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EN

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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EC) No 1529/2003

of 29 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 30 August 2003.

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

Done at Brussels, 29 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 29 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	052	48,9
	060	51,2
	068	45,3
	096	30,0
	999	43,8
0707 00 05	052	124,8
	096	66,6
	999	95,7
0709 90 70	052	74,2
	999	74,2
0805 50 10	382	52,7
	388	57,5
	524	46,6
	528	57,1
	999	53,5
0806 10 10	052	82,9
	064	92,5
	999	87,7
0808 10 20, 0808 10 50, 0808 10 90	388	75,8
	400	53,1
	508	115,4
	512	96,2
	720	56,3
	800	163,5
	804	92,9
	999	93,3
0808 20 50	052	116,7
	388	89,3
	999	103,0
0809 30 10, 0809 30 90	052	119,6
	999	119,6
0809 40 05	060	63,5
	064	63,7
	066	70,7
	068	50,0
	093	76,5
	094	50,1
	624	125,5
	999	71,4

(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 1530/2003

of 29 August 2003

fixing the export refunds on rice and broken rice and suspending the issue of export licences

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organisation of the market in rice [1], as last amended by Commission Regulation (EC) No 411/2002 [2], and in particular the second subparagraph of Article 13(3) and (15) thereof,

Whereas:

(1) Article 13 of Regulation (EC) No 3072/95 provides that the difference between quotations or prices on the world market for the products listed in Article 1 of that Regulation and prices for those products within the Community may be covered by an export refund.

(2) Article 13(4) of Regulation (EC) No 3072/95, provides that when refunds are being fixed account must be taken of the existing situation and the future trend with regard to prices and availabilities of rice and broken rice on the Community market on the one hand and prices for rice and broken rice on the world market on the other. The same Article provides that it is also important to ensure equilibrium and the natural development of prices and trade on the rice market and, furthermore, to take into account the economic aspect of the proposed exports and the need to avoid disturbances of the Community market with limits resulting from agreements concluded in accordance with Article 300 of the Treaty.

(3) Commission Regulation (EEC) No 1361/76 [3] lays down the maximum percentage of broken rice allowed in rice for which an export refund is fixed and specifies the percentage by which that refund is to be reduced where the proportion of broken rice in the rice exported exceeds that maximum.

(4) Export possibilities exist for a quantity of 8 800 tonnes of rice to certain destinations. The procedure laid down in Article 8(3) of Commission Regulation (EC) No 1342/2003 [4] should be used. Account should be taken of this when the refunds are fixed.

(5) Article 13(5) of Regulation (EC) No 3072/95 defines the specific criteria to be taken into account when the export refund on rice and broken rice is being calculated.

(6) The world market situation or the specific requirements of certain markets may make it necessary to vary the refund for certain products according to destination.

(7) A separate refund should be fixed for packaged long grain rice to accommodate current demand for the product on certain markets.

(8) The refund must be fixed at least once a month; whereas it may be altered in the intervening period.

(9) It follows from applying these rules and criteria to the present situation on the market in rice and in particular to quotations or prices for rice and broken rice within the Community and on the world market, that the refund should be fixed as set out in the Annex hereto.

(10) For the purposes of administering the volume restrictions resulting from Community commitments in the context of the WTO, the issue of export licences with advance fixing of the refund should be restricted.

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

With the exception of the quantity of 8 800 tonnes provided for in the Annex, the issue of export licences with advance fixing of the refund is suspended.

Article 3

This Regulation shall enter into force on 1 September 2003.

[1] OJ L 329, 30.12.1995, p. 18.
[2] OJ L 62, 5.3.2002, p. 27.
[3] OJ L 154, 15.6.1976, p. 11.
[4] OJ L 189, 29.7.2003, p. 12.

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

Done at Brussels, 29 August 2003.

For the Commission
Franz FISCHLER
Member of the Commission

ANNEX

to the Commission Regulation of 29 August 2003 fixing the export refunds on rice and broken rice and suspending the issue of export licences

Product code	Destination	Unit of measurement	Amount of refunds (1)
1006 20 11 9000	R01	EUR/t	67
1006 20 13 9000	R01	EUR/t	67
1006 20 15 9000	R01	EUR/t	67
1006 20 17 9000	—	EUR/t	—
1006 20 92 9000	R01	EUR/t	67
1006 20 94 9000	R01	EUR/t	67
1006 20 96 9000	R01	EUR/t	67
1006 20 98 9000	—	EUR/t	—
1006 30 21 9000	R01	EUR/t	67
1006 30 23 9000	R01	EUR/t	67
1006 30 25 9000	R01	EUR/t	67
1006 30 27 9000	—	EUR/t	—
1006 30 42 9000	R01	EUR/t	67
1006 30 44 9000	R01	EUR/t	67
1006 30 46 9000	R01	EUR/t	67
1006 30 48 9000	—	EUR/t	—
1006 30 61 9100	R01	EUR/t	84
	R02	EUR/t	90
	R03	EUR/t	95
	064 and 066	EUR/t	110
	A97	EUR/t	90
	021 and 023	EUR/t	90
1006 30 61 9900	R01	EUR/t	84
	A97	EUR/t	90
	064 and 066	EUR/t	110
1006 30 63 9100	R01	EUR/t	84
	R02	EUR/t	90
	R03	EUR/t	95
	064 and 066	EUR/t	110
	A97	EUR/t	90
	021 and 023	EUR/t	90
1006 30 63 9900	R01	EUR/t	84
	064 and 066	EUR/t	110
	A97	EUR/t	90
1006 30 65 9100	R01	EUR/t	84
	R02	EUR/t	90
	R03	EUR/t	95
	064 and 066	EUR/t	110
	A97	EUR/t	90
	021 and 023	EUR/t	90
1006 30 65 9900	R01	EUR/t	84
	064 and 066	EUR/t	110
	A97	EUR/t	90
1006 30 67 9100	021 and 023	EUR/t	90
	064 and 066	EUR/t	110
1006 30 67 9900	064 and 066	EUR/t	110
1006 30 92 9100	R01	EUR/t	84
	R02	EUR/t	90
	R03	EUR/t	95
	064 and 066	EUR/t	110
	A97	EUR/t	90
	021 and 023	EUR/t	90
1006 30 92 9900	R01	EUR/t	84
	A97	EUR/t	90
	064 and 066	EUR/t	110
1006 30 94 9100	R01	EUR/t	84
	R02	EUR/t	90
	R03	EUR/t	95
	064 and 066	EUR/t	110
	A97	EUR/t	90
	021 and 023	EUR/t	90
1006 30 94 9900	R01	EUR/t	84
	A97	EUR/t	90
	064 and 066	EUR/t	110
1006 30 96 9100	R01	EUR/t	84
	R02	EUR/t	90
	R03	EUR/t	95
	064 and 066	EUR/t	110
	A97	EUR/t	90
	021 and 023	EUR/t	90
1006 30 96 9900	R01	EUR/t	84
	A97	EUR/t	90
	064 and 066	EUR/t	110
1006 30 98 9100	021 and 023	EUR/t	90
1006 30 98 9900	—	EUR/t	—
1006 40 00 9000	—	EUR/t	—

(1) The procedure laid down in Article 8(3) of Regulation (EC) No 1342/2003 applies to licences applied for under that Regulation for quantities according to the destination:

destination R01: 2 000 t,
all destinations R02 and R03: 2 000 t,
destinations 021 and 023: 500 t,
destinations 064 and 066: 4 000 t,
destination A97: 300 t.

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

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

The other destinations are defined as follows:

R01 Switzerland, Liechtenstein, communes of Livigno and Campione d'Italia.

R02 Morocco, Algeria, Tunisia, Malta, Egypt, Israel, Lebanon, Libya, Syria, Ex-Spanish Sahara, Cyprus, Jordan, Iraq, Iran, Yemen, Kuwait, United Arab Emirates, Oman, Bahrain, Qatar, Saudi Arabia, Eritrea, West Bank/Gaza Strip, Estonia, Latvia, Lithuania, Poland, Czech Republic, Slovenia, Slovakia, Norway, Faroe Islands, Iceland, Russia, Belarus, Bosnia and Herzegovina, Croatia, Serbia and Montenegro, Former Yugoslav Republic of Macedonia, Albania, Bulgaria, Georgia, Armenia, Azerbaijan, Moldova, Ukraine, Kazakstan, Turkmenistan, Uzbekistan, Tajikistan, Kyrgyzstan.

R03 Colombia, Ecuador, Peru, Bolivia, Chile, Argentina, Uruguay, Paraguay, Brazil, Venezuela, Canada, Mexico, Guatemala, Honduras, El Salvador, Nicaragua, Costa Rica, Panama, Cuba, Bermuda, South Africa, Australia, New Zealand, Hong Kong SAR, Singapore, A40 except the Netherlands Antilles, Aruba, Turks and Caicos Islands, A11 except Suriname, Guyana, Madagascar.

COMMISSION REGULATION (EC) No 1531/2003

of 29 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 1 September 2003.

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

Done at Brussels, 29 August 2003.

For the Commission

Franz FISCHLER

Member of the Commission

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[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 29 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	110,00
1006 30 92 9900	110,00
1006 30 94 9100	110,00
1006 30 94 9900	110,00
1006 30 96 9100	110,00
1006 30 96 9900	110,00
1006 30 98 9100	110,00
1006 30 98 9900	110,00
1006 30 65 9900	110,00
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	47,99
1102 20 10 9400	41,14
1103 11 10 9200	0,00
1103 13 10 9100	61,70
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 1532/2003

of 29 August 2003

altering the export refunds on white sugar and raw sugar exported in the natural state

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 third subparagraph of Article 27(5) thereof,

Whereas:

(1) The refunds on white sugar and raw sugar exported in the natural state were fixed by Commission Regulation (EC) No 1507/2003 [3].

(2) It follows from applying the detailed rules contained in Regulation (EC) No 1507/2003 to the information known to the Commission that the export refunds at present in force should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1(1)(a) of Regulation (EC) No 1260/2001, undenatured and exported in the natural state, as fixed in the Annex to Regulation (EC) No 1507/2003 are hereby altered to the amounts shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 September 2003.

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

Done at Brussels, 29 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 217, 29.8.2003, p. 5.

ANNEX

REFUNDS ON WHITE SUGAR AND RAW SUGAR EXPORTED WITHOUT FURTHER PROCESSING

Product code	Destination	Unit of measurement	Amount of refund
1701 11 90 9100	S00	EUR/100 kg	43,10 (1)
1701 11 90 9910	S00	EUR/100 kg	43,10 (1)
1701 12 90 9100	S00	EUR/100 kg	43,10 (1)
1701 12 90 9910	S00	EUR/100 kg	43,10 (1)
1701 91 00 9000	S00	EUR/1 % of sucrose × 100 kg product net	0,4685
1701 99 10 9100	S00	EUR/100 kg	46,85
1701 99 10 9910	S00	EUR/100 kg	46,85
1701 99 10 9950	S00	EUR/100 kg	46,85
1701 99 90 9100	S00	EUR/1 % of sucrose × 100 kg of net product	0,4685

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 1533/2003
of 29 August 2003
fixing the export refunds on syrups and certain other sugar products exported in the natural state

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)(d) of that Regulation and prices for those products within the Community may be covered by an export refund.

(2) Article 3 of 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], provides that the export refund on 100 kilograms of the products listed in Article 1(1)(d) of Regulation (EC) No 1260/2001 is equal to the basic amount multiplied by the sucrose content, including, where appropriate, other sugars expressed as sucrose; the sucrose content of the product in question is determined in accordance with Article 3 of Commission Regulation (EC) No 2135/95.

(3) Article 30(3) of Regulation (EC) No 1260/2001 provides that the basic amount of the refund on sorbose exported in the natural state must be equal to the basic amount of the refund less one hundredth of the production refund applicable, pursuant to Commission Regulation (EC) No 1265/2001 of 27 June 2001 laying down detailed rules for the application of Council Regulation (EC) No 1260/2001 as regards granting the production refund on certain sugar products used in the chemical industry [4] to the products listed in the Annex to the last mentioned Regulation;

(4) According to the terms of Article 30(1) of Regulation (EC) No 1260/2001, the basic amount of the refund on the other products listed in Article 1(1)(d) of the said Regulation exported in the natural state must be equal to one-hundredth of an amount which takes account, on the one hand, of the difference between the intervention price for white sugar for the Community areas without deficit for the month for which the basic amount is fixed and quotations or prices for white sugar on the world market and, on the other, of the need to establish a balance between the use of Community basic products in the manufacture of processed goods for export to third countries and the use of third country products brought in under inward-processing arrangements.

(5) According to the terms of Article 30(4) of Regulation (EC) No 1260/2001, the application of the basic amount may be limited to some of the products listed in Article 1(1)(d) of the said Regulation.

(6) Article 27 of Regulation (EC) No 1260/2001 makes provision for setting refunds for export in the natural state of products referred to in Article 1(1)(f) and (g) and (h) of that Regulation; the refund must be fixed per 100 kilograms of dry matter, taking account of the export refund for products falling within CN code 1702 30 91 and for products referred to in Article 1(1)(d) of Regulation (EC) No 1260/2001 and of the economic aspects of the intended exports; in the case of the products referred to in the said Article (1)(f) and (g), the refund is to be granted only for products complying with the conditions in Article 5 of Regulation (EC) No 2135/95; for the products referred to in Article 1(1)(h), the refund shall be granted only for products complying with the conditions in Article 6 of Regulation (EC) No 2135/95.

(7) The abovementioned refunds must be fixed every month; they may be altered in the intervening period.

(8) 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.

(9) 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.

[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.
[4] OJ L 178, 30.6.2001, p. 63.

(10) In order to prevent any abuses associated with the reimportation 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.

(11) In view of the above, refunds for the products in question should be fixed at the appropriate amounts.

(12) 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 export refunds on the products listed in Article 1(1)(d)(f)(g) and (h) of Regulation (EC) No 1260/2001, exported in the natural state, shall be set out in the Annex hereto to this Regulation.

Article 2

This Regulation shall enter into force on 1 September 2003.

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

Done at Brussels, 29 August 2003.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX

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

Product code	Destination	Unit of measurement	Amount of refund
1702 40 10 9100	S00	EUR/100 kg dry matter	46,85 (1)
1702 60 10 9000	S00	EUR/100 kg dry matter	46,85 (1)
1702 60 80 9100	S00	EUR/100 kg dry matter	89,01 (2)
1702 60 95 9000	S00	EUR/1 % sucrose × net 100 kg of product	0,4685 (3)
1702 90 30 9000	S00	EUR/100 kg dry matter	46,85 (1)
1702 90 60 9000	S00	EUR/1 % sucrose × net 100 kg of product	0,4685 (3)
1702 90 71 9000	S00	EUR/1 % sucrose × net 100 kg of product	0,4685 (3)
1702 90 99 9900	S00	EUR/1 % sucrose × net 100 kg of product	0,4685 (3) (4)
2106 90 30 9000	S00	EUR/100 kg dry matter	46,85 (1)
2106 90 59 9000	S00	EUR/1 % sucrose × net 100 kg of product	0,4685 (3)

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

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

The other destinations are defined as follows:

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

(1) Applicable only to products referred to in Article 5 of Regulation (EC) No 2135/95.
(2) Applicable only to products referred to in Article 6 of Regulation (EC) No 2135/95.
(3) The basic amount is not applicable to syrups which are less than 85 % pure (Regulation (EC) No 2135/95). Sucrose content is determined in accordance with Article 3 of Regulation (EC) No 2135/95.
(4) The basic amount is not applicable to the product defined under point 2 of the Annex to Commission Regulation (EEC) No 3513/92 (OJ L 355, 5.12.1992, p. 12).

COMMISSION REGULATION (EC) No 1534/2003
of 29 August 2003
fixing the production refund on white sugar used in the chemical industry

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 7(5) thereof,

Whereas:

(1) Pursuant to Article 7(3) of Regulation (EC) No 1260/2001, production refunds may be granted on the products listed in Article 1(1)(a) and (f) of that Regulation, on syrups listed in Article 1(1)(d) thereof and on chemically pure fructose covered by CN code 1702 50 00 as an intermediate product, that are in one of the situations referred to in Article 23(2) of the Treaty and are used in the manufacture of certain products of the chemical industry.

(2) Commission Regulation (EC) No 1265/2001 of 27 June 2001 laying down detailed rules for the application of Council Regulation (EC) No 1260/2001 as regards granting the production refund on certain sugar products used in the chemical industry [3] lays down the rules for determining the production refunds and specifies the chemical products the basic products used in the manufacture of which attract a production refund. Articles 5, 6 and 7 of Regulation (EC) No 1265/2001 provide that the production refund applying to raw sugar, sucrose syrups and unprocessed isoglucose is to be derived from the refund fixed for white sugar in accordance with a method of calculation specific to each basic product.

(3) Article 9 of Regulation (EC) No 1265/2001 provides that the production refund on white sugar is to be fixed at monthly intervals commencing on the first day of each month. It may be adjusted in the intervening period where there is a significant change in the prices for sugar on the Community and/or world markets. The application of those provisions results in the production refund fixed in Article 1 of this Regulation for the period shown.

(4) As a result of the amendment to the definition of white sugar and raw sugar in Article 1(2)(a) and (b) of Regulation (EC) No 1260/2001, flavoured or coloured sugars or sugars containing any other added substances are no longer deemed to meet those definitions and should thus be regarded as 'other sugar'. However, in accordance with Article 1 of Regulation (EC) No 1265/2001, they attract the production refund as basic products. A method should accordingly be laid down for calculating the production refund on these products by reference to their sucrose content.

(5) 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 production refund on white sugar referred to in Article 4 of Regulation (EC) No 1265/2001 shall be equal to 43,237 EUR/100 kg net.

Article 2

This Regulation shall enter into force on 1 September 2003.

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

Done at Brussels, 29 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 178, 30.6.2001, p. 63.

COMMISSION REGULATION (EC) No 1535/2003

of 29 August 2003

laying down detailed rules for applying Council Regulation (EC) No 2201/96 as regards the aid scheme for products processed from fruit and vegetables

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2201/96 of 28 October 1996 on the common organisation of the markets in processed fruit and vegetable products [1], as last amended by Commission Regulation (EC) No 453/2002 [2], and in particular Article 1(3), Article 3(2), Article 6, Article 6b(3), Article 6c(7), Article 25, Article 26 and Article 27(1) thereof,

Whereas:

(1) Regulation (EC) No 2201/96 introduces aid to producer organisations delivering tomatoes, peaches and pears for the production of the products listed in Annex I to that Regulation and aid for the production of prunes and figs. These products must be obtained from fruit and vegetables harvested in the Community.

(2) To simplify and clarify the system, some of the rules of application of the aid scheme should be amended in the light of experience gained. For the sake of clarity, Commission Regulation (EC) No 449/2001 of 2 March 2001 laying down detailed rules for applying Council Regulation (EC) No 2201/96 as regards the aid scheme for products processed from fruit and vegetables [3], as last amended by Regulation (EC) No 1426/2002 [4], should be repealed and replaced.

(3) To ensure that the scheme is applied uniformly, the products listed in Article 6a(1) of Regulation (EC) No 2201/96 and in Annex I thereto, the marketing years applicable to those products and the delivery periods for the raw materials should be defined.

(4) Fruit in sugar syrup is produced in the European Union with a total sugar content of less than 14° Brix. The proportion of sugar in products eligible for aid should be reduced. The definition used should be based on the Codex Alimentarius Committee definition.

(5) The scheme must be able to operate with a sufficient number of producer organisations and, for the sake of consistency and by analogy with Council Regulation (EC) No 2202/96 of 28 October 1996 introducing a Community aid scheme for producers of certain citrus fruits [5], as last amended by Commission Regulation (EC) No 1933/2001 [6], the term 'producer groups provisionally authorised' referred to in the first subparagraphs of Article 3(1) and Article 6a(2) of Council Regulation (EC) No 2201/96 must include producer groups which have been granted preliminary recognition under Article 14 of Council Regulation (EC) No 2200/96 of 28 October 1996 on the common organisation of the market in fruit and vegetables [7], as last amended by Commission Regulation (EC) No 47/2003 [8].

(6) The production aid scheme is based on contracts between producer organisations recognised or granted preliminary recognition under Regulation (EC) No 2200/96 and processors. Producers and producer organisations may also act as processors in certain circumstances. The types of contracts and the particulars to be included therein should be specified for the purposes of applying the aid scheme.

(7) In order to improve the way the scheme operates, the competent authorities should be aware of all producer organisations marketing the production of their members, of members of other producer organisations and of individual producers wishing to qualify under the aid scheme. The competent authorities should also be aware of the processors signing contracts with such producer organisations, and such processors should send the authorities the information necessary to ensure that the scheme operates correctly. Processors of tomatoes, peaches and pears must be approved before they may conclude contracts.

(8) Contracts must be concluded by a given date in the case of tomatoes, peaches and pears and before the beginning of each marketing year in the case of the other products. To ensure that the scheme is as effective as possible, the parties to such contracts should nevertheless be authorised to increase the quantities originally stipulated therein up to a given limit by means of amendments to the contracts.

[1] OJ L 297, 21.11.1996, p. 29.
[2] OJ L 72, 14.3.2002, p. 9.
[3] OJ L 64, 6.3.2001, p. 16.
[4] OJ L 206, 3.8.2002, p. 4.
[5] OJ L 297, 21.11.1996, p. 49.
[6] OJ L 262, 2.10.2001, p. 6.
[7] OJ L 297, 21.11.1996, p. 1.
[8] OJ L 7, 11.1.2003, p. 64.

(9) The number of aid applications to be submitted by producer organisations and processors must be determined taking account of the processing process. Applications for aid must include all the information needed for checking eligibility. To compensate for the obligations imposed on producer organisations, provision should be made for the aid to be paid in advance, on condition that a security is lodged to ensure reimbursement if the requirements for receiving the advance payment are not complied with.

(10) In order to ensure that the aid scheme is properly applied, producer organisations and processors must forward the necessary information and keep up-to-date suitable documentation and should, in particular, specify the areas under tomatoes, peaches and pears, on the basis of Council Regulation (EEC) No 3508/92 of 27 November 1992 establishing an integrated administration and control system for certain Community aid schemes ([1]), as last amended by Commission Regulation (EC) No 495/2001 ([2]), and Commission Regulation (EC) No 2419/2001 of 11 December 2001 laying down detailed rules for applying the integrated administration and control system for certain Community aid schemes established by Council Regulation (EEC) No 3508/92 ([3]), as last amended by Regulation (EC) No 2550/2001 ([4]), for the purposes of all inspections and controls deemed necessary.

(11) To meet the requirements of Regulation (EC) No 2201/96 and for market reasons, processors should be allowed greater flexibility in the manufacture of mixtures of fruits and sauces made from raw materials for which aid is granted.

(12) For the purposes of administering the aid scheme, procedures must be laid down for physical and documentary checks on delivery and processing operations, checks must cover a sufficiently representative number of aid applications and certain penalties must be laid down for producer organisations and processors who breach the rules, in particular by making false declarations or failing to process products delivered.

(13) To ensure the quality and reliability of the checks made, the burden of compulsory checks on stocks should be reduced. Nevertheless, in the case of newly approved processing undertakings, there should be two checks in the first marketing year in which they participate in the scheme.

(14) To ensure proper application of Article 5(2) of Regulation (EC) No 2201/96, the data used for calculating any overrun of the Community threshold for peaches, pears and tomatoes should be clearly defined.

(15) To ensure that the system for calculating any overrun of the Community threshold meets the requirements, provision should be made for a transitional period based on the data on aid applications for the 2003/2004 marketing year.

(16) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Products Processed from Fruit and Vegetables,

HAS ADOPTED THIS REGULATION:

CHAPTER I

DEFINITIONS AND MARKETING YEARS

Article 1

Definitions

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

(a) 'producer organisations' means producer groups as referred to in Article 11 of Regulation (EC) No 2200/96 and producer groups granted preliminary recognition under Article 14 of that Regulation;

(b) 'producer' means any natural or legal person who is a member of a producer organisation delivering their produce to that organisation for the purposes of marketing it under the conditions laid down in Regulation (EC) No 2200/96;

(c) 'individual producer' means any natural or legal person not belonging to a producer organisation and growing raw material on their holding intended for processing;

(d) 'processor' means any natural or legal person operating, for commercial purposes and on their own responsibility, one or more plants with facilities for manufacturing one or more of the products listed in Article 2(1) to (15) and, where applicable, approved in accordance with Article 5;

(e) 'quantity' means quantity expressed in net weight unless otherwise indicated;

(f) 'competent authorities' means the body or bodies appointed by the Member State to implement this Regulation.

2. For the purposes of this Regulation, any reference to producer organisations as defined in paragraph 1 shall be also be construed as a reference to associations of producer organisations as referred to in Article 16(3) of Regulation (EC) No 2200/96 set up on the initiative of and controlled by the producer organisations recognised under this Regulation.

([1]) OJ L 355, 5.12.1992, p. 1.
([2]) OJ L 72, 14.3.2001, p. 6.
([3]) OJ L 327, 12.12.2001, p. 11.
([4]) OJ L 341, 22.12.2001, p. 105.

Article 2

Finished products

'Products listed in Article 6a(1) of and Annex I to Regulation (EC) No 2201/96' means the following products:

1. peaches in syrup and/or in natural fruit juice: whole peaches or pieces of peaches, without peel, having undergone a heat treatment, packed in hermetically sealed containers with a covering liquid of sugar syrup or natural fruit juice and falling within CN codes ex 2008 70 61, ex 2008 70 69, ex 2008 70 71, ex 2008 70 79, ex 2008 70 92, ex 2008 70 94 and ex 2008 70 99;

2. pears in syrup and/or in natural fruit juice: pears of the Williams or Rocha varieties, whole or in pieces, without peel, having undergone a heat treatment, packed in hermetically sealed containers with a covering liquid of sugar syrup or natural fruit juice and falling within CN codes ex 2008 40 51, ex 2008 40 59, 2008 40 71, ex 2008 40 79, ex 2008 40 91 and ex 2008 40 99;

3. mixed fruit: mixtures of fruit, whole or in pieces, without peel, having undergone a heat treatment, with a covering liquid of sugar syrup or natural fruit juice, packed in hermetically sealed containers in which the drained net weight of peaches and Williams and Rocha pears accounts for at least 60 % of the total net drained weight, falling within CN codes ex 2008 92 and ex 2008 99, and made directly from fresh peaches and/or Williams and Rocha pears delivered during the periods indicated in Article 3(2)(b) and (c);

4. prunes: prunes obtained from dried 'd'Ente' plums which have been suitably treated or processed and are packed in appropriate containers, falling within CN code ex 0813 20 00 and ready to be offered for human consumption;

5. dried figs: dried figs, including fig paste, which have been suitably treated or processed and are packed in appropriate containers, falling within CN code ex 0804 20 90 and ready to be offered for human consumption;

6. whole peeled quick-frozen tomatoes: peeled tomatoes of the oblong varieties, frozen, packed in appropriate containers and falling within CN code ex 0710 80 70, where not less than 90 % of the net weight of the tomatoes consists of whole tomatoes not showing any damage which substantially alters their appearance. That percentage shall be determined after the tomatoes have been thawed;

7. non-whole peeled quick-frozen tomatoes: pieces of peeled tomatoes of the oblong varieties, or round varieties which are as easy to peel as the oblong varieties, frozen, packed in appropriate containers and falling within CN code ex 0710 80 70;

8. whole peeled preserved tomatoes: peeled tomatoes of the oblong varieties, having undergone a heat treatment, packed in hermetically sealed containers and falling within CN code ex 2002 10 10, where not less than 65 % of the weight of the drained tomatoes consists of whole tomatoes which do not show damage which substantially alters their appearance;

9. non-whole peeled preserved tomatoes: peeled tomatoes in pieces or partially crushed, of the oblong varieties, or round varieties which are as easy to peel as the oblong varieties, having undergone a heat treatment, packed in hermetically sealed containers and falling within CN code ex 2002 10 10. Where these products are to be used to make the products indicated at point 15, they shall be packed in appropriate containers;

10. tomato flakes: flakes obtained by drying tomatoes cut into slivers or small cubes, packed in appropriate containers and falling within CN code ex 0712 90 30;

11. tomato juice: juice obtained directly from fresh tomatoes and strained free from skins, pips and other coarse parts, having a dry-matter content, where applicable after concentration, of less than 12 %, packed in hermetically sealed containers and falling within CN codes ex 2002 90 11, ex 2002 90 19, 2009 50 10 and 2009 50 90. Juice with a dry-matter content of at least 7 % may however contain skin and pips constituting up to 4 % by weight of the product. Where these products are to be used to make the products indicated at point 15, they shall be packed in appropriate containers;

12. tomato concentrate: the product obtained by concentrating tomato juice, packed in appropriate containers, having a dry-matter content of 12 % or more and falling within CN codes ex 2002 90 31, ex 2002 90 39, ex 2002 90 91 and ex 2002 90 99. Concentrate having a dry-matter content of not more than 18 % or of between 18 and 24 % may contain not more than 4 % or 7 %, respectively, skin and pips by weight of product;

13. whole unpeeled preserved tomatoes: whole unpeeled tomatoes of the oblong or round varieties, having undergone a heat treatment, packed in hermetically sealed containers, lightly brined (tomatoes in brine) or in tomato purée (tomatoes in purée or in juice), where not less than 65 % of the weight of the drained tomatoes consists of whole tomatoes not showing any damage which substantially alters their appearance, and falling within CN code ex 20 02 10 90. Where these products are to be used to make the products indicated at point 15, they shall be packed in appropriate containers;

14. non-whole unpeeled preserved tomatoes: tomatoes in pieces or partially crushed, of the oblong or round varieties, having been slightly strained, whether or not slightly concentrated, packed in hermetically sealed containers, with a dry-matter content of between 4,5 % and 14 %, containing skin within the limits laid down in Commission Regulation (EC) No 1764/86 [1], and falling within CN code ex 2002 10 90. Where these products are to be used to make the products indicated at point 15, they shall be packed in appropriate containers;

15. prepared sauces: tomato-based preparations obtained by mixing one of the products referred to at points 9, 11, 12, 13 or 14 above with other products of plant or animal origin except fresh tomatoes, having undergone a heat treatment, packed in hermetically sealed containers where the net weight of the products referred to at points 9, 11, 12, 13 or 14 accounts for at least 60 % of the total net weight of the prepared sauce. These products must be made during the period indicated in Article 3(2) in the same establishment as the products used referred to at points 9, 11, 12, 13 or 14;

16. sugar syrup: a liquid in which water is combined with sugars and which has a total sugar content determined after homogenisation of not less than 10° Brix when used to cover fruits in syrup;

17. natural fruit juice: a covering liquid with a minimum of 9,5° Brix, consisting solely of fermentable but unfermented juice extracted mechanically from fruit, or of juice obtained from concentrated fruit juice by the restoration of the proportion of water extracted during concentration, as defined in Council Directive 2001/112/EC [2], without added sugar.

Article 3

Marketing years and delivery periods

1. The marketing years referred to in Article 1(3) of Regulation (EC) No 2201/96 of the products listed in Article 6a(1) of and the Annex to that Regulation shall run:

(a) from 15 June to 14 June in the case of products processed from tomatoes and products processed from peaches;

(b) from 15 July to 14 July in the case of products processed from pears;

(c) from 1 August to 31 July in the case of dried figs;

(d) from 15 August to 14 August in the case of prunes.

2. Aid shall be granted solely on products delivered to the processing industry in the following delivery periods:

(a) tomatoes: between 15 June and 15 November;

(b) peaches: between 15 June and 25 October;

(c) pears: between 15 July and 15 December;

(d) dried figs: between 1 August and 15 June;

(e) prunes obtained from 'd'Ente' plums: between 15 August and 15 January.

3. The Commission shall publish the amount of the aid, set in accordance with Article 6(1) of Regulation (EC) No 2201/96, before the beginning of each marketing year and no later than:

(a) 31 January for tomatoes;

(b) 31 May for peaches;

(c) 15 June for pears.

CHAPTER II

CONTRACTS

Article 4

Form of contracts

1. Contracts as referred to in Articles 3 and 6a of Regulation (EC) No 2201/96 (hereinafter referred to as contracts) shall be concluded in writing. Contracts shall bear an identification number.

2. Contracts may take one of the following forms:

(a) a contract between a producer organisation or association of producer organisations, and a processor;

(b) a commitment to supply, where the producer organisation also acts as a processor.

Only one contract may be signed between a producer organisation and a processor.

Article 5

Approval of processors of tomatoes, peaches and pears

1. In the case of tomatoes, peaches and pears, contracts may be concluded only with approved processors.

2. Processors of tomatoes, peaches and pears wishing to participate in the aid scheme shall submit an application for approval to the competent authorities of the Member State before a date to be determined by the latter. Member States shall publish a list of approved processors at least one month before the final date for signature of contracts each year.

3. Member States shall lay down the requirements for approval and notify them to the Commission.

[1] OJ L 153, 7.6.1986, p. 1.
[2] OJ L 10, 12.1.2002, p. 58.

Article 6

Date of signing of contracts

1. Each year, contracts shall be signed no later than:

(a) 15 February, in the case of tomatoes;

(b) 15 July, and seven working days before deliveries are to commence, in the case of peaches;

(c) 31 July, and seven working days before deliveries are to commence, in the case of pears;

(d) before the start of the marketing year, in the case of the other products.

Member States may postpone the date fixed at (a) above until 10 March.

2. If the amount of the aid for tomatoes has not been published in the *Official Journal of the European Union* by the date laid down in Article 3(3)(a), the date fixed in paragraph 1(a) of this Article shall be postponed until the 15th day following the date of actual publication.

3. If the minimum price to be paid to producers for prunes or dried figs has not been published in the *Official Journal of the European Union* by 15 days before the date provided for in paragraph 1(d), that date shall be postponed until the fifteenth day following the date of actual publication.

Article 7

Content of contracts

1. Contracts must specify, in particular:

(a) the name and address of the producer organisation;

(b) the name and address of the processor;

(c) the quantities of raw materials to be delivered for processing;

(d) the obligation on processors to process the quantities delivered under the contract concerned into one of the products listed in Article 6a(1) of Regulation (EC) No 2201/96, which must meet the standards laid down in accordance with Article 8 of that Regulation;

(e) the price to be paid for the raw materials, which may vary by variety and/or quality and/or delivery period;

(f) the compensation payable if either party fails to fulfil their contractual obligations, in particular as regards payment deadlines and the obligation to deliver and accept the quantities covered by the contract.

In the case of tomatoes, peaches and pears, the contract shall also indicate the delivery stage to which the price referred to in point (e) applies and the payment terms. Any payment deadline may not exceed two months from the end of the month of delivery of each consignment.

In the case of prunes and dried figs, contracts shall specify the minimum price set by the Commission.

2. In the case of prunes and dried figs, the price referred to in paragraph 1(e) of this Article and Article 9(3) shall not include, in particular, costs connected with packing, loading, transport, unloading and the payment of taxes, which shall, where applicable, be indicated separately. The price shall not be lower than the minimum price laid down under Article 6b of Regulation (EC) No 2201/96.

Article 8

Additional national provisions

Member States may adopt additional provisions covering contracts, in particular as regards compensation payable by processors or producer organisations that fail to fulfil their contractual obligations.

Article 9

Amendments to contracts

1. The parties may decide to increase the quantities originally stipulated in a processing contract by means of a written amendment thereto.

Such amendments shall show the identification number of the contract to which they relate, and shall be signed no later than:

— 15 August for peaches,

— 15 September for tomatoes and pears,

— 15 November for prunes obtained from 'd'Ente' plums and dried figs.

2. The amendments referred to in paragraph 1 may increase the quantity originally stipulated in the contract by no more than 30 %.

However, until the 2003/2004 marketing year, amendments to contracts for unprocessed dried figs intended for the production of fig pastes may be concluded no later than 31 May and may increase the quantities originally stipulated in the contracts by no more than 100 %.

3. The price of the additional quantity laid down in the amendment may differ from the price referred to in Article 7(e).

Article 10

Conclusion of contracts in the case of a commitment to supply

In the case of a commitment to supply within the meaning of Article 4(2)(b), contracts covering the production of the members of the producer organisation concerned shall be deemed to have been concluded after the following particulars have been forwarded to the competent authorities:

(a) the name and address of each producer and the reference data and areas of the parcels on which each producer cultivates the raw materials;

(b) the estimated total harvest;

(c) the quantity intended for processing;

(d) an undertaking by the producer organisation to process the quantities delivered under the contract in question.

This information must be sent before 31 May in the case of tomatoes and within the time limit laid down in Article 11(3) in the case of the other products.

Article 11

Transmission of contracts to the competent authorities

1. In the case of tomatoes, peaches and pears, producer organisations signing contracts shall forward a copy of each contract and any amendments thereto to the competent authorities of the Member State in which their head office is situated. Where applicable, they shall also forward a copy to the competent authorities of the Member State in which processing is to take place.

The total quantity covered by all the contracts signed by a given producer organisation may not exceed, per product, the quantity intended for processing indicated by that producer organisation under Article 10 and Article 12(1).

2. Processors of prunes and dried figs shall forward a copy of each contract and any amendments thereto to the body designated by the Member State where processing takes place.

3. The copies referred to in paragraphs 1 and 2 must reach the competent authorities no later than 10 working days after the conclusion of the contract or amendment thereto and not later than five working days before the start of deliveries under the contract or amendment.

4. In exceptional and duly justified cases, Member States may accept contracts and amendments thereto that reach their competent authorities after the time limit laid down in the first subparagraph, provided that such late arrival does not hinder their checks.

In the case of amendments to contracts for tomatoes, Member States may authorise, for duly justified reasons, a time limit shorter than the five days laid down in the first subparagraph, provided that this does not hinder effective checks on the production aid scheme.

Article 12

Forwarding of information to the competent authorities

1. Producer organisations signing contracts for tomatoes, peaches or pears shall forward the following information to the competent authorities referred to in Article 11(1), broken down by product:

(a) the name and address of each producer covered by the contracts;

(b) the reference data and areas of the parcels on which each producer cultivates the raw materials;

(c) the estimated total harvest;

(d) the quantity intended for processing;

(e) in the case of tomatoes, the average yields per hectare of round and/or oblong tomatoes produced by the organisation during the previous two marketing years.

Member States may choose to use exclusively the data available from the application of Article 4 of Regulation (EC) No 2419/2001 as regards the information referred to in point (b) of this paragraph, provided that this does not hinder effective checks on the aid scheme.

2. In the case of peaches and pears, the information referred to in paragraph 1 shall be included in the notification referred to in Article 11(1).

In the case of tomatoes, the information required in paragraph 1 shall be communicated by 31 May. After that date, Member States may, for duly justified reasons, authorise the addition of agricultural parcels not previously declared or changes to their intended use. Such additions or changes shall be communicated in writing to the competent authorities by 30 June.

3. Where producer organisations as referred to in paragraph 1 market quantities intended for processing produced by members of other producer organisations under the second and third indents of Article 11(1)(c)(3) of Regulation (EC) No 2200/96, those producer organisations shall supply the information required in paragraph 1 of this Article to the producer organisation signing the contract.

Where producer organisations as referred to in paragraph 1 pass on the benefit of the aid scheme to individual producers under Article 3(3) and Article 6a(2) of Regulation (EC) No 2201/96, those individual producers shall supply the information required in paragraph 1 of this Article to the producer organisation signing the contract.

4. Producer organisations not signing contracts and individual producers as referred to in paragraph 3 shall sign agreements with the producer organisations as referred to in paragraph 1.

Such agreements shall cover all production of the product concerned delivered for processing by the said producer organisations and individual producers and must specify at least the following:

(a) the number of marketing years covered by the agreement;

(b) the quantities to be delivered for processing, broken down by producer and by product;

(c) the consequences of failure to comply with the agreement.

A copy of the agreements shall be attached to the information to be sent under Article 11(1).

Article 13

Identification of parcels

In the case of tomatoes, for the purposes of Article 10 and Article 12(1) the parcel identification system shall be the one referred to in Article 4 of Regulation (EEC) No 3508/92. Areas are to be declared in hectares to two decimal places. Article 22 of Regulation (EEC) No 2419/2001 shall apply for the purposes of determining the area of plots during checks as provided for in Article 31 of this Regulation.

In the case of peaches and pears, the parcel references shall be the land registry references or any other reference recognised as equivalent by the inspection agency.

CHAPTER III

INFORMATION TO BE PROVIDED TO MEMBER STATES

Article 14

Information on participation in the aid scheme

Processors and producer organisations wishing to participate in the aid scheme shall so inform the competent authorities of the Member States by a date to be determined by those authorities, giving all the information required by the Member State to administer and monitor the aid scheme. Member States may decide that such information shall:

(a) be notified by new participants only, where the competent authorities already have the necessary information concerning other participants;

(b) cover a single marketing year, several marketing years or an unlimited period.

Article 15

Information on the commencement of deliveries or processing

1. At least five working days before the start of deliveries or processing each marketing year, producer organisations or processors participating in the aid scheme shall notify the week in which contractual deliveries or processing are to commence to the competent authorities of the Member State in which their head office is situated and, where applicable, the competent authorities of the Member State in which processing is to take place. They shall be deemed to have discharged this obligation where they provide proof that they have forwarded this information at least eight working days before commencement of contractual deliveries or processing.

2. In exceptional and duly justified cases, Member States may accept notifications from producer organisations and processors after the time limit laid down in paragraph 1. However, in such cases, no aid shall be granted for quantities already delivered or in the course of delivery unless the checks needed to establish eligibility for the aid can be conducted to the satisfaction of the competent authorities.

Article 16

Information on mixed fruit and prepared sauces

Processors wishing to manufacture mixed fruit and prepared sauces as referred to in Article 2(3) and (15) shall notify the composition of the products to be made, specifying the net weight of each ingredient to the competent authorities of the Member State before the beginning of each marketing year. This composition may not be altered after the beginning of the marketing year. Any such change shall be notified in advance, by a deadline to be laid down by the Member State in which the processor's head office is situated, to the competent authorities of the Member State.

Article 17

Information on quantities of tomatoes, peaches and pears

1. In the case of tomatoes, peaches and pears, no later than 1 February of each year processors shall notify the competent authorities of the following:

(a) the quantity of raw materials processed into the finished products listed in Article 2, broken down by:

(i) quantities received under contract,

(ii) quantities received not covered by contracts;

(b) the quantity of finished products obtained from each of the quantities referred to in (a);

(c) the quantity of finished products in stock at the end of the previous marketing year.

2. In the case of processed tomato products, the quantity of finished products to be notified in accordance with paragraph 1(b) and (c) shall be broken down into:

(a) tomato concentrate of a dry-matter content by weight of 28 % or more but less than 30 %;

(b) whole peeled preserved tomatoes of the oblong varieties;

(c) other processed tomato products, shown separately.

The quantity of finished processed tomato products in stock referred to in paragraph 1(c) shall also be broken down into products sold and products unsold.

The quantities of tomato juice and tomato concentrate added to preserved tomatoes shall be included in the quantities of the tomatoes, whether peeled or unpeeled.

3. The notifications under paragraphs 1 and 2 shall state separately the quantities of products as referred to in Article 2(1), (2), (9), (11), (12), (13) and (14) used to manufacture the products referred to in (3) and (15) of that Article.

The notifications referred to in paragraph 1(b) of this Article shall state separately the quantities of products as referred to in Article 2(3) and (15) obtained, broken down according to the products used as referred to in (1), (2), (9), (11), (12), (13) and (14) of that Article.

Article 18

Information on quantities of prunes and dried figs

In the case of prunes and dried figs, no later than 15 May of each year processors shall notify the competent authorities of the following:

(a) the quantity of raw materials used at 1 May;

(b) the quantity of finished products obtained from the raw materials referred to in (a), broken down into products on which aid is paid and products on which aid is not paid and by quality class;

(c) the quantity of products as referred to in (a) and (b) above in stock at 1 May.

CHAPTER IV

RAW MATERIALS

Article 19

Quality of raw materials

Without prejudice to any minimum quality criteria laid down or to be laid down in accordance with Article 3(3)(a) of Regulation (EC) No 2200/96, raw materials delivered to processors under contracts shall be of sound and fair merchantable quality and suitable for processing.

Article 20

Delivery certificates

1. A delivery certificate shall be issued for each consignment of tomatoes, peaches and pears delivered under contract and accepted for processing at the processing plant, specifying:

(a) the date and time of unloading;

(b) the precise identification of the means of transport used;

(c) the identification number of the contract to which the consignment relates;

(d) the gross weight and net weight;

(e) where applicable, the rate of reduction calculated in accordance with Article 2(3) of Regulation (EC) No 217/2002 [1].

Delivery certificates shall be signed by the processors or their representatives and by the producer organisations or their representatives. Each certificate shall bear an identification number.

2. Processors and producer organisations shall both keep a copy of delivery certificates.

The producer organisation shall also forward a copy or written telecommunication or e-mail containing the information referred to in the paragraph 1, no later than the fifth working day following the week of delivery, to the competent authorities of the Member State where its head office is situated and, where applicable, to the competent authorities of the Member State where processing is carried out, to facilitate checks.

[1] OJ L 35, 6.2.2002, p. 11.

3. The documents required under national law may be used for the purposes of this Article, provided they contain all the information referred to in paragraph 1.

4. Where all or part of a consignment belongs to producers as referred to in Article 12(3), the producer organisation shall forward a copy of the certificate provided for in paragraph 1 of this Article to each producer organisation and individual producer concerned.

Article 21

Notification of deliveries in another Member State

1. In the case of tomatoes, peaches and pears, where processing takes place in a Member State other than the one in which production has taken place, no later than twenty-four hours before the day of delivery, the producer organisation shall notify each delivery to the competent authorities of the Member State where its head office is situated and to the competent authorities of the Member State where processing is carried out.

This notification shall include the quantity to be delivered, precise identification of the means of transport used and the identification number of the contract relating to the delivery in question. It shall be sent electronically and the body to which it is addressed shall keep a written record of it for at least three years.

The competent authorities may ask for any additional information they consider necessary for a physical check on the deliveries.

If the data in the first subparagraph are amended after they have been notified, the amended data must be notified in the same way as the initial notification, before delivery commences. The initial notification may be amended only once.

2. Following a risk analysis of producer organisations and processors carried out by the Member State in which processing takes place, Member States may decide to exempt producer organisations from the notification requirements under the first paragraph of this Article.

Member States may also, on the basis of that analysis, decide to require less detailed information, provided that this does not hinder effective checks on the aid scheme.

Article 22

Payments

1. The following payments for raw materials shall be made by bank or postal transfer:

(a) payments by processors to producer organisations;

(b) payments by producer organisations to their members and to producers as referred to in Article 12(3);

(c) where the members of a producer organisation are themselves organisations with legal personality made up of producers, payments by such legal persons to producers.

However, in the cases referred to in Article 4(2)(b), payment may be made by opening a credit line.

2. Member States shall lay down the terms and, where applicable, the time limits for the payments referred to in paragraph 1(b) and (c) such that they are compatible with the requirements relating to checks, in particular as regards Article 31(1)(b) and (c).

In the case of prunes and dried figs, payments shall cover the entire amount of the payment as referred to in paragraph 1(a).

CHAPTER V

AID APPLICATIONS AND PAYMENT OF THE AID

Article 23

Submission of aid applications

1. In the case of tomatoes, peaches and pears, producer organisations shall submit their aid applications to the competent authorities of the Member State in which their head office is situated, provided that that Member State has a processing threshold for the product concerned as defined in Annex III to Regulation (EC) No 2201/96. Quantities applied for shall count against the Member State's threshold.

Processors of prunes and dried figs shall submit aid applications to the competent authorities of the Member State in which processing is carried out.

2. In the case of tomatoes, peaches and pears, only one aid application may be submitted per marketing year. Applications must reach the competent authorities no later than the following dates of the marketing year concerned:

— 30 November for tomatoes. However, Member States may postpone the date for lodging applications to 15 December,

— 31 January for peaches and pears.

Applications for advance payment of the aid may be submitted under the conditions laid down in Article 25.

3. In the case of prunes, processors may submit three aid applications for each marketing year:

(a) the first for products processed up to 15 January,

(b) the second for products processed from 16 January to 30 April, and

(c) the third for products processed from 1 May to the end of the marketing year concerned.

Aid applications as referred to in (a) and (b) shall be submitted within 30 days of expiry of the processing period concerned and applications as referred to in (c) by 14 August of the marketing year in progress.

4. In the case of dried figs, processors may submit three aid applications for each marketing year:

(a) the first for products processed up to 30 November;

(b) the second for products processed from 1 December to the end of February, and

(c) the third for products processed from 1 March to the end of the marketing year concerned.

Aid applications as referred to in (a) and (b) shall be submitted within 30 days following expiry of the processing period concerned and applications as referred to in (c) by 31 October of the following marketing year.

5. If aid applications are submitted after the deadlines specified in paragraphs 2, 3 and 4, the aid shall be reduced by 1 % per day of delay and no aid shall be granted if the application is more than 15 days late.

6. However, in exceptional and duly justified cases, Member States may accept aid applications after those deadlines, provided that this does not hinder effective checks on the production aid scheme. In this case, paragraph 5 shall not apply.

Article 24

Content of aid applications in the case of tomatoes, peaches and pears

Aid applications for tomatoes, peaches and pears shall give at least the following information for each product:

(a) the name and address of the producer organisation;

(b) the quantity covered by the aid application, whereby that quantity, broken down by contract, may not exceed the quantity accepted for processing, after deduction of any reduction rates applied;

(c) the average selling price for the quantity delivered under contract;

(d) the quantity delivered during the same period otherwise than under contract, and the average selling price.

Member States may lay down additional requirements as regards information to be submitted with applications.

Article 25

Advance payment of aid in the case of tomatoes, peaches and pears

1. Member States may decide that applications for advance payment of aid may be submitted by 30 September, covering the total quantity of tomatoes, peaches or pears delivered for processing up to 15 September.

2. Applications for advance payment of aid as referred to in paragraph 1 shall include the information referred to in Article 24(a) and (b).

3. The competent authorities of the Member State shall pay the amount due between 16 and 31 October, after checking the application against, in particular, the delivery certificates referred to in Article 20.

4. The aid shall be paid in advance provided a security equal to 110 % of the aid is lodged.

Where it is found that the advance payment applied for exceeds the amount due, an amount equal to double the excess shall be forfeit from the security.

Without prejudice to the second subparagraph of this paragraph, the security shall be released when the competent authority pays the aid, based on the application referred to in the first subparagraph of Article 23(2).

5. When an application for advance payment of the aid is submitted, the quantities referred to in Article 24(b) and (d) shall be broken down into two periods, namely up to 15 September and from 16 September.

Article 26

Content of aid applications in the case of prunes and dried figs

Aid applications for prunes and dried figs shall give at least the following information for each product:

(a) the name and address of the processor;

(b) the quantity of products covered by the aid application, broken down by the different rates of aid applicable, together with the quantity of products not covered by the aid scheme obtained during the same period;

(c) the quantity of raw materials used, by contract, to obtain each category of products as referred to in (b);

(d) a declaration by the processor to the effect that the finished products comply with the quality standards laid down under Article 8 of Regulation (EC) No 2201/96;

(e) copies of transfer orders as referred to in Article 22(1)(a). In the case of commitments to supply, such copies may be replaced by a declaration by the producer to the effect that the processor has credited him with a price at least equal to the minimum price. Such copies or declarations shall quote the references of the relevant contracts.

Aid applications shall be admissible only if the minimum price has been paid in full for all the raw materials used in the finished product covered by the aid application.

Article 27

Payment of the aid

1. Aid for tomatoes, peaches and pears shall be paid by the competent authorities of the Member State in which the producer organisation signing the contract has its head office, as soon as those authorities have checked the aid application and established that the products covered by that application have been delivered and accepted for processing, on the basis, in particular, of the checks provided for in Article 31(1)(a).

Where processing takes place in another Member State, that Member State shall provide the Member State where the producer organisation signing the contract has its head office with proof that the product has in fact been delivered and accepted for processing.

Within 15 working days following receipt of the aid, the producer organisation shall pay in full the amounts received, by bank or postal transfer, to its members and, where applicable, to producers as referred to in Article 12(3). In cases covered by Article 4(2)(b), payment may be made by opening a credit line.

Where a producer organisation is wholly or partly made up of members which are themselves organisations with legal personality made up of producers, payments as provided for in the third subparagraph shall be paid on by those member organisations to the producers within 15 working days.

2. Aid for prunes and dried figs shall be paid by the competent authorities of the Member State in which the product is processed, once those authorities have established that the requirements for grant of the aid have been met.

Where processing takes place outside the Member State in which the product has been grown, that Member State shall furnish proof to the Member State paying the aid that the minimum price payable to the producer has been paid. Where the price is paid in the euro zone, proof of payment may be furnished by the processor by means of confirmation of the bank transfer.

3. No aid shall be granted on quantities in respect of which the necessary checks on entitlement to the aid have not been conducted.

4. The aid shall be paid to producer organisations and processors no later than:

(a) 60 days after the date on which the application, including all the information required under Articles 24 and 26 of this Regulation, is submitted, in the case of tomatoes, peaches, pears and dried figs;

(b) 90 days after the date on which the application is submitted, in the case of prunes.

CHAPTER VI

CHECKS AND PENALTIES

Article 28

National control measures

1. Without prejudice to Title VI of Regulation (EC) No 2200/96, Member States shall take the necessary steps to:

(a) ensure that this Regulation is complied with;

(b) prevent and prosecute irregularities and apply the penalties provided for in this Regulation;

(c) recover sums lost as a result of irregularities or negligence;

(d) verify the records provided for in Articles 29 and 30, ensuring that they tally with the accounting required of producer organisations and processors under national law;

(e) carry out unannounced checks as referred to in Articles 31 and 32 during the appropriate periods;

(f) carry out checks on areas sown to tomatoes as referred to in Article 31(1) after sowing and before harvesting.

2. Member States shall programme their tally checks as referred to in paragraph 1(d) of this Article, in Article 31(1)(a), (b) and (c), in Article 31(2)(c), and in Article 32(1), on the basis of a risk analysis that takes account, among other things, of:

(a) observations made during checks conducted in earlier years;

(b) developments since the year before;

(c) the raw material yield per homogeneous production zone;

(d) the relationship between the quantities delivered and the estimated total harvest;

(e) the yield of the raw material in terms of finished product.

The risk analysis criteria shall be regularly updated.

3. Where irregularities or anomalies are found, Member States shall increase the frequency and percentage of checks as referred to in Articles 31 and 32 having regard to the seriousness of the findings.

Article 29

Records and information to be kept by producer organisations

1. Producer organisations shall keep records for each of the products delivered for processing under Regulation (EC) No 2201/96, containing at least the following information:

(a) in the case of quantities delivered under contracts:

(i) the consignments delivered each day, and the identification number of the contract to which they relate;

(ii) the quantity of each consignment delivered and, in the case of tomatoes, peaches and pears, the quantity accepted for processing, after deduction of any reduction, and the identification number of the relevant delivery certificate;

(b) in the case of quantities delivered otherwise than under contract:

(i) the consignments delivered each day, and the identity of the processor concerned;

(ii) the quantity of each consignment delivered and accepted for processing.

(c) the quantities sold on the fresh market, those withdrawn from the market and stocks of the products concerned.

2. Producer organisations shall keep available for the national inspection authorities all the information needed for checking that this Regulation is complied with.

In the case of tomatoes, peaches and pears, that information must make it possible to identify, for each producer, the link between the areas, the quantities delivered, the delivery certificates, and payment of the aid and prices.

3. Member States may decide what form the records and information referred to in paragraphs 1 and 2 shall take.

Member States may decide that the records referred to in paragraphs 1 and 2 are to be certified in the same way as records or accounting documents required under national law.

4. The records or accounting documents required under national law may be used for the purposes of this Article, provided they contain all the information referred to in paragraph 1.

Producer organisations shall submit to all inspections and checks deemed necessary by the Member State and shall keep all additional records required by the Member State for the purposes of the checks deemed necessary.

Article 30

Records and information to be kept by processors

1. Processors shall keep records showing at least the following:

(a) in the case of quantities purchased under contract:

(i) the consignments purchased and accepted into the undertaking for processing each day, and the identification number of the contract to which they relate;

(ii) the quantity of each consignment accepted for processing and, in the case of tomatoes, peaches and pears, the identification number of the relevant delivery certificate;

(b) in the case of quantities purchased otherwise than under contract:

(i) the consignments received each day, and the name and address of the seller;

(ii) the quantity of each consignment accepted for processing;

(c) the quantities of each of the finished products listed in Article 2 obtained each day, with the corresponding quantities of raw materials, specifying the quantities obtained from consignments accepted under contract;

(d) the quantities and price of each finished product purchased by the processor each day, giving the name and address of the seller. This information may be recorded by reference to supporting documents, provided the latter contain the abovementioned particulars;

(e) the quantities and price of each finished product leaving the processor's premises each day, giving the name and address of the consignee. Such information may be recorded by reference to supporting documents, provided the latter contain the abovementioned particulars.

In the case of prunes and dried figs, the information required in (c) above shall specify separately the quantity of finished product on which aid is payable.

2. Processors shall keep separate records for the products referred to in Article 2(1), (2), (9), (11), (12), (13) and (14) used to manufacture mixed fruit and prepared sauces as referred to in Article 2(3) and (15), showing the following information, in addition to that provided for in paragraph 1(a), (b), (c) and (d) of this Article:

(a) the quantities of mixed fruit and prepared sauces obtained each day, broken down by product composition within the meaning of Article 16;

(b) the quantities and prices of the mixed fruit and prepared sauces leaving the processor's premises, by consignment, with details of the consignee;

(c) the quantities and prices of the products referred to in Article 2(1), (2), (9), (11), (12), (13) and (14) purchased and entering the establishment each day, with details of the seller.

3. Processors shall daily update their stock records for the products referred to in paragraph 1(c), (d) and (e) and paragraph 2(a), (b) and (c) for each factory.

4. Processors shall keep proof of payment for all raw materials purchased under contract and proof of payment for all sales and purchases of finished products for five years as from the end of the processing year concerned.

5. Processors shall submit to all inspections and checks deemed necessary by the Member States and shall keep all additional records required by them for the purposes of the checks deemed necessary.

6. Member States may decide what form the records referred to in paragraphs 1 and 2 shall take.

Member States may decide that the records referred to in paragraphs 1 and 2 are to be certified in the same way as records or accounting documents required under national law.

7. The records or accounting documents required under national law may be used for the purposes of this Article, provided they contain all the information referred to in paragraphs 1, 2 and 3.

Article 31

Checks on tomatoes, peaches and pears

1. For each producer organisation delivering tomatoes, peaches and pears for processing, the following checks shall be conducted for each product and marketing year:

(a) physical checks on:

— at least 5 % of areas as referred to in Articles 10 and 12(1),

— at least 7 % of quantities delivered for processing, in order to check that they tally with the certificates referred to in Article 20 and comply with the minimum quality requirements;

(b) administrative and accounting checks on at least 5 % of producers covered by contracts, in order to check that the details for each producer, in particular the areas, the total harvest, the quantity marketed by the producer organisation, the quantity delivered for processing and the quantity indicated in the delivery certificates, are consistent with the prices paid as provided for in Article 22(1) and the aid paid as provided for in Article 27(1);

(c) administrative and accounting checks to verify that the total quantities of products delivered to the producer organisation by producers as referred to in Article 12(1) and (3), the total quantities delivered for processing, all the delivery certificates referred to in Article 20 and the total quantities stated in the aid application tally with the prices paid as provided for in Article 22(1) and the aid paid as provided for in Article 27(1);

(d) administrative and accounting checks on at least 5 % of agreements as referred to in Article 12(4);

(e) checks on all aid applications and supporting documents and, in the case of tomatoes, crosschecks on all declared parcels.

2. For processors of tomatoes, peaches and pears, the following checks shall be conducted for each factory, product and marketing year:

(a) checks on at least 5 % of finished products to verify that the applicable minimum quality standards have been complied with;

(b) physical and accounting checks on at least 5 % of finished products to verify the yield of raw materials processed in terms of the finished product obtained under contract and otherwise than under contract;

(c) administrative and accounting checks to verify, on the basis of the invoices issued and received and on the basis of the accounting data, that the quantity of finished product obtained from the raw materials received and the quantities of finished products purchased tally with the quantities of finished products sold;

(d) physical and accounting checks on all stocks of finished products at least once each year, to ensure that they tally with the finished products manufactured, purchased and sold;

(e) administrative and accounting checks on at least 10 % of payments of the prices referred to in Article 22(1).

In the case of newly approved undertakings, the checks referred to in (d) shall be conducted at least twice in the first year.

Article 32

Checks on prunes and dried figs

1. For each producer organisation delivering prunes and dried figs, administrative and accounting checks shall be conducted on at least 5 % of producers covered by contracts to verify that the following tally:

(a) the raw materials delivered by each producer for processing; and

(b) the payments provided for in Article 22(1).

2. For each factory, finished product and marketing year, the following checks shall be conducted:

(a) unannounced physical checks;

(b) administrative and accounting checks.

The unannounced physical checks shall be conducted on at least 5 % of finished products eligible for production aid, to verify that they comply with the minimum quality requirements applicable. Where the results of analysis of official samples are at variance with the particulars entered in processors' records, and indicate that the minimum Community quality requirements have not been met, no aid shall be paid for the processing operations concerned.

The administrative and accounting checks shall be conducted in order to verify:

(a) that the quantities of raw materials used for processing correspond to those indicated in the aid application;

(b) that the price paid for the raw materials processed into products as referred to in (a) is at least equal to the minimum price laid down;

(c) transfer orders as referred to in Article 22(1).

Article 33

Reduction in aid in the event of discrepancies between the aid applied for and the amount due

1. Where it is ascertained, for a given product, that the aid for a product applied for in respect of any marketing year exceeds the amount due, then that amount shall be reduced, unless the difference is clearly due to error. The reduction shall be equal to the difference. If the aid has already been paid, the beneficiary shall pay back twice the difference, plus interest calculated on the time elapsing between payment and reimbursement by the beneficiary.

The interest rate shall be that applied by the European Central Bank to its main refinancing operations, as published in the 'C' series of the *Official Journal of the European Union*, in force on the date of the undue payment, plus three percentage points.

2. If the difference referred to in paragraph 1 is more than 20 %, the beneficiary shall lose entitlement to the aid and, if the aid has already been paid, reimburse the total aid, plus interest calculated in accordance with paragraph 1.

If the difference is more than 30 %, the producer organisation or processor shall also forfeit any entitlement to aid for the product concerned for the following three marketing years.

3. Amounts recovered and interest under paragraphs 1 and 2 shall be paid to the competent paying agency and deducted from expenditure financed by the European Agricultural Guidance and Guarantee Fund.

Article 34

Reduction in aid resulting from checks on areas

1. In the case of tomatoes, if the area checks referred to in Article 31(1)(a) and (e) reveal that the area declared is larger than that actually determined, at the level of the total area checked, the aid payable to the producer organisation shall be reduced, unless the difference is clearly due to error:

(a) by the percentage of the discrepancy established, if it is more than 5 % but no more than 20 % of the area determined,

(b) by 30 % if the discrepancy is more than 20 % of the area determined.

Where the area declared is less than the area actually determined, and the discrepancy is more than 10 % of the area determined, the aid payable to the producer organisation shall be reduced by half the percentage of the discrepancy established.

2. The reductions provided for in paragraph 1 shall not apply where the producer organisation has submitted factually correct information or can show otherwise that it is not at fault.

The reductions provided for in paragraph 1 shall not apply to data which the producer organisation or its members inform the competent authority in writing are incorrect or have become incorrect since the information referred to in Article 12(1) was sent, provided that the producer organisation or its members were not informed of the competent authority's intention to carry out an on-the-spot check and that it was not informed by the competent authority of any irregularity found.

3. Where a producer organisation commits a repeated infringement, the Member State shall withdraw that organisation's recognition, or preliminary recognition in the case of a producer group granted preliminary recognition.

Article 35

Penalties in the event of discrepancies between quantities accepted for processing and quantities actually processed

1. Except in cases of *force majeure*, where it is found that the full quantity of tomatoes, peaches or pears accepted for processing under contract has not been processed into one of the products listed in Article 6a(1) of and Annex I to Regulation (EC) No 2201/96, the processor shall pay the competent authorities an amount equal to twice the unit amount of the aid multiplied by the quantity of the raw material concerned which has not been processed, plus interest calculated in accordance with Article 33(1).

In addition, except in cases duly justified to the satisfaction of the Member State, the processor's approval as provided for in Article 5 shall be suspended:

(a) for the marketing year following the finding, if the difference found between the quantity accepted for processing and the quantity actually processed is more than 10 % but no more than 20 % of the quantity accepted for processing;

(b) for two marketing years following the finding, if the difference is more than 20 %.

For the purposes of applying the first and second subparagraphs, any quantities of raw materials used in the manufacture of finished products not complying with the minimum quality requirements, in excess of an 8 % tolerance, shall be treated as quantities not processed.

2. Where the conditions for applying paragraph 1 are met, Member States shall provide that approval as referred to in Article 5 is to be withdrawn from processors in the following cases:

(a) where the producer organisation makes false declarations with the collaboration of the processor,

(b) where the processor fails to pay the price referred to in Article 7(1)(e),

(c) where the processor fails to pay the penalties provided for in the first subparagraph of paragraph 1.

The Member State shall decide on the length of time for which the processor may not submit a new application for approval having regard to the seriousness of the case.

3. Amounts recovered and interest under paragraphs 1 and 2 shall be paid to the competent paying agency and deducted from expenditure financed by the European Agricultural Guidance and Guarantee Fund.

Article 36

Examination of compliance with processing thresholds

In the case of tomatoes, peaches and pears, compliance with the Community and national processing thresholds as referred to in Article 5(1) of Regulation (EC) No 2201/96 shall be established in all Member States concerned on the basis of the quantities for which aid is granted during the last three marketing years for which definitive data are available.

In the case of proven or suspected irregularities and where administrative or criminal enquiries have been launched to establish whether aid applications were justified, the disputed quantities shall not be taken into account for examining compliance with the thresholds.

Article 37

National penalties

Member States shall take appropriate measures to ensure that both prices and aid are paid in accordance with Articles 22 and 27 respectively. They shall provide in particular for penalties to be imposed on the officers of the producer organisation commensurate with the seriousness of any irregularity.

Article 38

Administrative cooperation between Member States

Member States shall take appropriate measures to establish reciprocal administrative cooperation to ensure that this Regulation is properly applied.

CHAPTER VII

NOTIFICATION TO THE COMMISSION

Article 39

Notification

1. Before the beginning of each marketing year, each Member State concerned shall notify to the Commission if it has had recourse to Article 5(4) of Regulation (EC) No 2201/96 and the quantities of each of the sub-thresholds concerned.

2. No later than 15 April in the case of tomatoes and peaches, no later than 15 May in the case of pears and no later than 1 June in the case of prunes and dried figs, each Member State shall provide the Commission with the following information:

(a) the quantity of raw materials for which aid has been granted, including the quantity of raw materials processed in another Member State, where applicable divided into sub-thresholds;

(b) the quantity of finished products referred to in Article 2(1) to (15), broken down by quantities covered by contracts and quantities not covered by contracts in the case of tomatoes, peaches and pears, and by quantities covered by aid applications and quantities not covered by aid applications in the case of prunes and dried figs;

(c) the quantity of raw materials used to manufacture each of the products referred to in (b), including the quantity of raw materials processed in another Member State;

(d) the quantity of products as referred to in (a) in stock at the end of the previous marketing year in the case of products processed from tomatoes, peaches and pears, broken down, in the case of tomatoes, into products sold and products unsold;

(e) the quantity in stock at 1 May in the case of prunes and dried figs;

(f) in the case of tomatoes:

— the total area in hectares planted during the marketing year,

— the average yield, expressed in tonnes per hectare, for the marketing year,

— the area and yield, broken down into oblong varieties and round varieties,

— the average soluble dry-matter content of the tomatoes used to make tomato concentrate;

(g) the total quantity made of each of the products referred to in Article 2(3) and (15), broken down according to the products referred to in (1), (2), (9), (11), (12), (13) and (14) of that Article used to make them.

The information referred to under points (b), (c) and (d) shall include the quantities of the products referred to in Article 2(1), (2), (9), (11), (12), (13) and (14) used to make products as referred to in (3) and (15) of that Article.

3. No later than 30 September, each Member State shall send the Commission a report on the checks made during the marketing year in progress, specifying the number of checks and the results, broken down by type of finding.

4. Each Member State shall notify the Commission of the quantities of tomatoes covered by contracts, no later than 60 days after the final date for the signing of contracts.

CHAPTER VIII

TRANSITIONAL AND FINAL PROVISIONS

Article 40

Examination of compliance with processing thresholds for the 2004/2005 marketing year

In the case of tomatoes, and for the purposes of setting the aid for the 2004/2005 marketing year, compliance with the Community and national processing thresholds shall be established on the basis of the data for the 2001/2002 and 2002/2003 marketing years and the quantities covered by aid applications during the 2003/2004 marketing year.

Each Member State shall inform the Commission, no later than 10 December 2003, of the total quantity of tomatoes covered by aid applications, broken down, where applicable, by sub-threshold.

Article 41

Repeal

Regulation (EC) No 449/2001 is hereby repealed. Nevertheless, Article 12(2) thereof shall continue to apply for the 2003/2004 marketing year.

References to the repealed Regulation shall be construed as references to this Regulation.

Article 42

Entry into force

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

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

Done at Brussels, 29 August 2003.

For the Commission
Franz FISCHLER
Member of the Commission

COMMISSION REGULATION (EC) No 1536/2003

of 29 August 2003

amending Council Regulation (EC) No 2368/2002 implementing the Kimberley Process certification scheme for the international trade in rough diamonds

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2368/2002 of 20 December 2002 implementing the Kimberley Process certification scheme for the international trade in rough diamonds [1], as last amended by Commission Regulation (EC) No 1214/2003 [2], and in particular Article 20 thereof,

Whereas:

(1) Article 20 of Regulation (EC) No 2368/2002 provides for the amending of the list of participants in the Kimberley Process certification scheme including WTO Members and separate customs territories that fulfil the requirements of the scheme.

(2) The Chair of the Kimberley Process certification scheme, through his Chair's Notice of 31 July 2003, has provided an updated list of Participants in the scheme. The updating of the list, to be effective on first of September 2003, notably concerns the addition as Participant of Croatia and the removal from the list of Algeria, Brazil, Burkina Faso, Cameroon, Cyprus, the Czech Republic, Gabon, Ghana, the Democratic People's Republic of Korea, Malaysia, Mali, Malta, Mexico, Norway, Philippines, Swaziland, Togo, Tunisia, Turkey and Vietnam. Annex II should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Annex II to Regulation (EC) No 2368/2002 is hereby replaced by the Annex to this Regulation.

Article 2

This Regulation shall enter into force on the first of September 2003.

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

Done at Brussels, 29 August 2003.

For the Commission
Christopher PATTEN
Member of the Commission

[1] OJ L 358, 31.12.2002, p. 28.
[2] OJ L 169, 8.7.2003, p. 30.

ANNEX

'ANNEX II

List of participants in the Kimberley Process certification scheme and their duly appointed competent authorities as referred to in Articles 2, 3, 8, 9, 12, 17, 18, 19 and 20

ANGOLA

Ministry of Geology and Mines
Rua Hochi Min
Luanda
Angola

ARMENIA

Department of Gemstones and Jewellery
Ministry of Trade and Economic Development
Yerevan
Armenia

AUSTRALIA

— Community Protection Section
Australian Customs Section
Customs House, 5 Constitution Avenue
Canberra ACT 2601
Australia

— Minerals Development Section
Department of Industry, Tourism and Resources
GPO Box 9839
Canberra ACT 2601
Australia

BELARUS

Department of Finance
Sovetskaja Str., 7
220010 Minsk
Republic of Belarus

BOTSWANA

Ministry of Minerals, Energy and Water Resources
PI Bag 0018
Gaborone
Botswana

CANADA

— *International:*

Department of Foreign Affairs and International Trade
Peace Building and Human Security Division
Lester B Pearson Tower B — Room: B4-120
125 Sussex Drive Ottawa, Ontario K1A 0G2
Canada

— *For specimen of the Canadian KP Certificate:*

Stewardship Division
International and Domestic Market Policy Division
Mineral and Metal Policy Branch
Minerals and Metals Sector
Natural Resources Canada
580 Booth Street, 10th floor, Room: 10A6
Ottawa, Ontario
Canada K1A 0E4

— *General Enquiries:*

Kimberley Process Office
Minerals and Metals Sector (MMS)
Natural Resources Canada (NRCan)
10th Floor, Area A -7
580 Booth Street
Ottawa, Ontario
Canada K1A 0E4

CENTRAL AFRICAN REPUBLIC

Independent Diamond Valuators (IDV)
Immeuble SOCIM, 2e étage
BP 1613 Bangui
Central African Republic

CHINA, People's Republic of

Department of Inspection and Quarantine Clearance
General Administration of Quality Supervision, Inspection and Quarantine (AQSIQ)
9 Madiandonglu
Haidian District, Beijing
People's Republic of China

HONG KONG, Special Administrative Region of the People's Republic of China

Department of Trade and Industry
Hong Kong Special Administrative Region
People's Republic of China
Room 703, Trade and Industry Tower
700 Nathan Road
Kowloon
Hong Kong
China

CONGO, Democratic Republic of

Centre d'évaluation, d'expertise et de certification (CEEC)
17th floor, BCDC Tower
30th June Avenue
Kinshasa
Democratic Republic of Congo

CONGO, Republic of

Directorate General of Mines and Geology
Brazzaville
Republic of Congo

CÔTE D'IVOIRE

Ministry of Mines and Energy
BP V 91
Abidjan
Côte d'Ivoire

CROATIA

Ministry of Economy
Zagreb
Republic of Croatia

EUROPEAN COMMUNITY

European Commission
DG External Relations A/2
B-1040 Brussels

GUINEA

Ministry of Mines and Geology
BP 2696
Conakry
Guinea

GUYANA

Geology and Mines Commission
P O Box 1028
Upper Brickdam
Stabroek
Georgetown
Guyana

HUNGARY

Licensing and Administration Office of the Ministry of Economy and Transport
Margit krt. 85
1024 Budapest
Hungary

INDIA

The Gem & Jewellery Export Promotion Council
Diamond Plaza, 5th Floor 391-A, Fr D.B. Marg
Mumbai 400 004
India

ISRAEL

Ministry of Industry and Trade
P.O. Box 3007
52130 Ramat Gan
Israel

JAPAN

— United Nations Policy Division
Foreign Policy Bureau
Ministry of Foreign Affairs
2-11-1, Shibakoen Minato-ku
105-8519 Tokyo
Japan

— Mineral and Natural Resources Division
Agency for Natural Resources and Energy
Ministry of Economy, Trade and Industry
1-3-1 Kasumigaseki, Chiyoda-ku
100-8901 Tokyo
Japan

KOREA, Republic of

— UN Division
Ministry of Foreign Affairs and Trade
Government Complex Building
77 Sejong-ro, Jongro-gu
Seoul
Korea

— Trade Policy Division
Ministry of Commerce, Industry and Enterprise
1 Joongang-dong, Kwacheon-City
Kyunggi-do
Korea

LAOS, People's Democratic Republic

Department of Foreign Trade
Ministry of Commerce
Vientiane
Laos

LEBANON

Ministry of Economy and Trade
Beirut
Lebanon

LESOTHO

Commission of Mines and Geology
PO Box 750
Maseru 100
Lesotho

MAURITIUS

Ministry of Commerce and Co-operatives
Import Division
2nd Floor, Anglo-Mauritius House
Intendance Street
Port Louis
Mauritius

NAMIBIA

Diamond Commission
Ministry of Mines and Energy
Private Bag 13297
Windhoek
Namibia

POLAND

Ministry of Economy, Labour and Social Policy
Plac Trzech Krzyzy 3/5
00-507 Warsaw
Poland

RUSSIAN FEDERATION

Gokhran of Russia
14, 1812 Goda St.
121170 Moscow
Russia

SIERRA LEONE

Ministry of Minerals Resources
Youyi Building
Brookfields
Freetown
Sierra Leone

SLOVENIA

Ministry of the Economy
Kotnikova 5
1000 Ljubljana
Republic of Slovenia

SOUTH AFRICA

South African Diamond Board
240 Commissioner Street
Johannesburg
South Africa

SRI LANKA

Trade Information Service
Sri Lanka Export Development Board
42 Nawam Mawatha
Colombo 2
Sri Lanka

SWITZERLAND

State Secretariat for Economic Affairs
Export Control Policy and Sanctions
Effingerstrasse 1
3003 Berne
Switzerland

TAIWAN, PENGHU, KINMEN AND MATSU, Separate Customs Territory

Import and Export office
Licensing and Administration
Board of Foreign Trade
Taiwan

TANZANIA

Commission for Minerals
Ministry of Energy and Minerals
PO Box 2000
Dar es Salam
Tanzania

THAILAND

Ministry of Commerce
Department of Foreign Trade
44/100 Thanon Sanam Bin Nam-Nonthaburi
Muang District
Nonthaburi 11000
Thailand

UKRAINE

— Ministry of Finance
State Gemological Center
Degtyarivska St. 38-44
Kiev
04119 Ukraine

— International Department
Diamond Factory "Kristall"
600 Letiya Street 21
21100 Vinnitsa
Ukraine

UNITED ARAB EMIRATES

Dubai Metals and Commodities Centre
PO Box 63
Dubai
United Arab Emirates

UNITED STATES OF AMERICA

U.S. Department of State
2201 C St., N.W.
Washington D.C.
United States of America

VENEZUELA

Ministry of Energy and Mines
Apartado Postal nº 61536 Chacao
Caracas 1006
Av. Libertadores, Edif. PDVSA, Pent House B
La Campina — Caracas
Venezuela

ZIMBABWE

Principal Minerals Development Office
Ministry of Mines and Mining Development
Private Bag 7709, Causeway
Harare
Zimbabwe'

COMMISSION REGULATION (EC) No 1537/2003

of 29 August 2003

fixing the maximum purchasing price for butter for the 78th invitation to tender carried out under the standing invitation to tender governed by Regulation (EC) No 2771/1999

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 13 of Commission Regulation (EC) No 2771/1999 of 16 December 1999 laying down detailed rules for the application of Council Regulation (EC) No 1255/1999 as regards intervention on the market in butter and cream [3], as last amended by Regulation (EC) No 359/2003 [4], provides that, in the light of the tenders received for each invitation to tender, a maximum buying-in price is to be fixed in relation to the intervention price applicable and that it may also be decided not to proceed with the invitation to tender.

(2) As a result of the tenders received, the maximum buying-in price should be fixed as set out below.

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

HAS ADOPTED THIS REGULATION:

Article 1

For the 78th invitation to tender issued under Regulation (EC) No 2771/1999, for which tenders had to be submitted not later than 26 August 2003, the maximum buying-in price is fixed at 295,38 EUR/100 kg.

Article 2

This Regulation shall enter into force on 30 August 2003.

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

Done at Brussels, 29 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 333, 24.12.1999, p. 11.
[4] OJ L 53, 28.2.2003, p. 17.

COMMISSION REGULATION (EC) No 1538/2003

of 29 August 2003

fixing the maximum aid for concentrated butter for the 297th special invitation to tender opened under the standing invitation to tender provided for in Regulation (EEC) No 429/90

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) In accordance with Commission Regulation (EEC) No 429/90 of 20 February 1990 on the granting by invitation to tender of an aid for concentrated butter intended for direct consumption in the Community [3], as last amended by Regulation (EC) No 124/1999 [4], the intervention agencies are opening a standing invitation to tender for the granting of aid for concentrated butter; Article 6 of that Regulation provides that in the light of the tenders received in response to each special invitation to tender, a maximum amount of aid is to be fixed for concentrated butter with a minimum fat content of 96 % or a decision is to be taken to make no award; the end-use security must be fixed accordingly.

(2) In the light of the tenders received, the maximum aid should be fixed at the level specified below and the end-use security determined accordingly.

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

HAS ADOPTED THIS REGULATION:

Article 1

For the 297th special invitation to tender under the standing invitation to tender opened by Regulation (EEC) No 429/90, the maximum aid and the amount of the end-use security shall be as follows:

— maximum aid: EUR 105/100 kg,

— end-use security: EUR 116/100 kg.

Article 2

This Regulation shall enter into force on 30 August 2003.

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

Done at Brussels, 29 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 45, 21.2.1990, p. 8.
[4] OJ L 16, 21.1.1999, p. 19.

COMMISSION REGULATION (EC) No 1539/2003
of 29 August 2003
suspending the buying-in of butter in certain Member States

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Having regard to Commission Regulation (EC) No 2771/1999 of 16 December 1999 laying down detailed rules for the application of Council Regulation (EC) No 1255/1999 as regards intervention on the market in butter and cream [3], as last amended by Regulation (EC) No 359/2003 [4], and in particular Article 2 thereof,

Whereas:

(1) Article 2 of Regulation (EC) No 2771/1999 lays down that buying-in by invitation to tender is to be opened or suspended by the Commission in a Member State, as appropriate, once it is observed that, for two weeks in succession, the market price in that Member State is below or equal to or above 92 % of the intervention price.

(2) Commission Regulation (EC) No 1289/2003 suspending the buying-in of butter in certain Member States [5] establishes the most recent list of Member States in which intervention is suspended. This list must be adjusted as a result of the market prices communicated by France under Article 8 of Regulation (EC) No 2771/1999. In the interests of clarity, the list in question should be replaced and Regulation (EC) No 1289/2003 should be repealed,

HAS ADOPTED THIS REGULATION:

Article 1

Buying-in of butter by invitation to tender as provided for in Article 6(1) of Regulation (EC) No 1255/1999 is hereby suspended in Belgium, Denmark, Germany, Greece, France, the Netherlands, Austria, Luxembourg, Finland and the United Kingdom.

Article 2

Regulation (EC) No 1289/2003 is hereby repealed.

Article 3

This Regulation shall enter into force on 30 August 2003.

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

Done at Brussels, 29 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 333, 24.12.1999, p. 11.
[4] OJ L 53, 28.2.2003, p. 17.
[5] OJ L 181, 19.7.2003, p. 6.

COMMISSION REGULATION (EC) No 1540/2003

of 29 August 2003

amending Regulation (EEC) No 1609/88 as regards the latest date by which butter must have been taken into storage in order to be sold pursuant to Regulations (EEC) No 3143/85 and (EC) No 2571/97

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 organization of the market in milk and milk products [1], as last amended by Regulation (EC) No 806/2003 [2], and in particular Article 10,

Whereas:

(1) Pursuant to Article 1 of Commission Regulation (EC) No 2571/97 of 15 December 1997 on the sale of butter at reduced prices and the grant of aid for cream, butter and concentrated butter for use in the manufacture of pastry products, ice-cream and other foodstuffs [3], as last amended by Regulation (EC) No 635/2000 [4], the butter put up for sale must have been taken into storage before a date to be determined.

(2) In view of the trends on the butter market and the quantities of stocks available, the date in Article 1 of Commission Regulation (EEC) No 1609/88 [5], as last amended by Regulation (EC) No 1679/2000 [6], relating to the butter referred to in Regulation (EC) No 2571/97, should be amended.

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

HAS ADOPTED THIS REGULATION:

Article 1

In Article 1 of Regulation (EEC) No 1609/88, the second subparagraph is hereby replaced by the following:

'The butter referred to in Article 1(1)(a) of Regulation (EC) No 2571/97 must have been taken into storage before 1 October 2001.'

Article 2

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

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

Done at Brussels, 29 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 350, 20.12.1997, p. 3.
[4] OJ L 76, 25.3.2000, p. 9.
[5] OJ L 143, 10.6.1988, p. 23.
[6] OJ L 193, 29.7.2000, p. 30.

COMMISSION REGULATION (EC) No 1541/2003

of 29 August 2003

fixing the rates of refunds applicable to certain products from the sugar sector exported in the form of goods not covered by Annex I to the Treaty

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

(1) Article 27(1) and (2) of Regulation (EEC) No 1260/2001 provides that the differences between the prices in international trade for the products listed in Article 1(1)(a), (c), (d), (f), (g) and (h) of that Regulation and prices within the Community may be covered by an export refund where these products are exported in the form of goods listed in the Annex to that Regulation. Commission Regulation (EC) No 1520/2000 of 13 July 2000 laying down common implementing rules for granting export refunds on certain agricultural products exported in the form of goods not covered by Annex I to the Treaty and the criteria for fixing the amount of such refunds [3], as last amended by Regulation (EC) No 740/2003 [4], specifies the products for which a rate of refund should be fixed, to be applied where these products are exported in the form of goods listed in Annex I to Regulation (EC) No 1260/2001.

(2) In accordance with Article 4(1) of Regulation (EC) No 1520/2000, the rate of the refund per 100 kilograms for each of the basic products in question must be fixed for each month.

(3) Article 27(3) of Regulation (EC) No 1260/2001 and Article 11 of the Agreement on Agriculture concluded under the Uruguay Round lay down that the export refund for a product contained in a good may not exceed the refund applicable to that product when exported without further processing.

(4) The refunds fixed under this Regulation may be fixed in advance as the market situation over the next few months cannot be established at the moment.

(5) The commitments entered into with regard to refunds which may be granted for the export of agricultural products contained in goods not covered by Annex I to the Treaty may be jeopardised by the fixing in advance of high refund rates. It is therefore necessary to take precautionary measures in such situations without, however, preventing the conclusion of long-term contracts. The fixing of a specific refund rate for the advance fixing of refunds is a measure which enables these various objectives to be met.

(6) In accordance with Council Regulation (EC) No 1039/2003 of 2 June 2003 adopting autonomous and transitional measures concerning the importation of certain processed agricultural products originating in Estonia and the exportation of certain agricultural products to Estonia [5], Council Regulation (EC) No 1086/2003 of 18 June 2003 adopting autonomous and transitional measures concerning the importation of certain processed agricultural products originating in Slovenia and the exportation of certain processed agricultural products to Slovenia [6], Council Regulation (EC) No 1087/2003 of 18 June 2003 adopting autonomous and transitional measures concerning the importation of certain processed agricultural products originating in Latvia and the exportation of certain processed agricultural products to Latvia [7], Council Regulation (EC) No 1088/2003 of 18 June 2003 adopting autonomous and transitional measures concerning the importation of certain processed agricultural products originating in Lithuania and the exportation of certain processed agricultural products to Lithuania [8], Council Regulation (EC) No 1089/2003 of 18 June 2003 adopting autonomous and transitional measures concerning the importation of certain processed agricultural products originating in the Slovak Republic and the exportation of certain processed agricultural products to the Slovak Republic [9] and Council Regulation (EC) No 1090/2003 of 18 June 2003 adopting autonomous and transitional measures concerning the importation of certain processed agricultural products originating in the Czech Republic and the exportation of certain processed agricultural products to the Czech Republic [10] with effect from 1 July 2003, processed agricultural products not listed in Annex I to the Treaty which are exported to Estonia, Slovenia, Latvia, Lithuania, Slovakia or Czech Republic are not eligible for export refunds.

[1] OJ L 178, 30.6.2001, p. 1.
[2] OJ L 104, 20.4.2002, p. 26.
[3] OJ L 177, 15.7.2000, p. 1.
[4] OJ L 106, 29.4.2003, p. 12.
[5] OJ L 151, 19.6.2003, p. 1.
[6] OJ L 163, 1.7.2003, p. 1.
[7] OJ L 163, 1.7.2003, p. 19.
[8] OJ L 163, 1.7.2003, p. 38.
[9] OJ L 163, 1.7.2003, p. 56.
[10] OJ L 163, 1.7.2003, p. 73.

(7) In accordance with Council Regulation (EC) No 999/2003 of 2 June 2003 adopting autonomous and transitional measures concerning the import of certain processed agricultural products originating in Hungary and the export of certain processed agricultural products to Hungary [1], with effect from 1 July 2003, the goods referred to in its Article 1(2) which are exported to Hungary shall not be eligible for export refunds

(8) It is necessary to ensure continuity of strict management taking account of expenditure forecasts and funds available in the budget.

(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 rates of the refunds applicable to the basic products appearing in Annex A to Regulation (EC) No 1520/2000 and listed in Article 1(1) and (2) of Regulation (EC) No 1260/2001, exported in the form of goods listed in Annex V to Regulation (EC) No 1260/2001, are fixed as shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 September 2003.

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

Done at Brussels, 29 August 2003.

For the Commission
Erkki LIIKANEN
Member of the Commission

ANNEX

to the Commission Regulation of 29 August 2003 fixing the rates of refunds applicable to certain products from the sugar sector exported in the form of goods not covered by Annex I to the Treaty

Product	Rate of refund in EUR/100 kg [1]	
	In case of advance fixing of refunds	Other
White sugar	46,85	46,85

[1] With effect from 1 July 2003 these rates are not applicable to goods not covered by Annex I to the Treaty when exported to the Czech Republic, Estonia, Latvia, Lithuania, Slovakia or Slovenia, and to the goods referred to in Article 1(2) of Regulation (EC) No 999/2003 when exported to Hungary.

[1] OJ L 146, 13.6.2003, p. 10.

COMMISSION REGULATION (EC) No 1542/2003

of 29 August 2003

fixing the rates of the refunds applicable to certain milk products exported in the form of goods not covered by Annex I to the Treaty

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1255/1999 of 15 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 31(3) thereof,

Whereas:

(1) Article 31(1) of Regulation (EC) No 1255/1999 provides that the difference between prices in international trade for the products listed in Article 1(a), (b), (c), (d), (e), and (g) of that Regulation and prices within the Community may be covered by an export refund. Whereas Commission Regulation (EC) No 1520/2000 of 13 July 2000 laying down common implementing rules for granting export refunds on certain agricultural products exported in the form of goods not covered by Annex I to the Treaty, and criteria for fixing the amount of such refunds [3], as last amended by Regulation (EC) No 740/2003 [4], specifies the products for which a rate of refund should be fixed, to be applied where these products are exported in the form of goods listed in the Annex to Regulation (EC) No 1255/1999.

(2) In accordance with the first subparagraph of Article 4(1) of Regulation (EC) No 1520/2000, the rate of the refund per 100 kilograms for each of the basic products in question must be fixed for each month.

(3) Article 4(3) of Regulation (EC) No 1520/2000 provides that, when the rate of the refund is being fixed, account should be taken, where necessary, of production refunds, aids or other measures having equivalent effect applicable in all Member States in accordance with the Regulation on the common organisation of the market in the product in question to the basic products listed in Annex A to that Regulation or to assimilated products.

(4) Article 12(1) of Regulation (EC) No 1255/1999 provides for the payment of aid for Community-produced skimmed milk processed into casein if such milk and the casein manufactured from it fulfil certain conditions.

(5) Commission Regulation (EC) No 2571/97 of 15 December 1997 on the sale of butter at reduced prices and the granting of aid for cream, butter and concentrated butter for use in the manufacture of pastry products, ice-cream and other foodstuffs [5], as last amended by Regulation (EC) No 635/2000 [6], lays down that butter and cream at reduced prices should be made available to industries which manufacture certain goods.

(6) In accordance with Council Regulation (EC) No 1039/2003 of 2 June 2003 adopting autonomous and transitional measures concerning the importation of certain processed agricultural products originating in Estonia and the exportation of certain agricultural products to Estonia [7], Council Regulation (EC) No 1086/2003 of 18 June 2003 adopting autonomous and transitional measures concerning the importation of certain processed agricultural products originating in Slovenia and the exportation of certain processed agricultural products to Slovenia [8], Council Regulation (EC) No 1087/2003 of 18 June 2003 adopting autonomous and transitional measures concerning the importation of certain processed agricultural products originating in Latvia and the exportation of certain processed agricultural products to Latvia [9], Council Regulation (EC) No 1088/2003 of 18 June 2003 adopting autonomous and transitional measures concerning the importation of certain processed agricultural products originating in Lithuania and the exportation of certain processed agricultural products to Lithuania [10], Council Regulation (EC) No 1089/2003 of 18 June 2003 adopting autonomous and transitional measures concerning the importation of certain processed agricultural products originating in the Slovak Republic and the exportation of certain processed agricultural products to the Slovak Republic [11] and Council Regulation (EC) No 1090/2003 of 18 June 2003 adopting autonomous and transitional measures concerning the importation of certain processed agricultural products originating in the Czech Republic and the exportation of certain processed agricultural products to the Czech Republic [12] with effect from 1 July 2003, processed agricultural products not listed in Annex I to the Treaty which are exported to Estonia, Slovenia, Latvia, Lithuania, Slovakia or Czech Republic are not eligible for export refunds.

[1] OJ L 160, 26.6.1999, p. 48.
[2] OJ L 122, 16.5.2003, p. 1.
[3] OJ L 177, 15.7.2000, p. 1.
[4] OJ L 106, 29.4.2003, p. 12.
[5] OJ L 350, 20.12.1997, p. 3.
[6] OJ L 76, 25.3.2000, p. 9.
[7] OJ L 151, 19.6.2003, p. 1.
[8] OJ L 163, 1.7.2003, p. 1.
[9] OJ L 163, 1.7.2003, p. 19.
[10] OJ L 163, 1.7.2003, p. 38.
[11] OJ L 163, 1.7.2003, p. 56.
[12] OJ L 163, 1.7.2003, p. 73.

(7) In accordance with Council Regulation (EC) No 999/2003 of 2 June 2003 adopting autonomous and transitional measures concerning the import of certain processed agricultural products originating in Hungary and the export of certain processed agricultural products to Hungary [1], with effect from 1 July 2003, the goods referred to in its Article 1(2) which are exported to Hungary shall not be eligible for export refunds.

(8) It is necessary to ensure continuity of strict management taking account of expenditure forecasts and funds available in the budget.

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

HAS ADOPTED THIS REGULATION:

Article 1

1. The rates of the refunds applicable to the basic products appearing in Annex A to Regulation (EC) No 1520/2000 and listed in Article 1 of Regulation (EC) No 1255/1999, exported in the form of goods listed in the Annex to Regulation (EC) No 1255/1999, are hereby fixed as shown in the Annex to this Regulation.

2. No rates of refund are fixed for any of the products referred to in the preceding paragraph which are not listed in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 1 September 2003.

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

Done at Brussels, 29 August 2003.

For the Commission
Erkki LIIKANEN
Member of the Commission

[1] OJ L 146, 13.6.2003, p. 10.

ANNEX

to the Commission Regulation of 29 August 2003 fixing the rates of the refunds applicable to certain milk products exported in the form of goods not covered by Annex I to the Treaty

(EUR/100 kg)

CN code	Description	Rate of refund [1]
ex 0402 10 19	Powdered milk, in granules or other solid forms, not containing added sugar or other sweetening matter, with a fat content not exceeding 1,5 % by weight (PG 2):	
	(a) On exportation of goods of CN code 3501	—
	(b) On exportation of other goods	57,00
ex 0402 21 19	Powdered milk, in granules or other solid forms, not containing added sugar or other sweetening matter, with a fat content of 26 % by weight (PG 3):	
	(a) Where goods incorporating, in the form of products assimilated to PG 3, reduced-price butter or cream obtained pursuant to Regulation (EC) No 2571/97 are exported	71,67
	(b) On exportation of other goods	98,00
ex 0405 10	Butter, with a fat content by weight of 82 % (PG 6):	
	(a) Where goods containing reduced-price butter or cream which have been manufactured in accordance with the conditions provided for in Regulation (EC) No 2571/97 are exported	93,00
	(b) On exportation of goods of CN code 2106 90 98 containing 40 % or more by weight of milk fat	185,25
	(c) On exportation of other goods	178,00

[1] With effect from 1 July 2003 these rates are not applicable to goods not covered by Annex I to the Treaty when exported to the Czech Republic, Estonia, Latvia, Lithuania, Slovakia or Slovenia, and to the goods referred to in Article 1(2) of Regulation (EC) No 999/2003 when exported to Hungary.

COMMISSION REGULATION (EC) No 1543/2003

of 29 August 2003

fixing the minimum selling price for skimmed-milk powder for the 44th individual invitation to tender issued under the standing invitation to tender referred to in Regulation (EC) No 2799/1999

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) Pursuant to Article 26 of Commission Regulation (EC) No 2799/1999 of 17 December 1999 laying down detailed rules for applying Council Regulation (EC) No 1255/1999 as regards the grant of aid for skimmed milk and skimmed-milk powder intended for animal feed and the sale of such skimmed-milk powder [3], as last amended by Regulation (EC) No 2238/2002 [4], intervention agencies have put up for sale by standing invitation to tender certain quantities of skimmed-milk powder held by them.

(2) According to Article 30 of the said Regulation, in the light of the tenders received in response to each individual invitation to tender a minimum selling price shall be fixed or a decision shall be taken to make no award. The amount of the processing security shall also be fixed taking account of the difference between the market price of skimmed-milk powder and the minimum selling price.

(3) In the light of the tenders received, the minimum selling price should be fixed at the level specified below and the processing security determined accordingly.

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

HAS ADOPTED THIS REGULATION:

Article 1

For the 44th individual invitation to tender pursuant to Regulation (EC) No 2799/1999, in respect of which the time limit for the submission of tenders expired on 26 August 2003, the minimum selling price and the processing security are fixed as follows:

— minimum selling price: EUR 201,52/100 kg,

— processing security: EUR 52,00/100 kg.

Article 2

This Regulation shall enter into force on 30 August 2003.

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

Done at Brussels, 29 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 340, 31.12.1999, p. 3.
[4] OJ L 341, 17.12.2002, p. 11.

COMMISSION REGULATION (EC) No 1544/2003
of 29 August 2003
determining the world market price for unginned cotton

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Protocol 4 on cotton, annexed to the Act of Accession of Greece, as last amended by Council Regulation (EC) No 1050/2001 [1],

Having regard to Council Regulation (EC) No 1051/2001 of 22 May 2001 on production aid for cotton [2], and in particular Article 4 thereof,

Whereas:

(1) In accordance with Article 4 of Regulation (EC) No 1051/2001, a world market price for unginned cotton is to be determined periodically from the price for ginned cotton recorded on the world market and by reference to the historical relationship between the price recorded for ginned cotton and that calculated for unginned cotton. That historical relationship has been established in Article 2(2) of Commission Regulation (EC) No 1591/2001 of 2 August 2001 [3], as amended by Regulation (EC) No 1486/2002 [4]. Where the world market price cannot be determined in this way, it is to be based on the most recent price determined.

(2) In accordance with Article 5 of Regulation (EC) No 1051/2001, the world market price for unginned cotton is to be determined in respect of a product of specific characteristics and by reference to the most favourable offers and quotations on the world market among those considered representative of the real market trend. To that end, an average is to be calculated of offers and quotations recorded on one or more European exchanges for a product delivered cif to a port in the Community and coming from the various supplier countries considered the most representative in terms of international trade. However, there is provision for adjusting the criteria for determining the world market price for ginned cotton to reflect differences justified by the quality of the product delivered and the offers and quotations concerned. Those adjustments are specified in Article 3(2) of Regulation (EC) No 1591/2001.

(3) The application of the above criteria gives the world market price for unginned cotton determined hereinafter,

HAS ADOPTED THIS REGULATION:

Article 1

The world price for unginned cotton as referred to in Article 4 of Regulation (EC) No 1051/2001 is hereby determined as equalling EUR 28,402/100 kg.

Article 2

This Regulation shall enter into force on 30 August 2003.

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

Done at Brussels, 29 August 2003.

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

[1] OJ L 148, 1.6.2001, p. 1.
[2] OJ L 148, 1.6.2001, p. 3.
[3] OJ L 210, 3.8.2001, p. 10.
[4] OJ L 223, 20.8.2002, p. 3.

COMMISSION REGULATION (EC) No 1545/2003
of 29 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 1 September 2003.

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

Done at Brussels, 29 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	9,61
1005 10 90	Maize seed other than hybrid	54,29
1005 90 00	Maize other than seed [2]	54,29
1007 00 90	Grain sorghum other than hybrids for sowing	19,70

[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 15 August to 28 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)	141,53 (****)	81,09	177,21 (***)	167,21 (***)	147,21 (***)	119,54 (***)
Gulf premium (EUR/t)	—	13,43	—	—	—	—
Great Lakes premium (EUR/t)	21,81	—	—	—	—	—

(*) 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: 18,31 EUR/t; Great Lakes–Rotterdam: 27,88 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 1546/2003
of 29 August 2003
amending the corrective amount applicable to the refund on cereals

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(8) thereof,

Whereas:

(1) The corrective amount applicable to the refund on cereals was fixed by Commission Regulation (EC) No 1375/2003 ([3]).

(2) On the basis of today's cif prices and cif forward delivery prices, taking foreseeable developments on the market into account, the corrective amount at present applicable to the refund on cereals should be altered.

(3) The corrective amount must be fixed according to the same procedure as the refund. It may be altered in the period between fixings,

HAS ADOPTED THIS REGULATION:

Article 1

The corrective amount referred to in Article 1(1)(a), (b) and (c) of Regulation (EEC) No 1766/92 which is applicable to the export refunds fixed in advance in respect of the products referred to, except for malt, is hereby altered to the amounts set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 September 2003.

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

Done at Brussels, 29 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 194, 1.8.2003, p. 60.

ANNEX

to the Commission Regulation of 29 August 2003 altering the corrective amount applicable to the refund on cereals

(EUR/t)

Product code	Destination	Current 9	1st period 10	2nd period 11	3rd period 12	4th period 1	5th period 2	6th period 3
1001 10 00 9200	—	—	—	—	—	—	—	—
1001 10 00 9400	—	—	—	—	—	—	—	—
1001 90 91 9000	—	—	—	—	—	—	—	—
1001 90 99 9000	—	—	—	—	—	—	—	—
1002 00 00 9000	—	—	—	—	—	—	—	—
1003 00 10 9000	—	—	—	—	—	—	—	—
1003 00 90 9000	—	—	—	—	—	—	—	—
1004 00 00 9200	—	—	—	—	—	—	—	—
1004 00 00 9400	—	—	—	—	—	—	—	—
1005 10 90 9000	—	—	—	—	—	—	—	—
1005 90 00 9000	—	—	—	—	—	—	—	—
1007 00 90 9000	—	—	—	—	—	—	—	—
1008 20 00 9000	—	—	—	—	—	—	—	—
1101 00 11 9000	—	—	—	—	—	—	—	—
1101 00 15 9100	A00	0	0	0	0	0	—	—
1101 00 15 9130	A00	0	0	0	0	0	—	—
1101 00 15 9150	A00	0	0	0	0	0	—	—
1101 00 15 9170	A00	0	0	0	0	0	—	—
1101 00 15 9180	A00	0	0	0	0	0	—	—
1101 00 15 9190	—	—	—	—	—	—	—	—
1101 00 90 9000	—	—	—	—	—	—	—	—
1102 10 00 9500	A00	0	0	0	0	0	—	—
1102 10 00 9700	A00	0	0	0	0	0	—	—
1102 10 00 9900	—	—	—	—	—	—	—	—
1103 11 10 9200	A00	0	0	0	0	0	—	—
1103 11 10 9400	A00	0	0	0	0	0	—	—
1103 11 10 9900	—	—	—	—	—	—	—	—
1103 11 90 9200	A00	0	0	0	0	0	—	—
1103 11 90 9800	—	—	—	—	—	—	—	—

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

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

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 27 August 2003

amending Decision 2000/367/EC establishing a classification system for resistance-to-fire performance for construction products, as regards the inclusion of smoke and heat control products

(notified under document number C(2003) 2851)

(Text with EEA relevance)

(2003/629/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 89/106/EEC of 21 December 1988 on the approximation of laws, regulations and administrative provisions of the Member States relating to construction products [1], as amended by Directive 93/68/EEC [2], and in particular Article 20(2) thereof,

Whereas:

(1) Commission Decision 2000/367/EC of 3 May 2000 implementing Council Directive 89/106/EEC as regards the classification of the resistance-to-fire performance of construction products, construction works and parts thereof [3] should, for the purposes of its adaptation to technical progress, also cover smoke and heat control products.

(2) Decision 2000/367/EC should therefore be amended accordingly.

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

HAS ADOPTED THIS DECISION:

Article 1

The Annex to Decision 2000/367/EC is amended in accordance with the Annex to this Decision.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 27 August 2003.

For the Commission

Erkki LIIKANEN

Member of the Commission

[1] OJ L 40, 11.2.1989, p. 12.
[2] OJ L 220, 30.8.1993, p. 1.
[3] OJ L 133, 6.6.2000, p. 26.

ANNEX

The Annex to Decision 2000/367/EC is amended as follows.

1. The section entitled 'SYMBOLS' is amended as follows:
   (a) in the table, the following rows are added:

'D	Stability duration under constant temperature
DH	Stability duration under the standard time-temperature curve
F	Functionality of powered smoke and heat ventilators
B	Functionality of natural smoke and heat ventilators'

   (b) in note 2, 'EN 13501-4' is inserted after 'EN 13501-3'.

2. The section entitled 'Classifications' is amended as follows:
   (a) point 2 is amended as follows:
      (i) in the table applying to walls, classes RE360, REI360, REI-M360 and REW360 are added;
      (ii) in the classification part of the table applying to floors and roofs:
         — above row 'RE', a new row 'R' is inserted with class R30,
         — classes RE360 and REI360 are added;
   (b) in point 3 the words 'fire protective coatings, claddings and screens' are replaced by the words 'fire protective coatings, boards, renderings, claddings and screens';
   (c) point 4 is amended as follows:
      (i) in the table applying to 'partitions (including those incorporating uninsulated portions)', classes EI-M180 and EI-M240 are added;
      (ii) in the table applying to 'closures for conveyors and trackbound transportation systems', the text relating to 'Notes' is replaced by the following: 'The I classification is completed by the addition of the suffix "1" or "2" to indicate which definition of insulation is used. An I classification shall be generated for those cases where the test specimen is a pipe or duct configuration with no assessment of the closure for the conveyor system. The addition of the symbol "C" indicates that the product also satisfies the "self-closing" criterion (pass/fail test) (*).';
      (iii) the table applying to 'wall and ceiling coverings' is replaced by the following:

'Applies to	Wall and ceiling coverings								
Standard(s)	EN 13501-2; EN 14135								
Classification:									
K_1	10								
K_2	10		30		60				
Notes The suffixes "1" and "2" indicate which substrates, fire behaviour criteria and extension rules are used in this classification.'									

   (d) the following point 7 is added:

'7. **Products to be used in smoke and heat control systems**

The standards cited in this section are under preparation and may be due to revision or upgrade.

Applies to	Single compartment smoke control ducts								
Standard(s)	EN 13501-4; EN 1363-1, 2, 3; EN 1366-9 EN 12101-7								
Classification: —									
E_{300}			30		60	90	120		
E_{600}			30		60	90	120		
Notes The classification is completed by the suffix "single" to indicate suitability for single compartment use only. In addition, the symbols, "v_e" and/or "h_o" indicate the suitability for vertical and/or horizontal use. "S" indicates a leakage rate of less than 5 $m^3/hr/m^2$ (All ducts without an "S" classification must have a leakage rate of less than 10 $m^3/hr/m^2$) "500", "1 000", "1 500" indicate the suitability for use up to these values of pressure, measured at ambient.									

Applies to	Multi-compartment fire resistant smoke control ducts
Standard(s)	EN 13501-4; EN 1363-1, 2, 3; EN 1366-8; EN 12101-7

Classification: —

EI			30		60	90	120			

Notes The classification is completed by the suffix "multi" to indicate suitability for multi-compartment use.

In addition, the symbols "v_e" and/or "h_o" indicate the suitability for vertical and/or horizontal use.

"S" indicates a leakage rate of less than 5 $m^3/hr/m^2$ (All ducts without an "S" classification must have a leakage rate of less than 10 $m^3/hr/m^2$)

"500", "1 000", "1 500" indicate the suitability for use up to these values of pressure, measured at ambient.

Applies to	Single compartment smoke control dampers
Standard(s)	EN 13501-4; EN 1363-1, 3; EN 1366- 9, 10; EN 12101-8

Classification: —

E_{300}			30		60	90	120			
E_{600}			30		60	90	120			

Notes The classification is completed by the suffix "single" to indicate suitability for single compartment use.

"HOT 400/30" (high operational temperature) indicates that the damper has the ability to be opened or closed during a period of 30 minutes under temperature conditions below 400 °C (to be used only with E_{600} classification).

"v_{ed}", "v_{ew}" "v_{edw}" and/or "h_{od}", "h_{ow}" "h_{odw}" indicate the suitability for vertical and/or horizontal use, together with mounting in a duct or in a wall or both respectively.

"S" indicates a leakage rate of less than 200 $m^3/hr/m^2$. All dampers without an "S" classification must have a leakage rate of less than 360 $m^3/hr/m^2$. All damper less than 200 $m^3/hr/m^2$ take this value, all dampers between 200 $m^3/hr/m^2$ and 360 $m^3/hr/m^2$ take the 360 $m^3/hr/m^2$ value. Leakage rates are both at ambient and elevated temperatures.

"500", "1 000", "1 500" indicates the suitability for use up to at these values of under pressure, measured at ambient.

"AA" or "MA" indicates automatic activation or manual intervention

"i→o", "i ←o", "i ↔o", indicates the performance criteria are satisfied from inside to outside, outside to inside or both respectively.

"C_{300}", "C_{10000}", "C_{mod}" indicates the suitability of the damper for use in smoke control only systems combined smoke control and environmental systems, or modulating dampers used in combined smoke control and environmental systems respectively.

Applies to	Multi-compartment fire resistant smoke control dampers
Standard(s)	EN 13501-4; EN 1363-1, 2, 3; EN 1366-2, 8, 10; EN 12101-8

Classification:

EI			30		60	90	120			
E			30		60	90	120			

Notes The classification is completed by the suffix "multi" to indicate suitability for multi-compartment use.

"HOT 400/30" (high operational temperature) indicates that the damper has the ability to be opened or closed during a period of 30 minutes under temperature conditions below 400 °C.

"v_{ed}", "v_{ew}" "v_{edw}" and/or "h_{od}", "h_{ow}" "h_{odw}" indicate the suitability for vertical and/or horizontal use, together with mounting in a duct or in a wall or both respectively.

"S" indicates a leakage rate of less than 200 $m^3/hr/m^2$. All dampers without an "S" classification must have a leakage rate of less than 360 $m^3/hr/m^2$. All damper less than 200 $m^3/hr/m^2$ take this value, all dampers between 200 $m^3/hr/m^2$ and 360 $m^3/hr/m^2$ take the 360 $m^3/hr/m^2$ value. Leakage rates are both at ambient and elevated temperatures.

"500", "1 000", "1 500" indicates the suitability for use up to these values of pressure, measured at ambient.

"AA" or "MA" indicates automatic activation or manual intervention

"i→o", "i ←o", "i ↔o", indicates that the performance criteria are satisfied from inside to outside, outside to inside or both, respectively.

"C_{300}", "C_{10000}", "C_{mod}" indicates the suitability of the damper for use in smoke control only systems, combined smoke control and environmental systems, or modulating dampers used in combined smoke control and environmental systems, respectively.

Applies to	Smoke barriers
Standard(s)	EN 13501-4; EN 1363-1, 2; EN 12101-1

Classification: D

D_{600}			30		60	90	120			A
DH			30		60	90	120			A

Notes 'A' can be any time over 120 minutes.

Applies to	Powered smoke and heat exhaust ventilators (fans), connecting joints
Standard(s)	EN13501-4; EN 1363-1; EN 12101-3; ISO 834-1

Classification: F

F_{200}							120			
F_{300}					60					
F_{400}						90	120			
F_{600}					60					
F_{842}			30							

Notes

Applies to	Natural smoke and heat exhaust ventilators
Standard(s)	EN 13501-4; EN 1363-1; EN 12101-2

Classification: B

B_{300}			30							
B_{600}			30							
B_{ϑ}			30							

Notes Where ϑ indicates the exposure condition (temperature).'

COMMISSION DECISION

of 29 August 2003

laying down the transitional measures to be applied by Hungary with regard to veterinary checks on products of animal origin from Romania

(notified under document number C(2003) 3074)

(Text with EEA relevance)

(2003/630/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 97/78/EC of 18 December 1997 laying down the principles governing the organisation of veterinary checks on products entering the Community from third countries [1], as amended by Annex II(6)(B)(1)(53)(b) to the Act of Accession of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia, and in particular Article 21 thereof,

Having regard to the Act concerning the conditions of accession of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia to the European Union, and to the adjustments to the Treaties on which the European Union is founded, and in particular Article 42 thereof,

Whereas:

(1) Hungary has been granted a transitional period of three years for certain aspects of the veterinary checks regime concerning the standards for the facilities required at the border with Romania, for the checks on products of animal origin.

(2) This provision is limited only to the requirements for facilities, and all other aspects of the veterinary checks procedures should be carried out according to EU requirements.

(3) Provisions should therefore be made to identify the border inspection post where products of animal origin coming from Romania could be checked at the border with Hungary, and to provide appropriate derogation to the requirements applicable to the inspection facilities for products of animal origin at this border inspection post.

(4) The derogation to the separation rule applicable to low throughput border inspection posts provided for in Article 4(5) of Commission Decision 2001/812/EC [2] should apply irrespective of the maximum number of consignments set by this derogation.

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

HAS ADOPTED THIS DECISION:

Article 1

Products of animal origin coming by road transport from Romania must enter the territory of Hungary through the border inspection post listed in the Annex.

Article 2

Article 4(5) of Decision 2001/812/EC shall apply to the border inspection post listed in the Annex, without limit on the number of consignments passing through that border inspection post.

Article 3

This Decision shall take effect subject to and on the date of entry into force of the Act of Accession.

Article 4

This Decision is applicable until 30 April 2007.

Article 5

This Decision is addressed to the Member States.

Done at Brussels, 29 August 2003.

For the Commission

David BYRNE

Member of the Commission

[1] OJ L 24, 30.1.1998, p. 9.
[2] OJ L 306, 23.11.2001, p. 28.

ANNEX

Border inspection posts on the Hungarian-Romanian border

Nagylak