘6.6. Specific requirements regarding the transmission of diagnostic signals from bi-fuelled gas vehicles

6.6.1. For bi-fuelled gas vehicles where the specific signals of the different fuels systems are stored in the same computer, the diagnostic signals for the operation on petrol and for the operation on gas shall be evaluated and transmitted independently of each other.

6.6.2. For bi-fuelled gas vehicles where the specific signals of the different fuel systems are stored in separate computers, the diagnostic signals for the operation on petrol and for the operation on gas shall be evaluated and transmitted from the computer specific to the fuel.

6.6.3. On a request from a diagnostic tool, the diagnostic signals for the vehicle operating on petrol shall be transmitted on one source address and the diagnostic signals for the vehicle operating on gas shall be transmitted on another source address. The use of source addresses is described in ISO DIS 15031-5 “Road vehicles — communication between vehicles and external test equipment for emissions-related diagnostics — Part 5: Emissions-related diagnostic services”, dated 1 November 2001.’.

B. In Annex XIII, the following section 4.4 is added:

‘4.4. If the applicant for type-approval is able to demonstrate to the type-approval authority or technical service that the replacement catalytic converter is of a type indicated in section 1.10 of the Appendix to Annex X to this Directive, the granting of a type-approval certificate shall not be dependent on verification of compliance with the requirements specified in section 6.’.

II

(Acts whose publication is not obligatory)

COUNCIL

DECISION No 1/2003 OF THE EU-ROMANIA ASSOCIATION COUNCIL

of 8 May 2003

extending the double-checking system established by Decision No 3/2002 of the Association Council for the period from the date of entry into force of this Decision up to the date of accession by Romania to the European Union

(2003/604/EC)

THE ASSOCIATION COUNCIL,

Whereas:

- (1) The Contact Group referred to in Article 11 of Protocol 2 to the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and Romania, of the other part ⁽¹⁾, which entered into force on 1 February 1995, met on 23 October 2002 and agreed to recommend to the Association Council established under Article 106 of the Agreement that the double-checking system introduced in 1996 by Decision No 3/95 of the Association Council ⁽²⁾ and reintroduced for the period from 1 July to 31 December 2002 by Decision No 3/2002 ⁽³⁾, should be extended for the period from the date of entry into force of this Decision up to the date of accession by Romania to the European Union.
- (2) The Association Council, having been supplied with all relevant information, has agreed with this recommendation,

HAS DECIDED AS FOLLOWS:

Article 1

The double-checking system established by Decision No 3/2002 of the Association Council shall continue to apply for the period from the date of entry into force of this Decision up to

the date of accession by Romania to the European Union. In the preamble and Article 1(1) of the Decision, references to the period '1 July to 31 December 2002' shall be replaced by references to '25 August 2003 up to the date of accession by Romania to the European Union'.

Article 2

Goods shipped to the Community as from 1 January 2003 until the date of entry into force of this Decision shall be excluded from the scope of this Decision.

Article 3

This Decision shall enter into force on the 10th day following that of its publication in the *Official Journal of the European Union*.

Done at Brussels, 8 May 2003.

For the Association Council

The President

G. PAPANDREOU

⁽¹⁾ OJ L 357, 31.12.1994, p. 2.

⁽²⁾ OJ L 325, 30.12.1995, p. 51.

⁽³⁾ OJ L 227, 23.8.2002, p. 38.

**POLITICAL AND SECURITY COMMITTEE DECISION DRC/3/2003
of 31 July 2003**

amending the Political and Security Committee Decision DRC/1/2003 on the acceptance of third States' contributions to the EU military operation in the Democratic Republic of Congo

(2003/605/CFSP)

THE POLITICAL AND SECURITY COMMITTEE,

HAS DECIDED AS FOLLOWS:

Having regard to the Treaty on European Union, and in particular Article 25, last paragraph, thereof,

Having regard to Council Joint Action 2003/423/CFSP of 5 June 2003 on the European Union military operation in the Democratic Republic of Congo ⁽¹⁾, and in particular Article 10(2) and (3) thereof,

Whereas:

- (1) Pursuant to Decision DRC/1/2003 ⁽²⁾ of 1 July 2003, the Political and Security Committee (PSC) accepted third States' contributions to the EU military operation in the Democratic Republic of Congo.
- (2) By letter dated 17 July 2003, the Ambassador of Cyprus to the European Union offered a contribution to the EU Military Operation in the Democratic Republic of Congo.
- (3) On 28 July 2003, following the recommendation of the Operation Commander, the European Union Military Committee (EUMC) agreed to recommend to the PSC to accept one officer from Cyprus.
- (4) It is therefore necessary to amend Decision DRC/1/2003,

Article 1

Article 1 of Decision DRC/1/2003 on the acceptance of third States' contributions to the EU military operation in the Democratic Republic of Congo shall be replaced by the following:

'Article 1

Third States' contributions

Following Force Generation and Manning Conferences, contributions from the following third States are accepted for the EU military operation in the Democratic Republic of Congo:

Brazil,
Canada,
Cyprus,
Hungary,
South Africa.'

Article 2

Entry into force

This Decision shall enter into force on the day of its signature.

Done at Brussels, 31 July 2003.

For the Political and Security Committee

The President
M. MELANI

⁽¹⁾ OJ L 143, 11.6.2003, p. 50.

⁽²⁾ OJ L 170, 9.7.2003, p. 19.