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I

(Acts whose publication is obligatory)

**COUNCIL REGULATION (EC) No 2168/2003
of 12 December 2003
repealing Regulation (EC) No 1031/2002 establishing additional customs duties on imports of
certain products originating in the United States of America**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to Council Regulation (EC) No 1031/2002 of 13 June 2002 establishing additional customs duties on imports of certain products originating in the United States of America ⁽¹⁾, and in particular Article 5 thereof,

Having regard to the proposal from the Commission,

Whereas:

- (1) The safeguard action imposed by the United States of America on imports of certain steel products in Proclamation No 7529 'To Facilitate Positive Adjustment to Competition from Imports of Certain Steel Products' of 5 March 2002, as published in the United States Federal Register, Volume 67, No 45, 7 March 2002, p. 10533, and all acts based thereon, was repealed on 4 December 2003. The repeal took effect on 5 December 2003.

- (2) The condition for the repeal of Regulation (EC) No 1031/2002 set out in Article 5 thereof is therefore met,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 1031/2002 is hereby repealed as from 6 December 2003.

Article 2

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

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

Done at Brussels, 12 December 2003.

For the Council

The President

F. FRATTINI

⁽¹⁾ OJ L 157, 15.6.2002, p. 8.

**COMMISSION REGULATION (EC) No 2169/2003
of 12 December 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 13 December 2003.

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

Done at Brussels, 12 December 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 12 December 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	77,5
	204	59,5
	212	114,0
	624	160,7
	999	102,9
0707 00 05	052	131,4
	999	131,4
0709 90 70	052	110,7
	204	107,5
	999	109,1
0805 10 10, 0805 10 30, 0805 10 50	052	39,3
	204	40,9
	388	47,0
	999	42,4
0805 20 10	052	62,0
	204	60,2
	999	61,1
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	052	75,9
	464	122,4
	999	99,2
0805 50 10	052	58,1
	388	77,8
	400	41,8
	600	73,5
	999	62,8
0808 10 20, 0808 10 50, 0808 10 90	052	50,2
	060	39,8
	064	51,0
	400	77,9
	404	90,7
	720	82,6
	999	65,4
0808 20 50	052	90,0
	060	62,2
	064	59,8
	400	96,9
	528	218,0
	720	129,9
	999	109,5

⁽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 2170/2003
of 12 December 2003**

correcting Regulation (EC) No 701/2003 laying down detailed rules for the application of Council Regulation (EC) No 2286/2002 as regards the arrangements applicable to imports of certain poultrymeat and egg products originating in the African, Caribbean and Pacific States (ACP States)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2771/75 of 29 October 1975 on the common organisation of the market in eggs ⁽¹⁾, and in particular Article 3 thereof,

Having regard to Council Regulation (EEC) No 2777/75 of 29 October 1975 on the common organisation of the market in poultrymeat ⁽²⁾, and in particular Article 3 thereof,

Having regard to Council Regulation (EC) No 2286/2002 of 10 December 2002 on the arrangements applicable to agricultural products and goods resulting from the processing of agricultural goods originating in the African, Caribbean and Pacific States (ACP States) and repealing Regulation (EC) No 1706/98 ⁽³⁾, and in particular Article 5 thereof,

Whereas:

- (1) A mistake has been found in Article 2 of and Annex I to Commission Regulation (EC) No 701/2003 ⁽⁴⁾ and, where the French and Greek versions are concerned, in the second paragraph of Article 1. The necessary corrections must therefore be made.
- (2) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Poultrymeat and Eggs,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 701/2003 is hereby corrected as follows:

1. in Article 2, the introductory sentence is replaced by the following:
‘The annual tariff quota referred to in Annex I shall be staggered as follows:’;
2. Annex I to that Regulation is replaced by the Annex to this Regulation.

Article 2

Concerns only the French version.

Article 3

Concerns only the Greek version.

Article 4

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

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

Done at Brussels, 12 December 2003.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 282, 1.11.1975, p. 49. Regulation as last amended by Regulation (EC) No 806/2003 (OJ L 122, 16.5.2003, p. 1).

⁽²⁾ OJ L 282, 1.11.1975, p. 77. Regulation as last amended by Regulation (EC) No 806/2003.

⁽³⁾ OJ L 348, 21.12.2002, p. 5.

⁽⁴⁾ OJ L 99, 17.4.2003, p. 32.

ANNEX

'ANNEX I

Products referred to in Article 1(3) of and Annex II to Regulation (EC) No 2286/2002 qualifying for a reduction in customs duty under a quota

Order No	Quota No	CN code	Reduction in customs duty (%)	Annual quantity (tonnes)
09.4024	Q3	0207	65	400
09.4025	Q4	1602 31 1602 32 1602 39	65	500'

**COMMISSION REGULATION (EC) No 2171/2003
of 12 December 2003**

amending Regulation (EC) No 2879/2000 laying down detailed rules for applying Council Regulation (EC) No 2702/1999 on measures to provide information on, and to promote, agricultural products in third countries

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2702/1999 of 14 December 1999 on measures to provide information on, and to promote, agricultural products in third countries ⁽¹⁾, and in particular Article 11 thereof,

Whereas:

(1) Article 7(1) of Commission Regulation (EC) No 2879/2000 ⁽²⁾ does not lay down any annual time limits for the submission of programmes to the Member States by trade or intertrade organisations in the Community.

(2) To meet the requests made by some Member States and take advantage of the opportunity to bring Regulation (EC) No 2879/2000 into line with Commission Regulation (EC) No 94/2002 of 18 January 2002 laying down detailed rules for applying Council Regulation (EC) No 2826/2000 on information and promotion actions for agricultural products on the internal market ⁽³⁾, final dates for the submission of new programmes of measures to the Member States should be laid down for those organisations and the conditions for the lodging of the performance security should be standardised.

(3) To comply with the principle of equal treatment of operators, the amendment relating to the security should apply from 1 October 2003.

(4) In the interests of legal certainty, it should be specified that the proposed programmes must comply, in particular, with all the Community legislation covering the products concerned and their marketing.

(5) Regulation (EC) No 2879/2000 should be amended accordingly.

(6) The measures provided for in this Regulation are in accordance with the opinion of the Joint Meeting of Management Committees — Promotion of Agricultural Products,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 2879/2000 is hereby amended as follows:

1. Article 7(1) is replaced by the following:

‘1. With a view to the implementation of measures contained in programmes as referred to in Article 7 of Regulation (EC) No 2702/1999, the trade or intertrade organisations in the Community that are representative of the sector(s) concerned shall submit each year, by 30 April and 31 October, programmes in response to calls for proposals issued by the Member States concerned. Such programmes shall comply with the Community legislation covering the products concerned and their marketing and the specifications stipulating exclusion, selection and award criteria distributed to that end by the Member States concerned.’

2. The first subparagraph of Article 11(3) is replaced by the following:

‘Contracts may not be concluded by the two parties until a performance security equal to 15 % of the maximum annual financial contribution from the Community and the Member State(s) concerned has been lodged in order to ensure satisfactory performance of the contract. Performance securities shall be lodged in accordance with Title III of Regulation (EEC) No 2220/85.’

Article 2

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

Article 1(2) shall apply from 1 October 2003.

⁽¹⁾ OJ L 327, 21.12.1999, p. 7.

⁽²⁾ OJ L 333, 29.12.2000, p. 63. Regulation as last amended by Regulation (EC) No 409/2003 (OJ L 62, 6.3.2003, p. 14).

⁽³⁾ OJ L 17, 19.1.2002, p. 20. Regulation as last amended by Regulation (EC) No 497/2003 (OJ L 74, 20.3.2003, p. 4).

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

Done at Brussels, 12 December 2003.

For the Commission

Franz FISCHLER

Member of the Commission

**COMMISSION REGULATION (EC) No 2172/2003
of 12 December 2003**

amending and correcting Regulation (EC) No 2273/2002 laying down detailed rules for the application of Council Regulation (EC) No 1254/1999 as regards the survey of prices of certain bovine animals on representative Community markets

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1254/1999 of 17 May 1999 on the common organisation of the market in beef and veal ⁽¹⁾, and in particular Article 41 thereof,

Whereas:

- (1) Commission Regulation (EC) No 2273/2002 ⁽²⁾ lays down provisions on the recording of prices on the representative markets of the Member States for various categories of bovine animals. Detailed rules on the information to be provided for the price survey for each of these categories are provided in the Annexes to that Regulation.
- (2) On the request of the Member States concerned, Annexes I, II and III to Regulation (EC) No 2273/2002 should be partly revised in the light of how marketing and the size of the cattle population in the Member States develop.
- (3) In the light of experience, it would moreover appear that Annex II to Regulation (EC) No 2273/2002 contains an error.
- (4) Regulation (EC) No 2273/2002 should therefore be amended and corrected accordingly.
- (5) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Beef and Veal,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 2273/2002 is amended as follows:

1. in Annex I, part G, point 2 is replaced by the following:

'2. Qualities and coefficients

Qualities	Weighting coefficients
Nuchtere stierkalveren voor de mesterij, 1e kwaliteit	
— Zwartbont	60
— Roodbont	25
— Vleesras	15'

2. in Annex I, part H, point 2 is replaced by the following:

'2. Qualities and coefficients

Qualities	Weighting coefficients
Rearing calves	
— from dairy bulls	56
— from beef bulls	44'

3. In Annex II, part F, point 2 is replaced by the following:

'2. Qualities and coefficients

Qualities	Weighting coefficients
— dairy yearling steers	10
— beef yearling steers	90'

4. in Annex III, part B, point 2 is replaced by the following:

'2. Qualities

Veaux blancs, moyenne des types commerciaux "extra", "blanc bleu", "pie rouge" et "pie noire".

Article 2

In Annex II, part C, to Regulation (EC) No 2273/2002, point 2 is corrected as follows:

'2. Qualities and coefficients

Qualities	Weighting coefficients
Race charolaise de conformation U	35
Race charolaise de conformation R	35
Race limousine de conformation U	30'

Article 3

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

It shall apply to the communications referred to in Articles 1(3), 2(3) and 3(3) of Regulation (EC) No 2273/2002 transmitted as of 8 January 2004.

Article 2 shall apply from 1 January 2003.

⁽¹⁾ OJ L 160, 26.6.1999, p. 21. Regulation as last amended by Regulation (EC) No 1782/2003 (OJ L 270, 21.10.2003, p. 1).

⁽²⁾ OJ L 347, 20.12.2002, p. 15.

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

Done at Brussels, 12 December 2003.

For the Commission

Franz FISCHLER

Member of the Commission

COMMISSION REGULATION (EC) No 2173/2003
of 12 December 2003
amending Regulation (EC) No 1799/2001 laying down the marketing standard for citrus fruit

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2200/96 of 28 October 1996 on the common organisation of the market in fruit and vegetables ⁽¹⁾, and in particular Article 2(2) thereof,

Whereas:

- (1) Commission Regulation (EC) No 1799/2001 ⁽²⁾, lays down, among others, provisions concerning maturity of oranges.
- (2) The Working Party on Standardisation of Perishable Produce and Quality Development of the United Nations Economic Commission for Europe (UN/ECE) decided to recommend, within UN/ECE standard FFV-14 concerning marketing and commercial quality control of citrus fruit, new provisions concerning maturity of oranges for fruit showing more than one fifth of the total surface of green colour and that are produced in climatic areas such that fruit can be mature even when still of green colour.
- (3) UN/ECE standard FFV-14 does not include any provision with regard to degreening procedures authorised by Member States, procedures that are covered by the provisions of Council Directive 91/414/EEC of 15 July

1991 concerning the placing of plant-protection products on the market ⁽³⁾. In addition, no rule for uniformity in size is laid down for mandarins of a size over size 1. It is therefore necessary to amend the table laying down the maximum difference in diameter between the largest and the smallest fruit in the package.

- (4) Regulation (EC) No 1799/2001 shall be amended accordingly.
- (5) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Fresh Fruit and Vegetables,

HAS ADOPTED THIS REGULATION:

Article 1

The Annex to Regulation (EC) No 1799/2001 is amended according to the Annex to this Regulation.

Article 2

This Regulation shall enter into force on the 20th 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, 12 December 2003.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 297, 21.11.1996, p. 1; Regulation as last amended by Commission Regulation (EC) No 47/2003 (OJ L 7, 11.1.2003, p. 64).

⁽²⁾ OJ L 244, 14.9.2001, p. 12; Regulation as last amended by Regulation (EC) No 46/2003 (OJ L 7, 11.1.2003, p. 61).

⁽³⁾ OJ L 230, 19.8.1991, p. 1; Directive as last amended by Regulation (EC) No 806/2003 (OJ L 122, 16.5.2003, p. 1).

ANNEX

The Annex to Regulation (EC) No 1799/2001 is amended as follows:

1. Title 1 (Provisions concerning quality) is amended as follows:

(a) in item A (Minimum requirements), the fourth subparagraph is replaced by the following text:

‘Citrus fruit meeting the ripeness requirements of this Annex may be “degreened”. This treatment is permitted only if the other natural organoleptic characteristics are not modified.’;

(b) in item B (Maturity requirements), item (iii) (Oranges) is replaced by the following text:

‘(iii) Oranges

Colouring must be typical of the variety. Fruits with light green colour are allowed, provided it does not exceed one fifth of the total surface of the fruit. Fruits must show the following minimum juice content:

— blood oranges:	30 %
— navels group:	33 %
— other varieties:	35 %

However, oranges produced in areas with high air temperatures and high relative humidity conditions during the developing period can be of a green colour exceeding one fifth of the total surface area, provided they satisfy the following minimum juice content:

— varieties Mosambi, Sathgudi and Pacitan:	33 %
— other varieties:	45 %

2. in title III (Provisions concerning sizing), item C (Uniformity), item (i), the lines of the table concerning mandarins are replaced by the following lines:

‘Mandarins	1-XXX-4	9
	5-6	8
	7-10	7’

COMMISSION REGULATION (EC) No 2174/2003
of 12 December 2003
amending Regulation (EC) No 466/2001 as regards aflatoxins
(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 315/93 of 8 February 1993 laying down Community procedures for contaminants in food ⁽¹⁾, and in particular Article 2(3) thereof,

Whereas:

(1) Commission Regulation (EC) No 466/2001 of 8 March 2001 setting maximum levels for certain contaminants in foodstuffs ⁽²⁾, as last amended by Regulation (EC) No 1425/2003 ⁽³⁾, establishes maximum levels for aflatoxin B1 and aflatoxin total in certain foodstuffs.

(2) Regulation (EC) No 466/2001 provides that in so far as no specific level was fixed for maize to be subjected to sorting, or other physical treatment, before human consumption or use as an ingredient in foodstuffs before 1 July 2003, the levels established for cereals intended for direct consumption would apply thereafter. The reason for this was that, in the case of maize, it cannot be excluded that sorting methods or other physical treatments reduce the level of contamination of aflatoxins but the real effectiveness of these methods remains to be demonstrated. It was also provided that, in the absence of data justifying the fixing of a specific maximum level for unprocessed cereals, the levels of 2 µg/kg aflatoxin B1 and 4 µg/kg aflatoxin total were to apply.

(3) In that connection, data with regard to maize have been submitted. On the basis of the submitted data, it is evident that through the various sorting and physical treatments the aflatoxin content of unprocessed maize can be significantly reduced after cleaning in the final consumer product (flaking grits, other grits). The aflatoxin contamination was mainly concentrated in the screenings (waste) and in maize germ, bran meal and broken maize (products for animal feed). While it is not possible to assess precisely quantitatively and with certainty to what extent this reduction can be achieved, it is evident from the data available that the different cleaning and processing steps are sufficiently effective in removing aflatoxins from maize products destined for

human consumption whereby raw maize containing levels of aflatoxin B1 of 5 µg/kg and aflatoxin total of 10 µg/kg will result in maize products destined for human consumption complying with the maximum levels of aflatoxin B1 of 2 µg/kg and aflatoxin total of 4 µg/kg, providing a high level consumer protection.

(4) It appears that some food control enforcers and analysts, when reporting the analytical result, use the same number of significant figures in which the maximum level in legislation is expressed.

(5) Regulation (EC) No 466/2001 should therefore be amended accordingly.

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 466/2001 is amended as follows:

1. In Article 4, paragraph 3 is replaced by the following:

‘3. Groundnuts, nuts and dried fruit not complying with the maximum levels of aflatoxins laid down in point 2.1.1.1 of Annex I and maize not complying with the maximum levels laid down in point 2.1.2.1 of that Annex can be placed on the market provided that these products:

- (a) are not intended for direct human consumption or used as an ingredient in foodstuffs;
- (b) comply with the maximum levels laid down in point 2.1.1.2 of Annex I for groundnuts, in point 2.1.1.3 of Annex I for nuts and dried fruit and in point 2.1.2.3 of Annex I for maize;
- (c) are subjected to a secondary treatment involving sorting or other physical treatment and that after this treatment the maximum limits laid down in points 2.1.1.1 and 2.1.2.1 of Annex I are not exceeded, and this treatment does not result in other harmful residues;

⁽¹⁾ OJ L 37, 13.2.1993, p. 1.

⁽²⁾ OJ L 77, 16.3.2001, p. 1.

⁽³⁾ OJ L 203, 12.8.2003, p. 1.

(d) are labelled clearly showing their destination, and bearing the indication “product must be subjected to sorting or other physical treatment to reduce aflatoxin contamination before human consumption or use as an ingredient in foodstuffs”.

2. Annex I is amended as set out in the Annex to this Regulation.

Article 2

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

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

Done at Brussels, 12 December 2003.

For the Commission

David BYRNE

Member of the Commission

ANNEX

Annex I to Regulation (EC) No 466/2001 is amended as follows:

1. In Section 2 (Mycotoxins), point 2.1 (Aflatoxins) is replaced by the following:

Product	Maximum level aflatoxin (µg/kg)			Sampling method	Performance criteria for methods of analysis
	B1	(B1 + B2 + G1 + G2)	M1		
2.1. AFLATOXINS					
2.1.1. Groundnuts, nuts and dried fruit					
2.1.1.1. Groundnuts, nuts and dried fruit and processed products thereof, intended for direct human consumption or use as an ingredient in foodstuffs	2,0 ⁽⁶⁾	4,0 ⁽⁶⁾	—	Commission Directive 98/53/EC ⁽⁷⁾	Directive 98/53/EC
2.1.1.2. Groundnuts to be subjected to sorting, or other physical treatment, before human consumption or use as an ingredient in foodstuffs	8,0 ⁽⁶⁾	15,0 ⁽⁶⁾	—	Directive 98/53/EC	Directive 98/53/EC
2.1.1.3. Nuts and dried fruit to be subjected to sorting, or other physical treatment, before human consumption or use as an ingredient in foodstuffs	5,0 ⁽⁶⁾	10,0 ⁽⁶⁾	—	Directive 98/53/EC	Directive 98/53/EC
2.1.2. Cereals (including buckwheat, <i>Fagopyrum</i> sp)					
2.1.2.1. Cereals (including buckwheat, <i>Fagopyrum</i> sp) and processed products thereof intended for direct human consumption or use as an ingredient in foodstuffs	2,0	4,0	—	Directive 98/53/EC	Directive 98/53/EC
2.1.2.2. Cereals (including buckwheat, <i>Fagopyrum</i> sp), with the exception of maize, to be subjected to sorting, or other physical treatment, before human consumption or use as an ingredient in foodstuffs	2,0	4,0	—	Directive 98/53/EC	Directive 98/53/EC
2.1.2.3. Maize to be subjected to sorting, or other physical treatment, before human consumption or use as an ingredient in foodstuffs	5,0	10,0	—	Directive 98/53/EC	Directive 98/53/EC

Product	Maximum level aflatoxin (µg/kg)			Sampling method	Performance criteria for methods of analysis
	B1	(B1 + B2 + G1 + G2)	M1		
2.1.3. Milk (raw milk, milk for the manufacture of milk based products and heat-treated milk as defined by Council Directive 92/46/EC ⁽¹⁰⁾ as last amended by Regulation (EC) No 806/2003 ⁽¹¹⁾)	—	—	0,05	Directive 98/53/EC	Directive 98/53/EC
2.1.4. Following species of spices: — <i>Capsicum</i> spp. (dried fruits thereof, whole or ground, including chillies, chilli powder, cayenne and paprika) — <i>Piper</i> spp. (fruits thereof, including white and black pepper) — <i>Myristica fragrans</i> (nutmeg) — <i>Zingiber officinale</i> (ginger) — <i>Curcuma longa</i> (turmeric)	5,0	10,0	—	Directive 98/53/EC	Directive 98/53/EC

⁽⁶⁾ The maximum levels apply to the edible part of groundnuts, nuts and dried fruits. If nuts "in shell" are analysed, it is assumed when calculating the aflatoxin content all the contamination is on the edible part.

⁽⁷⁾ OJ L 201, 17.7.1998, p. 93.

⁽¹⁰⁾ OJ L 268, 14.9.1992, p. 1.

⁽¹¹⁾ OJ L 122, 16.5.2003, p. 1.

2. Footnote 9 is deleted.

**COMMISSION REGULATION (EC) No 2175/2003
of 12 December 2003**

**fixing the minimum selling prices for butter for the 132nd individual invitation to tender under
the standing invitation to tender provided for in Regulation (EC) No 2571/97**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1255/1999 of 17 May 1999 on the common organisation of the market in milk and milk products ⁽¹⁾, as last amended by Regulation (EC) No 1787/2003 ⁽²⁾, and in particular Article 10 thereof,

Whereas:

- (1) The intervention agencies are, pursuant to Commission Regulation (EC) No 2571/97 of 15 December 1997 on the sale of butter at reduced prices and the granting of aid for cream, butter and concentrated butter for use in the manufacture of pastry products, ice-cream and other foodstuffs ⁽³⁾, as last amended by Regulation (EC) No 635/2000 ⁽⁴⁾, to sell by invitation to tender certain quantities of butter from intervention stocks that they hold and to grant aid for cream, butter and concentrated butter. Article 18 of that Regulation stipulates that in the light of the tenders received in response to each individual invitation to tender a minimum selling price shall be fixed for butter and maximum aid shall be fixed for cream, butter and concentrated butter. It is further stipu-

lated that the price or aid may vary according to the intended use of the butter, its fat content and the incorporation procedure, and that a decision may also be taken to make no award in response to the tenders submitted. The amount(s) of the processing securities must be fixed accordingly.

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

HAS ADOPTED THIS REGULATION:

Article 1

The minimum selling prices of butter from intervention stocks and processing securities applying for the 132nd individual invitation to tender, under the standing invitation to tender provided for in Regulation (EC) No 2571/97, shall be fixed as indicated in the Annex hereto.

Article 2

This Regulation shall enter into force on 13 December 2003.

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

Done at Brussels, 12 December 2003.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 160, 26.6.1999, p. 48.

⁽²⁾ OJ L 270, 21.10.2003, p. 1.

⁽³⁾ OJ L 350, 20.12.1997, p. 3.

⁽⁴⁾ OJ L 76, 25.3.2000, p. 9.

ANNEX

to the Commission Regulation of 12 December 2003 fixing the minimum selling prices for butter for the 132nd individual invitation to tender under the standing invitation to tender provided for in Regulation (EC) No 2571/97

(EUR/100 kg)

Formula			A		B	
Incorporation procedure			With tracers	Without tracers	With tracers	Without tracers
Minimum selling price	Butter ≥ 82 %	Unaltered	—	218	—	—
		Concentrated	—	—	—	—
Processing security		Unaltered	—	126	—	—
		Concentrated	—	—	—	—

**COMMISSION REGULATION (EC) No 2176/2003
of 12 December 2003**

fixing the maximum aid for cream, butter and concentrated butter for the 132nd individual invitation to tender under the standing invitation to tender provided for in Regulation (EC) No 2571/97

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1255/1999 of 17 May 1999 on the common organisation of the market in milk and milk products ⁽¹⁾, as last amended by Regulation (EC) No 1787/2003 ⁽²⁾, and in particular Article 10 thereof,

Whereas:

- (1) The intervention agencies are, pursuant to Commission Regulation (EC) No 2571/97 of 15 December 1997 on the sale of butter at reduced prices and the granting of aid for cream, butter and concentrated butter for use in the manufacture of pastry products, ice-cream and other foodstuffs ⁽³⁾, as last amended by Regulation (EC) No 635/2000 ⁽⁴⁾, to sell by invitation to tender certain quantities of butter of intervention stocks that they hold and to grant aid for cream, butter and concentrated butter. Article 18 of that Regulation stipulates that in the light of the tenders received in response to each individual invitation to tender a minimum selling price shall be fixed for butter and maximum aid shall be fixed for cream, butter and concentrated butter. It is further stipu-

lated that the price or aid may vary according to the intended use of the butter, its fat content and the incorporation procedure, and that a decision may also be taken to make no award in response to the tenders submitted. The amount(s) of the processing securities must be fixed accordingly.

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

HAS ADOPTED THIS REGULATION:

Article 1

The maximum aid and processing securities applying for the 132nd individual invitation to tender, under the standing invitation to tender provided for in Regulation (EC) No 2571/97, shall be fixed as indicated in the Annex hereto.

Article 2

This Regulation shall enter into force on 13 December 2003.

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

Done at Brussels, 12 December 2003.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 160, 26.6.1999, p. 48.

⁽²⁾ OJ L 270, 21.10.2003, p. 1.

⁽³⁾ OJ L 350, 20.12.1997, p. 3.

⁽⁴⁾ OJ L 76, 25.3.2000, p. 9.

ANNEX

to the Commission Regulation of 12 December 2003 fixing the maximum aid for cream, butter and concentrated butter for the 132nd individual invitation to tender under the standing invitation to tender provided for in Regulation (EC) No 2571/97

(EUR/100 kg)

Formula		A		B	
Incorporation procedure		With tracers	Without tracers	With tracers	Without tracers
Maximum aid	Butter $\geq 82\%$	79	75	—	71
	Butter $< 82\%$	77	72	—	—
	Concentrated butter	98	91	97	89
	Cream	—	—	34	31
Processing security	Butter	87	—	—	—
	Concentrated butter	108	—	107	—
	Cream	—	—	37	—

**COMMISSION REGULATION (EC) No 2177/2003
of 12 December 2003**

**fixing the maximum aid for concentrated butter for the 304th special invitation to tender opened
under the standing invitation to tender provided for in Regulation (EEC) No 429/90**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1255/1999 of 17 May 1999 on the common organisation of the market in milk and milk products ⁽¹⁾, as last amended by Regulation (EC) No 1787/2003 ⁽²⁾, and in particular Article 10 thereof,

Whereas:

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

For the 304th special invitation to tender under the standing invitation to tender opened by Regulation (EEC) No 429/90, the maximum aid and the amount of the end-use security shall be as follows:

- | | |
|---------------------|-----------------|
| — maximum aid: | EUR 97/100 kg, |
| — end-use security: | EUR 107/100 kg. |

Article 2

This Regulation shall enter into force on 13 December 2003.

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

Done at Brussels, 12 December 2003.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 160, 26.6.1999, p. 48.

⁽²⁾ OJ L 270, 21.10.2003, p. 1.

⁽³⁾ OJ L 45, 21.2.1990, p. 8.

⁽⁴⁾ OJ L 16, 21.1.1999, p. 19.

**COMMISSION REGULATION (EC) No 2178/2003
of 12 December 2003**

fixing the minimum selling price for skimmed-milk powder for the 51st individual invitation to tender issued under the standing invitation to tender referred to in Regulation (EC) No 2799/1999

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1255/1999 of 17 May 1999 on the common organisation of the market in milk and milk products ⁽¹⁾, as last amended by Regulation (EC) No 1787/2003 ⁽²⁾, and in particular Article 10 thereof,

Whereas:

- (1) Pursuant to Article 26 of Commission Regulation (EC) No 2799/1999 of 17 December 1999 laying down detailed rules for applying Council Regulation (EC) No 1255/1999 as regards the grant of aid for skimmed milk and skimmed-milk powder intended for animal feed and the sale of such skimmed-milk powder ⁽³⁾, as last amended by Regulation (EC) No 1787/2003 ⁽⁴⁾, intervention agencies have put up for sale by standing invitation to tender certain quantities of skimmed-milk powder held by them.
- (2) According to Article 30 of the said Regulation, in the light of the tenders received in response to each individual invitation to tender a minimum selling price shall be fixed or a decision shall be taken to make no award. The amount of the processing security shall also be fixed

taking account of the difference between the market price of skimmed-milk powder and the minimum selling price.

- (3) In the light of the tenders received, the minimum selling price should be fixed at the level specified below and the processing security determined accordingly.
- (4) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Milk and Milk Products,

HAS ADOPTED THIS REGULATION:

Article 1

For the 51st individual invitation to tender pursuant to Regulation (EC) No 2799/1999, in respect of which the time limit for the submission of tenders expired on 9 December 2003, the minimum selling price and the processing security are fixed as follows:

- | | |
|--------------------------|--------------------|
| — minimum selling price: | EUR 198,52/100 kg, |
| — processing security: | EUR 52,00/100 kg. |

Article 2

This Regulation shall enter into force on 13 December 2003.

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

Done at Brussels, 12 December 2003.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 160, 26.6.1999, p. 48.

⁽²⁾ OJ L 122, 16.5.2003, p. 1.

⁽³⁾ OJ L 340, 31.12.1999, p. 3.

⁽⁴⁾ OJ L 270, 21.10.2003, p. 121.

COMMISSION REGULATION (EC) No 2179/2003
of 12 December 2003
fixing the export refunds on beef and veal

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

reproduction, in order to prevent any abuse, export refunds for pure-bred breeding animals should be limited to heifers and cows of no more than 30 months of age.

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1254/1999 of 17 May 1999 on the common organisation of the market in beef and veal ⁽¹⁾, and in particular Article 33(12) thereof,

- (5) Export refunds should be granted for certain destinations on some fresh or chilled meat listed in the Annex under CN code 0201, on some frozen meat listed in the Annex under CN code 0202, on some meat or offal listed in the Annex under CN code 0206 and on some other prepared or preserved meat or offal listed in the Annex under CN code 1602 50 10.

Whereas:

- (1) Article 33 of Regulation (EC) No 1254/1999 provides that the difference between prices on the world market for the products listed in Article 1 of that Regulation and prices for those products within the Community may be covered by an export refund.
- (2) Commission Regulations (EEC) No 32/82 ⁽²⁾, (EEC) No 1964/82 ⁽³⁾, (EEC) No 2388/84 ⁽⁴⁾, (EEC) No 2973/79 ⁽⁵⁾ and (EC) No 2051/96 ⁽⁶⁾, lay down the conditions for granting special export refunds on certain cuts of beef and veal and certain preserved beef and veal products, and for certain destinations.
- (3) It follows from applying those rules and criteria to the foreseeable situation on the market in beef and veal that the refund should be as set out below.
- (4) With regard to live animals, for reasons of simplification export refunds should no longer be granted for categories with insignificant trade with third countries. Moreover, in the light of the general concern of animal welfare, export refunds for live animals for slaughter should be limited as much as possible. Consequently, export refunds for such animals should only be granted for third countries which for cultural and/or religious reasons traditionally import substantial numbers of animals for domestic slaughter. As to live animals for
- (6) In the case of meat of bovine animals, boned or boneless, salted and dried, there are traditional trade flows to Switzerland. To allow this trade to continue, the refund should be set to cover the difference between prices on the Swiss market and export prices in the Member States.
- (7) In the case of certain other cuts and preserves of meat or offal shown in the Annex under CN codes 1602 50 31 to 1602 50 80, the Community presence of international trade may be maintained by granting a refund corresponding to that at present available.
- (8) In the case of other beef and veal products, a refund need not be fixed since the Community's share of world trade is not significant.
- (9) Commission Regulation (EEC) No 3846/87 ⁽⁷⁾ establishes the agricultural product nomenclature for the purposes of export refunds. The refunds are set on the basis of the product codes as defined in that nomenclature.
- (10) In order to simplify customs export formalities for operators, the refunds on all frozen cuts should be brought into line with those on fresh or chilled cuts other than those from adult male bovine animals.

⁽¹⁾ OJ L 160, 26.6.1999, p.21. Regulation as last amended by Regulation (EC) No 1782/2003 (OJ L 270, 21.10.2003, p. 1).

⁽²⁾ OJ L 4, 8.1.1982, p. 11. Regulation as last amended by Regulation (EC) No 744/2000 (OJ L 89, 11.4.2000, p. 3).

⁽³⁾ OJ L 212, 21.7.1982, p. 48. Regulation as last amended by Regulation (EC) No 2772/2000 (OJ L 321, 19.12.2000, p. 35).

⁽⁴⁾ OJ L 221, 18.8.1984, p. 28. Regulation as last amended by Regulation (EC) No 3661/92 (OJ L 370, 19.12.1992, p. 16).

⁽⁵⁾ OJ L 336, 29.12.1979, p. 44. Regulation as last amended by Regulation (EC) No 3434/87 (OJ L 327, 18.11.1987, p. 7).

⁽⁶⁾ OJ L 274, 26.10.1996, p. 18. Regulation as last amended by Regulation (EC) No 2333/96 (OJ L 317, 6.12.1996, p. 13).

⁽⁷⁾ OJ L 366, 24.12.1987, p. 1. Regulation as last amended by Regulation (EC) No 118/2003 (OJ L 20, 24.1.2003, p. 3).

(11) Checks on products covered by CN code 1602 50 should be stepped up by making the granting of refunds on these products conditional on manufacture under the arrangements provided for in Article 4 of Council Regulation (EEC) No 565/80 of 4 March 1980 on the advance payment of export refunds in respect of agricultural products ⁽¹⁾.

(12) Refunds should be granted only on products that are allowed to move freely in the Community. Therefore, to be eligible for a refund, products should be required to bear the health mark laid down in Council Directive 64/433/EEC ⁽²⁾, Council Directive 94/65/EC ⁽³⁾ and Council Directive 77/99/EEC ⁽⁴⁾, respectively.

(13) Pursuant to Article 6(2) of Regulation (EEC) No 1964/82, the special refund is to be reduced if the quantity of boned meat to be exported amounts to less than 95 %, but not less than 85 %, of the total weight of cuts produced by boning.

(14) The negotiations on the adoption of additional concessions, held within the framework of the Europe Agreements between the European Community and the associated central and eastern European Countries, aim in particular to liberalise trade in products covered by the common organisation of the market in beef and veal. To this end, it was decided to abolish export refunds on products intended for export to Estonia, Latvia, Lithuania, Hungary, Romania and Slovakia. These countries should therefore be excluded from the list of destinations giving rise to the grant of a refund, while ensuring that the abolition of refunds for these countries may not lead to the creation of a differentiated refund for exports to other countries.

(15) In view of the accession on 1 May 2004 of 10 new Member States to the European Union, and in order to avoid speculation involving refunds on beef and veal exports to some of those countries which have not been excluded from the list of destinations eligible for refunds as a result of the abovementioned Europe Agreements, refunds for exports to those countries of products which are not normally traded should be abolished. The Czech Republic and Slovenia should therefore be completely excluded from the list of destinations giving rise to the grant of refunds. In addition, Poland should be excluded for products other than those falling within product

codes 0102 10 10 9140 and 0102 10 30 9140, Cyprus should be excluded for products other than those falling within product code 0202 30 90 9200 and Malta should be excluded for products other than those falling within product codes 0201 30 00 9100, 0201 30 00 9120 and 0202 30 90 9200. The abolition of the refunds for those countries should not lead to the creation of a differentiated refund for exports to other countries.

(16) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Beef and Veal,

HAS ADOPTED THIS REGULATION:

Article 1

1. The list of products on which export refunds as referred to in Article 33 of Regulation (EC) No 1254/1999 are granted and the amount thereof and the destinations shall be as set out in the Annex to this Regulation.

2. The products must meet the relevant health marking requirements of:

— Chapter XI of Annex I to Directive 64/433/EEC,

— Chapter VI of Annex I to Directive 94/65/EC,

— Chapter VI of Annex B to Directive 77/99/EEC.

Article 2

In the case referred to in the third subparagraph of Article 6(2) of Regulation (EEC) No 1964/82 the rate of the refund on products falling within product code 0201 30 00 9100 shall be reduced by EUR 14,00/100 kg.

Article 3

The fact of not setting an export refund for Estonia, Lithuania, Latvia, Hungary, Romania, Slovakia, the Czech Republic, Slovenia, Poland, Malta and Cyprus shall not be deemed to constitute a differentiation of the refund.

Article 4

This Regulation shall enter into force on 15 December 2003.

⁽¹⁾ OJ L 62, 7.3.1980, p. 5. Regulation as last amended by Regulation (EC) No 444/2003 (OJ L 67, 12.3.2003, p. 3).

⁽²⁾ OJ L 121, 29.7.1964, p. 2012/64. Directive as last amended by Directive 95/23/EC (OJ L 243, 11.10.1995, p. 7).

⁽³⁾ OJ L 368, 31.12.1994, p. 10. Directive as amended by Regulation (EC) No 806/2003 (OJ L 122, 16.5.2003, p. 1).

⁽⁴⁾ OJ L 26, 31.1.1977, p. 85. Directive as last amended by Regulation (EC) No 807/2003 (OJ L 122, 16.5.2003, p. 36).

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

Done at Brussels, 12 December 2003.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX

to the Commission Regulation of 12 December 2003 fixing export refunds on beef

Product code	Destination	Unit of measurement	Refunds (7)
0102 10 10 9140	B00, 060	EUR/100 kg live weight	53,00
0102 10 30 9140	B00, 060	EUR/100 kg live weight	53,00
0102 90 71 9000	B11	EUR/100 kg live weight	41,00
0201 10 00 9110 ⁽¹⁾	B02	EUR/100 kg net weight	71,50
	B03	EUR/100 kg net weight	43,00
	039	EUR/100 kg net weight	23,50
0201 10 00 9120	B02	EUR/100 kg net weight	33,50
	B03	EUR/100 kg net weight	10,00
	039	EUR/100 kg net weight	11,50
0201 10 00 9130 ⁽¹⁾	B02	EUR/100 kg net weight	97,00
	B03	EUR/100 kg net weight	56,50
	039	EUR/100 kg net weight	33,50
0201 10 00 9140	B02	EUR/100 kg net weight	46,00
	B03	EUR/100 kg net weight	14,00
	039	EUR/100 kg net weight	16,00
0201 20 20 9110 ⁽¹⁾	B02	EUR/100 kg net weight	97,00
	B03	EUR/100 kg net weight	56,50
	039	EUR/100 kg net weight	33,50
0201 20 20 9120	B02	EUR/100 kg net weight	46,00
	B03	EUR/100 kg net weight	14,00
	039	EUR/100 kg net weight	16,00
0201 20 30 9110 ⁽¹⁾	B02	EUR/100 kg net weight	71,50
	B03	EUR/100 kg net weight	43,00
	039	EUR/100 kg net weight	23,50
0201 20 30 9120	B02	EUR/100 kg net weight	33,50
	B03	EUR/100 kg net weight	10,00
	039	EUR/100 kg net weight	11,50
0201 20 50 9110 ⁽¹⁾	B02	EUR/100 kg net weight	123,00
	B03	EUR/100 kg net weight	71,50
	039	EUR/100 kg net weight	41,00
0201 20 50 9120	B02	EUR/100 kg net weight	58,50
	B03	EUR/100 kg net weight	17,50
	039	EUR/100 kg net weight	19,50
0201 20 50 9130 ⁽¹⁾	B02	EUR/100 kg net weight	71,50
	B03	EUR/100 kg net weight	43,00
	039	EUR/100 kg net weight	23,50
0201 20 50 9140	B02	EUR/100 kg net weight	33,50
	B03	EUR/100 kg net weight	10,00
	039	EUR/100 kg net weight	11,50
0201 20 90 9700	B02	EUR/100 kg net weight	33,50
	B03	EUR/100 kg net weight	10,00
	039	EUR/100 kg net weight	11,50
0201 30 00 9050	400 ⁽³⁾	EUR/100 kg net weight	23,50
	404 ⁽⁴⁾	EUR/100 kg net weight	23,50

Product code	Destination	Unit of measurement	Refunds (7)
0201 30 00 9060 ⁽⁶⁾	B02	EUR/100 kg net weight	46,00
	B03	EUR/100 kg net weight	13,00
	039	EUR/100 kg net weight	15,00
	809, 822	EUR/100 kg net weight	37,00
0201 30 00 9100 ⁽²⁾ ⁽⁶⁾	B08, B09	EUR/100 kg net weight	172,00
	B03	EUR/100 kg net weight	102,00
	039	EUR/100 kg net weight	60,00
	809, 822	EUR/100 kg net weight	152,50
	220	EUR/100 kg net weight	205,00
	046	EUR/100 kg net weight	137,00
0201 30 00 9120 ⁽²⁾ ⁽⁶⁾	B08	EUR/100 kg net weight	94,50
	B09	EUR/100 kg net weight	88,00
	B03	EUR/100 kg net weight	56,50
	039	EUR/100 kg net weight	33,00
	809, 822	EUR/100 kg net weight	83,50
	220	EUR/100 kg net weight	123,00
	046	EUR/100 kg net weight	75,50
0202 10 00 9100	B02	EUR/100 kg net weight	33,50
	B03	EUR/100 kg net weight	10,00
	039	EUR/100 kg net weight	11,50
0202 10 00 9900	B02	EUR/100 kg net weight	46,00
	B03	EUR/100 kg net weight	14,00
	039	EUR/100 kg net weight	16,00
0202 20 10 9000	B02	EUR/100 kg net weight	46,00
	B03	EUR/100 kg net weight	14,00
	039	EUR/100 kg net weight	16,00
0202 20 30 9000	B02	EUR/100 kg net weight	33,50
	B03	EUR/100 kg net weight	10,00
	039	EUR/100 kg net weight	11,50
0202 20 50 9100	B02	EUR/100 kg net weight	58,50
	B03	EUR/100 kg net weight	17,50
	039	EUR/100 kg net weight	19,50
0202 20 50 9900	B02	EUR/100 kg net weight	33,50
	B03	EUR/100 kg net weight	10,00
	039	EUR/100 kg net weight	11,50
0202 20 90 9100	B02	EUR/100 kg net weight	33,50
	B03	EUR/100 kg net weight	10,00
	039	EUR/100 kg net weight	11,50
0202 30 90 9100	400 ⁽³⁾	EUR/100 kg net weight	23,50
	404 ⁽⁴⁾	EUR/100 kg net weight	23,50
0202 30 90 9200 ⁽⁶⁾	B02	EUR/100 kg net weight	46,00
	B03, 600	EUR/100 kg net weight	13,00
	039	EUR/100 kg net weight	15,00
	809, 822	EUR/100 kg net weight	37,00
	046	EUR/100 kg net weight	29,50

Product code	Destination	Unit of measurement	Refunds (7)
0206 10 95 9000	B02	EUR/100 kg net weight	46,00
	B03	EUR/100 kg net weight	13,00
	039	EUR/100 kg net weight	15,00
	809, 822	EUR/100 kg net weight	37,00
0206 29 91 9000	B02	EUR/100 kg net weight	46,00
	B03	EUR/100 kg net weight	13,00
	039	EUR/100 kg net weight	15,00
	809, 822	EUR/100 kg net weight	37,00
0210 20 90 9100	039	EUR/100 kg net weight	23,00
1602 50 10 9170 (8)	B02	EUR/100 kg net weight	22,50
	B03	EUR/100 kg net weight	15,00
	039	EUR/100 kg net weight	17,50
1602 50 31 9125 (5)	B00	EUR/100 kg net weight	88,50
1602 50 31 9325 (5)	B00	EUR/100 kg net weight	79,00
1602 50 39 9125 (5)	B00	EUR/100 kg net weight	88,50
1602 50 39 9325 (5)	B00	EUR/100 kg net weight	79,00
1602 50 39 9425 (5)	B00	EUR/100 kg net weight	30,00
1602 50 39 9525 (5)	B00	EUR/100 kg net weight	30,00
1602 50 80 9535 (8)	B00	EUR/100 kg net weight	17,50

(1) Entry under this subheading is subject to the submission of the certificate appearing in the Annex to amended Commission Regulation (EEC) No 32/82.

(2) The refund is granted subject to compliance with the conditions laid down in amended Regulation (EEC) No 1964/82.

(3) Carried out in accordance with amended Regulation (EEC) No 2973/79.

(4) Carried out in accordance with amended Regulation (EC) No 2051/96.

(5) The refund is granted subject to compliance with the conditions laid down in amended Regulation (EEC) No 2388/84.

(6) The lean bovine meat content excluding fat is determined in accordance with the procedure described in the Annex to Commission Regulation (EEC) No 2429/86 (OJ L 210, 1.8.1986, p. 39).

The term 'average content' refers to the sample quantity as defined in Article 2(1) of Regulation (EC) No 765/2002 (OJ L 117, 4.5.2002, p. 6). The sample is to be taken from that part of the consignment presenting the highest risk.

(7) Article 33(10) of amended Regulation (EC) No 1254/1999 provides that no export refunds shall be granted on products imported from third countries and re-exported to third countries.

(8) The refund is granted only on products manufactured under the arrangement provided for in Article 4 of amended Council Regulation (EEC) No 565/80.

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:

B00: all destinations (third countries, other territories, victualling and destinations treated as exports from the Community) with the exception of Estonia, Lithuania, Latvia, Hungary, Romania, Slovakia, the Czech Republic, Slovenia, Poland, Cyprus and Malta.

B02: B08, B09 and destination 220.

B03: Ceuta, Melilla, Iceland, Norway, Faroe Islands, Andorra, Gibraltar, Vatican City, Bulgaria, Albania, Croatia, Bosnia and Herzegovina, Serbia and Montenegro, former Yugoslav Republic of Macedonia, the communes of Livigno and Campione d'Italia, Helgoland, Greenland, stores and provisions (destinations referred to in Articles 36 and 45, and if appropriate in Article 44, of Commission Regulation (EC) No 800/1999, as amended (OJ L 102, 17.4.1999, p. 11)).

B08: Turkey, Ukraine, Belarus, Moldova, Russia, Georgia, Armenia, Azerbaijan, Kazakhstan, Turkmenistan, Uzbekistan, Tajikistan, Kyrgyzstan, Morocco, Algeria, Tunisia, Libya, Lebanon, Syria, Iraq, Iran, Israel, West Bank/Gaza Strip, Jordan, Saudi Arabia, Kuwait, Bahrain, Qatar, United Arab Emirates, Oman, Yemen, Pakistan, Sri Lanka, Myanmar (Burma), Thailand, Vietnam, Indonesia, Philippines, China, North Korea, Hong Kong.

B09: Sudan, Mauritania, Mali, Burkina Faso, Niger, Chad, Cape Verde, Senegal, Gambia, Guinea-Bissau, Guinea, Sierra Leone, Liberia, Côte d'Ivoire, Ghana, Togo, Benin, Nigeria, Cameroon, Central African Republic, Equatorial Guinea, São Tomé and Príncipe, Gabon, Congo, Congo (Democratic Republic), Rwanda, Burundi, Saint Helena and dependencies, Angola, Ethiopia, Eritrea, Djibouti, Somalia, Uganda, Tanzania, Seychelles and dependencies, British Indian Ocean Territory, Mozambique, Mauritius, Comoros, Mayotte, Zambia, Malawi, South Africa, Lesotho.

B11: Lebanon and Egypt.

**DIRECTIVE 2003/103/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL
of 17 November 2003**

amending Directive 2001/25/EC on the minimum level of training of seafarers

(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 80(2) thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Economic and Social Committee ⁽¹⁾,

After consultation of the Committee of the Regions,

Acting in accordance with the procedure laid down in Article 251 of the Treaty ⁽²⁾,

Whereas:

- (1) Directive 2001/25/EC of the European Parliament and of the Council of 4 April 2001 on the minimum level of training of seafarers ⁽³⁾ defines minimum training, certification and watchkeeping standards for seafarers serving on board Community ships. Those standards are based on the standards agreed in the International Maritime Organisation (IMO) Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, as amended (the STCW Convention).
- (2) In order to maintain and develop the level of knowledge and skills in the maritime sector in the EU, it is important to pay appropriate attention to maritime training and the status of seafarers in the EU.
- (3) It is essential to ensure that seafarers holding certificates issued by third countries and serving on board Community ships have a level of competence equivalent to that required by the STCW Convention. Directive 2001/25/EC lays down procedures and common criteria for the recognition by the Member States of certificates issued by third countries.
- (4) Directive 2001/25/EC provides for the reassessment of the procedures and criteria for the recognition of certificates issued by third countries and the approval of maritime training institutes and maritime education and training programmes and courses, in the light of the experience gained in applying the Directive.

- (5) The practical implementation of Directive 2001/25/EC has shown that some adjustments to those procedures and criteria could contribute greatly towards the reliability of the system of recognition, while simplifying the monitoring and reporting obligations imposed on Member States.
- (6) Compliance by third countries that provide training with the provisions of the STCW Convention can be assessed more effectively in a harmonised manner. The Commission should therefore be entrusted with this task on behalf of the whole Community.
- (7) In order to ensure that a country which is recognised continues to comply fully with the requirements of the STCW Convention, the recognition should be reviewed regularly and extended if appropriate. The recognition of a third country not complying with the requirements of the STCW Convention should be withdrawn until deficiencies are redressed.
- (8) Decisions to extend or withdraw recognition can be taken more effectively in a harmonised and centralised manner, at Community level. The Commission should therefore be entrusted with these tasks on behalf of the whole Community.
- (9) The continuous monitoring of the compliance of the recognised third countries can be carried out more effectively in a harmonised and centralised manner.
- (10) One of the tasks assigned to the European Maritime Safety Agency (the Agency) is to assist the Commission in the performance of any task assigned to it by Community legislation applicable to training, certification and watchkeeping of ships' crews.
- (11) The Agency should therefore assist the Commission in the performance of its tasks relating to the granting, extension and withdrawal of recognition of third countries. It should also assist the Commission in the monitoring of third countries' compliance with the requirements of the STCW Convention.
- (12) The STCW Convention specifies language requirements for certificates and endorsements attesting the issue of a certificate. The existing provisions of Directive 2001/25/EC should be brought into line with the relevant requirements of the Convention.

⁽¹⁾ OJ C 133, 6.6.2003, p. 23.

⁽²⁾ Opinion of the European Parliament of 3 September 2003 (not yet published in the Official Journal) and Council Decision of 6 November 2003.

⁽³⁾ OJ L 136, 18.5.2001, p. 17. Directive as amended by Directive 2002/84/EC (OJ L 324, 29.11.2002, p. 53).

- (13) The International Convention for the Safety of Life at Sea, 1974, as amended (the SOLAS Convention) lays down language requirements for bridge-to-shore safety communications. Directive 2001/25/EC should be updated in accordance with the recent amendments to the SOLAS Convention, which entered into force on 1 July 2002.
- (14) It is necessary to provide for procedures for adapting Directive 2001/25/EC to future changes in Community law.
- (15) Directive 2001/25/EC should be amended accordingly,

HAVE ADOPTED THIS DIRECTIVE:

Article 1

Directive 2001/25/EC shall be amended as follows:

1. Article 5 shall be amended as follows:

- (a) paragraph 3 shall be replaced by the following:
'3. Certificates shall be issued in accordance with Regulation I/2, paragraph 1, of the STCW Convention.'
- (b) the following sentence shall be added to paragraph 5:
'Endorsements shall be issued in accordance with Article VI, paragraph 2, of the STCW Convention.'

2. In Article 17, point (e) shall be replaced by the following:

- '(e) there are adequate means for communication between the ship and the shore-based authorities. These communications shall be conducted in accordance with Chapter V, Regulation 14, paragraph 4, of the SOLAS Convention.'

3. Article 18(3) shall be replaced by the following:

- '3. Seafarers who do not possess the certificates referred to in Article 4 may be allowed to serve on ships flying the flag of a Member State, provided that a decision on the recognition of their appropriate certificates has been adopted through the procedure set out below:
- (a) A Member State which intends to recognise, by endorsement, appropriate certificates issued by a third country to a master, officer or radio operator, for service on ships flying its flag, shall submit a request for recognition of that third country to the Commission, stating its reasons.

The Commission, assisted by the European Maritime Safety Agency (the Agency), and with the possible involvement of any Member State concerned, shall collect the information referred to in Annex II and shall carry out an assessment of the training and certification systems in the third country for which the request for recognition was submitted, in order to verify whether the country concerned meets all the requirements of the STCW Convention and whether the appropriate measures have been taken to prevent fraud involving certificates.

- (b) The decision on the recognition of a third country shall be taken by the Commission in accordance with the procedure referred to in Article 23(2), within three months from the date of the request for recognition. If granted, the recognition shall be valid subject to the provisions of Article 18a.
- (c) If no decision is taken on recognition of the third country concerned within the period laid down in subparagraph (b), the Member State submitting the request may decide to recognise the third country unilaterally until a decision is taken in accordance with the procedure referred to in Article 23(2).
- (d) A Member State may decide, with respect to ships flying its flag, to endorse certificates issued by the third countries recognised by the Commission, account being taken of the provisions contained in Annex II(4) and (5).
- (e) Recognitions of certificates issued by recognised third countries and published in the *Official Journal of the European Union*, C series, before (...) (*) shall remain valid. These recognitions may be used by all Member States unless the Commission has subsequently withdrawn them pursuant to Article 18a.
- (f) The Commission shall draw up and update a list of the third countries that have been recognised. The list shall be published in the *Official Journal of the European Union*, C Series

(*) 18 months after the date of entry into force of the Directive.'

4. The following Articles shall be inserted:

'Article 18a

1. Notwithstanding the criteria specified in Annex II, when a Member State considers that a recognised third country no longer complies with the requirements of the STCW Convention, it shall notify the Commission immediately, giving substantiated reasons. The Commission shall without delay refer the matter to the Committee referred to in Article 23.

2. Notwithstanding the criteria specified in Annex II, when the Commission considers that a recognised third country no longer complies with the requirements of the STCW Convention, it shall notify the Member States immediately, giving substantiated reasons. The Commission shall without delay refer the matter to the Committee referred to in Article 23.

3. When a Member State intends to withdraw the endorsements of all certificates issued by a third country it shall without delay inform the Commission and the other Member States of its intention, giving substantiated reasons therefor.

4. The Commission, assisted by the Agency, shall reassess the recognition of the third country concerned in order to verify whether that country failed to comply with the requirements of the STCW Convention.

5. Where there are indications that a particular maritime training establishment no longer complies with the requirements of the STCW Convention, the Commission shall notify the country concerned that recognition of that country's certificates will be withdrawn in two months' time unless measures are taken to ensure compliance with all the requirements of the STCW Convention.

6. The decision on the withdrawal of the recognition shall be taken in accordance with the procedure referred to in Article 23(2), within two months from the date of the communication made by the Member State. The Member States concerned shall take appropriate measures to implement the decision.

7. Endorsements attesting recognition of certificates, issued in accordance with Article 5(6) before the date on which the decision to withdraw recognition of the third country is taken, shall remain valid. Seafarers holding such endorsements may not claim an endorsement recognising a higher qualification, however, unless that upgrading is based solely on additional seagoing service experience.

Article 18b

1. The third countries that have been recognised under the procedure referred to in Article 18(3)(b), including those referred to in Article 18(3)(f), shall be reassessed by the Commission, with the assistance of the Agency, on a regular basis and at least every five years to verify that they fulfil the relevant criteria set out in Annex II and whether the appropriate measures have been taken to prevent fraud involving certificates.

2. The Commission shall define the priority criteria for assessment of third countries on the basis of performance data provided by the Port State control pursuant to Article 20, as well as the information relating to the reports of the independent evaluations communicated by third countries pursuant to section A-I/7 of the STCW Code.

3. The Commission shall provide the Member States with a report on the results of the assessment.'

5. the following sentence shall be added to Article 22(1):

'This Directive may also be amended in accordance with the same procedure in order to apply, for the purposes of this Directive, any relevant amendments to Community legislation.'

6. Annex II shall be amended in accordance with the Annex to this Directive.

Article 2

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 14 May 2005. They shall forthwith inform the Commission thereof.

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

Not later than 14 December 2008 the Commission shall submit an evaluation report to the European Parliament and the Council, based on a detailed analysis and evaluation of the provisions of the IMO Convention, the implementation thereof and new insights gained with regard to the correlation between safety and the level of training of ships' crews.

Article 3

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

Article 4

This Directive is addressed to the Member States.

Done at Brussels, 17 November 2003.

For the European Parliament

The President

P. COX

For the Council

The President

G. ALEMANN

ANNEX

Annex II to Directive 2001/25/EC is hereby replaced by the following:

‘ANNEX II

CRITERIA FOR THE RECOGNITION OF THIRD COUNTRIES THAT HAVE ISSUED A CERTIFICATE OR UNDER THE AUTHORITY OF WHICH WAS ISSUED A CERTIFICATE, REFERRED TO IN ARTICLE 18(3)(a)

1. The third country must be a Party to the STCW Convention.
 2. The third country must have been identified by the Maritime Safety Committee as having demonstrated that full and complete effect is given to the provisions of the STCW Convention.
 3. The Commission, assisted by the Agency and with the possible involvement of any Member State concerned, must have confirmed, through all necessary measures, which may include the inspection of facilities and procedures, that the requirements concerning the standard of competence, the issue and endorsement of certificates and record keeping are fully complied with, and that a quality standards system has been established pursuant to Regulation I/8 of the STCW Convention.
 4. The Member State is in the process of agreeing an undertaking with the third country concerned that prompt notification will be given of any significant change in the arrangements for training and certification provided in accordance with the STCW Convention.
 5. The Member State has introduced measures to ensure that seafarers who present for recognition certificates for functions at management level have an appropriate knowledge of the maritime legislation of the Member State relevant to the functions they are permitted to perform.
 6. If a Member State wishes to supplement assessment of compliance of a third country by evaluating certain maritime training institutes, it shall proceed according to the provisions of section A-I/6 of the STCW Code.’
-

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 1 December 2003

authorising the placing on the market of salatrimms as novel food ingredients under Regulation (EC)
No 258/97 of the European Parliament and of the Council

(notified under document number C(2003) 4408)

(Only the Danish text is authentic)

(2003/867/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

- (1) On 28 June 1999 Danisco, formerly Cultor Food Science, submitted to the competent authorities of the United Kingdom a request for placing salatrimms on the market in the Community as novel food ingredients.
- (2) Salatrimms are a group of reduced calorie triacylglycerides developed for use as alternative fats.
- (3) The competent authorities of the United Kingdom carried out the initial assessment. The Commission forwarded the initial assessment report to all Member States on 22 November 1999.
- (4) Within the 60-day period laid down in Article 6(4) of the Regulation, reasoned objections to the marketing of the product were raised in accordance with that provision.
- (5) The Scientific Committee on Food was consulted on the matter in accordance with Article 11 of the Regulation. On 13 December 2001, the Scientific Committee on Food delivered its opinion that salatrimms are safe for human consumption.

- (6) The Scientific Committee on Food noted the only adverse effects of salatrimms observed in a number of human tolerance studies were gastro-intestinal complaints at high intakes (i.e. >30 g/day). Such inconveniences caused by gastro-intestinal intolerance are easily and commonly resolved by the individual abstaining from consumption when he or she becomes aware of the problem. It is therefore appropriate to provide a statement on the label which informs the consumer that excessive consumption may lead to gastro-intestinal problems.

- (7) The Scientific Committee on Food also noted that no data had been generated on the effect of consumption of foods containing salatrimms by children under 16 years, as this population group was unlikely to consume products intended for use mainly by persons aiming to control their weight by choosing an energy restricted diet. Therefore it is appropriate to provide a statement on the label which informs the consumer that products containing salatrimms are not for use by children.

- (8) The declaration of the energy value of foods and food ingredients is governed by Council Directive 90/496/EEC of 24 September 1990 on nutrition labelling for foodstuffs ⁽²⁾.

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

⁽¹⁾ OJ L 43, 14.2.1997, p. 1.

⁽²⁾ OJ L 276, 6.10.1990, p. 40.

HAS ADOPTED THIS DECISION:

Article 1

Salatrim as specified in the Annex may be placed on the market in the Community as novel food ingredients for use in bakery products and confectionery.

Article 2

The designation 'reduced energy fat (salatrim)' shall be displayed on the labelling of the product, as such, or in the list of ingredients of foodstuffs containing it.

There shall be a statement that excessive consumption may lead to gastro-intestinal disturbance.

There shall be a statement that the products are not intended for use by children.

Article 3

This Decision is addressed to Danisco A/S, Langebrogade 1, PO Box 17, DK-1001 Copenhagen K, Denmark.

Done at Brussels, 1 December 2003.

For the Commission

David BYRNE

Member of the Commission

ANNEX

SPECIFICATIONS OF SALATRIMS

Definition:

Salatrim is the internationally recognised ⁽¹⁾ acronym for (short and long chain acyl triglyceride molecules).

Salatrim is prepared by non-enzymatic inter-esterification of triacetin, tripropionin, tributyrin, or their mixtures with hydrogenated canola, soybean, cottonseed, or sunflower oil.

Description:

Clear, slightly amber liquid to a light coloured waxy solid at room temperature. Free of particulate matter and of foreign or rancid odour.

Glycerol ester distribution:

- Triacylglycerols: > 87 %
- Diacylglycerols: ≤ 10 %
- Monoacylglycerols: ≤ 2 %

Fatty acid composition:

- MOLE % LCFA (long chain fatty acids): 33 to 70 %
- MOLE % SCFA (short chain fatty acids): 30 to 67 %
- Saturated long chain fatty acids: < 70 % by weight
- Trans fatty acids: ≤ 1 %
- Free fatty acids as oleic acid: ≤ 0,5 %

Triacylglycerol profile:

- Triesters (short/long of 0,5 to 2,0): ≥ 90 %
- Triesters (short/long = 0): ≤ 10 %

Unsaponifiable material: ≤ 1 %

Moisture: ≤ 0,3 %

Ash: ≤ 0,1 %

Colour: ≤ 3,5 Red (Lovibond)

Peroxide value: ≤ 2,0 Meq/Kg.

⁽¹⁾ FAO/WHO Joint Expert Committee on Food Additives (2002) FAO Food and Nutrition Paper 52 Additive 10, page 23.

**ADMINISTRATIVE COMMISSION OF THE EUROPEAN COMMUNITIES ON SOCIAL SECURITY
FOR MIGRANT WORKERS**

RECOMMENDATION No 22

of 18 June 2003

concerning the Gottardo judgment, according to which the advantages enjoyed by a State's own nationals under a bilateral convention on social security with a non-member country must also be granted to workers who are nationals of other Member States

(2003/868/EC)

THE ADMINISTRATIVE COMMISSION OF THE EUROPEAN COMMUNITIES ON SOCIAL SECURITY FOR MIGRANT WORKERS,

Having regard to Article 81(a) of Council Regulation (EEC) No 1408/71 of 14 June 1971 on the application of social security schemes to employed persons, to self-employed persons and to the members of their families moving within the Community ⁽¹⁾, under which it is made responsible for dealing with all administrative questions arising from the provisions of Regulation (EEC) No 1408/71 and subsequent Regulations,

Having regard to Article 81(c) of the same Regulation, under which it is responsible for fostering and developing cooperation between Member States in social security matters,

Whereas:

- (1) Regulation (EEC) No 1408/71, adopted on the basis of Article 42, is an essential instrument for exercising the fundamental freedoms provided for by the Treaty.
- (2) The principle of non-discrimination on the grounds of nationality is an essential safeguard for the freedom of movement of employed persons, as provided for in Article 39 of the Treaty. This implies the abolition of all discrimination between the settled workers in the Member States and migrant workers with respect to employment, pay and other working conditions.
- (3) In Gottardo ⁽²⁾, the Court of Justice acted on this principle as set out in Article 39 in relation to a person resident in the Community who had worked in France, Italy and Switzerland. This person did not have sufficient entitlement for a pension in Italy and asked for her periods of insurance completed in Switzerland and Italy to be aggregated, as provided for under the bilateral convention between Italy and Switzerland for the benefit of their nationals.

- (4) The Court ruled in this case that when a Member State concludes a bilateral international convention on social security with a non-member country which provides for account to be taken of periods of insurance completed in that non-member country for acquisition of entitlement to old-age benefits, the fundamental principle of equal treatment requires that that Member State grant nationals of the other Member States the same advantages as those which its own nationals enjoy under that convention unless it can provide objective justification for refusing to do so (paragraph 34).

- (5) In this connection, the Court stated that its interpretation of the term 'legislation' in Article 1(j) of Regulation (EEC) No 1408/71 ⁽³⁾ cannot affect the obligation of every Member State to comply with the principle of equal treatment laid down in Article 39 of the EC Treaty.

- (6) The Court considered that disturbing the balance and reciprocity of a bilateral international convention concluded between a Member State and a non-member country did not constitute an objective justification for the refusal by the Member State party to that convention to extend to nationals of the other Member States the advantages which its own nationals derive from that convention.

- (7) Nor did the Court accept the objections to the effect that a possible increase in the financial burden and administrative difficulties in liaising with the competent authorities of the non-member country in question could justify the Member State which is party to the bilateral convention failing to comply with its Treaty obligations.

⁽¹⁾ OJ L 149, 5.7.1971, p. 2.

⁽²⁾ Judgment of 15 January 2002, Case C-55/00.

⁽³⁾ Judgment of 2 August 1993, Case C-23/92 *Grana-Novoa*, ECR I-4505.

- (8) It is important that all appropriate conclusions be drawn from this judgment, which is crucial for Community nationals who have exercised their right to move freely to another Member State.
- (9) For this reason, it should be made clear that bilateral conventions on social security between a Member State and a non-member country must be interpreted to the effect that the advantages enjoyed by nationals of the Member State which is party to the convention should in principle also be granted to a Community national who is in the same situation in objective terms.
- (10) Irrespective of the uniform application of the Gottardo ruling to individual cases, the existing bilateral conventions should be reviewed. With regard to agreements concluded previously, Article 307 of the EC Treaty states: 'the Member State or States concerned shall take all appropriate steps to eliminate the incompatibilities established', and with regard to agreements concluded after 1 January 1958, or after the date of a Member State's accession to the European Community, Article 10 of the EC Treaty requires that these same Member States 'abstain from any measure which could jeopardise the attainment of the objectives of the Treaty'.
- (11) With regard to new bilateral conventions on social security concluded between a Member State and a non-member country, it is important to bear in mind that these should include a specific reference to the principle of non-discrimination on the grounds of nationality in relation to nationals of other Member States who have exercised their right to move freely in the Member State which is a party to the convention concerned.
- (12) The application of the Gottardo judgment to individual cases depends largely on the cooperation of non-member countries, since they must certify the periods of insurance completed there by the person concerned.

- (13) The Administrative Commission should deal with this question, given that the ruling in Gottardo is concerned with the application of the principle of equal treatment in the field of social security,

RECOMMENDS:

1. In accordance with the principle of equal treatment and non-discrimination between a State's own nationals and the nationals of other Member States who have exercised their right to move freely pursuant to Article 39 of the EC Treaty, the advantages as regards pensions which are enjoyed by a State's own workers (employed and self-employed persons) under a convention on social security with a non-member country are also, in principle granted to workers (employed and self-employed persons) who are nationals of the other Member States and are in the same situation in objective terms.
2. New bilateral conventions on social security concluded between a Member State and a non-member country should make specific reference to the principle of non-discrimination, on the grounds of nationality, against nationals of another Member State who have exercised their right of free movement in the Member State which is a party to the convention concerned.
3. The Member States should inform the institutions in countries with which they have signed social security conventions whose provisions apply only to their respective nationals about the implications of the Gottardo ruling and should ask them to cooperate in applying the ruling of the Court. Member States which have concluded bilateral conventions with the same non-member countries may act jointly in requesting such cooperation. This cooperation is clearly essential if the ruling is to be complied with.

*The Chairman of the Administrative
Commission*

Théodora TSOTSOROU

(Acts adopted pursuant to Title V of the Treaty on European Union)

**COUNCIL JOINT ACTION 2003/869/CFSP
of 8 December 2003
amending and extending the mandate of the Special Representative of the European Union for the
African Great Lakes Region**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union and, in particular, Articles 14, 18(5) and 23(2) thereof,

Whereas:

- (1) On 10 December 2002 the Council adopted Joint Action 2002/962/CFSP⁽¹⁾ amending and extending the mandate of the Special Representative of the European Union for the African Great Lakes Region.
- (2) By Council Joint Action 2003/447/CFSP⁽²⁾ of 16 June 2003 the mandate of the Special Representative was extended until 31 December 2003.
- (3) On the basis of a review of Joint Action 2002/962/CFSP, the mandate of the Special Representative should be extended and amended.
- (4) On 17 November 2003 the Council adopted guidelines on the appointment, mandate and financing for European Union Special Representatives,

HAS ADOPTED THIS JOINT ACTION:

Article 1

The mandate of Mr Aldo AJELLO as the European Union Special Representative (EUSR) for the African Great Lakes Region is hereby extended.

Article 2

The mandate of the EUSR will be based on the policy objectives of the European Union regarding the peace and transition process in the African Great Lakes Region.

These objectives include:

- (a) active and efficient contribution of the European Union to a final settlement of the crises in the Democratic Republic of Congo and in Burundi;
- (b) particular attention to the regional dimension of the crises in the two countries;

(c) ensurance of the continued presence of the European Union on the ground and in relevant international fora, staying in touch with key players and contribution to crisis management;

(d) contribution to a consistent, sustainable and responsible policy of the European Union in the African Great Lakes Region;

The EUSR shall support the work of the High Representative in the region.

Article 3

In order to achieve the policy objectives, the mandate of the EUSR shall be to:

- (a) establish and maintain close contact with all the parties to the peace and transition process in the African Great Lakes Region, other countries of the region, the United States of America, other relevant countries, as well as the United Nations (UN) and other relevant international organisations, the African Union (AU) and subregional organisations and their representatives as well as other prominent regional leaders in order to work with them in strengthening the peace processes of Lusaka and Arusha and the peace agreements concluded in Pretoria and Luanda;
- (b) observe the peace negotiations and the peace and transition process between the parties and offer the European Union's advice and good offices as appropriate;
- (c) contribute, where requested, to the implementation of peace and ceasefire agreements reached between the parties and engage with them diplomatically in the event of non-compliance with the terms of these agreements;
- (d) engage constructively with signatories to agreements within the framework of the peace processes in order to promote compliance with the basic norms of democracy and good governance, including respect for human rights and the rule of law;
- (e) contribute to and cooperate with the Special Representative of the Secretary-General of the UN for the Great Lakes Region and the Special Envoy of the Chairperson of the AU on the preparation of a conference on peace, security, democracy and development in the Great Lakes Region;

⁽¹⁾ OJ L 334, 11.12.2002, p. 5.

⁽²⁾ OJ L 150, 18.6.2003, p. 72.

- (f) report on the possibilities for European Union intervention in the peace and transition process and on the best way of pursuing European Union initiatives;
- (g) monitor actions by the parties to the conflicts, which might prejudice the outcome of the ongoing peace processes;
- (h) contribute to a better understanding of the European Union's role among opinion leaders in the region.

Article 4

1. The EUSR shall be responsible for the implementation of the mandate acting under the authority and operational direction of the High Representative. The EUSR shall be accountable to the Commission for all expenditure.

2. The Political and Security Committee (PSC) shall maintain a privileged link with the EUSR and shall be the primary point of contact with the Council. The PSC shall provide strategic guidance and political input to the EUSR within the framework of the mandate.

Article 5

1. The financial reference amount intended to cover the expenditure related to the mandate of the EUSR shall be EUR 510 000.

2. The expenditure financed by the amount stipulated in paragraph 1 shall be managed in accordance with the procedures and rules applicable to the general budget of the European Union with the exception that any pre-financing shall not remain the property of the Community.

3. The management of the expenditure shall be subject to a contract between the EUSR and the Commission.

4. The Presidency, Commission, and/or Member States, as appropriate, will provide logistical support in the region.

Article 6

1. Within the limits of his/her mandate and the corresponding financial means made available, the EUSR is responsible for constituting his/her team in consultation with the Presidency, assisted by the Secretary-General/High Representative, and in full association with the Commission. The EUSR shall inform the Presidency and the Commission of the final composition of his team.

2. Member States and institutions of the European Union may propose the secondment of staff to work with the EUSR. The remuneration of personnel who might be seconded by a Member State or an institution of the European Union to the EUSR shall be covered by the Member State or the institution of the European Union concerned respectively.

3. All A-grade posts which are not covered by secondment will be advertised as appropriate by the General Secretariat of the Council and also notified to Member States and institutions in order to recruit the best-qualified applicants.

4. The privileges, immunities and further guarantees necessary for the completion and smooth functioning of the mission of the EUSR and the members of his staff shall be defined with the parties. Member States and the Commission shall grant all necessary support to such effect.

Article 7

As a rule, the EUSR will report in person to the High Representative and to the PSC and may report also to the relevant working group. Regular written reports will be circulated to the High Representative, the Council and the Commission. The EUSR may report to the General Affairs and External Relations Council on the recommendation of the High Representative and the PSC.

Article 8

To ensure the consistency of the external action of the European Union, the activities of the EUSR shall be coordinated with those of the High Representative, the Presidency and the Commission. EUSRs will provide regular briefings to Member States' missions and Commission delegations. In the field, close liaison shall be maintained with the Presidency, the Commission and Heads of Mission who shall make best efforts to assist the EUSR in the implementation of the mandate. The EUSR shall also liaise with other international and regional actors in the field.

Article 9

The implementation of this Joint Action and its consistency with other contributions from the European Union to the region shall be kept under regular review. The EUSR shall present a comprehensive written report on the implementation of the mandate to the High Representative, the Council and the Commission two months before the mandate expires, which shall form a basis for evaluation of the Joint Action in the relevant working groups and by the PSC. In the context of overall priorities for deployment, the High Representative shall make recommendations to the PSC concerning the Council's decision on renewal, amendment or termination of the mandate.

Article 10

This Joint Action shall enter into force on 1 January 2004.

It shall apply until 30 June 2004.

Article 11

This Joint Action shall be published in the *Official Journal of the European Union*.

Done at Brussels, 8 December 2003.

For the Council

The President

F. FRATTINI

**COUNCIL JOINT ACTION 2003/870/CFSP
of 8 December 2003**

**amending and extending the mandate of the Special Representative of the European Union in the
former Yugoslav Republic of Macedonia**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union and, in particular, Articles 14, 18(5) and 23(2) thereof,

Whereas:

- (1) On 10 December 2002, the Council adopted Joint Action 2002/963/CFSP⁽¹⁾ amending and extending the mandate of the Special Representative of the European Union in the former Yugoslav Republic of Macedonia.
- (2) On 16 June 2003, the Council adopted Joint Action 2003/446/CFSP amending and extending the mandate of the Special Representative until 31 December 2003.
- (3) On the basis of a review of Joint Action 2002/963/CFSP, the mandate of the Special Representative should be extended and amended.
- (4) On 17 November 2003, the Council adopted guidelines on the appointment, mandate and financing for European Union Special Representatives,

HAS ADOPTED THIS JOINT ACTION:

Article 1

The mandate of Mr Alexis BROUHNS as the European Union Special Representative (EUSR) in the former Yugoslav Republic of Macedonia is hereby extended.

Article 2

The mandate of the EUSR will be based on the policy objective of the European Union in the former Yugoslav Republic of Macedonia, which shall be to contribute to the consolidation of the peaceful political process and the full implementation of the Framework Agreement, thereby facilitating further progress towards European integration through the Stabilisation and Association Process.

The EUSR shall support the work of the High Representative in the region.

Article 3

In order to achieve the policy objective, the mandate of the EUSR shall be to:

- (a) maintain close contact with the Government of the former Yugoslav Republic of Macedonia and with the parties involved in the political process;
- (b) offer the European Union's advice and facilitation in the political process;

- (c) ensure coordination of the international community's efforts to help in the implementation and sustainability of the provisions of the Framework Agreement of 13 August 2001, as set out in the Agreement and its Annexes;
- (d) follow closely and report on security and interethnic issues and liaising with all relevant bodies to that end;
- (e) give guidance, as necessary, to the Head of Mission/Police Commissioner of the European Union Police Mission (EUPOL/Proxima);
- (f) together with the Head of Mission/Police Commissioner of EUPOL/Proxima and in coordination with the presidency, conduct a regular dialogue with the authorities of the former Yugoslav Republic of Macedonia on the progress of EUPOL/Proxima.

Article 4

1. The EUSR shall be responsible for the implementation of the mandate acting under the authority and operational direction of the High Representative. The EUSR shall be accountable to the Commission for all expenditure.

2. The Political and Security Committee ('PSC') shall maintain a privileged link with the EUSR and shall be the primary point of contact with the Council. The PSC shall provide strategic guidance and political input to the EUSR within the framework of the mandate.

Article 5

1. The financial reference amount intended to cover the expenditure related to the mandate of the EUSR shall be EUR 370 000.

2. The expenditure financed by the amount stipulated in paragraph 1 shall be managed in accordance with the procedures and rules applicable to the general budget of the European Union with the exception that any prefinancing shall not remain the property of the Community.

3. The management of the expenditure shall be subject to a contract between the EUSR and the Commission.

4. The Presidency, Commission, and/or Member States, as appropriate, will provide logistical support in the region.

Article 6

1. Within the limits of his mandate and the corresponding financial means made available, the EUSR is responsible for constituting his team in consultation with the Presidency, assisted by the Secretary-General/High Representative, and in full association with the Commission. The EUSR shall inform the Presidency and the Commission of the final composition of his team.

⁽¹⁾ OJ L 334, 11.12.2002, p. 7; Joint Action amended by Joint Action 2003/446/CFSP (OJ L 150, 18.6.2003, p. 71).

2. Member States and institutions of the European Union may propose the secondment of staff to work with the EUSR. The remuneration of personnel who might be seconded by a Member State or an institution of the European Union to the EUSR shall be covered by the Member State or the institution of the European Union concerned respectively.

3. All A-grade posts which are not covered by secondment will be advertised as appropriate by the General Secretariat of the Council and also notified to Member States and institutions in order to recruit the best-qualified applicants.

4. The privileges, immunities and further guarantees necessary for the completion and smooth functioning of the mission of the EUSR and the members of his staff shall be defined with the parties. Member States and the Commission shall grant all necessary support to such effect.

Article 7

As a rule, the EUSR will report in person to the High Representative and to the PSC and may report also to the relevant working group. Regular written reports will be circulated to the High Representative, Council and Commission. The EUSR may report to the General Affairs and External Relations Council on the recommendation of the High Representative and the PSC.

Article 8

To ensure the consistency of the external action of the European Union, the activities of the EUSR shall be coordinated with those of the High Representative, the Presidency and the Commission. EUSRs will provide regular briefings to Member States' missions and Commission delegations. In the field, close liaison shall be maintained with the Presidency, the Commission and Heads of Mission who shall make best efforts to assist

the EUSR in the implementation of the mandate. The EUSR shall also liaise with other international and regional actors in the field.

Article 9

The implementation of this Joint Action and its consistency with other contributions from the European Union to the region shall be kept under regular review. The EUSR shall present a comprehensive written report on the implementation of the mandate to the High Representative, Council and Commission two months before the mandate expires, which shall form a basis for evaluation of the Joint Action in the relevant working groups and by the PSC. In the context of overall priorities for deployment, the High Representative shall make recommendations to the PSC concerning the Council's decision on renewal, amendment or termination of the mandate.

Article 10

This Joint Action shall enter into force on 1 January 2004.

It shall apply until 30 June 2004.

Article 11

This Joint Action shall be published in the *Official Journal of the European Union*.

Done at Brussels, 8 December 2003.

For the Council

The President

F. FRATTINI

COUNCIL JOINT ACTION 2003/871/CFSP

of 8 December 2003

extending and amending the mandate of the Special Representative of the European Union in Afghanistan

THE COUNCIL OF THE EUROPEAN UNION,

Article 3

Having regard to the Treaty on European Union and, in particular, Articles 14, 18(5) and 23(2) thereof,

Whereas:

- (1) On 10 December 2002 the Council adopted Joint Action 2002/961/CFSP⁽¹⁾ amending and extending the mandate of the Special Representative of the European Union in Afghanistan.
- (2) By Council Joint Action 2003/448/CFSP the mandate of the Special Representative was extended until 31 December 2003.
- (3) On the basis of a review of Joint Action 2002/961/CFSP, the mandate of the Special Representative should be extended.
- (4) On 17 November 2003 the Council adopted Guidelines on the appointment, mandate and financing for European Union Special Representatives,

In order to achieve the policy objectives, the mandate of the EUSR shall be to:

- (a) convey the Union's views on the political process while drawing on the key principles agreed between the Afghan parties and the international community, including the Bonn Agreement, the Tokyo document and Security Council Resolution 1419. These principles include the intention to establish a broad-based, gender-sensitive, multi-ethnic and fully representative government;
- (b) establish and maintain close contact with and give support to the Afghan Transitional Administration. Contact should also be established and maintained with other Afghan leaders inside as well as outside the country;
- (c) establish and maintain close contact with relevant international and regional organisations, notably with the local representatives of the UN;
- (d) stay in close contact with neighbouring and other interested countries in the region so that their views on the situation in Afghanistan are taken into account in Union policy;

HAS ADOPTED THIS JOINT ACTION:

Article 1

The mandate of Mr Francesc VENDRELL as the European Union Special Representative (EUSR) in Afghanistan is hereby extended.

Article 2

The mandate of the EUSR will be based on the policy objectives of the European Union in Afghanistan. In particular the EUSR shall:

1. contribute to the integrity and full implementation of the Bonn Agreement as well as the United Nations (UN) Security Council Resolution 1378, 1419 and other relevant UN Resolutions;
2. encourage positive contributions from regional actors in Afghanistan and from neighbouring countries to the peace process in Afghanistan and thereby contribute to the consolidation of the Afghan State; and
3. support the pivotal role played by the UN, notably the Special Representative of the Secretary-General;
4. support work of the High Representative in the region.

- (e) advise on the progress of the Bonn process, in particular in the following areas:
 - progress towards a broad-based, gender-sensitive, multi-ethnic and fully representative government committed to peace with Afghanistan's neighbours,
 - preparation of a new constitution and the constitutional Loya Jirga,
 - preparation for elections scheduled for 2004,
 - respect for human rights of all Afghan people, regardless of gender, ethnicity or religion,
 - respect of democratic principles, the rule of law, the rights of persons belonging to minorities, the rights of women and children and the principles of international law,
 - fostering participation by women in public administration and civil society,
 - respect for Afghanistan's international obligations, including cooperation in international efforts to combat terrorism, illicit drug trafficking and trafficking in human beings,

⁽¹⁾ OJ L 334, 11.12.2002, p. 3. Joint Action as amended by Joint Action 2003/448/CFSP (OJ L 150, 18.6.2003, p. 73).

- facilitation of humanitarian assistance and the orderly return of refugees and internally displaced persons,
 - security sector reforms, including establishment of judicial institutions, a national army and police force;
- (f) in consultation with representatives of Member States and the Commission, contribute to ensure that the Union's political approach is reflected in its action for the reconstruction of Afghanistan, including to encourage a process undertaken by the Afghan Transitional Government in partnership with the international community leading to the development of verifiable benchmarks and monitoring systems on how to achieve the key principles agreed between the Afghan parties and the international community;
- (g) advise on the participation and the positions of the Union in international conferences on Afghanistan.

Article 4

1. The EUSR shall be responsible for the implementation of the mandate acting under the authority and operational direction of the High Representative. The EUSR shall be accountable to the Commission for all expenditure.
2. The Political and Security Committee (PSC) shall maintain a privileged link with the EUSR and shall be the primary point of contact with the Council. The PSC shall provide strategic guidance and political input to the EUSR within the framework of the mandate.

Article 5

1. The financial reference amount intended to cover the expenditure related to the mandate of the EUSR shall be EUR 496 000.
2. The expenditure financed by the amount stipulated in paragraph 1 shall be managed in accordance with the procedures and rules applicable to the general budget of the European Union with the exception that any pre-financing shall not remain the property of the Community.
3. The management of the expenditure shall be subject to a contract between the EUSR and the Commission.
4. The Presidency, Commission, and/or Member States, as appropriate, will provide logistical support in the region.

Article 6

1. Within the limits of his/her mandate and the corresponding financial means made available, the EUSR is responsible for constituting his/her team in consultation with the Presidency, assisted by the Secretary-General/High Representative, and in full association with the Commission. The EUSR shall inform the Presidency and the Commission of the final composition of his team.

2. Member States and institutions of the European Union may propose the secondment of staff to work with the EUSR. The remuneration of personnel who might be seconded by a Member State or an institution of the European Union to the EUSR shall be covered by the Member State or the institution of the European Union concerned respectively.

3. All A-grade posts which are not covered by secondment will be advertised as appropriate by the General Secretariat of the Council and also notified to Member States and institutions in order to recruit the best-qualified applicants.

4. The privileges, immunities and further guarantees necessary for the completion and smooth functioning of the mission of the EUSR and the members of his staff shall be defined with the parties. Member States and the Commission shall grant all necessary support to such effect.

Article 7

As a rule, the EUSR will report in person to the High Representative and to the PSC and may report also to the relevant working group. Regular written reports will be circulated to the High Representative, to the Council and to the Commission. The EUSR may report to the General Affairs and External Relations Council on the recommendation of the High Representative and the PSC.

Article 8

To ensure the consistency of the external action of the European Union, the activities of the EUSR shall be coordinated with those of the High Representative, the Presidency and the Commission. EUSRs will provide regular briefings to Member States' missions and Commission delegations. In the field, close liaison shall be maintained with the Presidency, the Commission and Heads of Mission who shall make best efforts to assist the EUSR in the implementation of the mandate. The EUSR shall also liaise with other international and regional actors in the field.

Article 9

The implementation of this Joint Action and its consistency with other contributions from the European Union to the region shall be kept under regular review. The EUSR shall present a comprehensive written report on the implementation of the mandate to the High Representative, the Council and the Commission two months before the mandate expires, which shall form a basis for evaluation of the Joint Action in the relevant working groups and by the PSC. In the context of overall priorities for deployment, the High Representative shall make recommendations to the PSC concerning the Council's decision on renewal, amendment or termination of the mandate.

Article 10

This Joint Action shall enter into force on 1 January 2004.

It shall apply until 30 June 2004.

Article 11

This Joint Action shall be published in the *Official Journal of the European Union*.

Done at Brussels, 8 December 2003.

For the Council

The President

F. FRATTINI

COUNCIL JOINT ACTION 2003/872/CFSP**of 8 December 2003****extending and amending the mandate of the Special Representative of the European Union for the South Caucasus**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union and, in particular, Articles 14, 18(5) and 23(2) thereof,

Whereas:

- (1) Council Joint Action 2003/496/CFSP of 7 July 2003 concerning the appointment of the European Union Special Representative for the South Caucasus ⁽¹⁾ is due to expire on 31 December 2003.
- (2) On the basis of a review of that Joint Action, the mandate of the Special Representative should be extended.
- (3) On 17 November 2003 the Council adopted Guidelines on the appointment, mandate and financing for European Union Special Representatives,

HAS ADOPTED THIS JOINT ACTION:

Article 1

The mandate of Mr Heikki TALVITIE as the European Union Special Representative (EUSR) for the South Caucasus is hereby extended.

Article 2

1. The mandate of the EUSR will be based on the policy objectives of the European Union in the South Caucasus. These objectives include:

- (a) to assist Armenia, Azerbaijan and Georgia in carrying out political and economic reforms, notably in the fields of rule of law, democratisation, human rights, good governance, development and poverty reduction;
- (b) in accordance with existing mechanisms, to prevent conflicts in the region, to assist in the resolution of conflicts, and to prepare the return of peace, including through promoting the return of refugees and internally displaced persons;

(c) to engage constructively with main interested actors concerning the region;

(d) to encourage and to support further cooperation between States of the region, in particular between the States of the South Caucasus, including on economic, energy and transport issues;

(e) to enhance the effectiveness and visibility of the European Union in the region.

2. The EUSR shall support the work of the High Representative in the region.

Article 3

In order to achieve the policy objectives, the mandate of the EUSR shall be to:

(a) develop contacts with governments, parliaments, judiciary and civil society in the region;

(b) encourage Armenia, Azerbaijan and Georgia to cooperate on regional themes of common interest, such as common security threats, the fight against terrorism, trafficking and organised crime;

(c) contribute to the prevention of conflicts, and to prepare the return of peace to the region, including through recommendations for action related to civil society and rehabilitation of territories without prejudice to the Commission's responsibilities under the EC Treaty;

(d) assist in conflict resolution, in particular to enable the European Union better to support the United Nations Secretary-General and his Special Representative for Georgia, the Group of Friends of the United Nations Secretary-General for Georgia, the Minsk Group of the Organisation for Security and Cooperation in Europe (OSCE), and the conflict resolution mechanism for South Ossetia;

(e) intensify the European Union's dialogue with the main interested actors concerning the region;

(f) assist the Council in further developing a comprehensive policy towards the South Caucasus.

⁽¹⁾ OJ L 169, 8.7.2003, p. 74.

Article 4

1. The EUSR shall be responsible for the implementation of the mandate acting under the authority and operational direction of the High Representative. The EUSR shall be accountable to the Commission for all expenditure.

2. The Political and Security Committee (PSC) shall maintain a privileged link with the EUSR and shall be the primary point of contact with the Council. The PSC shall provide strategic guidance and political input to the EUSR within the framework of the mandate.

Article 5

1. The financial reference amount intended to cover the expenditure related to the mandate of the EUSR shall be EUR 299 000.

2. The expenditure financed by the amount stipulated in paragraph 1 shall be managed in accordance with the procedures and rules applicable to the general budget of the European Community with the exception that any pre-financing shall not remain the property of the Community.

3. The management of the expenditure shall be subject to a contract between the EUSR and the Commission.

4. The Presidency, Commission, and/or Member States, as appropriate, will provide logistical support in the region.

Article 6

The privileges, immunities and further guarantees necessary for the completion and smooth functioning of the mission of the EUSR and the members of his staff shall be defined with the parties. Member States and the Commission shall grant all necessary support to such effect.

Article 7

As a rule, the EUSR will report in person to the High Representative and to the PSC and may report also to the relevant working group. Regular written reports will be circulated to the High Representative, Council and Commission. The EUSR may report to the General Affairs and External Relations Council on the recommendation of the High Representative and the PSC.

Article 8

To ensure the consistency of the external action of the European Union, the activities of the EUSR shall be coordinated with those of the High Representative, the Presidency and the Commission. EUSRs will provide regular briefings to Member States' missions and Commission delegations. In the field, close liaison shall be maintained with the Presidency, the Commission and Heads of Mission who shall make best efforts to assist the EUSR in the implementation of the mandate. The EUSR shall also liaise with other international and regional actors in the field.

Article 9

The implementation of this Joint Action and its consistency with other contributions from the European Union to the region shall be kept under regular review. The EUSR shall present a comprehensive written report on the implementation of the mandate to the High Representative, the Council and the Commission two months before the mandate expires, which shall form a basis for evaluation of the Joint Action in the relevant working groups and by the PSC. In the context of overall priorities for deployment, the High Representative shall make recommendations to the PSC concerning the Council's decision on renewal, amendment or termination of the mandate.

Article 10

This Joint Action shall enter into force on 1 January 2004.

It shall apply until 30 June 2004.

Article 11

This Joint Action shall be published in the *Official Journal of the European Union*.

Done at Brussels, 8 December 2003.

For the Council

The President

F. FRATTINI

COUNCIL JOINT ACTION 2003/873/CFSP**of 8 December 2003****extending and amending the mandate of the Special Representative of the European Union for the Middle East peace process**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union and, in particular, Articles 14, 18(5) and 23(2) thereof,

Whereas:

- (1) On 10 December 2002 the Council adopted Joint Action 2002/965/CFSP⁽¹⁾ amending and extending the mandate of the Special Representative of the European Union for the Middle East peace process.
- (2) By Council Joint Action 2003/445/CFSP⁽²⁾ the mandate of the Special Representative was extended until 31 December 2003.
- (3) By Council Joint Action 2003/537/CFSP of 21 July 2003 the Council decided to appoint Ambassador Marc OTTE as the new EU Special Representative for the Middle East peace process.
- (4) On the basis of a review of Joint Action 2002/965/CFSP, the mandate of the Special Representative should be extended.
- (5) On 17 November 2003 the Council adopted guidelines on the appointment, mandate and financing for European Union special representatives,

tions with their neighbours in accordance with United Nations (UN) Security Council Resolutions 242, 338, 1397 and 1402 and on the principles of the Madrid conference;

- (b) a solution in the Israeli-Syrian and Israeli-Lebanese tracks;
- (c) a fair solution to the complex issue of Jerusalem and a just, viable and agreed solution to the problem of Palestinian refugees;
- (d) early convening of a peace conference, which should address political and economic aspects as well as matters relating to security, confirm the parameters of a political solution and establish a realistic and well-defined timescale.

These objectives are based on the European Union's commitment to:

- (a) work with the parties and with partners in the international community, especially within the framework of the Middle East quartet, to pursue every opportunity for peace and for a decent future for all people of the region;
- (b) continue to assist in Palestinian security reforms, early elections and political and administrative reforms;
- (c) contribute fully to peace-building, as well as to the reconstruction of the Palestinian economy as an integral part of regional development.

HAS ADOPTED THIS JOINT ACTION:

Article 1

The mandate of Mr Marc OTTE as the European Union Special Representative (EUSR) for the Middle East peace process is hereby extended.

Article 2

The mandate of the EUSR will be based on the policy objectives of the European Union regarding the Middle East peace process.

These objectives include:

- (a) a two-State solution with Israel and a democratic, viable, peaceful and sovereign Palestinian State living side by side within secure and recognised borders enjoying normal rela-

The EUSR shall support the work of the High Representative in the region, including in the framework of the Middle East quartet.

Article 3

In order to achieve the policy objectives, the mandate of the EUSR shall be to:

- (a) provide an active and efficient contribution from the European Union to actions and initiatives leading to a final settlement of the Israeli-Palestinian conflict and of the Israeli-Syrian and Israeli-Lebanese conflicts;
- (b) facilitate and maintain close contact with all the parties to the Middle East peace process, other countries of the region, members of the Middle East quartet and other relevant countries, as well as the UN and other relevant international organisations, in order to work with them in strengthening the peace process;

⁽¹⁾ OJ L 334, 11.12.2002, p. 11. Joint Action as last amended by Joint Action 2003/537/CFSP (OJ L 184, 23.7.2003, p. 45).

⁽²⁾ OJ L 150, 18.6.2003, p. 70.

- (c) ensure the continued presence of the European Union on the ground and in relevant international fora and contribute to crisis management and prevention;
- (d) observe and support peace negotiations between the parties and offer the European Union's advice and good offices as appropriate;
- (e) contribute, where requested, to the implementation of international agreements reached between the parties and engage with them diplomatically in the event of non-compliance with the terms of these agreements;
- (f) pay particular attention to factors having implications for the regional dimension of the Middle East peace process;
- (g) engage constructively with signatories to agreements within the framework of the peace process in order to promote compliance with the basic norms of democracy, including respect for human rights and the rule of law;
- (h) report on the possibilities for European Union intervention in the peace process and on the best way of pursuing European Union initiatives and ongoing Middle East peace process-related European Union efforts, such as the contribution of the European Union to Palestinian reforms, and including the political aspects of relevant European Union development projects;
- (i) monitor actions by either side on the implementation of the roadmap and on issues that might prejudice the outcome of the permanent status negotiations to enable the Middle East quartet to better assess the parties' compliance;
- (j) facilitate cooperation on security issues within the European Union-Palestinian Permanent Security Committee set up on 9 April 1998 as well as in other ways;
- (k) contribute to a better understanding of the role of the European Union among opinion leaders in the region;
- (l) develop and implement an EU programme relating to security issues. To this end, the EU Special Representative may be assisted by an expert charged with the practical implementation of operational projects related to security issues.

Article 4

1. The EUSR shall be responsible for the implementation of the mandate acting under the authority and operational direction of the High Representative. The EUSR shall be accountable to the Commission for all expenditure.

2. The Political and Security Committee (PSC) shall maintain a privileged link with the EUSR and shall be the primary point of contact with the Council. The PSC shall provide strategic guidance and political input to the EUSR within the framework of the mandate.

Article 5

1. The financial reference amount intended to cover the expenditure related to the mandate of the EUSR shall be EUR 793 000.

2. The expenditure financed by the amount stipulated in paragraph 1 shall be managed in accordance with the procedures and rules applicable to the general budget of the European Union with the exception that any prefinancing shall not remain the property of the Community.

3. The management of the expenditure shall be subject to a contract between the EUSR and the Commission.

4. The Presidency, Commission, and/or Member States, as appropriate, will provide logistical support in the region.

Article 6

1. Within the limits of his/her mandate and the corresponding financial means made available, the EUSR is responsible for constituting his/her team in consultation with the Presidency, assisted by the Secretary-General/High Representative, and in full association with the Commission. The EUSR shall inform the Presidency and the Commission of the final composition of his/her team.

2. Member States and institutions of the European Union may propose the secondment of staff to work with the EUSR. The remuneration of personnel who might be seconded by a Member State or an institution of the European Union to the EUSR shall be covered by the Member State or the institution of the European Union concerned respectively.

3. All A-grade posts which are not covered by secondment will be advertised as appropriate by the General Secretariat of the Council and also notified to Member States and institutions in order to recruit the best-qualified applicants.

4. The privileges, immunities and further guarantees necessary for the completion and smooth functioning of the mission of the EUSR and the members of his staff shall be defined with the parties. Member States and the Commission shall grant all necessary support to such effect.

Article 7

As a rule, the EUSR will report in person to the High Representative and to the PSC and may report also to the relevant working group. Regular written reports will be circulated to the High Representative, Council and Commission. The EUSR may report to the General Affairs and External Relations Council on the recommendation of the High Representative and the PSC.

Article 8

To ensure the consistency of the external action of the European Union, the activities of the EUSR shall be coordinated with those of the High Representative, the Presidency and the Commission. EUSRs will provide regular briefings to Member States' missions and Commission delegations. In the field, close liaison shall be maintained with the Presidency, the Commission and Heads of Mission who shall do their utmost to assist the EUSR in the implementation of the mandate. The EUSR shall also liaise with other international and regional actors in the field.

Article 9

The implementation of this Joint Action and its consistency with other contributions from the European Union to the region shall be kept under regular review. The EUSR shall present a comprehensive written report on the implementation of the mandate to the High Representative, Council and Commission two months before the mandate expires, which shall form a basis for evaluation of the Joint Action in the relevant working groups and by the PSC. In the context of overall

priorities for deployment, the High Representative shall make recommendations to the PSC concerning the Council's decision on renewal, amendment or termination of the mandate.

Article 10

This Joint Action shall enter into force on 1 January 2004.

It shall apply until 30 June 2004.

Article 11

This Joint Action shall be published in the *Official Journal of the European Union*.

Done at Brussels, 8 December 2003.

For the Council

The President

F. FRATTINI

**COUNCIL DECISION 2003/874/CFSP
of 8 December 2003**

**implementing Joint Action 2003/472/CFSP with a view to contributing to the European Union
cooperation programme for non-proliferation and disarmament in the Russian Federation**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 23(2) thereof,

Having regard to Council Joint Action 2003/472/CFSP on the continuation of the European Union cooperation programme for non-proliferation and disarmament in the Russian Federation⁽¹⁾,

Whereas:

- (1) This Decision is intended to implement Joint Action 2003/472/CFSP, by making a financial contribution to projects under the European Union cooperation programme for non-proliferation and disarmament in the Russian Federation, and in particular Article 2 thereof.
- (2) The Union wishes to continue its support to the Russian Federation in her pursuit of a safe and environmentally sound dismantlement or reconversion of infrastructure, equipment and scientific capabilities linked to weapons of mass destruction.
- (3) The Commission has agreed to be entrusted with the task of supervising the proper implementation of these projects,

HAS DECIDED AS FOLLOWS:

Article 1

The following projects shall be included on the European Union cooperation programme for non-proliferation and disarmament in the Russian Federation:

- support of the programme of ex-weapons plutonium disposition in Russia;
- provision of equipment required to ensure the operation of the chemical weapons destruction facility in Kambarka, Republic of Udmurtia.

A full description of the above activities is set out in Annexes I and II, respectively.

Article 2

1. The financial reference amount for the purposes referred to in Article 1 shall be EUR 5 550 000.

2. The management of the expenditure financed by the amount specified in paragraph 1 shall be subject to the European Community procedures and rules applicable to the general budget of the European Union, with the exception that any pre-financing shall not remain the property of the European Community. The Commission may delegate the implementation of the projects set out in Article 1 to the entities identified in Annexes I and II.

3. The Member States, whose entities are identified in the Annexes I and II, shall take the necessary steps to ensure the efficient running of the projects at Member State level.

4. The Member States, in cooperation with the Commission, shall ensure adequate visibility of the EU contribution to the projects and appropriate follow-up with regard to the projects.

Article 3

The Commission shall report on the implementation of this Decision in accordance with Article 3(1) of Joint Action 2003/472/CFSP.

Article 4

1. This Decision shall take effect on the date of its adoption.

It shall expire on the date of expiry of Joint Action 2003/472/CFSP.

2. This Decision shall be reviewed within six months from the date of its adoption.

Article 5

This Decision shall be published in the *Official Journal of the European Union*.

Done at Brussels, 8 December 2003.

For the Council

The President

F. FRATTINI

⁽¹⁾ OJ L 157, 26.6.2003, p. 69.

ANNEX I

SUPPORT OF THE PROGRAMME OF EX-WEAPONS PLUTONIUM DISPOSITION IN RUSSIA**1. Description**

Under the Intergovernmental Agreement of September 2000 between the United States of America and the Russian Federation, each side will dispose of 34 tonnes of weapon-grade plutonium. Both sides have declared their intention to convert this plutonium into mixed-oxide fuel (MOX) and to load it in existing reactors.

It is proposed that, as done since the adoption in 1999 of the Joint Action establishing a European Union cooperation programme for non-proliferation and disarmament in the Russian Federation, the EU continues to support two types of activities which are placed on the critical path of this programme in Russia:

- safety regulations: regulatory documents developed by the Russian nuclear safety authority (Gosatomnadzor, abridged GAN) to cover the use of ex-weapons plutonium in Russian reactors,
- MOX demonstration: studies and experiments for MOX fuel demonstration and licensing which are part of a programme also called the 3-LTA programme (for lead test assemblies).

1.1. Safety regulations

In the Russian Federation, it is the role of the independent Russian Nuclear Safety Authority, the Gosatomnadzor (GAN), to set their requirements and to verify that they are met, before the licence can be issued to allow the start of the operations.

Under the Joint Action EUR 500 000 (Joint Action 1999/878/CFSP) and EUR 1 300 000 (Council Decision 2001/493/CFSP) have already been allocated to support the start of the development by the GAN of first priority documents needed for the activities of plutonium disposition. The project was implemented under the French-German-Russian Agreement of 1998, by the CEA (Commissariat à l'énergie atomique), who passed contracts with the GAN and its advisers (IBRAE) to draft such regulatory documents, and also with experienced EU safety experts (grouped under Risk-Audit) for reviewing these documents.

There was a basic agreement between the European Commission and the National Nuclear Security Administration (NNSA) of the United States Department of Energy (DoE) to share the financial support of the GAN activities in such tasks.

By mid 2003, 12 regulatory documents, from a total of 16, had been drafted and six of them reviewed. The second, improved version of three documents was ready for final review prior to official publication.

The present project covers the financing of three further documents written by the GAN and its advisers, and the review of Russian work by EU safety experts. It will be implemented on the basis of a new French-Russian Agreement. This will be done again in close cooperation with the American NNSA.

The three documents planned to be developed by the GAN and its technical advisers will cover the use of ex-weapons plutonium in nuclear reactors in Russia as follows:

- one further regulatory document on fire safety in nuclear fuel cycle facilities,
- review of design documentation on construction of a fuel fabrication facility at NIIAR site for the three lead test assemblies to be loaded in a VVER-1000 reactor; certification of the related equipment,
- review of VNIINM design documentation on process modernisation for testing MOX fuel fabrication process using Russian materials, and certification of the related equipment.

The GAN expert reviews prepare the licensing of these activities, which are part of the MOX demonstration programme. In addition to reviewing the three GAN documents quoted, the EU safety experts will also review, in parallel to their US counterparts, the general safety regulations for nuclear fuel cycle facilities, a document under revision at GAN.

1.2. MOX Demonstration

Under the Joint Action, EUR 1 300 000 and EUR 1 500 000 have already been allocated to support the start of this development by the Joint Action 1999/878/CFSP and Council Decision 2001/493/CFSP, respectively. The basis is mainly given by an overall programme for MOX demonstration elaborated in 2000 by the Bochvar Institute, approved by Minatom and accepted by GAN. This programme is made of a sequence of many steps leading finally to the loading of three MOX fuel assemblies (lead test assemblies, LTA) into a VVER-1000 reactor at Balakovo. It is thus also referred to as the 3-LTA programme.

The project has been implemented under the French-German-Russian Agreement of 1998, by the CEA (Commissariat à l'énergie atomique), who passed direct contracts with the Russian institutes designated by the Minatom. By mid 2003, 12 contracts, from a total of 15, covering as many steps of the programme, were being executed at five different institutes of Minatom. The present project covers the financing of four further steps of the MOX demonstration programme (3-LTA programme).

The safe, secure and technologically sound implementation of the disposition of the ex-weapons plutonium in Russia is a priority issue. This project is necessary in this perspective, as it is placed on the critical path. It will be implemented on the basis of a new French-Russian Agreement. The choice of the steps selected is done in common with the French and Russian partners, and it will also be communicated to the US DoE National Nuclear Security Administration (NNSA).

The identified further steps in the 3-LTA programme cover:

- modernisation of a processing line for fabrication of MOX ampoules (short rods),
- development of a post-irradiation programme in test reactors,
- fuel performance codes updating for ampoules and MOX fuel rod design,
- modernisation and adaptation of the VVER plant equipment to allow MOX loading.

It is worth noting that in 2002 Minatom designated TVEL as integrator for all MOX fuel activities in the programme, to coordinate the tasks of the various institutes depending of Minatom (like VNIINM Bochvar). On the other hand, RosEnergoAtom is responsible for the operations in its power plants, like the VVERs-1000 at Balakovo. The three first steps mentioned above involve TVEL and Minatom institutes, while the last one involves RosEnergoAtom/Balakovo.

2. Objectives

Overall objective: to develop the capacity for the safe disposition of ex-weapons plutonium in the Russian Federation.

Project purposes

For 1.1: on the basis of regulatory documents written by the GAN, to license some steps of the new fuel cycle needed, implying the use of MOX fuel.

For 1.2: to perform studies and experiments allowing the use of MOX fuel, and the loading of three lead test assemblies in a VVER-1000 reactor at Balakovo.

Project results

For 1.1: expert reviews produced by the GAN and commented by EU safety experts; certificates from pre-licensing of some steps of the fuel cycle.

For 1.2: output of the different steps described above (reports, installed equipment).

3. Duration

The expected duration of the implementation is two years.

An evaluation of the work is proposed six months after signature of the first contracts.

4. Beneficiaries

For 1.1: the GAN is the Russian entity benefiting from the outcome of the project.

For 1.2: the Minatom is the Russian entity benefiting from the outcome of the project.

Both GAN and Minatom will nominate from their organisations high ranking official contact persons for the project, having sufficient capacity and responsibility for ensuring an efficient cooperation with the Member State entity entrusted with implementation of the projects.

5. Member State entity to be entrusted with the implementation of the projects

For 1.1 and 1.2 alike:

- Member State: France, represented by the French Ministry of Foreign Affairs,
- Implementing Agency: Commissariat de l'énergie atomique (CEA).

6. **Third party participants**

For the purpose of implementation of the tasks of the projects, the CEA may establish:

- for 1.1: direct contracts with the GAN/advisers (still to be designated) staff for the work to be done in Russia and with the experienced EU safety experts of Risk-Audit for the review work,
- for 1.2: direct contracts with the Russian institutes designated by Minatom to do the work in Russia.

The CEA, assisted by experts, will supervise the execution of the Russian tasks and will be responsible to ensure full coherence with activities financed by other bodies, in particular under US-RF bilateral programmes.

Contacts will be established with US DoE (NNSA) representatives to ensure that this project be complementary to US activities.

7. **Estimated required means**

7.1. Safety Regulations

About 70 % of the amount is covering Russian expenses, which are primarily labour costs, plus some travel and equipment costs. The remaining about 30 % are foreseen for the nuclear safety experts reviewing GAN's work.

The rates will be based on the estimates given in the following GAN document:

'List of the federal standards and rules and other regulations in the field of nuclear energy use to be developed within the framework of the project on weapon-grade plutonium disposition',

of April 2001.

7.2. MOX Demonstration

The whole amount is covering Russian expenses which are primarily labour costs.

The rates will be based on the estimates given in the following document:

'Programme for MOX fuel licensing and manufacturing of three pilot fuel assemblies for VVER-1000 reactor',

of October 2000, approved by Minatom and accepted by GAN.

The total amount for the two projects includes contingencies and for travel and translation expenses of the implementing agency, directly related to the implementation of the projects.

8. **Financial reference amount to cover the cost of the projects**

For 1.1: EUR 500 000

For 1.2: EUR 950 000

In addition, the overall project costs include an amount of EUR 50 000 to cover travel costs and allowances of the identified Member State entity, directly related to the management of the project, and contingencies.

Total: EUR 1 500 000.

ANNEX II

PROVISION OF EQUIPMENT REQUIRED TO ENSURE THE OPERATION OF THE CHEMICAL WEAPONS DESTRUCTION FACILITY IN KAMBARKA, REPUBLIC OF UDMURTIA**1. Description****1.1. Background**

International support is of vital importance for the Russian Federation to fulfil its obligations under the Chemical Weapons Convention, facilitating and complementing Russian efforts to implement its comprehensive chemical weapons (CW) destruction programme.

A second destruction facility is to be constructed at the Kambarka storage site, where some 6 000 metric tons of the blistering agent lewisite are stored in large steel tanks. This storage represents 16 % of the total amount of CW in the Russian Federation.

At earlier stages projects have been implemented in Kambarka by Sweden (risk analysis, training and equipment for a public communication Centre, analytical instrument for the local hospital) and by Finland (specially-designed warning system for detecting accidental outflow of the stored CW chemicals).

1.2. Scope of activities to be performed under the project

The present project finances the provision of key engineering support elements for the CW destruction facility in Kambarka. The equipment provided will consist of a cooling station, a nitrogen-oxygen station, compressor and diesel stations as well as other hardware components required for the functioning of the facility.

Experience from the smaller destruction facility in Gorny, built with the support of the Federal Republic of Germany and the EU Joint Action, will be used for the Kambarka facility. The technical documentation needed for the procurement process has been developed and made available by the Russian Federal State Design Institute 'SoyuzpromNIIproekt'.

2. Objectives

Overall objective: to have assisted the Russian Federation to fulfil its objectives under the CW Convention.

Project purpose: to have assisted the Russian Federation's efforts to destroy chemical weapons in the destruction facility in Kambarka, Republic of Udmurtia.

Project results: to have provided essential hardware components required for the functioning of the Kambarka CW destruction facility.

3. Duration

The planned overall duration of the project is 24 months. This includes a procurement preparation phase of approximately four months, consisting of the preparation of detailed terms of reference and technical specifications, a procurement and contracting phase of another six months, and finally a production and delivery phase of a further 14 months. The project is planned to begin by the end of 2003.

4. Beneficiary

The main entity benefiting from the outcome of the project is the Russian Munitions Agency, which is the body in charge of the federal target program 'Destruction of chemical weapons stockpiles in the Russian Federation'.

5. Member State entity to be entrusted with the implementation of the project

— Member State: Federal Republic of Germany,

— Implementing Agency: Federal Ministry of Foreign Affairs (Auswärtiges Amt), assisted by the Bundesamt für Wehrtechnik und Beschaffung.

6. Third party participants

This project will be financed 100 % by the EU Joint Action. Germany will implement the project in parallel with its own projects in Kambarka.

7. Estimated required means

The EU contribution will cover the procurement and delivery of equipment required for the operation of the cooling station, nitrogen-oxygen station, compressor station and diesel station as well as other equipment required for the functioning of the chemical weapons destruction facility in Kambarka. The estimated costs of these equipments are as follows:

— Air compressor station	EUR 575 000
— Air and water cooling station	EUR 1 290 000
— Nitrogen supply station	EUR 940 000
— Diesel power station (Emergency system)	EUR 95 000
— Other equipment, including for emergency rescue and fire fighting	EUR 1 100 000.

In addition, the overall project costs include an amount of EUR 50 000 to cover travel costs and allowances of the identified Member State entity, directly related to the management of the project, and contingencies.

8. Financial reference amount to cover the cost of the project

The total cost of the project is EUR 4 050 000.
