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I

(Acts whose publication is obligatory)

**COMMISSION REGULATION (EC) No 1820/2003
of 16 October 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 17 October 2003.

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

Done at Brussels, 16 October 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 16 October 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	103,1
	060	92,6
	096	66,2
	204	109,4
	999	92,8
0707 00 05	052	129,1
	999	129,1
0709 90 70	052	109,5
	999	109,5
0805 50 10	052	85,8
	388	56,5
	524	50,4
	528	55,4
	999	62,0
0806 10 10	052	108,3
	400	194,0
	624	230,3
	999	177,5
0808 10 20, 0808 10 50, 0808 10 90	060	37,8
	096	41,3
	388	74,5
	400	77,5
	508	108,4
	512	36,1
	720	48,9
	800	119,9
	804	102,9
0808 20 50	999	71,9
	052	106,3
	060	44,5
	064	63,7
	720	85,2
	999	74,9

⁽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 1821/2003**of 16 October 2003****opening a standing invitation to tender for the resale on the Community market of rice from the 1999 harvest held by the French intervention agency**

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 Article 8(b) thereof,

Whereas:

- (1) Commission Regulation (EEC) No 75/91 ⁽³⁾ provides among other things that rice held by intervention agencies is to be sold by tendering procedure at prices avoiding market disturbance.
- (2) France still has intervention stocks of paddy rice from the 1999 harvest, the quality of which is in danger of deteriorating if kept in prolonged storage.
- (3) Disposing of this rice on traditional markets inside the Community would inevitably trigger off — in the present production situation where concessions for rice imports are being granted under international agreements and subsidised exports restricted — the placing of an equivalent quantity in intervention, which must be avoided.
- (4) This rice can be disposed of by processing it into either broken rice or products derived therefrom, or into some other form suitable for use in animal feed, on certain conditions.
- (5) In order to ensure that the rice really is processed, the procedure should be specially monitored and the successful tenderer should provide a security, to be released on conditions to be laid down.
- (6) The undertakings given by tenderers must be regarded as primary requirements within the meaning of Commission Regulation (EEC) No 2220/85 of 22 July 1985 laying down common detailed rules for the application of the system of securities for agricultural products ⁽⁴⁾, as last amended by Regulation (EC) No 1932/1999 ⁽⁵⁾.

- (7) Commission Regulation (EEC) No 3002/92 ⁽⁶⁾, as last amended by Regulation (EC) No 770/96 ⁽⁷⁾, lays down common detailed rules for verifying the use of products from intervention. Procedures should also be laid down to ensure the traceability of the products used for animal feed.
- (8) So that the quantities awarded can be managed accurately, an allocation coefficient should be fixed for tenders offering the minimum selling price, while allowing tenderers to specify a minimum quantity awarded below which they do not wish their tender to stand.
- (9) When the French intervention agency notifies the Commission, the tenderers should remain anonymous.
- (10) While respecting the tenderers' anonymity, they should be identified by numbers so that it is evident which have submitted several tenders and what prices they have offered.
- (11) For control purposes, tenders must be traceable by their reference numbers, while safeguarding anonymity.
- (12) With a view to modernising management, the information required by the Commission should be sent by electronic mail.
- (13) 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 French intervention agency shall launch a standing invitation to tender for the sale on the internal market of the Community of quantities of rice from the 1999 harvest held by it and previously notified to the Commission under Regulation (EEC) No 75/91, as set out in Annex I hereto, with a view to its processing into either broken rice within the meaning of Annex A point 3 to Regulation (EC) No 3072/95 or products derived therefrom, or into some other form suitable for use in animal feed (CN code 2309).

⁽¹⁾ OJ L 329, 30.12.1995, p. 18.

⁽²⁾ OJ L 62, 5.3.2002, p. 27.

⁽³⁾ OJ L 9, 12.1.1991, p. 15.

⁽⁴⁾ OJ L 205, 3.8.1985, p. 5.

⁽⁵⁾ OJ L 240, 10.9.1999, p. 11.

⁽⁶⁾ OJ L 301, 17.10.1992, p. 17.

⁽⁷⁾ OJ L 104, 27.4.1996, p. 13.

Article 2

1. The sale provided for in Article 1 shall take place in accordance with Regulation (EEC) No 75/91.

However, notwithstanding Article 5 of that Regulation:

- (a) tenders shall be drawn up on the basis of the actual quality of the lot to which they apply;
- (b) the minimum sale price shall be set at a level which does not disturb the cereals or rice market.

2. Tenderers shall give the following undertakings:

- (a) where the rice is to be processed into broken rice or products derived therefrom:
 - (i) that they will carry out the treatment provided for in Annex II within two months of the date of award of the contract, under the supervision of the competent authorities and at a place determined in agreement with them;
 - (ii) that they will use the awarded products solely in the form of broken rice or products derived therefrom either without further processing or by incorporating them into another product or by processing them, within six months of the date of award of the contract, except in cases of force majeure or on the specific instructions of the intervention agency authorising a change in the deadline on account of exceptional circumstances;
 - (iii) if they sell the products on, that they will have the purchaser give the above undertaking;
- (b) where the rice is to be processed into a form suitable for use in animal feed:
 - (i) where they are feed manufacturers:
 - that they will carry out the treatments described in Annex III or IV within two months of the date of award of the contract, under the supervision of the competent authorities and at a place determined in agreement with them, with a view to verifying the use made of the rice and ensuring the traceability of the products,
 - that they will ensure that this product is incorporated in feed within three months of the date of the award of the contract, except in cases of force majeure or on the specific instructions of the intervention agency authorising a change in the deadline on account of exceptional circumstances;
 - (ii) where they are rice mills:
 - that they will carry out the treatments described in Annex IV within two months of the date of award of the contract, under the supervision of the competent authorities and at a place determined in agreement with them, with a view to verifying the use made of the rice and ensuring the traceability of the products,
 - that they will ensure that this product is incorporated in feed within four months of the date of the award of the contract, except in cases of force

majeure or on the specific instructions of the intervention agency authorising a change in the deadline on account of exceptional circumstances;

- (c) that they will bear the costs of the processing and treatment of the products;
- (d) that they will keep stock records demonstrating that they have respected their undertakings.

Article 3

1. The French intervention agency shall publish a notice of invitation to tender at least eight days before the final day of the first period for the submission of tenders.

The notice, and any changes to it, shall be forwarded to the Commission before publication.

2. The notice of invitation to tender shall contain:

- (a) the additional clauses and conditions of sale compatible with this Regulation;
- (b) the places of storage and the name and address of the storer;
- (c) the main physical and technological characteristics of the various lots established upon buying-in by the intervention agency or during checks carried out subsequently;
- (d) the number of each lot;
- (e) particulars of the competent authorities responsible for monitoring the operation.

3. The French intervention agency shall take all additional steps necessary to enable the parties concerned to assess the quality of the rice put up for sale before submitting their tenders.

Article 4

1. Tenders shall indicate whether they relate to processing into broken rice or products derived therefrom or into a form suitable for animal feed.

Tenders shall be valid only if they are accompanied by:

- (a) evidence that the tenderer has lodged a security of EUR 15 per tonne;
 - (b) evidence that the tenderer is an animal feed manufacturer or a rice mill;
 - (c) a written undertaking by the tenderer to lodge a security, not later than two working days after the date of receipt of the notice of award of contract, for an amount equivalent to the difference between the intervention price for paddy rice applicable on the tender date plus EUR 15 and the price tendered per tonne of rice.
2. Once submitted, a tender may not be altered or withdrawn.

3. In case the Commission is required to fix an award coefficient for the quantities offered for sale as provided for in the second paragraph of Article 7, tenderers should indicate any minimum awarded quantity below which they do not wish their tender to stand.

Article 5

1. The closing date for the submission of tenders for the first partial invitation to tender shall be 28 October 2003 at 12.00 (Brussels time).

2. The time limit for submission of tenders in respect of subsequent partial invitations to tender shall be 12.00 (Brussels time) each Tuesday thereafter.

3. The closing date for the submission of tenders for the last partial invitation to tender shall be 16 December 2003 at 12.00 (Brussels time).

Tenders must be lodged with the French intervention agency:

Office National Interprofessionnel des Céréales (ONIC)
Service Intervention
21, avenue Bosquet
F-75341 Paris Cedex 07
Telephone: (33-1) 44 18 21 87
Fax: (33-1) 47 05 61 32.

Article 6

1. Not later than 9.00 (Brussels time) on the Thursday following the closing date for the submission of tenders, the French intervention agency shall notify the Commission of the information provided for in Annex V hereto, broken down by type of processing.

2. For each type of processing and for each partial tendering procedure, the French intervention agency shall identify the tenderers by an individual number, starting at 1.

To ensure anonymity, the numbers shall be allocated randomly and separately for each type of processing and each partial tendering procedure.

The French intervention agency shall give each tender a reference number in such a way as to ensure that the tenderers remain anonymous. For the entire standing tendering procedure, each tender shall be identified by its own reference number.

3. The notification referred to in paragraph 1 shall be made by electronic mail to the address given in Annex V using the form provided to the French intervention agency by the Commission for that purpose.

The notification must be sent even if no tenders are submitted, in which case it must state that no tenders have been received within the deadline laid down.

4. The French intervention agency shall also notify the Commission of the information specified in Annex V for rejected tenders, stating why they were rejected.

Article 7

For each type of processing, the Commission shall set the minimum sale price or decide not to award any quantities. In the event that tenders are submitted for the same lot and for a quantity larger than that available, the Commission may fix this price separately for each lot.

Where tenders are offering the minimum sale price, the Commission may fix an award coefficient for the quantities offered at the same time as it fixes the minimum sale price.

This decision shall be taken in accordance with the procedure laid down in Article 22 of Regulation (EC) No 3072/95.

Article 8

The intervention agency shall immediately notify all tenderers of the outcome of their participation in the tendering procedure.

Within three working days of the notification referred to in the first paragraph, it shall send notices of award of contract to successful tenderers by registered letter or written telecommunication.

Article 9

Successful tenderers shall pay for the rice before it is removed, and at the latest within one month of the date of dispatch of the notice referred to in the second paragraph of Article 8. The risks and costs of storing rice that is not removed within the payment period shall be borne by the successful tenderers.

Following the expiry of the payment period, rice for which a contract is awarded and which is not removed shall be regarded for all purposes as having been removed from storage.

Where a successful tenderer fails to pay for the rice within the period referred to in the first paragraph, the contract shall be terminated by the intervention agency, where appropriate in respect of the quantity not paid for.

Article 10

1. The security referred to in Article 4(1)(a) shall be released

(a) in full for the quantities for which:

- (i) no award is made;
- (ii) the tender does not stand, in accordance with Article 4(3);
- (iii) the sale price is paid within the period set and the security referred to in Article 4(1)(c) has been lodged;

(b) proportionately to the quantity not awarded where an award coefficient is set for the quantities offered in accordance with the second paragraph of Article 7.

2. The security referred to in Article 4(1)(c) shall be released in proportion to the quantities used only if the intervention agency has carried out all the checks necessary to ensure that the product is processed in accordance with this Regulation.

However, the security shall be released in full:

- (a) on presentation of proof that the treatment referred to in Annex II has been carried out and that the undertakings provided for in Article 2(2)(a)(ii) and (iii) have been made;
- (b) on presentation of proof that the treatment referred to in Annex III has been carried out, provided that not less than 95 % of the fine broken grains and/or fragments obtained has been used in compound feed;
- (c) on presentation of proof that the treatment referred to in Annex IV has been carried out, provided that not less than 95 % of the milled rice obtained has been used in compound feed.

3. Proof that the rice has been incorporated in animal feed as referred to in this Regulation shall be provided in accordance with Regulation (EEC) No 3002/92.

Article 11

The obligation set out in Article 2(2) shall be regarded as a primary requirement within the meaning of Article 20 of Regulation (EEC) No 2220/85.

Article 12

In addition to the particulars provided for in Regulation (EEC) No 3002/92, box 104 of the control copy T5 shall refer, where applicable, to the undertakings provided for in Article 2(2)(a)(ii)

and (iii) and shall bear one or more of the following entries, together with the number of the Annex to this Regulation corresponding to the treatment required:

- Destnados a la transformación prevista en el anexo ... del Reglamento (CE) nº 1821/2003
- Til forarbejdning som fastsat i bilag ... til forordning (EF) nr. 1821/2003
- Zur Verarbeitung gemäß Anhang ... der Verordnung (EG) Nr. 1821/2003 bestimmt
- Προορίζονται για μεταποίηση που προβλέπεται στο παράρτημα ... του κανονισμού (ΕΚ) αριθ. 1821/2003
- For processing provided for in Annex ... to Regulation (EC) No 1821/2003
- Destinés à la transformation prévue à l'annexe ... du règlement (CE) nº 1821/2003
- Destinati alla trasformazione prevista all'allegato ... del regolamento (CE) n. 1821/2003
- Bestemd om te worden verwerkt overeenkomstig bijlage ... van Verordening (EG) nr. 1821/2003
- Para a transformação prevista no anexo ... do Regulamento (CE) n.º 1821/2003
- Tarkoitettu asetuksen (EY) N:o 1821/2003 liitteessä ... säädettyyn jalostukseen
- För bearbetning enligt bilaga ... till förordning (EG) nr 1821/2003.

Article 13

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, 16 October 2003.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX I

(in tonnes)		
1	2	3
Place of storage (address)	Place of storage (identification code) ⁽¹⁾	Available quantities
ZI Portuaire — 38 150 Salaise-sur-Sanne	FRP38002	1 095,500
Silo du Pouzin, ZI — 07 250 Le Pouzin	FRP07005	5 406,120
Domaine de l'Eysselle — 13 230 Port-Saint-Louis-du-Rhône	FRP13004	3 498,380
Total		10 000,000

⁽¹⁾ The national identification code shall be preceded by the ISO code for France.

ANNEX II

Treatment provided for in Article 2(2)(a)(i)

The rice taken over must be processed as follows:

1. The paddy rice must be milled to give the overall minimum yield and whole grain yield previously determined by the laboratory on a sample removed when the rice for which the contract is awarded was taken over, with a tolerance of plus or minus 1 % applicable to the overall minimum yield and whole grain yield.
2. All the milled rice obtained must be broken to give at least 99 % broken grains within the meaning of Annex A to Regulation (EC) No 3072/95. It may also be processed directly into products derived from broken rice.

ANNEX III

Treatment provided for in the first indent of Article 2(2)(b)(i)

The rice taken over must be processed as follows:

1. The paddy rice must be husked and broken in such a way as to produce not less than 77 %, by weight of paddy rice, of fine broken grains and/or fragments of husked rice as defined in point C of the Annex to Regulation (EC) No 3073/95.
2. The product obtained after processing (not including the husk) must be marked using the colourant E131 patent blue V or E142 acid brilliant green BS (lissamine green) to enable it to be identified.

ANNEX IV

Treatment provided for in the first indent of Article 2(2)(b)(i) and in the first indent of Article 2(2)(b)(ii)

1. The paddy rice must be milled to give the overall minimum yield and whole grain yield previously determined by the laboratory on a sample removed when the rice for which the contract is awarded was taken over, with a tolerance of plus or minus 1 % applicable to the overall minimum yield and whole grain yield.
2. The product obtained after processing must be marked using the colourant E131 patent blue V or E142 acid brilliant green BS (lissamine green) to enable it to be identified.

ANNEX V

Information referred to in Article 6

1	2	3	4	5	6	7	8
Type of processing	Tender's identification number	Tender price (EUR/t)	Quantity (t)	Minimum quantity (t)	Place of storage	Lot No	Reference number
(A) broken rice or products derived therefrom							
(B) form suitable for use in animal feed							

Address for electronic transmission of information in accordance with Article 6: AGRI-C2-RICE-STOCKS@CEC.EU.INT

Explanatory notes

- Column 1: type of processing: (A) processing into broken rice within the meaning of Annex A to Regulation (EC) No 3072/95 or product derived therefrom or (B) processing into a form suitable for use in preparations of a kind used in animal feeding (CN code 2309).
- Column 2: tenderers shall be assigned an individual number, starting at 1. To ensure anonymity, the numbers shall be allocated randomly and separately for each type of processing and each partial tendering procedure.
- Column 3: purchase price offered, expressed in euro per tonne.
- Column 4: quantity, expressed in tonnes.
- Column 5: minimum awarded quantity as referred to in Article 4(3), below which the tenderer does not wish the tender to stand.
- Column 6: place of storage, identified by the 'identification code' indicated in Annex I.
- Column 7: lot number at the place of storage indicated in column 6.
- Column 8: reference number of the tender, unique to each tender for the entire standing tendering procedure.

**COMMISSION REGULATION (EC) No 1822/2003
of 16 October 2003**

amending Regulation (EC) No 2760/98 concerning the implementation of a programme for cross-border cooperation in the framework of the Phare programme

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 3906/89 of 18 December 1989 on economic aid to certain countries of central and eastern Europe ⁽¹⁾, as last amended by Regulation (EC) No 807/2003 ⁽²⁾, and in particular Article 8 thereof,

Whereas:

- (1) The Copenhagen European Council of 12 and 13 December 2002 concluded the accession negotiation with Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia and Slovenia and set the accession date as 1 May 2004. Therefore those acceding countries should be removed from the list of borders eligible for the Phare cross-border co-operation programme.
- (2) The Copenhagen European Council adopted roadmaps for Bulgaria and Romania to support the efforts of those two applicant countries to achieve their objective of joining the European Union in 2007.
- (3) Commission Communication of 1 July 2003 on paving the way for a new Neighbourhood Instrument ⁽³⁾ proposes, for the period 2004 to 2006, the introduction of neighbourhood programmes covering the external borders of the enlarged Union. Consequently Romanian and Bulgarian borders with the neighbouring non-applicant countries should be included in the list of eligible borders.

- (4) Commission Regulation (EC) No 2760/98 ⁽⁴⁾, as amended by Regulation (EC) No 1596/2002 ⁽⁵⁾, envisages the extension of the Phare cross-border cooperation programme to borders with other neighbouring countries benefiting from other Community assistance programmes; it is appropriate to extend the Phare cross-border cooperation programme to cover also the Bulgarian border with Turkey.
- (5) Regulation (EC) No 2760/98 should, therefore, be amended accordingly.
- (6) The measures provided for in this Regulation are in accordance with the opinion of the Committee for Economic Restructuring in certain countries of central and eastern Europe,

HAS ADOPTED THIS REGULATION:

Article 1

Article 2(1) of Regulation (EC) No 2760/98 is replaced by the following:

- ‘1. The eligible borders are those between
- (a) Romania and Hungary, Romania and Bulgaria, Romania and Ukraine, Romania and Moldova, Romania and Serbia and Montenegro;
 - (b) Bulgaria and Greece, Bulgaria and Romania, Bulgaria and Turkey, Bulgaria and the former Yugoslav Republic of Macedonia, Bulgaria and Serbia and Montenegro.’

Article 2

This Regulation shall enter into force on 1 January 2004.

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

Done at Brussels, 16 October 2003.

For the Commission

Günter VERHEUGEN

Member of the Commission

⁽¹⁾ OJ L 375, 23.12.1989, p. 11.

⁽²⁾ OJ L 122, 16.5.2003, p. 36.

⁽³⁾ COM(2003) 393 final.

⁽⁴⁾ OJ L 345, 19.12.1998, p. 49.

⁽⁵⁾ OJ L 240, 7.9.2002, p. 33.

COMMISSION REGULATION (EC) No 1823/2003
of 15 October 2003
prohibiting fishing for bluefin tuna by vessels flying the flag of France

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2847/93 of 12 October 1993 establishing a control system applicable to the common fisheries policy ⁽¹⁾, as last amended by Regulation (EC) No 806/2003 ⁽²⁾, and in particular Article 21(3) thereof,

Whereas:

- (1) Council Regulation (EC) No 2341/2002 of 20 December 2002 fixing for 2003 the fishing opportunities and associated conditions for certain fish stocks and groups of fish stocks, applicable in Community waters and, for Community vessels, in waters where catch limitations are required ⁽³⁾, as last amended by Regulation (EC) No 1754/2003 ⁽⁴⁾, lays down quotas for bluefin tuna for 2003.
- (2) In order to ensure compliance with the provisions relating to the quantity limits on catches of stocks subject to quotas, the Commission must fix the date by which catches made by vessels flying the flag of a Member State are deemed to have exhausted the quota allocated.
- (3) According to the information received by the Commission, catches of bluefin tuna in the waters of the Atlantic Ocean east of longitude 45° W and in the Mediterranean

by vessels flying the flag of France or registered in France have exhausted the quota allocated for 2003. France has prohibited fishing for this stock from 4 October 2003. This date should be adopted in this Regulation also,

HAS ADOPTED THIS REGULATION:

Article 1

Catches of bluefin tuna in the waters of the Atlantic Ocean east of longitude 45° W and in the Mediterranean by vessels flying the flag of France or registered in France are hereby deemed to have exhausted the quota allocated to France for 2003.

Fishing for bluefin tuna in the waters of the Atlantic Ocean east of longitude 45° W and in the Mediterranean by vessels flying the flag of France or registered in France is hereby prohibited, as are the retention on board, transshipment and landing of this stock caught by the above vessels after the date of application of this Regulation.

Article 2

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

It shall apply from 4 October 2003.

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

Done at Brussels, 15 October 2003.

For the Commission
Jörgen HOLMQUIST
Director-General of Fisheries

⁽¹⁾ OJ L 261, 20.10.1993, p. 1.

⁽²⁾ OJ L 122, 16.5.2003, p. 1.

⁽³⁾ OJ L 356, 31.12.2002, p. 12.

⁽⁴⁾ OJ L 252, 4.10.2003, p. 1.

COMMISSION REGULATION (EC) No 1824/2003
of 16 October 2003
fixing the export refunds on milk and milk products

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1255/1999 of 17 May 1999 on the common organisation of the market in milk and milk products ⁽¹⁾, as last amended by Commission Regulation (EC) No 806/2003 ⁽²⁾, and in particular Article 31(3) thereof,

Whereas:

(1) Article 31 of Regulation (EC) No 1255/1999 provides that the difference between prices in international trade 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 within the limits resulting from agreements concluded in accordance with Article 300 of the Treaty.

(2) Regulation (EC) No 1255/1999 provides that when the refunds on the products listed in Article 1 of the above-mentioned Regulation, exported in the natural state, are being fixed, account must be taken of:

- the existing situation and the future trend with regard to prices and availabilities of milk and milk products on the Community market and prices for milk and milk products in international trade,
- marketing costs and the most favourable transport charges from Community markets to ports or other points of export in the Community, as well as costs incurred in placing the goods on the market of the country of destination,
- the aims of the common organisation of the market in milk and milk products which are to ensure equilibrium and the natural development of prices and trade on this market,
- the limits resulting from agreements concluded in accordance with Article 300 of the Treaty, and
- the need to avoid disturbances on the Community market, and
- the economic aspect of the proposed exports.

(3) Article 31(5) of Regulation (EC) No 1255/1999 provides that when prices within the Community are being determined account should be taken of the ruling prices

which are most favourable for exportation, and that when prices in international trade are being determined particular account should be taken of:

- (a) prices ruling on third country markets;
- (b) the most favourable prices in third countries of destination for third country imports;
- (c) producer prices recorded in exporting third countries, account being taken, where appropriate, of subsidies granted by those countries; and
- (d) free-at-Community-frontier offer prices.

(4) Article 31(3) of Regulation (EC) No 1255/1999 provides that the world market situation or the specific requirements of certain markets may make it necessary to vary the refund on the products listed in Article 1 of the abovementioned Regulation according to destination.

(5) Article 31(3) of Regulation (EC) No 1255/1999 provides that the list of products on which export refunds are granted and the amount of such refunds should be fixed at least once every four weeks; the amount of the refund may, however, remain at the same level for more than four weeks.

(6) In accordance with Article 16 of Commission Regulation (EC) No 174/1999 of 26 January 1999 on specific detailed rules for the application of Council Regulation (EC) No 804/68 as regards export licences and export refunds on milk and milk products ⁽³⁾, as last amended by Regulation (EC) No 1392/2003 ⁽⁴⁾, the refund granted for milk products containing added sugar is equal to the sum of the two components; one is intended to take account of the quantity of milk products and is calculated by multiplying the basic amount by the milk products content in the product concerned; the other is intended to take account of the quantity of added sucrose and is calculated by multiplying the sucrose content of the entire product by the basic amount of the refund valid on the day of exportation for the products listed in Article 1(1)(d) of Council Regulation (EC) No 1260/2001 of 19 June 2001 on the common organisation of the markets in the sugar sector ⁽⁵⁾, as amended by Commission Regulation (EC) No 680/2002 ⁽⁶⁾, however, this second component is applied only if the added sucrose has been produced using sugar beet or cane harvested in the Community.

⁽¹⁾ OJ L 160, 26.6.1999, p. 48.

⁽²⁾ OJ L 122, 14.4.2003, p. 1.

⁽³⁾ OJ L 20, 27.1.1999, p. 8.

⁽⁴⁾ OJ L 197, 5.8.2003, p. 3.

⁽⁵⁾ OJ L 178, 30.6.2001, p. 1.

⁽⁶⁾ OJ L 104, 20.4.2002, p. 26.

- (7) Commission Regulation (EEC) No 896/84 ⁽¹⁾, as last amended by Regulation (EEC) No 222/88 ⁽²⁾, laid down additional provisions concerning the granting of refunds on the change from one milk year to another; those provisions provide for the possibility of varying refunds according to the date of manufacture of the products.
- (8) For the calculation of the refund for processed cheese provision must be made where casein or caseinates are added for that quantity not to be taken into account.
- (9) It follows from applying the rules set out above to the present situation on the market in milk and in particular to quotations or prices for milk products within the Community and on the world market that the refund should be as set out in the Annex to this Regulation.
- (10) The Management Committee for Milk and Milk Products has not delivered an opinion within the time limit set by its chairman,
- HAS ADOPTED THIS REGULATION:
- Article 1*
- The export refunds referred to in Article 31 of Regulation (EC) No 1255/1999 on products exported in the natural state shall be as set out in the Annex.
- Article 2*
- This Regulation shall enter into force on 17 October 2003.

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

Done at Brussels, 16 October 2003.

For the Commission
Franz FISCHLER
Member of the Commission

⁽¹⁾ OJ L 91, 1.4.1984, p. 71.

⁽²⁾ OJ L 28, 1.2.1988, p. 1.

ANNEX

to the Commission Regulation of 16 October 2003 fixing the export refunds on milk and milk products

Product code	Destination	Unit of measurement	Amount of refund	Product code	Destination	Unit of measurement	Amount of refund
0401 10 10 9000	970	EUR/100 kg	1,911	0402 91 39 9300	L07	EUR/100 kg	8,058
0401 10 90 9000	970	EUR/100 kg	1,911	0402 91 99 9000	L07	EUR/100 kg	37,96
0401 20 11 9100	970	EUR/100 kg	0,000	0402 99 11 9350	L07	EUR/kg	0,1734
0401 20 11 9500	970	EUR/100 kg	2,953	0402 99 19 9350	L07	EUR/kg	0,1734
0401 20 19 9100	970	EUR/100 kg	0,000	0402 99 31 9150	L07	EUR/kg	0,1816
0401 20 19 9500	970	EUR/100 kg	2,953	0402 99 31 9300	L07	EUR/kg	0,2271
0401 20 91 9000	970	EUR/100 kg	3,737	0402 99 31 9500	L07	EUR/kg	0,0000
0401 20 99 9000	970	EUR/100 kg	0,000	0402 99 39 9150	L07	EUR/kg	0,1816
0401 30 11 9400	970	EUR/100 kg	8,624	0403 90 11 9000	L07	EUR/100 kg	56,20
0401 30 11 9700	970	EUR/100 kg	12,95	0403 90 13 9200	L07	EUR/100 kg	56,20
0401 30 19 9700	970	EUR/100 kg	0,00	0403 90 13 9300	L07	EUR/100 kg	87,33
0401 30 31 9100	L06	EUR/100 kg	31,46	0403 90 13 9500	L07	EUR/100 kg	91,14
0401 30 31 9400	L06	EUR/100 kg	49,14	0403 90 13 9900	L07	EUR/100 kg	97,13
0401 30 31 9700	L06	EUR/100 kg	54,20	0403 90 19 9000	L07	EUR/100 kg	97,72
0401 30 39 9100	L06	EUR/100 kg	31,46	0403 90 33 9400	L07	EUR/kg	0,8733
0401 30 39 9400	L06	EUR/100 kg	49,14	0403 90 33 9900	L07	EUR/kg	0,9713
0401 30 39 9700	L06	EUR/100 kg	54,20	0403 90 51 9100	970	EUR/100 kg	1,911
0401 30 91 9100	L06	EUR/100 kg	61,77	0403 90 59 9170	970	EUR/100 kg	12,95
0401 30 91 9500	L06	EUR/100 kg	0,00	0403 90 59 9310	L07	EUR/100 kg	31,46
0401 30 99 9100	L06	EUR/100 kg	61,77	0403 90 59 9340	L07	EUR/100 kg	46,03
0401 30 99 9500	L06	EUR/100 kg	90,78	0403 90 59 9370	L07	EUR/100 kg	46,03
0402 10 11 9000	L07	EUR/100 kg	57,00	0403 90 59 9510	L07	EUR/100 kg	46,03
0402 10 19 9000	L07	EUR/100 kg	57,00	0404 90 21 9120	L07	EUR/100 kg	48,62
0402 10 91 9000	L07	EUR/kg	0,5700	0404 90 21 9160	L07	EUR/100 kg	57,00
0402 10 99 9000	L07	EUR/kg	0,5700	0404 90 23 9120	L07	EUR/100 kg	57,00
0402 21 11 9200	L07	EUR/100 kg	57,00	0404 90 23 9130	L07	EUR/100 kg	88,11
0402 21 11 9300	L07	EUR/100 kg	88,11	0404 90 23 9140	L07	EUR/100 kg	91,96
0402 21 11 9500	L07	EUR/100 kg	91,96	0404 90 23 9150	L07	EUR/100 kg	98,00
0402 21 11 9900	L07	EUR/100 kg	98,00	0404 90 29 9110	L07	EUR/100 kg	98,61
0402 21 17 9000	L07	EUR/100 kg	57,00	0404 90 29 9115	L07	EUR/100 kg	99,19
0402 21 19 9300	L07	EUR/100 kg	88,11	0404 90 29 9125	L07	EUR/100 kg	100,21
0402 21 19 9500	L07	EUR/100 kg	91,96	0404 90 29 9140	L07	EUR/100 kg	107,70
0402 21 19 9900	L07	EUR/100 kg	98,00	0404 90 81 9100	L07	EUR/kg	0,5700
0402 21 91 9100	L07	EUR/100 kg	98,61	0404 90 83 9110	L07	EUR/kg	0,5700
0402 21 91 9200	L07	EUR/100 kg	99,19	0404 90 83 9130	L07	EUR/kg	0,8811
0402 21 91 9350	L07	EUR/100 kg	100,21	0404 90 83 9150	L07	EUR/kg	0,9196
0402 21 91 9500	L07	EUR/100 kg	107,70	0404 90 83 9170	L07	EUR/kg	0,9800
0402 21 99 9100	L07	EUR/100 kg	98,61	0404 90 83 9936	L07	EUR/kg	0,1734
0402 21 99 9200	L07	EUR/100 kg	99,19	0405 10 11 9500	L05	EUR/100 kg	173,66
0402 21 99 9300	L07	EUR/100 kg	100,21	0405 10 11 9700	L05	EUR/100 kg	178,00
0402 21 99 9400	L07	EUR/100 kg	105,76	0405 10 19 9500	L05	EUR/100 kg	173,66
0402 21 99 9500	L07	EUR/100 kg	107,70	0405 10 19 9700	L05	EUR/100 kg	178,00
0402 21 99 9600	L07	EUR/100 kg	115,29	0405 10 30 9100	L05	EUR/100 kg	173,66
0402 21 99 9700	L07	EUR/100 kg	119,59	0405 10 30 9300	L05	EUR/100 kg	178,00
0402 21 99 9900	L07	EUR/100 kg	124,57	0405 10 30 9700	L05	EUR/100 kg	178,00
0402 29 15 9200	L07	EUR/kg	0,5700	0405 10 50 9300	L05	EUR/100 kg	178,00
0402 29 15 9300	L07	EUR/kg	0,8811	0405 10 50 9500	L05	EUR/100 kg	173,66
0402 29 15 9500	L07	EUR/kg	0,9196	0405 10 50 9700	L05	EUR/100 kg	178,00
0402 29 15 9900	L07	EUR/kg	0,9800	0405 10 90 9000	L05	EUR/100 kg	184,52
0402 29 19 9300	L07	EUR/kg	0,8811	0405 20 90 9500	L05	EUR/100 kg	162,82
0402 29 19 9500	L07	EUR/kg	0,9196	0405 20 90 9700	L05	EUR/100 kg	169,32
0402 29 19 9900	L07	EUR/kg	0,9800	0405 90 10 9000	L05	EUR/100 kg	222,55
0402 29 91 9000	L07	EUR/kg	0,9861	0405 90 90 9000	L05	EUR/100 kg	178,00
0402 29 99 9100	L07	EUR/kg	0,9861	0406 10 20 9100	A00	EUR/100 kg	—
0402 29 99 9500	L07	EUR/kg	1,0576	0406 10 20 9230	L03	EUR/100 kg	—
0402 91 11 9370	L07	EUR/100 kg	6,804		L04	EUR/100 kg	28,44
0402 91 19 9370	L07	EUR/100 kg	6,804		075	EUR/100 kg	30,22
0402 91 31 9300	L07	EUR/100 kg	8,058		400	EUR/100 kg	—
					A01	EUR/100 kg	35,55

Product code	Destination	Unit of measurement	Amount of refund	Product code	Destination	Unit of measurement	Amount of refund
0406 10 20 9290	L03	EUR/100 kg	—	0406 20 90 9919	L03	EUR/100 kg	—
	L04	EUR/100 kg	26,46		L04	EUR/100 kg	69,51
	075	EUR/100 kg	28,11		075	EUR/100 kg	73,87
	400	EUR/100 kg	—		400	EUR/100 kg	25,60
0406 10 20 9300	A01	EUR/100 kg	33,07	0406 20 90 9990	A01	EUR/100 kg	86,90
	L03	EUR/100 kg	—		A00	EUR/100 kg	—
	L04	EUR/100 kg	11,61	0406 30 31 9710	L03	EUR/100 kg	—
	075	EUR/100 kg	12,33		L04	EUR/100 kg	5,85
	400	EUR/100 kg	—		075	EUR/100 kg	11,63
0406 10 20 9610	A01	EUR/100 kg	14,51		400	EUR/100 kg	—
	L03	EUR/100 kg	—	0406 30 31 9730	A01	EUR/100 kg	13,68
	L04	EUR/100 kg	38,58		L03	EUR/100 kg	—
	075	EUR/100 kg	40,99		L04	EUR/100 kg	8,57
	400	EUR/100 kg	—		075	EUR/100 kg	17,07
0406 10 20 9620	A01	EUR/100 kg	48,22		400	EUR/100 kg	—
	L03	EUR/100 kg	—	0406 30 31 9910	A01	EUR/100 kg	20,08
	L04	EUR/100 kg	39,13		L03	EUR/100 kg	—
	075	EUR/100 kg	41,57		L04	EUR/100 kg	5,85
	400	EUR/100 kg	—		075	EUR/100 kg	11,63
0406 10 20 9630	A01	EUR/100 kg	48,91		400	EUR/100 kg	—
	L03	EUR/100 kg	—	0406 30 31 9930	A01	EUR/100 kg	13,68
	L04	EUR/100 kg	43,68		L03	EUR/100 kg	—
	075	EUR/100 kg	46,40		L04	EUR/100 kg	8,57
	400	EUR/100 kg	—		075	EUR/100 kg	17,07
0406 10 20 9640	A01	EUR/100 kg	54,59		400	EUR/100 kg	—
	L03	EUR/100 kg	—	0406 30 31 9950	A01	EUR/100 kg	20,08
	L04	EUR/100 kg	64,18		L03	EUR/100 kg	—
	075	EUR/100 kg	68,20		L04	EUR/100 kg	12,46
	400	EUR/100 kg	—		075	EUR/100 kg	24,83
0406 10 20 9650	A01	EUR/100 kg	80,23		400	EUR/100 kg	—
	L03	EUR/100 kg	—	0406 30 39 9500	A01	EUR/100 kg	29,21
	L04	EUR/100 kg	53,48		L03	EUR/100 kg	—
	075	EUR/100 kg	56,82		L04	EUR/100 kg	8,57
	400	EUR/100 kg	—		075	EUR/100 kg	17,07
0406 10 20 9660	A01	EUR/100 kg	66,85		400	EUR/100 kg	—
	A00	EUR/100 kg	—	0406 30 39 9700	A01	EUR/100 kg	20,08
	L03	EUR/100 kg	—		L03	EUR/100 kg	—
	L04	EUR/100 kg	19,84		L04	EUR/100 kg	12,46
	075	EUR/100 kg	21,08		075	EUR/100 kg	24,83
0406 10 20 9830	400	EUR/100 kg	—		400	EUR/100 kg	—
	A01	EUR/100 kg	24,80	0406 30 39 9930	A01	EUR/100 kg	29,21
	L03	EUR/100 kg	—		L03	EUR/100 kg	—
	L04	EUR/100 kg	24,05		L04	EUR/100 kg	12,46
	075	EUR/100 kg	25,56		075	EUR/100 kg	24,83
0406 10 20 9850	400	EUR/100 kg	—		400	EUR/100 kg	—
	A01	EUR/100 kg	30,07	0406 30 39 9950	A01	EUR/100 kg	29,21
	A00	EUR/100 kg	—		L03	EUR/100 kg	—
	L03	EUR/100 kg	—		L04	EUR/100 kg	14,09
	L04	EUR/100 kg	44,35		075	EUR/100 kg	28,07
0406 10 20 9870	075	EUR/100 kg	47,12		400	EUR/100 kg	—
	400	EUR/100 kg	16,20	0406 30 90 9000	A01	EUR/100 kg	34,64
	A01	EUR/100 kg	55,44		L03	EUR/100 kg	—
	L03	EUR/100 kg	—		L04	EUR/100 kg	14,78
	L04	EUR/100 kg	58,54		075	EUR/100 kg	29,44
0406 20 90 9915	075	EUR/100 kg	62,20		400	EUR/100 kg	—
	400	EUR/100 kg	21,59	0406 40 50 9000	A01	EUR/100 kg	—
	A01	EUR/100 kg	73,18		L03	EUR/100 kg	—
	L03	EUR/100 kg	—		L04	EUR/100 kg	67,93
	L04	EUR/100 kg	62,21		075	EUR/100 kg	72,18
0406 20 90 9917	075	EUR/100 kg	66,10		400	EUR/100 kg	—
	400	EUR/100 kg	22,95	0406 40 90 9000	A01	EUR/100 kg	84,92
	A01	EUR/100 kg	77,76		L03	EUR/100 kg	—
	L03	EUR/100 kg	—		L04	EUR/100 kg	69,76
	L04	EUR/100 kg	—		075	EUR/100 kg	74,11
0406 20 90 9917	075	EUR/100 kg	—		400	EUR/100 kg	—
	400	EUR/100 kg	—	0406 90 13 9000	A01	EUR/100 kg	87,19
	A01	EUR/100 kg	—		L03	EUR/100 kg	—
	L03	EUR/100 kg	—		L04	EUR/100 kg	76,70
	L04	EUR/100 kg	—		075	EUR/100 kg	93,32
0406 20 90 9917	075	EUR/100 kg	—		400	EUR/100 kg	30,85
	400	EUR/100 kg	—		A01	EUR/100 kg	109,79
	A01	EUR/100 kg	—				
	L03	EUR/100 kg	—				
	L04	EUR/100 kg	—				

Product code	Destination	Unit of measurement	Amount of refund	Product code	Destination	Unit of measurement	Amount of refund
0406 90 15 9100	L03	EUR/100 kg	—	0406 90 63 9100	L03	EUR/100 kg	—
	L04	EUR/100 kg	79,26		L04	EUR/100 kg	84,09
	075	EUR/100 kg	96,43		075	EUR/100 kg	103,10
	400	EUR/100 kg	31,80		400	EUR/100 kg	32,75
	A01	EUR/100 kg	113,45		A01	EUR/100 kg	121,29
0406 90 17 9100	L03	EUR/100 kg	—	0406 90 63 9900	L03	EUR/100 kg	—
	L04	EUR/100 kg	79,26		L04	EUR/100 kg	80,84
	075	EUR/100 kg	96,43		075	EUR/100 kg	99,59
	400	EUR/100 kg	31,80		400	EUR/100 kg	25,05
	A01	EUR/100 kg	113,45		A01	EUR/100 kg	117,16
0406 90 21 9900	L03	EUR/100 kg	—	0406 90 69 9100	A00	EUR/100 kg	—
	L04	EUR/100 kg	77,67		L03	EUR/100 kg	—
	075	EUR/100 kg	94,27		L04	EUR/100 kg	80,84
	400	EUR/100 kg	22,81		075	EUR/100 kg	99,59
	A01	EUR/100 kg	110,90		400	EUR/100 kg	25,05
0406 90 23 9900	L03	EUR/100 kg	—	0406 90 73 9900	A01	EUR/100 kg	117,16
	L04	EUR/100 kg	68,21		L03	EUR/100 kg	—
	075	EUR/100 kg	83,34		L04	EUR/100 kg	70,41
	400	EUR/100 kg	—		075	EUR/100 kg	85,74
	A01	EUR/100 kg	98,05		400	EUR/100 kg	26,96
0406 90 25 9900	L03	EUR/100 kg	—	0406 90 75 9900	A01	EUR/100 kg	100,87
	L04	EUR/100 kg	67,75		L03	EUR/100 kg	—
	075	EUR/100 kg	82,44		L04	EUR/100 kg	70,88
	400	EUR/100 kg	—		075	EUR/100 kg	86,67
	A01	EUR/100 kg	96,99		400	EUR/100 kg	11,38
0406 90 27 9900	L03	EUR/100 kg	—	0406 90 76 9300	A01	EUR/100 kg	101,96
	L04	EUR/100 kg	61,37		L03	EUR/100 kg	—
	075	EUR/100 kg	74,66		L04	EUR/100 kg	63,92
	400	EUR/100 kg	—		075	EUR/100 kg	77,78
	A01	EUR/100 kg	87,84		400	EUR/100 kg	—
0406 90 31 9119	L03	EUR/100 kg	—	0406 90 76 9400	A01	EUR/100 kg	91,50
	L04	EUR/100 kg	56,40		L03	EUR/100 kg	—
	075	EUR/100 kg	68,73		L04	EUR/100 kg	71,59
	400	EUR/100 kg	13,08		075	EUR/100 kg	87,11
	A01	EUR/100 kg	80,86		400	EUR/100 kg	11,84
0406 90 33 9119	L03	EUR/100 kg	—	0406 90 76 9500	A01	EUR/100 kg	102,48
	L04	EUR/100 kg	56,40		L03	EUR/100 kg	—
	075	EUR/100 kg	68,73		L04	EUR/100 kg	68,11
	400	EUR/100 kg	13,08		075	EUR/100 kg	82,16
	A01	EUR/100 kg	80,86		400	EUR/100 kg	11,84
0406 90 33 9919	L03	EUR/100 kg	—	0406 90 78 9100	A01	EUR/100 kg	96,66
	L04	EUR/100 kg	51,54		L03	EUR/100 kg	—
	075	EUR/100 kg	63,04		L08	EUR/100 kg	66,05
	400	EUR/100 kg	—		075	EUR/100 kg	82,01
	A01	EUR/100 kg	74,16		092	EUR/100 kg	—
0406 90 33 9951	L03	EUR/100 kg	—	0406 90 78 9300	400	EUR/100 kg	—
	L04	EUR/100 kg	52,06		A01	EUR/100 kg	96,48
	075	EUR/100 kg	63,08		L03	EUR/100 kg	—
	400	EUR/100 kg	—		L08	EUR/100 kg	70,03
	A01	EUR/100 kg	74,21		075	EUR/100 kg	84,99
0406 90 35 9190	L03	EUR/100 kg	—	0406 90 78 9500	092	EUR/100 kg	—
	L04	EUR/100 kg	79,79		400	EUR/100 kg	—
	075	EUR/100 kg	97,50		A01	EUR/100 kg	99,99
	400	EUR/100 kg	31,46		L03	EUR/100 kg	—
	A01	EUR/100 kg	114,70		L08	EUR/100 kg	69,37
0406 90 35 9990	L03	EUR/100 kg	—		075	EUR/100 kg	83,69
	L04	EUR/100 kg	79,79		092	EUR/100 kg	—
	075	EUR/100 kg	97,50		400	EUR/100 kg	—
	400	EUR/100 kg	20,57		A01	EUR/100 kg	98,46
	A01	EUR/100 kg	114,70				
0406 90 37 9000	L03	EUR/100 kg	—				
	L04	EUR/100 kg	76,70				
	075	EUR/100 kg	93,32				
	400	EUR/100 kg	30,85				
	A01	EUR/100 kg	109,79				
0406 90 61 9000	L03	EUR/100 kg	—				
	L04	EUR/100 kg	84,53				
	075	EUR/100 kg	103,96				
	400	EUR/100 kg	29,28				
	A01	EUR/100 kg	122,31				

Product code	Destination	Unit of measurement	Amount of refund	Product code	Destination	Unit of measurement	Amount of refund	
0406 90 79 9900	L03	EUR/100 kg	—	0406 90 87 9400	L03	EUR/100 kg	—	
	L04	EUR/100 kg	56,63		L04	EUR/100 kg	62,17	
	075	EUR/100 kg	69,18		075	EUR/100 kg	77,25	
	400	EUR/100 kg	—		400	EUR/100 kg	17,64	
	A01	EUR/100 kg	81,39		A01	EUR/100 kg	90,88	
0406 90 81 9900	L03	EUR/100 kg	—	0406 90 87 9951	L03	EUR/100 kg	—	
	L04	EUR/100 kg	71,59		L04	EUR/100 kg	70,31	
	075	EUR/100 kg	87,11		075	EUR/100 kg	85,55	
	400	EUR/100 kg	24,37		400	EUR/100 kg	24,38	
	A01	EUR/100 kg	102,48		A01	EUR/100 kg	100,65	
0406 90 85 9930	L03	EUR/100 kg	—	0406 90 87 9971	L03	EUR/100 kg	—	
	L04	EUR/100 kg	77,32		L04	EUR/100 kg	70,31	
	075	EUR/100 kg	94,55		075	EUR/100 kg	85,55	
	400	EUR/100 kg	30,37		400	EUR/100 kg	19,78	
	A01	EUR/100 kg	111,24		A01	EUR/100 kg	100,65	
0406 90 85 9970	L03	EUR/100 kg	—	0406 90 87 9972	L03	EUR/100 kg	—	
	L04	EUR/100 kg	70,88		L04	EUR/100 kg	29,96	
	075	EUR/100 kg	86,67		075	EUR/100 kg	36,60	
	400	EUR/100 kg	26,57		400	EUR/100 kg	—	
	A01	EUR/100 kg	101,96		A01	EUR/100 kg	43,06	
0406 90 85 9999	A00	EUR/100 kg	—	0406 90 87 9973	L03	EUR/100 kg	—	
0406 90 86 9100	A00	EUR/100 kg	—		L04	EUR/100 kg	69,04	
0406 90 86 9200	L03	EUR/100 kg	—		075	EUR/100 kg	84,00	
	L04	EUR/100 kg	65,04		400	EUR/100 kg	13,88	
	075	EUR/100 kg	82,00		A01	EUR/100 kg	98,82	
0406 90 86 9300	400	EUR/100 kg	15,95	0406 90 87 9974	L03	EUR/100 kg	—	
	A01	EUR/100 kg	96,47		L04	EUR/100 kg	74,93	
	L03	EUR/100 kg	—		075	EUR/100 kg	90,77	
	L04	EUR/100 kg	65,98		400	EUR/100 kg	13,88	
	075	EUR/100 kg	82,86		A01	EUR/100 kg	106,79	
0406 90 86 9400	400	EUR/100 kg	17,48	0406 90 87 9975	L03	EUR/100 kg	—	
	A01	EUR/100 kg	97,48		L04	EUR/100 kg	76,42	
	L03	EUR/100 kg	—		075	EUR/100 kg	91,78	
	L04	EUR/100 kg	70,09		400	EUR/100 kg	18,40	
	075	EUR/100 kg	87,11		A01	EUR/100 kg	107,98	
0406 90 86 9900	400	EUR/100 kg	19,78	0406 90 87 9979	L03	EUR/100 kg	—	
	A01	EUR/100 kg	102,48		L04	EUR/100 kg	68,21	
	L03	EUR/100 kg	—		075	EUR/100 kg	83,34	
	L04	EUR/100 kg	77,32		400	EUR/100 kg	13,88	
	075	EUR/100 kg	94,55		A01	EUR/100 kg	98,05	
0406 90 87 9100	400	EUR/100 kg	23,16	0406 90 88 9100	A00	EUR/100 kg	—	
	A01	EUR/100 kg	111,24		0406 90 88 9300	L03	EUR/100 kg	—
	A00	EUR/100 kg	—			L04	EUR/100 kg	53,52
	L03	EUR/100 kg	—			075	EUR/100 kg	66,97
	L04	EUR/100 kg	54,21			400	EUR/100 kg	17,48
0406 90 87 9200	075	EUR/100 kg	68,31			A01	EUR/100 kg	78,79
	400	EUR/100 kg	14,26					
	A01	EUR/100 kg	80,37					
	L03	EUR/100 kg	—					
	L04	EUR/100 kg	60,58					
0406 90 87 9300	075	EUR/100 kg	76,10					
	400	EUR/100 kg	16,10					
	A01	EUR/100 kg	89,53					

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:

L03 Ceuta, Melilla, Iceland, Norway, Switzerland, Liechtenstein, Andorra, Gibraltar, Holy See (often referred to as Vatican City), Malta, Turkey, Estonia, Latvia, Lithuania, Poland, Czech Republic, Slovakia, Hungary, Romania, Bulgaria, Canada, Cyprus, Australia and New Zealand,

L04 Albania, Slovenia, Croatia, Bosnia and Herzegovina, Serbia and Montenegro and the Former Yugoslav Republic of Macedonia,

L05 all destinations except Poland, Estonia, Latvia, Lithuania, Hungary, the Czech Republic, Slovakia and the United States of America,

L06 all destinations except Estonia, Latvia, Lithuania, Hungary and the United States of America,

L07 all destinations except Estonia, Latvia, Lithuania, Hungary, the Czech Republic, Slovakia and the United States of America,

L08 Albania, Slovenia, Bosnia and Herzegovina, Serbia and Montenegro and the Former Yugoslav Republic of Macedonia,

'970' includes the exports referred to in Articles 36(1)(a) and (c) and 44(1)(a) and (b) of Commission Regulation (EC) No 800/1999 (OJ L 102, 17.4.1999, p. 11) and exports under contracts with armed forces stationed on the territory of a Member State which do not come under its flag.

**COMMISSION REGULATION (EC) No 1825/2003
of 16 October 2003**

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

For the tenth partial invitation to tender for white sugar issued pursuant to Regulation (EC) No 1290/2003 the maximum amount of the export refund to certain third countries is fixed at 52,722 EUR/100 kg.

Article 2

This Regulation shall enter into force on 17 October 2003.

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

Done at Brussels, 16 October 2003.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 178, 30.6.2001, p. 1.

⁽²⁾ OJ L 104, 20.4.2002, p. 26.

⁽³⁾ OJ L 181, 19.7.2003, p. 7.

COMMISSION REGULATION (EC) No 1826/2003**of 16 October 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 1774/2003 ⁽³⁾.
- (2) It follows from applying the detailed rules contained in Regulation (EC) No 1774/2003 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 1774/2003 are hereby altered to the amounts shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 17 October 2003.

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

Done at Brussels, 16 October 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 258, 10.10.2003, p. 7.

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	44,96 ⁽¹⁾
1701 11 90 9910	S00	EUR/100 kg	45,71 ⁽¹⁾
1701 12 90 9100	S00	EUR/100 kg	44,96 ⁽¹⁾
1701 12 90 9910	S00	EUR/100 kg	45,71 ⁽¹⁾
1701 91 00 9000	S00	EUR/1 % of sucrose × 100 kg product net	0,4888
1701 99 10 9100	S00	EUR/100 kg	48,88
1701 99 10 9910	S00	EUR/100 kg	49,69
1701 99 10 9950	S00	EUR/100 kg	49,69
1701 99 90 9100	S00	EUR/1 % of sucrose × 100 kg of net product	0,4888

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 1827/2003
of 16 October 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 33,767/100 kg.

Article 2

This Regulation shall enter into force on 17 October 2003.

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

Done at Brussels, 16 October 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 1828/2003
of 16 October 2003
correcting Regulation (EC) No 1816/2003 fixing the import duties in the rice sector

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organisation of the market in rice ⁽¹⁾, as last amended by Regulation (EC) No 411/2002 ⁽²⁾,

Having regard to Commission Regulation (EC) No 1503/96 of 29 July 1996 laying down detailed rules for the application of Council Regulation (EC) No 3072/95 as regards import duties in the rice sector ⁽³⁾, as last amended by Regulation (EC) No 1298/2002 ⁽⁴⁾, and in particular Article 4(1) thereof,

Whereas:

An error has been discovered in Annex I to Commission Regulation (EC) No 1816/2003 ⁽⁵⁾. The Regulation in question should therefore be corrected,

HAS ADOPTED THIS REGULATION:

Article 1

Annexes I and II to Regulation (EC) No 1816/2003 are hereby replaced by the Annexes to this Regulation.

Article 2

This Regulation shall enter into force on 17 October 2003.

It shall apply from 16 October 2003.

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

Done at Brussels, 16 October 2003.

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

⁽¹⁾ OJ L 329, 30.12.1995, p. 18.

⁽²⁾ OJ L 62, 5.3.2002, p. 27.

⁽³⁾ OJ L 189, 30.7.1996, p. 71.

⁽⁴⁾ OJ L 189, 18.7.2002, p. 8.

⁽⁵⁾ OJ L 265, 16.10.2003, p. 31.

ANNEX I

Import duties on rice and broken rice

(EUR/t)

CN code	Duties ⁽⁵⁾				
	Third countries (except ACP and Bangla- desh) ⁽⁷⁾	ACP ⁽¹⁾ ⁽²⁾ ⁽³⁾	Bangladesh ⁽⁴⁾	Basmati India and Pakistan ⁽⁶⁾	Egypt ⁽⁸⁾
1006 10 21	(7)	69,51	101,16		158,25
1006 10 23	(7)	69,51	101,16		158,25
1006 10 25	(7)	69,51	101,16		158,25
1006 10 27	(7)	69,51	101,16		158,25
1006 10 92	(7)	69,51	101,16		158,25
1006 10 94	(7)	69,51	101,16		158,25
1006 10 96	(7)	69,51	101,16		158,25
1006 10 98	(7)	69,51	101,16		158,25
1006 20 11	264,00	88,06	127,66		198,00
1006 20 13	264,00	88,06	127,66		198,00
1006 20 15	264,00	88,06	127,66		198,00
1006 20 17	264,00	88,06	127,66	14,00	198,00
1006 20 92	264,00	88,06	127,66		198,00
1006 20 94	264,00	88,06	127,66		198,00
1006 20 96	264,00	88,06	127,66		198,00
1006 20 98	264,00	86,06	127,66	14,00	198,00
1006 30 21	410,76	131,37	190,47		308,07
1006 30 23	410,76	131,37	190,47		308,07
1006 30 25	410,76	131,37	190,47		308,07
1006 30 27	(7)	133,21	193,09		312,00
1006 30 42	410,76	131,37	190,47		308,07
1006 30 44	410,76	133,21	190,47		308,07
1006 30 46	410,76	133,21	190,47		308,07
1006 30 48	(7)	133,21	193,09		312,00
1006 30 61	410,76	131,37	190,47		308,07
1006 30 63	410,76	131,37	190,47		308,07
1006 30 65	410,76	131,37	190,47		308,07
1006 30 67	(7)	133,21	193,09		312,00
1006 30 92	410,76	131,37	190,47		308,07
1006 30 94	410,76	131,37	190,47		308,07
1006 30 96	410,76	131,37	190,47		308,07
1006 30 98	(7)	133,21	193,09		312,00
1006 40 00	(7)	41,18	(7)		96,00

⁽¹⁾ The duty on imports of rice originating in the ACP States is applicable, under the arrangements laid down in Council Regulation (EC) No 2286/2002 (OJ L 345, 10.12.2002, p. 5) and amended Commission Regulation (EC) No 638/2003 (OJ L 93, 9.4.2003, p. 3).

⁽²⁾ In accordance with Regulation (EC) No 1706/98, the duties are not applied to products originating in the African, Caribbean and Pacific States and imported directly into the overseas department of Réunion.

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

⁽⁴⁾ The duty on imports of rice not including broken rice (CN code 1006 40 00), originating in Bangladesh is applicable under the arrangements laid down in Council Regulation (EEC) No 3491/90 (OJ L 337, 4.12.1990, p. 1) and amended Commission Regulation (EEC) No 862/91 (OJ L 88, 9.4.1991, p. 7).

⁽⁵⁾ No import duty applies to products originating in the OCT pursuant to Article 101(1) of amended Council Decision 91/482/EEC (OJ L 263, 19.9.1991, p. 1).

⁽⁶⁾ For husked rice of the Basmati variety originating in India and Pakistan, a reduction of EUR/t 250 applies (Article 4a of amended Regulation (EC) No 1503/96).

⁽⁷⁾ Duties fixed in the Common Customs Tariff.

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

ANNEX II

Calculation of import duties for rice

	Paddy	Indica rice		Japonica rice		Broken rice
		Husked	Milled	Husked	Milled	
1. Import duty (EUR/tonne)	(¹)	264,00	416,00	264,00	410,76	(¹)
2. Elements of calculation:						
(a) Arag cif price (EUR/tonne)	—	270,63	203,08	272,13	385,83	—
(b) fob price (EUR/tonne)	—	—	—	246,34	360,04	—
(c) Sea freight (EUR/tonne)	—	—	—	25,79	25,79	—
(d) Source	—	USDA and operators	USDA and operators	Operators	Operators	—

(¹) Duties fixed in the Common Customs Tariff.

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 22 September 2003

concerning the conclusion of an Agreement renewing the Agreement on cooperation in science and technology between the European Community and Ukraine

(2003/737/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular the second subparagraph of Article 170, in conjunction with the first sentence of the first subparagraph of Article 300(2), and the first subparagraph of Article 300(3) thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament ⁽¹⁾,

Whereas:

- (1) The Agreement on cooperation in science and technology between the European Community and Ukraine was signed in Copenhagen on 4 July 2002.
- (2) Article 12(b) of the Agreement provides that the Agreement is to be concluded for an initial period ending on 31 December 2002 and to be renewable by common agreement between the parties for additional periods of five years.
- (3) By letter dated 15 October 2002, the Ministry of Foreign Affairs of Ukraine requested the renewal of the above-mentioned Agreement for five more years. The Parties to the Agreement consider that rapid renewal of this Agreement would be in their mutual interest.
- (4) The material content of the renewed Agreement will be identical to the material content of the Agreement which recently expired.

- (5) The Agreement renewing the Agreement on cooperation in science and technology between the European Community and Ukraine should be approved on behalf of the Community,

HAS DECIDED AS FOLLOWS:

Article 1

The Agreement renewing the Agreement on cooperation in science and technology between the European Community and Ukraine for an additional period of five years is hereby approved on behalf of the Community.

The text of the Agreement is attached to this Decision.

Article 2

The President of the Council is hereby authorised to designate the person empowered to sign the Agreement in order to express the consent of the Community to be bound thereby.

Done at Brussels, 22 September 2003.

For the Council

The President

F. FRATTINI

⁽¹⁾ Opinion of the European Parliament of 1 July 2003 (not yet published in the Official Journal).

AGREEMENT**renewing the Agreement on Cooperation in Science and Technology between the European Community and Ukraine**

THE EUROPEAN COMMUNITY (hereinafter the Community),

of the one part,

and

UKRAINE,

of the other part,

hereinafter referred to as the 'Parties',

CONSIDERING the importance of science and technology for their economic and social development;

RECOGNISING that the Community and Ukraine are pursuing research and technological activities in a number of areas of common interest, and that participation in each other's research and development activities on a basis of reciprocity will provide mutual benefits;

HAVING REGARD to the Agreement on cooperation in science and technology between the European Community and Ukraine, which was signed in Copenhagen on 4 July 2002 and expired on 31 December 2002;

DESIRING to pursue their cooperation in science and technology in the formal framework established by the Agreement,

HAVE AGREED AS FOLLOWS:

Article 1

The Agreement on cooperation in science and technology between the European Community and Ukraine, which was signed in Copenhagen on 4 July 2002 and expired on 31 December 2002, is hereby renewed for an additional period of five years.

Article 2

This Agreement shall enter into force on the date on which the Parties have notified each other in writing that their respective internal procedures necessary for its entry into force have been completed.

Article 3

This Agreement shall be drawn up in duplicate in the Danish, Dutch, English, Finnish, French, German, Greek, Italian, Portuguese, Spanish, Swedish and Ukrainian languages, each of these texts being equally authentic.

Hecho en Yalta, el siete de octubre de dos mil tres.

Udfærdiget i Jalta, den syvende oktober to tusind og tre.

Geschehen zu Jalta am siebten Oktober zweitausendunddrei.

Έγινε στη Γιάλτα, στις εφτά Οκτωβρίου δύο χιλιάδες τρία.

Done at Yalta on the seventh day of October in the year two thousand and three.

Fait à Yalta, le sept octobre deux mille trois.

Fatto a Yalta, addì sette ottobre duemilatre.

Gedaan te Jalta, de zevende oktober tweeduizenddrie.

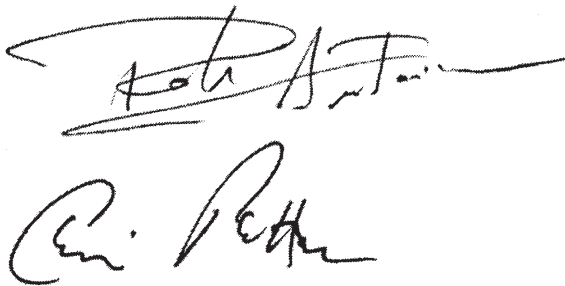
Feito em Ialta, em sete de Outubro de dois mil e três.

Tehty Jaltassa seitsemäntenä päivänä lokakuuta vuonna kaksituhattakolme.

Som skedde i Jalta den sjunde oktober tjugohundratre.

Вчинено в м. Ялта 7 жовтня 2003 року

Por la Comunidad Europea
For Det Europæiske Fællesskab
Für die Europäische Gemeinschaft
Για την Ευρωπαϊκή Κοινότητα
For the European Community
Pour la Communauté européenne
Per la Comunità europea
Voor de Europese Gemeenschap
Pela Comunidade Europeia
Euroopan yhteisön puolesta
På Europeiska gemenskapens vägnar
За Європейське Співтовариство



Por Ucraina
På Ukraines vegne
Für die Ukraine
Για την Ουκρανία
For Ukraine
Pour l'Ukraine
Per l'Ucraina
Voor Oekraïne
Pela Ucrânia
Ukrainan puolesta
För Ukraina
За Україну



COUNCIL DECISION

of 7 October 2003

on the adoption of amendments to be made to Articles 3 and 7 of the Monetary Convention between the Italian Republic, on behalf of the European Community, and the Vatican City State, represented by the Holy See, and authorising the Italian Republic to give effect to these amendments

(2003/738/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 111(3) thereof,

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

Having regard to the opinion of the European Central Bank ⁽²⁾,

Whereas:

- (1) Under a Monetary Convention signed on 29 December 2000 between the Italian Republic, on behalf of the European Community, and the Vatican City State, represented by the Holy See ⁽³⁾ (the Monetary Convention), the Vatican City State was entitled to use the euro as its official currency and to grant legal tender status to euro banknotes and coins.
- (2) Under the Monetary Convention, the Vatican City State was also entitled to issue euro coins for a maximum annual face value of EUR 670 000 and, for additional amounts of EUR 201 000, under three special circumstances, namely in the year when the Holy See becomes vacant, in each Jubilee Year and in the year of the opening of an Ecumenical Council.
- (3) An earlier Monetary Convention between the Vatican City State and the Italian Republic allowed the former to issue lira coins for a maximum annual face value of ITL 1 billion subject to a maximum annual number of 100 million coins ⁽⁴⁾.
- (4) The earlier Monetary Convention also allowed the Vatican City State to mint additional lira coins for a total of ITL 300 million and, subject to a maximum number of 30 million coins, under three special circumstances, namely, in the year when the Holy See becomes vacant, in each Jubilee Year and in the year of the opening of an Ecumenical Council.
- (5) The maximum number of coins which can be minted by the Vatican City State under the new Monetary Convention is lower than the maximum number of coins which was explicitly authorised by the earlier Monetary

Convention, both under normal and special circumstances. It is therefore desirable to increase the face value of euro coins which the Vatican City State may issue annually and in special circumstances. The total face value of coins issued by the Vatican City State annually forms part of the ceiling of coins issued by the Italian Republic which is submitted to the European Central Bank for prior approval under Article 106(2) of the Treaty.

- (6) On 3 January 2003, the Italian Republic officially requested ⁽⁵⁾ an increase in the maximum annual face value of euro coins the Vatican City State may issue under both normal and special circumstances. The new ceilings proposed by the Italian Republic fully correspond to the maximum numbers of coins which were explicitly authorised under the earlier Monetary Convention.
- (7) The Italian Republic should be authorised to give effect to the amendments to the Monetary Convention,

HAS DECIDED AS FOLLOWS:

Sole Article

1. The Monetary Convention shall be amended as follows:
 - (a) the first subparagraph of Article 3 shall be replaced by the following:
‘As from 1 January 2004, the Vatican City State may issue euro coins for a maximum annual face value of EUR 1 000 000’;
 - (b) Article 7 shall be replaced by the following:
‘Article 7

In the year when the Holy See becomes vacant, the Vatican City State may issue coins, in addition to the maximum amount laid down in Article 3, totalling EUR 300 000.

In each Jubilee Year, the Vatican City State may issue coins, in addition to the maximum amount laid down in Article 3, totalling EUR 300 000.

⁽¹⁾ Recommendation of 3 July 2003 (not published in the Official Journal).

⁽²⁾ OJ C 212, 6.9.2003, p. 10.

⁽³⁾ OJ C 299, 25.10.2001, p. 1.

⁽⁴⁾ Convenzione monetaria tra la Repubblica Italiana e lo Stato della Città del Vaticano il 3 dicembre 1991 — Aggiornamento alla GU 06/05/97. Monetary Convention between the Italian Republic and the Vatican City ratified by the Italian Republic under Law 119/1994. Published in Official Journal of the Italian Republic No 43 of 22 February 1994.

⁽⁵⁾ Letter from Mr Tremonti, Minister of Economy and Finance of the Italian Republic, to Mr Christodoulakis, President of the Council, of 3 January 2003.

In the year of the opening of an Ecumenical Council, the Vatican City State may issue coins, in addition to the maximum amount laid down in Article 3, totalling EUR 300 000.'

2. The Italian Republic is hereby authorised to make the necessary amendments to the Monetary Convention of behalf of the Community.

Done at Luxembourg, 7 October 2003.

For the Council

The President

G. TREMONTI

COMMISSION

COMMISSION DECISION

of 13 May 2003

on the aid scheme which Italy is planning to implement to promote employment in the Region of Sicily

(notified under document number C(2003) 1484)

(Only the Italian text is authentic)

(Text with EEA relevance)

(2003/739/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community, and in particular the first subparagraph of Article 88(2) thereof,

Having regard to the Agreement on the European Economic Area, and in particular Article 62(1)(a) thereof,

Having regard to Council Regulation (EC) No 659/1999 of 22 March 1999 laying down detailed rules for the application of Article 88 of the EC Treaty ⁽¹⁾,

Having called on interested parties to submit their comments pursuant to the provisions cited above ⁽²⁾,

Whereas:

(2) Since a suspensive clause made the scheme's entry into force explicitly subject to prior approval pursuant to Article 87 et seq. of the Treaty, the scheme was entered in the register of notified aid under number N 428/2000.

(3) Additional information was requested by Commission letters dated 31 August 2000 (D/54509), 30 March 2001 (D/51384), 28 May 2001 (D/52158), 16 November 2001 (D/54755) and 7 February 2002 (D/50529), to which the Italian authorities replied by letters Nos 1593 of 8 February 2001 (A/31192), 4129 of 27 March 2001 (A/33708), 10255 of 19 September 2001 (A/37368), 11847 of 3 October 2001 (A/37873), 1003 of 22 January 2002 (A/30514), 4873 of 18 April 2002 (A/32946) and 5439 of 29 April 2002 (A/33234).

(4) A meeting between the Italian authorities and the Commission was held in Brussels on 16 January 2002.

I. PROCEDURE

(1) By letter No 7666 of 26 June 2000 (A/35346 of 29 June 2000), the Italian authorities notified the Commission, pursuant to Article 88(3) of the Treaty, of the refinancing for the period 2000-2006 of employment aid scheme N 692/97, approved by the Commission on 25 February 1998 ⁽³⁾, and of changes to the scheme. Scheme N 692/97 had come to an end because the appropriation of some EUR 76,5 million approved by the Commission for the period 1997-1999 had been fully used up.

(5) By letter SG(2002) D/230509 of 4 July 2002, the Commission informed Italy that it had decided not to raise any objections to part A of the scheme, which provides aid for job creation not linked to investment, but to initiate the procedure laid down in Article 88(2) of the Treaty in respect of part B of the scheme, concerning aid for job creation linked to investment.

(6) The Commission decision to initiate the procedure was published in the *Official Journal of the European Communities* ⁽⁴⁾. The Commission invited interested parties to submit their comments on the aid.

⁽¹⁾ OJ L 83, 27.3.1999, p. 1.

⁽²⁾ OJ C 242, 8.10.2002, p. 2.

⁽³⁾ OJ C 130, 28.4.1998, p. 15.

⁽⁴⁾ See footnote 2.

(7) The Commission received no comments on the scheme from interested parties.

(8) Since Commission Regulation (EC) No 2204/2002 of 12 December 2002 on the application of Articles 87 and 88 of the EC Treaty to State aid for employment ⁽⁵⁾ entered into force on 3 January 2003, the Commission informed the Italian authorities by letter of 31 January 2003 (D/50666) that the aid scheme in question would be assessed in accordance with the provisions of that Regulation, pursuant to Article 11(2) thereof.

(9) The Commission accordingly granted the Italian authorities a one-month extension to allow them to submit any comments.

(10) The Commission received no such comments.

II. DESCRIPTION OF THE SCHEME

Objective

(11) The scheme is designed to create jobs in a region, Sicily, where the standard of living is abnormally low and there is serious underemployment.

Legal basis

(12) The aid scheme is based on the following statutory provisions adopted by the Region of Sicily:

- Regional Law No 30/1997,
- Article 9(3) of Regional Law No 24/2000 and Article 6 of Regional Law No 17/2001, which extend the scope of the scheme,
- Regional Law No 9/2000, which provides for the refinancing of Regional Law No 30/1997 for the year 2000,
- Article 18(1) of Regional Law No 32/2000, which provides refinancing for Regional Law No 30/1997 for the period 2001-2006.

Duration and budget

(13) The measure is to expire on 31 December 2006. Its total budget is approximately EUR 554 million.

Recipients

(14) Any company active in any sector, with the exception of the steel industry, which operates in Sicily and hires certain categories of worker on an open-ended basis is eligible.

Aim

(15) The measure is designed to promote job creation. It has two parts: part A concerning job creation not linked to investment and part B concerning job creation linked to investment.

Form and intensity of the aid

(16) Aid is granted in the form of a total exemption from social security contributions for a maximum period of six years with a view to promoting the recruitment on open-ended contracts of the following categories of worker:

- apprentices,
- unemployed persons requiring training,
- the long-term unemployed (out of work for more than 24 months),
- other categories of unemployed person,
- the disabled and rehabilitated drug addicts,
- workers on 'mobility list' redeployment schemes,
- workers who have been drawing on the *Cassa integrazione* (wages guarantee fund) for at least 24 months.

(17) The same type of aid is also available for:

- the conversion of fixed-term employment contracts into open-ended contracts,
- the conversion of fixed-term training and work experience contracts into open-ended contracts.

(18) Aid is granted subject to the following conditions:

- there must not be any job cuts over the 12 months preceding the recruitment,
- the recruitment must involve the creation of new jobs in relation to the size of the company's workforce during the six months preceding the recruitment. Where training and work experience contracts and other fixed-term contracts are converted into open-ended contracts, the workers concerned must not be counted in the company's workforce if the conversion relates to the same workers.

⁽⁵⁾ OJ L 337, 13.12.2002, p. 3.

- (19) The Italian authorities have estimated the average level of aid at 45 % of the worker's gross wages.

III. DOUBTS RAISED BY THE COMMISSION WHEN IT DECIDED TO INITIATE THE PROCEDURE LAID DOWN IN ARTICLE 88(2) OF THE TREATY

- (20) In the decision to initiate the procedure laid down in Article 88(2), the Commission assessed part B of the scheme, which provides aid for net job creation linked to investment, in the light of the guidelines on national regional aid ⁽⁶⁾, the criteria laid down by Commission Regulation (EC) No 70/2001 of 12 January 2001 on the application of Articles 87 and 88 of the EC Treaty to State aid to small and medium-sized enterprises ⁽⁷⁾, the Community guidelines for State aid in the agriculture sector ⁽⁸⁾ and the Community guidelines for the examination of State aid to fisheries and aquaculture ⁽⁹⁾.

- (21) The doubts raised by the Commission when it decided to initiate the procedure laid down in Article 88(2) of the Treaty focused on:

- (a) the initial nature of the investment to which the jobs created are linked. The Commission doubted whether the aid for job creation provided for in the scheme was concerned solely with jobs linked to the implementation of an initial investment project within the meaning of points 4.11 to 4.14 of the guidelines on national regional aid and Article 2(c) of Regulation (EC) No 70/2001;
- (b) the intensity of the scheme: the Commission also doubted whether the aid intensity of the scheme, which could be calculated in relation to wage costs as defined in point 4.13 of the guidelines on national regional aid, complied with the regional ceilings for Sicily laid down in the Italian regional aid map for 2000-2006 (35 % nge + 15 % gge for SMEs);
- (c) compliance with the rules on the cumulation of aid laid down in points 4.18 to 4.21 of the guidelines on national regional aid and Article 8 of Regulation (EC) No 70/2001;
- (d) observance of the principle of necessity for the aid within the meaning of point 4.2 of the guidelines on national regional aid and Article 7 of Regulation (EC) No 70/2001;

- (e) compliance with the principle that, with a view to ensuring that the productive investment aided is viable and sound, the recipient's contribution to its financing is at least 25 %, as required by point 4.2 of the guidelines on national regional aid and Article 4(3) of Regulation (EC) No 70/2001;

- (f) in the case of agriculture, fisheries and aquaculture, compliance with points 4.1 and 4.2 of the Community guidelines for State aid in the agriculture sector or the corresponding provisions of the Community guidelines for the examination of State aid to fisheries and aquaculture.

- (22) No comments were received either from the Italian authorities or from interested parties on the doubts raised by the Commission.

IV. ASSESSMENT

Do the measures constitute aid?

- (23) In order to assess whether the measures provided for in the scheme constitute State aid within the meaning of Article 87(1) of the Treaty, it has to be determined whether they confer an advantage on the recipients, whether that advantage derives from State resources, whether they affect competition, and whether they are liable to affect trade between Member States.
- (24) The first requirement for the applicability of Article 87(1) of the Treaty is that the measure must confer an advantage on certain specific undertakings. It has to be determined whether the recipients receive an economic advantage they would not have received under normal market conditions, or whether they avoid costs which they would normally have had to bear out of their own financial resources, and whether this advantage is conferred on a specific category of undertaking. By allowing firms located in one region of the country, namely Sicily, to receive aid for promoting employment in the form of exemptions from social security contributions, the Italian authorities thus take over part of the firms' labour costs, which are normal expenditure incurred in their own interest, and confer a financial advantage that improves their competitive position. In addition, these measures favour firms operating in specific areas of Italy, because they are not available to firms outside those areas.
- (25) The second requirement for the applicability of Article 87 is that the aid must be granted by the State or out of State resources. In the present case the use of State resources takes the form of revenue forgone by the public authorities: the exemption of certain firms from the payment of social security contributions reduces the tax revenue accruing to the State.

⁽⁶⁾ OJ C 74, 10.3.1998, p. 9.

⁽⁷⁾ OJ L 10, 13.1.2001, p. 33.

⁽⁸⁾ OJ C 28, 1.2.2000, p. 2.

⁽⁹⁾ OJ C 19, 20.1.2001, p. 7.

(26) The third and fourth conditions for the applicability of Article 87(1) of the Treaty require that the aid distort or threaten to distort competition, and that it be liable to affect trade between Member States. The measures at issue here threaten to distort competition by strengthening the financial position and freedom of action of the recipient firms as compared with competitors who do not qualify. If that effect makes itself felt in intra-Community trade, then trade between Member States is affected. In particular, such measures distort competition and affect trade between Member States if the recipient firms export part of their output to other Member States, and if they do not themselves export, domestic output is nevertheless favoured, because firms in other Member States have less opportunity to export their products to the Italian market ⁽¹⁰⁾.

(27) The measures at issue are therefore in principle banned by Article 87(1), and can be considered to be compatible with the common market only if they qualify for one of the exemptions laid down in the Treaty.

Lawfulness of the scheme

(28) In the light of the information provided by the Italian authorities (see points 1 and 2) showing that the scheme has not yet entered into force, the Commission finds that the Italian authorities have complied with the obligation to notify laid down in Article 88(3) of the Treaty.

Compatibility of the measures with the common market

(29) After determining that the measures under examination constitute State aid according to Article 87(1) of the Treaty, the Commission has to consider whether they can be declared compatible with the common market under Article 87(2) and (3).

(30) The Commission takes the view that the aid does not qualify for the exemptions in Article 87(2): it is not aid having a social character of the kind referred to in Article 87(2)(a), nor is it aid intended to make good the damage caused by natural disasters or exceptional occurrences of the kind referred to in Article 87(2)(b), nor

does it satisfy the tests of Article 87(2)(c). For obvious reasons the exemptions in Article 87(3)(b) and (d) are not applicable either.

(31) As the aid is aid for job creation, the Commission has to consider whether it qualifies for the regional exemptions in Article 87(3)(a) and (c).

Eligibility of the region

(32) On 1 March 2000 the Commission approved the Italian regional aid map for the period 2000-2006, delimiting the regions qualifying for exemption under Article 87(3)(a) of the Treaty ⁽¹¹⁾. In accordance with that map, Sicily is a region eligible for aid under the exemption.

Assessment of the scheme in the light of the guidelines on national regional aid and the criteria laid down by Regulation (EC) No 70/2001

(33) Since no comments were received from the Italian authorities in the course of the procedure laid down by Article 88(2) of the Treaty, the Commission finds that the formal investigation has not brought to light any circumstances capable of dispelling its doubts:

(a) there is no evidence enabling it to conclude with certainty that the aid for job creation provided for in the scheme is concerned solely with jobs linked to the implementation of an initial investment project within the meaning of points 4.11 to 4.14 of the guidelines on national regional aid and Article 2(c) of Regulation (EC) No 70/2001;

(b) there is no evidence enabling it to conclude with certainty that the aid intensity of the scheme, which can be calculated in relation to wage costs as defined in point 4.13 of the guidelines on national regional aid, complies with the regional ceilings for Sicily laid down in the Italian regional aid map for 2000-2006 (35 % nge + 15 % gge for SMEs). The scheme's gross aid intensity, expressed as a percentage of the wage costs for jobs created over a two-year period, amounts to 135 % of wage costs ⁽¹²⁾;

⁽¹¹⁾ OJ C 175, 24.6.2000, p. 12.

⁽¹²⁾ The Italian authorities have stated that social security contributions represent 45 % of a worker's gross wages. Since the scheme provides for a total exemption from social security contributions for a maximum period of six years, the gross intensity of the scheme is 135 %.

⁽¹⁰⁾ Judgement of the Court of Justice of the European Communities dated 13 July 1988 in Case 102/87 [1988] ECR 4067, paragraph 19.

- (c) there is no evidence enabling it to conclude with certainty that the rules on the cumulation of aid laid down in points 4.18 to 4.21 of the guidelines on national regional aid and Article 8 of Regulation (EC) No 70/2001 are observed;
- (d) there is no evidence enabling it to conclude with certainty that the principle of necessity for the aid within the meaning of point 4.2 of the guidelines on national regional aid and Article 7 of Regulation (EC) No 70/2001 is complied with;
- (e) there is no evidence enabling it to conclude with certainty that, with a view to ensuring that the productive investment aided is viable and sound, the recipient's contribution to its financing is at least 25 %, as required by point 4.2 of the guidelines on national regional aid and Article 4(3) of Regulation (EC) No 70/2001;
- (f) lastly, there is no evidence enabling it to conclude with certainty that the investment aid is compatible, in the case of agriculture, with points 4.1 and 4.2 of the Community guidelines for State aid in the agriculture sector or, in the case of fisheries and aquaculture, the corresponding provisions of the Community guidelines for the examination of State aid to fisheries and aquaculture.

Assessment of the scheme in the light of Regulation (EC) No 2204/2002

- (34) Regulation (EC) No 2204/2002 entered into force on 3 January 2003. Pursuant to Article 11(2) thereof, notifications pending at the time of entry into force of the Regulation are to be assessed in accordance with its provisions.
- (35) By letter dated 31 January 2003 (D/50666), the Commission informed the Italian authorities that the aid scheme in question would be assessed in accordance with the provisions of Regulation (EC) No 2204/2002, pursuant to Article 11(2) thereof. It accordingly granted the Italian authorities a one-month extension to allow them to submit any comments. No such comments were received from the Italian authorities.
- (36) The scheme in question provides for aid to be granted for job creation linked to the implementation of an investment project within the meaning of Article 2(j) of Regulation (EC) No 2204/2002 ⁽¹³⁾.
- (37) According to the information provided by the Italian authorities when they notified the scheme, the scheme's gross aid intensity, expressed as a percentage of the wage costs for jobs created over a two-year period, amounts to 135 % of wage costs ⁽¹⁴⁾.
- (38) The Commission notes that in cases where jobs are created for workers who have not been previously employed or have lost or were about to lose their previous job (apprentices, the long-term unemployed, unemployed persons requiring training, other categories of unemployed person, workers on 'mobility list' redeployment schemes and workers who have been drawing on the *Cassa integrazione* (wages guarantee fund) for at least 24 months ⁽¹⁵⁾), the scheme's aid intensity does not comply with the ceiling for regional investment aid in Sicily laid down in the Italian regional aid map for 2000-2006 (35 % nge + 15 % gge for SMEs), as required by Article 4(3) of Regulation (EC) No 2204/2002.
- (39) Since that intensity does not comply with the regional ceiling referred to in Article 4(3) of Regulation (EC) No 2204/2002, it is still less in line with the maximum intensity allowed in cases where aid for job creation under Article 4(3) is cumulated with aid for the recruitment of disadvantaged or disabled workers under Articles 5 and 6 of the Regulation. The aid intensity provided for by the scheme for job creation for the long-term unemployed, the disabled and rehabilitated drug addicts does not comply with Article 8(3) of Regulation (EC) No 2204/2002.
- (40) As regards the aid for the conversion of fixed-term employment contracts and fixed-term training and work experience contracts into open-ended contracts, since the Italian authorities have not provided any information in the course of the procedure initiated under Article 88(2) of the Treaty, the Commission is unable to find that the amount of such aid, whether granted for job creation or for conversion of the contract, does not exceed the corresponding ceiling for regional aid in Sicily according to the Italian regional aid map for 2000-2006.

⁽¹³⁾ In accordance with Article 2(j), a job is 'linked to the carrying-out of a project of investment' if it concerns the activity to which the investment relates and if it is created within three years of the investment's completion. During this period, the jobs created following an increase in the utilisation rate of the capacity created by the investment are also linked to the investment.

⁽¹⁴⁾ See footnote 12.

⁽¹⁵⁾ As regards workers who have been drawing on the *Cassa integrazione* for at least 24 months, the Commission notes that their situation is in all respects comparable to that of unemployed workers proper. Since the *Cassa integrazione* is involved above all in restructuring processes that require job cuts, it is highly likely that workers who have been drawing on the fund for 24 months already will be the first to lose their job. A worker who is in a situation of quasi-unemployment through having drawn on the *Cassa integrazione* for more than 24 months should therefore be regarded as effectively unemployed.

- (41) Since the Italian authorities have not provided any information in the course of the procedure initiated under Article 88(2) of the Treaty, the Commission is unable to find that the rules on the cumulation of aid laid down in Article 8 of Regulation No 2204/2002 are complied with.
- (42) Neither can the Commission find that the principle of necessity for the aid as laid down in Article 7 of Regulation (EC) No 2204/2002 is respected, nor that the recipient contributes at least 25 % to the cost of the investment project as required by Article 4(3) of Regulation (EC) No 2204/2002.
- (43) Nor can the Commission find that the investments to which the jobs are linked constitute investments in tangible assets as defined in Article 2(k) of Regulation (EC) No 2204/2002.

V. CONCLUSIONS

- (44) In the light of the assessment set out in recitals 29 to 43 of this Decision, the Commission finds that the aid scheme to promote employment in the Region of Sicily is incompatible with the common market,

HAS ADOPTED THIS DECISION:

Article 1

The aid scheme to promote employment, which Italy plans to implement, is incompatible with the common market.

The scheme may accordingly not be implemented.

Article 2

Italy shall inform the Commission, within two months of notification of this Decision, of the measures taken to comply with it.

Article 3

This Decision is addressed to the Italian Republic.

Done at Brussels, 13 May 2003.

For the Commission

Mario MONTI

Member of the Commission
