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I

(Acts whose publication is obligatory)

**COUNCIL REGULATION (EC, EURATOM) No 2181/2003
of 8 December 2003
concerning transitional measures to be adopted for the reform of the Staff Regulations, in
particular with regard to pay and pension**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 283 thereof,

Having regard to Article 13 of the Protocol on the privileges and immunities of the European Communities,

Having regard to the proposal by the Commission submitted after obtaining the opinion of the Staff Regulations Committee,

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

Having regard to the opinion of the Court of Justice ⁽²⁾,

Having regard to the opinion of the Court of Auditors ⁽³⁾,

Whereas:

- (1) The overhaul of the current Staff Regulations of officials and Conditions of Employment of other servants of the European Communities, which were originally adopted in 1962, has led to the requirement to phase in certain reform measures: the annual adjustment of pay scales on the basis of the current method, a new special levy and a new pension contribution rate are to take effect as from 1 January 2004, by way of transitional measures, while the revised regulation amending the Staff Regulations is to enter into force on 1 May 2004.
- (2) On 19 May 2003, the Council adopted guidelines and on 29 September 2003 it approved the report by the Consultation Committee established by the Council decision of 23 June 1981.
- (3) The new special levy is introduced to reflect the costs of social policy, improved working conditions and the European Schools.
- (4) Article 83(4) of the Staff Regulations provides that a new rate of contribution is to be set where an actuarial assessment of the pension scheme shows contributions by officials to be insufficient to finance one third of the benefits payable thereunder. Such an assessment has shown that the present contributions by officials are insufficient to finance one third of the benefits payable.

- (5) Pursuant to Article 65 of the Staff Regulations, the Council is each year to review, and if appropriate adjust, the remuneration of the officials and other servants of the Communities. According to the proposal adopted by the Council, pay scales will be adjusted on the basis of the current method. For this purpose, the period of validity of Annex XI to the Staff Regulations, which ceased to apply on 30 June 2003, is accordingly to be extended,

HAS ADOPTED THIS REGULATION:

Article 1

Article 66a(1) to (5) of the Staff Regulations are replaced by the following:

- '1. By way of derogation from Article 3(1) of Regulation (EEC, Euratom, ECSC) No 260/68 (*), a temporary measure regarding remuneration paid by the Communities to staff in active employment, to be known as the "special levy", shall be applied from 1 January 2004.
2. The rate of the special levy, which shall apply to the base defined in paragraph 3, shall be 2,5 %.
3. (a) The base for the special levy shall be the basic salary for the grade and step used to calculate remuneration, minus:
 - social security and pension contributions and the tax, before the special levy, payable by an official in the same grade and step without dependants within the meaning of Article 2 of Annex VII, and
 - an amount equal to the basic salary of an official in grade D4, step 1.
- (b) The components used to determine the base for the special levy shall be expressed in euro and weighted at 100.

⁽¹⁾ Opinion delivered on 4 December 2003 (not yet published in the Official Journal).

⁽²⁾ Opinion delivered on 5 November 2003 (not yet published in the Official Journal).

⁽³⁾ Opinion delivered on 27 November 2003 (not yet published in the Official Journal).

4. The special levy shall be deducted monthly at source; the proceeds shall be entered as revenue in the general budget of the European Communities.

(*) OJ L 56, 4.3.1968, p. 8. Regulation as last amended by Regulation (EC, Euratom) No 1750/2002 (OJ L 264, 2.10.2002, p. 15).'

Article 2

From 1 January 2004, the contribution rate laid down in Article 83(2) of the Staff Regulations shall be set at 9,25 %. The maximum rate for payments pursuant to Article 42 of the Conditions of Employment of other servants of the European Communities shall be set at 18,5 %.

Article 3

1. In Article 15(1) of Annex XI to the Staff Regulations, the date '30 June 2003' is replaced by '30 June 2004'.

2. For 2003, the adjustment of remuneration provided for by Article 65(1) of the Staff Regulations shall take effect, by way of derogation from Article 3(1) of Annex XI to the Staff Regulations, on 1 January 2004.

3. In accordance with the factors provided for in Annex XI to the Staff Regulations, the value of this adjustment shall be 3,4 %.

Article 4

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

It shall apply from 8 December 2003 until the date of applicability of the Council Regulation amending the Staff Regulations of officials and the Conditions of Employment of other servants of the European Communities, proposed by the Commission on 18 November 2003, but at the latest until 30 June 2004.

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

Done at Brussels, 8 December 2003.

For the Council

The President

F. FRATTINI

**COUNCIL REGULATION (EC, EURATOM) No 2182/2003
of 8 December 2003**

adjusting with effect from 1 January 2004 the remuneration and pensions of officials and other servants of the European Communities and the weightings applied thereto

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to the Protocol on the Privileges and Immunities of the European Communities, and in particular Article 13 thereof,

Having regard to the Staff Regulations of officials and the Conditions of employment of other servants of the European Communities laid down by Council Regulation (EEC, Euratom, ECSC) No 259/68 ⁽¹⁾, as last amended by Regulation (EC, Euratom) No 2265/2002 ⁽²⁾, and in particular Articles 63, 64, 65, and 82 of the Staff Regulations, and the first paragraph of Article 20 and Article 64 of the Conditions of employment,

Having regard to the proposal from the Commission,

Whereas:

- (1) In accordance with the political agreement reached in the Council on 29 September 2003, the 2003 annual adjustment of remunerations on the basis of the current method should, by way of exception, take effect from 1 January 2004. The Commission has accordingly drafted a proposal for a Regulation extending Annex XI to the Staff Regulations until 30 June 2004.
- (2) A review of the remuneration of officials and other servants carried out on the basis of a report by the Commission has shown that the remuneration and pensions of officials and other servants of the Communities should be adjusted under the 2003 annual review.
- (3) The annual adjustment in respect of 2004 could entail the establishment before 31 December 2004 of new weightings with retroactive effect from 1 July 2004.
- (4) These new weightings could lead to retroactive adjustments to remuneration and pensions (positive or negative) in respect of the period of 2004 for which payments have already been made on the basis of this Regulation.
- (5) Provision should therefore be made for the payment of arrears in the event of an upward adjustment as a result of these weightings or for the recovery of sums overpaid in the event of a downward adjustment for the period between the effective date and the date of entry into force of the Council's decision on the annual adjustment in respect of 2004.
- (6) Provision should be made for the effects of any such recovery to be spread over a period of not more than 12 months following the date of entry into force of the Council's decision on the annual adjustment in respect of 2004,

HAS ADOPTED THIS REGULATION:

Article 1

With effect from 1 January 2004:

- (a) the table of basic monthly salaries in Article 66 of the Staff Regulations shall be replaced by the following:

⁽¹⁾ OJ L 56, 4.3.1968, p. 1.

⁽²⁾ OJ L 347, 20.12.2002, p. 1.

'Grade	Step							
	1	2	3	4	5	6	7	8
A 1	12 717,09	13 392,63	14 068,17	14 743,71	15 419,25	16 094,79		
A 2	11 285,38	11 930,01	12 574,64	13 219,27	13 863,90	14 508,53		
A 3/LA 3	9 346,34	9 910,20	10 474,06	11 037,92	11 601,78	12 165,64	12 729,50	13 293,36
A 4/LA 4	7 851,92	8 292,03	8 732,14	9 172,25	9 612,36	10 052,47	10 492,58	10 932,69
A 5/LA 5	6 473, 51	6 857,02	7 240,53	7 624,04	8 007,55	8 391,06	8 774,57	9 158,08
A 6/LA 6	5 594,32	5 899,56	6 204,80	6 510,04	6 815,28	7 120,52	7 425,76	7 731,00
A 7/LA 7	4 815,59	5 055,21	5 294,83	5 534,45	5 774,07	6 013,69		
A 8/LA 8	4 258,95	4 430,71						
B 1	5 594,32	5 899,56	6 204,80	6 510,04	6 815,28	7 120,52	7 425,76	7 731,00
B 2	4 847,05	5 074,29	5 301,53	5 528,77	5 756,01	5 983,25	6 210,49	6 437,73
B 3	4 065,67	4 254,62	4 443,57	4 632,52	4 821,47	5 010,42	5 199,37	5 388,32
B 4	3 516,44	3 680,31	3 844,18	4 008,05	4 171,92	4 335,79	4 499,66	4 663,53
B 5	3 143,24	3 275,85	3 408,46	3 541,07				
C 1	3 586,63	3 731,26	3 875,89	4 020,52	4 165,15	4 309,78	4 454,41	4 599,04
C 2	3 119,61	3 252,15	3 384,69	3 517,23	3 649,77	3 782,31	3 914,85	4 047,39
C 3	2 910,01	3 023,56	3 137,11	3 250,66	3 364,21	3 477,76	3 591,31	3 704,86
C 4	2 629,42	2 735,93	2 842,44	2 948,95	3 055,46	3 161,97	3 268,48	3 374,99
C 5	2 424,48	2 523,83	2 623,18	2 722,53				
D 1	2 740,03	2 859,83	2 979,63	3 099,43	3 219,23	3 339,03	3 458,83	3 578,63
D 2	2 498,38	2 604,79	2 711,20	2 817,61	2 924,02	3 030,43	3 136,84	3 243,25
D 3	2 325,33	2 424,85	2 524,37	2 623,89	2 723,41	2 822,93	2 922,45	3 021,97
D 4	2 192,47	2 282,38	2 372,29	2 462,20'				

- (b) — EUR 186,14 shall be replaced by EUR 192,47 in Article 1(1) of Annex VII to the Staff Regulations,
- EUR 239,71 shall be replaced by EUR 247,86 in Article 2(1) of Annex VII to the Staff Regulations,
- EUR 428,22 shall be replaced by EUR 442,78 in the second sentence of Article 69 of the Staff Regulations and in the second subparagraph of Article 4(1) of Annex VII thereto,
- EUR 214,22 shall be replaced by EUR 221,50 in the first paragraph of Article 3 of Annex VII to the Staff Regulations.

Article 2

With effect from 1 January 2004, the table of basic monthly salaries in Article 63 of the Conditions of employment of other servants shall be replaced by the following:

'Category	Group	Step			
		1	2	3	4
A	I	5 970,70	6 710,28	7 449,86	8 189,44
	II	4 333,44	4 755,70	5 177,96	5 600,22
	III	3 641,57	3 803,78	3 965,99	4 128,20
B	IV	3 498,21	3 840,67	4 183,13	4 525,59
	V	2 747,79	2 928,92	3 110,05	3 291,18
C	VI	2 613,34	2 767,19	2 921,04	3 074,89
	VII	2 339,03	2 418,62	2 498,21	2 577,80
D	VIII	2 114,12	2 238,63	2 363,14	2 487,65
	IX	2 035,98	2 064,34	2 092,70	2 121,06'

Article 3

With effect from 1 January 2004 the fixed allowance referred to in Article 4a of Annex VII to the Staff Regulations shall be:

- EUR 115,51 per month for officials in grade C4 or C5,
- EUR 177,10 per month for officials in grade C1, C2 or C3.

Article 4

Pensions for which entitlement has accrued by 1 January 2004 shall be calculated from that date by reference to the table of basic monthly salaries laid down in Article 66 of the Staff Regulations, as amended by Article 1(a) of this Regulation.

Article 5

With effect from 1 January 2004, the date '1 July 2002' in the second paragraph of Article 63 of the Staff Regulations shall be replaced by '1 July 2003'.

Article 6

1. With effect from 16 May 2003, the weightings applicable to the remuneration of officials and other servants employed in the countries and places listed below shall be as follows:

— none.

2. With effect from 1 January 2004, the weightings applicable to the remuneration of officials and other servants employed in the countries and places listed below shall be as follows:

Belgium	100,0
Denmark	135,7
Germany	101,7
except: Bonn	95,7
Karlsruhe	95,0
Munich	107,3
Greece	91,4
Spain	98,5
France	119,1
Ireland	123,3
Italy	106,9
except: Varese	98,2
Luxembourg	100,0
Netherlands	115,1
Austria	107,0
Portugal	90,6
Finland	120,6
Sweden	116,7
United Kingdom	139,6
except: Culham	111,5

3. The weightings applicable to pensions shall be determined in accordance with Article 82(1) of the Staff Regulations. Articles 3 to 10 of Council Regulation (ECSC, EEC, Euratom) No 2175/88 of 18 July 1988 laying down the weightings applicable in third countries ⁽¹⁾ shall remain in force.

4. These weightings could be adjusted by a Council regulation before 31 December 2004 establishing new weightings with effect from 1 July 2004. In this event the institutions shall make the corresponding positive or negative adjustment to the remuneration and pensions of the officials, former officials and other persons concerned with retroactive effect for the period between the effective date and the date of entry into force of the decision on the 2004 adjustment.

If this retroactive adjustment necessitates the recovery of sums overpaid, such recovery may be spread over a period of not more than 12 months from the date of entry into force of the Decision on the 2004 annual adjustment.

Article 7

With effect from 1 January 2004, the table in Article 10(1) of Annex VII to the Staff Regulations shall be replaced by the following:

	Entitled to household allowance		Not entitled to household allowance	
	1st to 15th day	from 16th day	1st to 15th day	from 16th day
	EUR per calendar day			
A 1 to A 3; LA 3	75,09	35,38	51,54	29,61
A 4 to A 8; LA 4 to LA 8 and category B	72,86	32,99	49,45	25,81
Other grades	66,10	30,78	42,55	21,28'

Article 8

With effect from 1 January 2004, the allowances for shiftwork laid down in Article 1 of Council Regulation (ECSC, EEC, Euratom) No 300/76 ⁽²⁾ shall be EUR 334,82, EUR 505,36, EUR 552,55 and EUR 753,31.

Article 9

With effect from 1 January 2004, the amounts in Article 4 of Council Regulation (EEC, Euratom, ECSC) No 260/68 ⁽³⁾ shall be subject to a weighting of 4,833264.

Article 10

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

⁽¹⁾ OJ L 191, 22.7.1988, p. 1.

⁽²⁾ Council Regulation (ECSC, EEC, Euratom) No 300/76 of 9 February 1976 determining the categories of officials entitled to allowances for shiftwork, and the rates and conditions thereof (OJ L 38, 13.2.76, p. 1). This Regulation was supplemented by Regulation (Euratom, ECSC, EEC) No 1307/87 (OJ L 124, 13.5.87, p. 6) and last amended by Regulation (EC, ECSC, Euratom) No 2461/98 (OJ L 307, 17.11.1998, p. 5).

⁽³⁾ Regulation (EEC, Euratom, ECSC) No 260/68 of the Council of 29 February 1968 laying down the conditions and procedure for applying the tax for the benefit of the European Communities (OJ L 56, 4.3.1968, p. 8). Regulation as last amended by Regulation (EC, Euratom) No 1750/2002 (OJ L 264, 2.10.2002, p. 15).

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

Done at Brussels, 8 December 2003.

For the Council

The President

F. FRATTINI

COMMISSION REGULATION (EC) No 2183/2003
of 15 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 16 December 2003.

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

Done at Brussels, 15 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 15 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	65,4
	204	60,8
	212	114,0
	624	160,7
	999	100,2
0707 00 05	052	129,4
	628	141,6
	999	135,5
0709 90 70	052	106,2
	204	95,8
	999	101,0
0805 10 10, 0805 10 30, 0805 10 50	052	45,0
	204	40,9
	388	47,4
	421	13,6
	999	36,7
0805 20 10	204	63,6
	999	63,6
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	052	75,7
	464	122,4
	999	99,1
0805 50 10	052	63,5
	388	77,8
	400	39,2
	600	61,3
	999	60,5
0808 10 20, 0808 10 50, 0808 10 90	052	50,2
	060	38,7
	064	50,7
	400	75,8
	404	90,7
	720	68,6
	999	62,5
0808 20 50	060	62,2
	064	59,9
	400	97,1
	528	218,0
	720	42,7
	999	96,0

⁽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 2184/2003
of 15 December 2003**

**fixing the minimum selling prices for beef put up for sale under the fourth invitation to tender
referred to in Regulation (EC) No 1853/2003**

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⁾, as last amended by Regulation (EC) No 1782/2003 ⁽²⁾, and in particular Article 28(2) thereof,

Whereas:

- (1) Tenders have been invited for certain quantities of beef fixed by Commission Regulation (EC) No 1853/2003 on periodical sales by tender of beef ⁽³⁾.
- (2) Pursuant to Article 9 of Commission Regulation (EEC) No 2173/79 of 4 October 1979 on detailed rules of application for the disposal of beef bought in by intervention agencies and repealing Regulation (EEC) No 216/69 ⁽⁴⁾, as last amended by Regulation (EC) No 2417/95 ⁽⁵⁾, the minimum selling prices for meat put up for

sale by tender should be fixed, taking into account tenders submitted.

- (3) 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

The minimum selling prices for beef for the fourth invitation to tender held in accordance with Regulation (EC) No 1853/2003 for which the time limit for the submission of tenders was 8 December 2003 are as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 16 December 2003.

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

Done at Brussels, 15 December 2003.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 160, 26.6.1999, p. 21.

⁽²⁾ OJ L 270, 21.10.2003, p. 1.

⁽³⁾ OJ L 271, 22.10.2003, p. 15.

⁽⁴⁾ OJ L 251, 5.10.1979, p. 12.

⁽⁵⁾ OJ L 248, 14.10.1995, p. 39.

ANEXO — BILAG — ANHANG — ΠΑΡΑΡΤΗΜΑ — ANNEX — ANNEXE — ALLEGATO — BIJLAGE — ANEXO —
LIITE — BILAGA

Estado miembro	Productos	Precio mínimo Expresado en euros por tonelada
Medlemsstat	Produkter	Mindstepriser i EUR/t
Mitgliedstaat	Erzeugnisse	Mindestpreise Ausgedrückt in EUR/Tonne
Κράτος μέλος	Προϊόντα	Ελάχιστες πωλήσεις εκφραζόμενες σε ευρώ ανά τόνο
Member State	Products	Minimum prices Expressed in EUR per tonne
État membre	Produits	Prix minimaux Exprimés en euros par tonne
Stato membro	Prodotti	Prezzi minimi Espressi in euro per tonnellata
Lidstaat	Producten	Minimumprijzen Uitgedrukt in euro per ton
Estado-Membro	Produtos	Preço mínimo Expresso em euros por tonelada
Jäsenvaltio	Tuotteet	Vähimmäishinnat euroina tonnia kohden ilmaistuna
Medlemsstat	Produkter	Minimipriser i euro per ton

a) **Carne con hueso — Kød, ikke udbenet — Fleisch mit Knochen — Κρέατα με κόκαλα — Bone-in beef —
Viande avec os — Carni non disossate — Vlees met been — Carne com osso — Luullinen naudanliha — Kött
med ben**

DEUTSCHLAND	— Hinterviertel	—
ESPAÑA	— Cuartos delanteros	—
ITALIA	— Quarti posteriori	—
	— Quarti anteriori	—

b) **Carne deshuesada — Udbenet kød — Fleisch ohne Knochen — Κρέατα χωρίς κόκαλα — Boneless beef —
Viande désossée — Carni senza osso — Vlees zonder been — Carne desossada — Luuton naudanliha —
Benfritt kött**

DEUTSCHLAND	— Kugel (INT 12)	—
ESPAÑA	— Lomo de intervención (INT 17)	4 005
FRANCE	— Jarret arrière d'intervention (INT 11)	—
	— Tranche grasse d'intervention (INT 12)	—
	— Tranche d'intervention (INT 13)	—
	— Semelle d'intervention (INT 14)	—
	— Filet d'intervention (INT 15)	—
	— Rumsteak d'intervention (INT 16)	—
	— Faux-filet d'intervention (INT 17)	—
	— Flanchet d'intervention (INT 18)	—
	— Jarret avant d'intervention (INT 21)	—
	— Épaule d'intervention (INT 22)	—
	— Poitrine d'intervention (INT 23)	—
	— Avant d'intervention (INT 24)	—

**COMMISSION REGULATION (EC) No 2185/2003
of 15 December 2003**

**fixing the minimum selling prices for beef put up for sale under the second invitation to tender
referred to in Regulation (EC) No 2029/2003**

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⁾, as last amended by Regulation (EC) No 1782/2003 ⁽²⁾, and in particular Article 28(2) thereof,

Whereas:

- (1) Tenders have been invited for certain quantities of beef fixed by Commission Regulation (EC) No 2029/2003 on periodical sales by tender of beef ⁽³⁾.
- (2) Pursuant to Article 9 of Commission Regulation (EEC) No 2173/79 of 4 October 1979 on detailed rules of application for the disposal of beef bought in by intervention agencies and repealing Regulation (EEC) No 216/69 ⁽⁴⁾, as last amended by Regulation (EC) No 2417/95 ⁽⁵⁾, the minimum selling prices for meat put up for

sale by tender should be fixed, taking into account tenders submitted.

- (3) 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

The minimum selling prices for beef for the second invitation to tender held in accordance with Regulation (EC) No 2029/2003 for which the time limit for the submission of tenders was 8 December 2003 are as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 16 December 2003.

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

Done at Brussels, 15 December 2003.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 160, 26.6.1999, p. 21.

⁽²⁾ OJ L 270, 21.10.2003, p. 1.

⁽³⁾ OJ L 309, 26.11.2003, p. 22.

⁽⁴⁾ OJ L 251, 5.10.1979, p. 12.

⁽⁵⁾ OJ L 248, 14.10.1995, p. 39.

ANEXO — BILAG — ANHANG — ΠΑΡΑΡΤΗΜΑ — ANNEX — ANNEXE — ALLEGATO — BIJLAGE — ANEXO —
LIITE — BILAGA

Estado miembro	Productos	Precio mínimo Expresado en euros por tonelada
Medlemsstat	Produkter	Mindstepriser i EUR/t
Mitgliedstaat	Erzeugnisse	Mindestpreise Ausgedrückt in EUR/Tonne
Κράτος μέλος	Προϊόντα	Ελάχιστες πωλήσεις εκφραζόμενες σε ευρώ ανά τόνο
Member State	Products	Minimum prices Expressed in EUR per tonne
État membre	Produits	Prix minimaux Exprimés en euros par tonne
Stato membro	Prodotti	Prezzi minimi Espressi in euro per tonnellata
Lidstaat	Producten	Minimumprijzen Uitgedrukt in euro per ton
Estado-Membro	Produtos	Preço mínimo Expresso em euros por tonelada
Jäsenvaltio	Tuotteet	Vähimmäishinnat euroina tonnina kohden ilmaistuna
Medlemsstat	Produkter	Minimipriser i euro per ton

a) **Carne con hueso — Kød, ikke udbenet — Fleisch mit Knochen — Κρέατα με κόκαλα — Bone-in beef — Viande avec os — Carni non disossate — Vlees met been — Carne com osso — Luullinen naudanliha — Kött med ben**

DEUTSCHLAND	— Hinterviertel	—
ESPAÑA	— Cuartos traseros	1 650

b) **Carne deshuesada — Udbenet kød — Fleisch ohne Knochen — Κρέατα χωρίς κόκαλα — Boneless beef — Viande désossée — Carni senza osso — Vlees zonder been — Carne desossada — Luuton naudanliha — Benfritt kött**

ESPAÑA	— Babilla de intervención (INT 12)/Falda del costillar de intervención (INT 18)/Entrecot de intervención (INT 19)	3 100
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**COMMISSION REGULATION (EC) No 2186/2003
of 15 December 2003**

**laying down, for the 2003/04 marketing year, the revised production estimate for unginned cotton
and the resulting new provisional reduction in the guide price**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to the Act of Accession of Greece, and in particular Protocol 4 on cotton ⁽¹⁾,

Having regard to Council Regulation (EC) No 1051/2001 of 22 May 2001 on production aid for cotton ⁽²⁾, and in particular the second indent of Article 19(2) thereof,

Whereas:

- (1) Article 16(2) of Commission Regulation (EC) No 1591/2001 of 2 August 2001 laying down detailed rules for applying the cotton aid scheme ⁽³⁾ provides that the revised production estimate for unginned cotton referred to in the second subparagraph of Article 14(3) of Regulation (EC) No 1051/2001 and the resulting new provisional reduction in the guide price are to be established before 1 December of the marketing year concerned.
- (2) Article 19(2) of Regulation (EC) No 1051/2001 provides that the revised production estimate is to be established taking account of the progress of the harvest. That revised estimate should therefore be fixed on the basis of data available for the 2003/04 marketing year.
- (3) The second subparagraph of Article 14(3) of Regulation (EC) No 1051/2001 provides that from 16 December following the start of the marketing year, the amount of the advance is to be determined based on the revised production estimate, plus at least 7,5 %. In view of the most recent figures for the 2003/04 marketing year on quantities placed in supervised storage notified by the Member States in accordance with Article 15(4)(c)(i) of Regulation (EC) No 1591/2001, as a safety margin, a percentage increase of 9,5 % for Greece, 7,5 % for Spain and 7,5 % for Portugal should be applied.

(4) The new provisional reduction in the guide price must be calculated in accordance with Article 7 of Regulation (EC) No 1051/2001, but replacing actual production by the revised production estimate increased as above.

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

HAS ADOPTED THIS REGULATION:

Article 1

1. For the 2003/04 marketing year, the revised production estimate for unginned cotton shall be:

- | | |
|--------------------|---------------|
| — 1 065 668 tonnes | for Greece, |
| — 306 787 tonnes | for Spain, |
| — 1 108 tonnes | for Portugal. |

2. For the 2003/04 marketing year, the new provisional reduction in the guide price shall be:

- | | |
|---------------------|---------------|
| — 26,150 EUR/100 kg | for Greece, |
| — 17,221 EUR/100 kg | for Spain, |
| — 0 EUR/100 kg | for Portugal. |

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, 15 December 2003.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ Protocol as last amended by Council Regulation (EC) No 1050/2001 (OJ L 148, 1.6.2001, p. 1).

⁽²⁾ OJ L 148, 1.6.2001, p. 3.

⁽³⁾ OJ L 210, 3.8.2001, p. 10. Regulation as amended by Regulation (EC) No 1486/2002 (OJ L 223, 20.8.2002, p. 3).

**COMMISSION REGULATION (EC) No 2187/2003
of 15 December 2003**

**amending Regulation (EC) No 639/2003 as regards the first place of unloading in the third country
of final destination in the case of transport by road**

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 33(12) thereof,

Whereas:

- (1) According to Article 3(1)(b) of Commission Regulation (EC) No 639/2003 of 9 April 2003 laying down detailed rules pursuant to Council Regulation (EC) No 1254/1999 as regards requirements for the granting of export refunds related to the welfare of live bovine animals during transport ⁽²⁾, the animals are subject to a check by a veterinarian at the place of the first unloading in the third country of final destination.
- (2) Where the animals are brought into the country of final destination by road, they may be unloaded before the end of the journey in order to comply with the provisions on journey times and rest periods of Council Directive 91/628/EEC of 19 November 1991 on the protection of animals during transport ⁽³⁾. However, the check referred to in Article 3(1)(b) should take place at the place where the animals are finally unloaded from the road vehicle, excluding a place where the journey is interrupted to rest, feed or water the animals.
- (3) It is also appropriate to give the possibility to the exporter to apply this provision from the date of application of Regulation (EC) No 639/2003.

(4) Regulation (EC) No 639/2003 should therefore be amended 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

In Article 1 of Regulation (EC) No 639/2003, the following subparagraph is added:

‘For the purposes of this Regulation, in the case of transport by road, the “first place of unloading in the third country of final destination” shall mean the place at which the first animal is finally unloaded from a road vehicle, thus excluding a place where the journey is interrupted to rest, feed or water the animals.’

Article 2

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

It shall apply to export declarations accepted from 1 July 2004. However, it shall apply from the date of its entry into force to export declarations accepted from 1 October 2003, at the request of the exporter.

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

Done at Brussels, 15 December 2003.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 160, 26.6.1999, p. 21. Regulation as last amended by Regulation (EC) No 806/2003 (OJ L 122, 16.5.2003, p. 1).

⁽²⁾ OJ L 93, 10.4.2003, p. 10.

⁽³⁾ OJ L 340, 11.12.1991, p. 17. Directive as last amended by Regulation (EC) No 806/2003.

**COMMISSION REGULATION (EC) No 2188/2003
of 15 December 2003**

**fixing representative prices in the poultrymeat and egg sectors and for egg albumin, and amending
Regulation (EC) No 1484/95**

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⁾, as last amended by Regulation (EC) No 806/2003 ⁽²⁾, and in particular Article 5(4) thereof,

Having regard to Council Regulation (EEC) No 2777/75 of 29 October 1975 on the common organisation of the market in poultrymeat ⁽³⁾, as last amended by Regulation (EC) No 806/2003, and in particular Article 5(4) thereof,

Having regard to Council Regulation (EEC) No 2783/75 of 29 October 1975 on the common system of trade for ovalbumin and lactalbumin ⁽⁴⁾, as last amended by Commission Regulation (EC) No 2916/95 ⁽⁵⁾, and in particular Article 3(4) thereof,

Whereas:

- (1) Commission Regulation (EC) No 1484/95 ⁽⁶⁾, as last amended by Regulation (EC) No 2030/2003 ⁽⁷⁾, fixes detailed rules for implementing the system of additional import duties and fixes representative prices in the poultrymeat and egg sectors and for egg albumin.

(2) It results from regular monitoring of the information providing the basis for the verification of the import prices in the poultrymeat and egg sectors and for egg albumin that the representative prices for imports of certain products should be amended taking into account variations of prices according to origin. Therefore, representative prices should be published.

(3) It is necessary to apply this amendment as soon as possible, given the situation on the market.

(4) 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

Annex I to Regulation (EC) No 1484/95 is hereby replaced by the Annex hereto.

Article 2

This Regulation shall enter into force on 16 December 2003.

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

Done at Brussels, 15 December 2003.

For the Commission

J. M. SILVA RODRÍGUEZ

Agriculture Director-General

⁽¹⁾ OJ L 282, 1.11.1975, p. 49.

⁽²⁾ OJ L 122, 16.5.2003, p. 1.

⁽³⁾ OJ L 282, 1.11.1975, p. 77.

⁽⁴⁾ OJ L 282, 1.11.1975, p. 104.

⁽⁵⁾ OJ L 305, 19.12.1995, p. 49.

⁽⁶⁾ OJ L 145, 29.6.1995, p. 47.

⁽⁷⁾ OJ L 301, 19.11.2003, p. 9.

ANNEX

to the Commission Regulation of 15 December 2003 fixing representative prices in the poultrymeat and egg sectors and for egg albumin, and amending Regulation (EC) No 1484/95

'ANNEX I

CN code	Description	Representative price (EUR/100 kg)	Security referred to in Article 3(3) (EUR/100 kg)	Origin ⁽¹⁾
0207 12 90	Chickens, plucked and drawn, without heads and feet and without necks, hearts, livers and gizzards, known as "65 % chickens", or otherwise presented, frozen	91,8	8	01
0207 14 10	Boneless cuts of fowl of the species <i>Gallus domesticus</i> , frozen	160,3	50	01
		158,7	51	02
		199,9	30	03
		195,8	32	04
0207 27 10	Boneless cuts of turkey, frozen	259,6	11	01
		256,7	12	04
0207 36 15	Boneless cuts of duck and guinea fowl, frozen	277,8	12	05
1602 32 11	Preparations of uncooked fowl of the species <i>Gallus domesticus</i>	188,8	30	01
		181,4	34	02
		186,2	31	03

⁽¹⁾ Origin of imports:

- 01 Brazil
- 02 Thailand
- 03 Argentina
- 04 Chile
- 05 China.

COMMISSION REGULATION (EC) No 2189/2003
of 15 December 2003
fixing the export refunds on eggs

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 organization of the market in eggs ⁽¹⁾, as last amended by Commission Regulation (EC) No 806/2003 ⁽²⁾, and in particular Article 8(3) thereof,

Whereas:

- (1) Article 8 of Regulation (EEC) No 2771/75 provides that the difference between prices on the world market for the products listed in Article 1(1) of that Regulation and prices for those products within the Community may be covered by an export refund.
- (2) The present market situation in certain third countries and that regarding competition on particular third country markets make it necessary to fix a refund differentiated by destination for certain products in the egg sector.

- (3) It follows from applying these rules and criteria to the present situation on the market in eggs that the refund should be fixed at an amount which would permit Community participation in world trade and would also take account of the nature of these exports and their importance at the present time.
- (4) 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

The list of codes of products for which, when they are exported, the export refund referred to in Article 8 of Regulation (EEC) No 2771/75 is granted, and the amount of that refund shall be as shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 16 December 2003.

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

Done at Brussels, 15 December 2003.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 282, 1.11.1975, p. 49.

⁽²⁾ OJ L 122, 16.5.2003, p. 1.

ANNEX

to the Commission Regulation of 15 December 2003 fixing the export refunds on eggs

Product code	Destination	Unit of measurement	Amount of refund
0407 00 11 9000	E12	EUR/100 pcs	1,70
0407 00 19 9000	E12	EUR/100 pcs	0,80
0407 00 30 9000	E09	EUR/100 kg	6,00
	E10	EUR/100 kg	25,00
	E13	EUR/100 kg	3,00
0408 11 80 9100	E14	EUR/100 kg	40,00
0408 19 81 9100	E14	EUR/100 kg	20,00
0408 19 89 9100	E14	EUR/100 kg	20,00
0408 91 80 9100	E15	EUR/100 kg	75,00
0408 99 80 9100	E14	EUR/100 kg	19,00

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

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:

E09 Kuwait, Bahrain, Oman, Qatar, the United Arab Emirates, Yemen, Hong Kong SAR, Russia and Turkey.

E10 South Korea, Japan, Malaysia, Thailand, Taiwan and the Philippines.

E12 all destinations except the United States of America, Estonia, Lithuania and Bulgaria.

E13 all destinations except Switzerland, Estonia, Lithuania, Bulgaria and those of E09 and E10.

E14 all destinations except Switzerland, Estonia and Bulgaria.

E15 all destinations except Switzerland, Estonia, Lithuania and Bulgaria.

COMMISSION REGULATION (EC) No 2190/2003
of 15 December 2003
fixing the export refunds on poultrymeat

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2777/75 of 29 October 1975 on the common organization of the market in poultrymeat ⁽¹⁾, as last amended by Regulation (EC) No 806/2003 ⁽²⁾, and in particular Article 8(3) thereof,

Whereas:

- (1) Article 8 of Regulation (EEC) No 2777/75 provides that the difference between prices on the world market for the products listed in Article 1(1) of that Regulation and prices for those products within the Community may be covered by an export refund.
- (2) It follows from applying these rules and criteria to the present situation on the market in poultrymeat that the refund should be fixed at an amount which would

permit Community participation in world trade and would also take account of the nature of these exports and their importance at the present time.

- (3) 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

The list of product codes for which, when they are exported, the export refund referred to in Article 8 of Regulation (EEC) No 2777/75 is granted, and the amount of that refund shall be as shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 16 December 2003.

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

Done at Brussels, 15 December 2003.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 282, 1.11.1975, p. 77.

⁽²⁾ OJ L 122, 16.5.2003, p. 1.

ANNEX

to the Commission Regulation of 15 December 2003 fixing the export refunds on poultrymeat

Product code	Destination	Unit of measurement	Amount of refund
0105 11 11 9000	V04	EUR/100 pcs	0,80
0105 11 19 9000	V04	EUR/100 pcs	0,80
0105 11 91 9000	V04	EUR/100 pcs	0,80
0105 11 99 9000	V04	EUR/100 pcs	0,80
0105 12 00 9000	V04	EUR/100 pcs	1,70
0105 19 20 9000	V04	EUR/100 pcs	1,70
0207 12 10 9900	V01	EUR/100 kg	43,50
0207 12 10 9900	A24	EUR/100 kg	43,50
0207 12 90 9190	V01	EUR/100 kg	43,50
0207 12 90 9190	A24	EUR/100 kg	43,50
0207 12 90 9990	V01	EUR/100 kg	43,50
0207 12 90 9990	A24	EUR/100 kg	43,50

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:

V01 Angola, Saudi Arabia, Kuwait, Bahrain, Qatar, Oman, United Arab Emirates, Jordan, Yemen, Lebanon, Iraq and Iran.

V04 All destinations except the United States of America and Estonia.

COMMISSION REGULATION (EC) No 2191/2003
of 15 December 2003
fixing the import duties in the cereals sector

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

Whereas:

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 16 December 2003.

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

Done at Brussels, 15 December 2003.

For the Commission

J. M. SILVA RODRÍGUEZ

Agriculture Director-General

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 158, 27.6.2003, p. 1.

⁽³⁾ OJ L 161, 29.6.1996, p. 125.

⁽⁴⁾ OJ L 158, 27.6.2003, p. 12.

ANNEX I

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

CN code	Description	Import duty ⁽¹⁾ (EUR/tonne)
1001 10 00	Durum wheat high quality	0,00
	medium quality	0,00
	low quality	0,00
1001 90 91	Common wheat seed	0,00
ex 1001 90 99	Common high quality wheat other than for sowing	0,00
1002 00 00	Rye	5,53
1005 10 90	Maize seed other than hybrid	37,02
1005 90 00	Maize other than seed ⁽²⁾	37,02
1007 00 90	Grain sorghum other than hybrids for sowing	5,53

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

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

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

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

ANNEX II

Factors for calculating duties

(period from 1 December to 15 December 2003)

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

Exchange quotations	Minneapolis	Chicago	Minneapolis	Minneapolis	Minneapolis	Minneapolis
Product (% proteins at 12 % humidity)	HRS2. 14 %	YC3	HAD2	Medium quality (*)	Low quality (**)	US barley 2
Quotation (EUR/t)	135,20 (****)	80,57	168,24 (***)	158,24 (***)	138,24 (***)	117,65 (***)
Gulf premium (EUR/t)	—	16,17	—	—	—	—
Great Lakes premium (EUR/t)	15,68	—	—	—	—	—

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

(**) A discount of 30 EUR/t (Article 4(3) of Regulation (EC) No 1249/96).

(***) Fob Duluth.

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

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

Freight/cost: Gulf of Mexico–Rotterdam: 26,15 EUR/t; Great Lakes–Rotterdam: 36,74 EUR/t.

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

COMMISSION DIRECTIVE 2003/118/EC

of 5 December 2003

amending the Annexes to Council Directives 76/895/EEC, 86/362/EEC, 86/363/EEC and 90/642/EEC as regards maximum residue levels for acephate, 2,4-D and parathion-methyl

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 76/895/EEC of 23 November 1976 relating to the fixing of maximum levels for pesticide residues in and on fruit and vegetables ⁽¹⁾, as last amended by Directive 2003/60/EC ⁽²⁾, and in particular Article 5 thereof,

Having regard to Council Directive 86/362/EEC of 24 July 1986 on the fixing of maximum levels for pesticide residues in and on cereals ⁽³⁾, as last amended by Commission Directive 2003/62/EC ⁽⁴⁾, and in particular Article 10 thereof,

Having regard to Council Directive 86/363/EEC of 24 July 1986 on the fixing of maximum levels for pesticide residues in and on foodstuffs of animal origin ⁽⁵⁾, as last amended by Directive 2003/60/EC, and in particular Article 10 thereof,

Having regard to Council Directive 90/642/EEC of 27 November 1990 on the fixing of maximum levels for pesticide residues in and on certain products of plant origin including fruit and vegetables ⁽⁶⁾, as last amended by Directive 2003/69/EC ⁽⁷⁾, and in particular Article 7 thereof,

Having regard to Council Directive 91/414/EEC of 15 July 1991 concerning the placing of plant protection products on the market ⁽⁸⁾, as last amended by Commission Directive 2003/84/EC ⁽⁹⁾, and in particular Article 4(1)(f) thereof,

Whereas:

- (1) For the existing active substances acephate and parathion-methyl, decisions were taken not to include them in Annex I to Directive 91/414/EEC by Commission Decisions 2003/219/EC ⁽¹⁰⁾ and 2003/166/EC ⁽¹¹⁾ respectively. These Decisions provided that plant protection products containing these active substances shall no longer be authorised for use in the Community.
- (2) In order to allow legitimate expectations to be fulfilled for existing stocks of pesticides to be used, the Commission Decisions cited in recital 1, allowed a phasing-out period, and it is appropriate that maximum residue levels (MRLs) premised on the notion that use of the

substance concerned is not authorised in the Community should not apply until the end of the phasing-out period applying to that substance.

- (3) Community MRLs and the levels recommended by the Codex Alimentarius ⁽¹²⁾ are fixed and evaluated following similar procedures. There are a limited number of Codex MRLs for acephate and parathion-methyl. These have been considered in the setting of the MRLs fixed in this Directive. Codex MRLs that will be recommended for withdrawal in the near future were not taken into account. The MRLs based on Codex MRLs having been evaluated in the light of the risks for the consumers, no risk was established.
- (4) In order to ensure that the consumer is adequately protected from exposure to residues resulting from unauthorised uses of plant protection products, MRLs should be set for the relevant product/pesticide combinations at the lower limit of analytical determination.
- (5) It is therefore necessary to add all of the pesticide residues arising from use of those plant protection products to the Annexes to Directives 86/362/EEC, 86/363/EEC and 90/642/EEC to allow for proper surveillance and control of the prohibition of their uses and to protect the consumer.
- (6) MRLs for parathion-methyl should be set in Directives 86/362/EEC, 86/363/EEC and 90/642/EEC. Provisions of Directive 76/895/EEC which set MRLs for that substance should consequently be deleted.
- (7) Where no Community MRL or provisional community MRL exists, as is the case for 2,4-D on citrus by Commission Directive 2002/97/EC ⁽¹³⁾, Member States are to establish a national provisional MRL in accordance with Article 4(1)(f) of Directive 91/414/EEC before plant protection products containing these active substances may be authorised. Data have been submitted by a Member State that demonstrated that a higher MRL can be set for citrus, reflecting the use of 2,4-D in some third countries. Data have been submitted showing that these residues do not pose a risk to consumers in the Community.

⁽¹⁾ OJ L 340, 9.12.1976, p. 26.

⁽²⁾ OJ L 155, 24.6.2003, p. 15.

⁽³⁾ OJ L 221, 7.8.1986, p. 37.

⁽⁴⁾ OJ L 154, 21.6.2003, p. 70.

⁽⁵⁾ OJ L 221, 7.8.1986, p. 43.

⁽⁶⁾ OJ L 350, 14.12.1990, p. 71.

⁽⁷⁾ OJ L 175, 15.7.2003, p. 37.

⁽⁸⁾ OJ L 230, 19.8.1991, p. 1.

⁽⁹⁾ OJ L 247, 30.9.2003, p. 20.

⁽¹⁰⁾ OJ L 82, 29.3.2003, p. 40.

⁽¹¹⁾ OJ L 67, 10.3.2003, p. 18.

⁽¹²⁾ http://apps.fao.org/CodexSystem/pestdes/pest_q-e.htm.

⁽¹³⁾ OJ L 343, 18.12.2002, p. 23.

- (8) The relevant Annexes to Directives 76/895/EEC, 86/362/EEC, 86/363/EEC and 90/642/EEC should therefore be amended accordingly.
- (9) The measures provided for in this Directive are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS DIRECTIVE:

Article 1

In Annex II to Directive 76/895/EEC the entries relating to parathion-methyl shall be deleted.

Article 2

In part A of Annex II to Directive 86/362/EEC the following rows are added:

Pesticide residue	Maximum level in mg/kg
'Acephate	0,02 (*) cereals
Parathion-methyl (sum of Parathion-methyl and para-oxon-methyl expressed as Parathion-methyl)	0,02 (*) cereals

(*) Indicates lower limit of analytical determination.'

Article 3

In part B of Annex II to Directive 86/363/EEC the following rows are added:

Pesticide residue	Maximum level (mg/kg)		
	Of meat, including fat, preparations of meat, offals and animal fats as listed in Annex I within CN code Nos 0201, 0202, 0203, 0204, 0205 00 00, 0206, 0207, ex 0208, 0209 00, 0210, 1601 00 and 1602	For milk and milk products listed in Annex I within CN code Nos 0401, 0402, 0405 00 and 0406	Of shelled fresh eggs, for bird's eggs and egg yolks listed in Annex I within CN code Nos 0407 00 and 0408
'Acephate	0,02 (*)	0,02 (*)	0,02 (*)
Parathion-methyl (sum of Parathion-methyl and para-oxon-methyl expressed as Parathion-methyl)	0,02 (*)	0,02 (*)	0,02 (*)

(*) Indicates lower limit of analytical determination.'

Article 4

Annex II to Directive 90/642/EEC is amended as follows:

- The maximum pesticide residue levels (MRLs) as shown in the Annex to this Directive are added to Annex II to Directive 90/642/EEC.
- The maximum pesticide residue level for 2,4-D (sum of 2,4-D and its esters expressed as 2,4-D) on citrus fruit shall be amended to '1 (p) mg/kg'.

Article 5

Member States shall adopt and publish the provisions necessary to comply with this Directive by 30 November 2004 at the latest, with the exception of the provision pursuant to Article 4(2), which shall be adopted and published by the Member States by 31 March 2004 at the latest. They shall forthwith inform the Commission thereof.

They shall apply those provisions from 1 December 2004 with the exception of the provision pursuant to Article 4(2), which shall be applied by 1 April 2004.

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

Article 6

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

Article 7

This Directive is addressed to the Member States.

Done at Brussels, 5 December 2003.

For the Commission

David BYRNE

Member of the Commission

ANNEX

Groups and examples of individual products to which the MRLs apply	Pesticide residue and maximum residue levels (mg/kg)	
	Acephate	Parathion-methyl (sum of Parathion-methyl and para-oxon-methyl expressed as Parathion-methyl)
1. Fruit, fresh, dried or uncooked, preserved by freezing, not containing added sugar; nuts (i) CITRUS FRUIT Grapefruit Lemons Limes Mandarins (including clementines and other hybrids) Oranges Pomelos Others (ii) TREE NUTS (shelled or unshelled) Almonds Brazil nuts Cashew nuts Chestnuts Coconuts Hazelnuts Macadamia nuts Pecan nuts Pine nuts Pistachio nuts Walnuts Others (iii) POME FRUIT Apples Pears Quinces Others (iv) STONE FRUIT Apricots Cherries Peaches (including nectarines and similar hybrids) Plums Others (v) BERRIES AND SMALL FRUIT (a) Tables and wine grapes Table grapes Wine grapes (b) Strawberries (other than wild)	0,02 (*)	0,02 (*)

Groups and examples of individual products to which the MRLs apply	Pesticide residue and maximum residue levels (mg/kg)	
	Acephate	Parathion-methyl (sum of Parathion-methyl and para-oxon-methyl expressed as Parathion-methyl)
(c) Cane fruit (other than wild) Blackberries Dewberries Loganberries Raspberries Others (d) Other small fruit and berries (other than wild) Bilberries Cranberries Currants (red, black and white) Gooseberries Others (e) Wild berries and wild fruit (vi) MISCELLANEOUS Avocados Bananas Dates Figs Kiwi Kumquats Litchis Mangoes Olives Passion fruit Pineapples Pomegranate Others		
2. Vegetables, fresh or uncooked, frozen or dry	0,02 (*)	0,02 (*)
(i) ROOT AND TUBER VEGETABLES Beetroot Carrots Celeriac Horseradish Jerusalem artichokes Parsnips Parsley root Radishes Salsify Sweet potatoes Swedes Turnips Yam Others		

Groups and examples of individual products to which the MRLs apply	Pesticide residue and maximum residue levels (mg/kg)	
	Acephate	Parathion-methyl (sum of Parathion-methyl and para-oxon-methyl expressed as Parathion-methyl)
(ii) BULB VEGETABLES		
Garlic		
Onions		
Shallots		
Spring onions		
Others		
(iii) FRUITING VEGETABLES		
(a) Solanacea		
Tomatoes		
Peppers		
Aubergines		
Others		
(b) Cucurbits — edible peel		
Cucumbers		
Gherkins		
Courgettes		
Others		
(c) Cucurbits — inedible peel		
Melons		
Squashes		
Watermelons		
Others		
(d) Sweetcorn		
(iv) BRASSICA VEGETABLES		
(a) Flowering brassica		
Broccoli		
Cauliflower		
Others		
(b) Head brassica		
Brussels sprouts		
Head cabbage		
Others		
(c) Leafy brassica		
Chinese cabbage		
Kale		
Others		
(d) Kohlrabi		
(v) LEAF VEGETABLES AND FRESH HERBS		
(a) Lettuce and similar		
Cress		
Lamb's lettuce		
Lettuce		
Scarole		
Others		

Groups and examples of individual products to which the MRLs apply	Pesticide residue and maximum residue levels (mg/kg)	
	Acephate	Parathion-methyl (sum of Parathion-methyl and para-oxon-methyl expressed as Parathion-methyl)
(b) Spinach and similar Spinach Beet leaves (chard) Others (c) Water cress (d) Witloof (e) Herbs Chervil Chives Parsley Celery leaves Others (vi) LEGUME VEGETABLES (fresh) Beans (with pods) Beans (without pods) Peas (with pods) Peas (without pods) Others (vii) STEM VEGETABLES (fresh) Asparagus Cardoons Celery Fennel Globe artichokes Leek Rhubarb Others (viii) FUNGI (a) Cultivated mushrooms (b) Wild mushrooms		
3. PULSES	0,02 (*)	
Beans		
Lentils		
Peas		0,2
Others		0,02 (*)
4. OIL SEEDS	0,05 (*)	0,05 (*)
Linseed		
Peanuts		
Poppy seeds		
Sesame seeds		
Sunflower seed		
Rape seed		
Soya bean		
Mustard seed		
Cotton seed		
Others		

Groups and examples of individual products to which the MRLs apply	Pesticide residue and maximum residue levels (mg/kg)	
	Acephate	Parathion-methyl (sum of Parathion-methyl and para-oxon-methyl expressed as Parathion-methyl)
5. POTATOES Early potatoes Ware potatoes	0,02 (*)	0,02 (*)
6. TEA (leaves and stems, dried, fermented or otherwise, from the leaves of <i>Camellia sinensis</i>)	0,05 (*)	0,05 (*)
7. HOPS (dried), including hop pellets and unconcentrated powder	0,05 (*)	0,05 (*)

(*) Indicates lower limit of analytical determination.

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 8 December 2003

on the accession of Canada to the Agreement establishing an International Science and Technology Centre between the United States of America, Japan, the Russian Federation and, acting as one Party, the European Atomic Energy Community and the European Economic Community

(2003/877/EC, Euratom)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to the Treaty establishing the European Atomic Energy Community,

Having regard to Council Regulation (EEC) No 3955/92 of 21 December 1992 concerning the conclusion, on behalf of the European Economic Community of an Agreement establishing an International Science and Technology Centre between the United States of America, Japan, the Russian Federation and, acting as one Party, the European Atomic Energy Community and the European Economic Community⁽¹⁾, and in particular Article 3(1), (3) and (4) thereof,

Having regard to the communication from the Commission,

Whereas:

- (1) The European Atomic Energy Community and the European Economic Community, acting as one Party (hereinafter 'the Communities') concluded on 21 December 1992 the Agreement establishing between them and the United States of America, Japan and the Russian Federation an International Science and Technology Centre (hereinafter 'the Agreement').
- (2) On 28 March 2003 Canada notified the Governing Board of the International Science and Technology Centre (hereinafter 'the Board of the Centre') of its intention to become a party to the Agreement. In accordance with Article XIII of the Agreement, it is the responsibility of the Board of the Centre to approve this accession.

- (3) The Communities are represented on the Board of the Centre by the Presidency of the Council and by the Commission. The position of the Communities with regard to questions arising under Article XIII of the Agreement is adopted by the Council and expressed, as a general rule, by the Presidency,

HAS DECIDED AS FOLLOWS:

Article 1

The accession of Canada to the Agreement establishing an International Science and Technology Centre between the United States of America, Japan, the Russian Federation and, acting as one Party, the European Atomic Energy Community and the European Economic Community, is hereby approved on behalf of the Communities.

Article 2

The Presidency of the Council shall express within the Board of the Centre the approval of the Communities to the accession of Canada to the Agreement.

Done at Brussels, 8 December 2003.

For the Council

The President

F. FRATTINI

⁽¹⁾ OJ L 409, 31.12.1992, p. 1.

COUNCIL RECOMMENDATION

of 2 December 2003

on cancer screening

(2003/878/EC)

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament,

Whereas:

- (1) Article 152 of the Treaty provides that Community action is to complement national policies and be directed towards improving public health, preventing human illness and diseases, and obviating sources of danger to human health. Such action shall cover the fight against the major health scourges, by promoting research into their causes, their transmission and their prevention, as well as health information and education. Community action in the field of public health shall fully respect the responsibilities of the Member States for the organisation and delivery of health services and medical care.
- (2) Further development of cancer screening programmes should be implemented in accordance with national law and national and regional responsibilities for the organisation and delivery of health services and medical care.
- (3) Cancer is a major disease and cause of death throughout Europe, including the future Member States. An estimated number of 1 580 096 new cancer cases, excluding non-melanoma skin cancer, occurred in the European Union in 1998. Of these, 1,4 % were cervical cancers, 13 % breast cancers, 14 % colorectal cancers and 9 % prostate cancers. Cervical and breast cancer constituted 3 % and 29 %, respectively, of new cancers in women. Prostate cancer constituted 17 % of new cancers in men.
- (4) Principles for screening as a tool for the prevention of chronic non-communicable diseases were published by the World Health Organisation in 1968 and by the Council of Europe in 1994. These two documents form, together with the current best practice in each of the cancer screening fields, the basis for the present recommendations.
- (5) Additionally, these recommendations are based on the 'Recommendations on cancer screening' of the Advisory Committee on Cancer Prevention together with the experience gathered under the different actions sustained under the Europe against Cancer programme where European collaboration has helped, for example, high quality cancer screening programmes to provide efficient European guidelines of best practice and to protect the population from poor quality screening.
- (6) Important factors which have to be assessed before a population-wide implementation is decided upon include, *inter alia*, the frequency and interval of the application of the screening test as well as other national or regional epidemiological specificities.
- (7) Screening allows detection of cancers at an early stage of invasiveness or possibly even before they become invasive. Some lesions can then be treated more effectively and the patients can expect to be cured. The main indicator for the effectiveness of screening is a decrease in disease-specific mortality. As in the case of cervical cancer, cancer precursors are detected, a reduction in cervical cancer incidence can be considered a very helpful indicator.
- (8) Evidence exists concerning the efficacy of screening for breast cancer and colorectal cancer, derived from randomised trials, and for cervical cancer, derived from observational studies.
- (9) Screening is, however, the testing for diseases of people for which no symptoms have been detected. In addition to its beneficial effect on the disease-specific mortality, screening can also have negative side effects for the screened population. Healthcare providers should be aware of all the potential benefits and risks of screening for a given cancer site before embarking on new population-based cancer screening programmes. Furthermore, for the informed public of today, these benefits and risks need to be presented in a way that allows individual citizens to decide on participation in the screening programmes for themselves.
- (10) Ethical, legal, social, medical, organisational and economic aspects have to be considered before decisions can be made on the implementation of cancer screening programmes.

- (11) Due account should be taken of specific needs of persons who may be at higher cancer risk for particular reasons (e.g. biological, genetic, lifestyle and environmental, including occupational).
- (12) The public health benefits and cost efficiency of a screening programme are achieved if the programme is implemented systematically, covering the whole target population and following best-practice guidelines.
- (13) The cost-effectiveness of cancer screening depends on several factors such as epidemiology, and healthcare organisation and delivery.
- (14) Systematic implementation requires an organisation with a call/recall system and with quality assurance at all levels, and an effective and appropriate diagnostic, treatment and after-care service following evidence-based guidelines.
- (15) Centralised data systems, including a list of all categories of persons to be targeted by the screening programme and data on all screening tests, assessment and final diagnoses, are needed to run organised screening programmes.
- (16) All procedures for collecting, storing, transmitting and analysing data in the medical registers involved must be in full compliance with the level of protection referred to in Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data ⁽¹⁾, as well as in full compliance with the relevant provisions of Member States on the management and processing of health data in accordance with Article 8 of the Directive.
- (17) Quality screening includes analysis of the process and outcome of the screening and rapid reporting of these results to the population and screening providers.
- (18) This analysis is facilitated if the screening database can be linked to cancer registries and mortality databases.
- (19) Adequate training of personnel is a prerequisite for high quality screening.
- (20) Specific performance indicators have been established for cancer screening tests. These should be monitored regularly.
- (21) Adequate human and financial resources should be available in order to assure the appropriate organisation and quality control in all the Member States.
- (22) Action should be taken to ensure equal access to screening taking due account of the possible need to target particular socioeconomic groups.
- (23) It is an ethical, legal and social prerequisite that cancer screening should only be offered to fully informed people with no symptoms if the screening is proved to decrease disease-specific mortality, if the benefits and risks are well known, and if the cost-effectiveness of the screening is acceptable.
- (24) The screening methods which presently meet these strict prerequisites are listed in the Annex.
- (25) No screening test other than those listed in the Annex is scientifically justified to be offered to people with no symptoms in an organised population-based programme before it has been shown in randomised controlled trials to decrease disease-specific mortality in particular.
- (26) The screening tests listed in the Annex can only be offered on a population basis in organised screening programmes with quality assurance at all levels, if good information about benefits and risks, adequate resources for screening, follow-up with complementary diagnostic procedures and, if necessary, treatment of those with a positive screening test are available.
- (27) The introduction of the recommended screening tests in the Annex, which have demonstrated their efficacy, should be seriously considered, the decision being based on available professional expertise and priority-setting for healthcare resources in each Member State.
- (28) Once there is evidence that a new screening test is effective, evaluation of modified tests may be possible using other epidemiologically validated surrogate endpoints if the predictive value of these endpoints is established.
- (29) Screening methodologies are subject to ongoing development. The application of recommended screening methodologies should therefore be accompanied by simultaneous assessments of the quality, applicability and cost-effectiveness of new methods if available epidemiological data justify this. In fact, the ongoing work may lead to new methods, which could ultimately replace or complement the tests listed in the Annex or be applicable to other types of cancer,

⁽¹⁾ OJ L 281, 23.11.1995, p. 31.

HEREBY RECOMMENDS THAT MEMBER STATES:

1. Implementation of cancer screening programmes

- (a) offer evidence-based cancer screening through a systematic population-based approach with quality assurance at all appropriate levels. The tests which should be considered in this context are listed in the Annex;
- (b) implement screening programmes in accordance with European guidelines on best practice where they exist and facilitate the further development of best practice for high quality cancer screening programmes on a national and, where appropriate, regional level;
- (c) ensure that the people participating in a screening programme are fully informed about the benefits and risks;
- (d) ensure that adequate complementary diagnostic procedures, treatment, psychological support and after-care following evidence-based guidelines of those with a positive screening test are provided for;
- (e) make available human and financial resources in order to assure appropriate organisation and quality control;
- (f) assess and take decisions on the implementation of a cancer screening programme nationally or regionally depending on the disease burden and the healthcare resources available, the side effects and cost effects of cancer screening, and experience from scientific trials and pilot projects;
- (g) set up a systematic call/recall system and quality assurance at all appropriate levels, together with an effective and appropriate diagnostic and treatment and after-care service following evidence-based guidelines;
- (h) ensure that due regard is paid to data protection legislation, particularly as it applies to personal health data, prior to implementing cancer screening programmes.

2. Registration and management of screening data

- (a) make available centralised data systems needed to run organised screening programmes;
- (b) ensure by appropriate means that all persons targeted by the screening programme are invited, by means of a call/recall system, to take part in the programme;
- (c) collect, manage and evaluate data on all screening tests, assessment and final diagnoses;
- (d) collect, manage and evaluate the data in full accordance with relevant legislation on personal data protection.

3. Monitoring

- (a) regularly monitor the process and outcome of organised screening and report these results quickly to the public and the personnel providing the screening;
- (b) adhere to the standards defined by the European Network of Cancer Registries in establishing and maintaining the screening databases in full accordance with relevant legislation on personal data protection;
- (c) monitor the screening programmes at adequate intervals.

4. Training

adequately train personnel at all levels to ensure that they are able to deliver high quality screening.

5. Compliance

- (a) seek a high level of compliance, based on fully informed consent, when organised screening is offered;
- (b) take action to ensure equal access to screening taking due account of the possible need to target particular socioeconomic groups.

6. Introduction of novel screening tests taking into account international research results

- (a) implement new cancer screening tests in routine healthcare only after they have been evaluated in randomised controlled trials;
- (b) run trials, in addition to those on screening-specific parameters and mortality, on subsequent treatment procedures, clinical outcome, side effects, morbidity and quality of life;
- (c) assess level of evidence concerning effects of new methods by pooling of trial results from representative settings;
- (d) consider the introduction into routine healthcare of potentially promising new screening tests, which are currently being evaluated in randomised controlled trials, once the evidence is conclusive and other relevant aspects, such as cost-effectiveness in the different healthcare systems, have been taken into account;
- (e) consider the introduction into routine healthcare of potentially promising new modifications of established screening tests, once the effectiveness of the modification has been successfully evaluated, possibly using other epidemiologically validated surrogate endpoints.

7. Implementation report and follow-up

report to the Commission on the implementation of this Recommendation within three years of its adoption and subsequently at the request of the Commission with a view to contributing to the follow-up of this Recommendation at Community level.

HEREBY INVITES THE COMMISSION:

1. To report on the implementation of cancer screening programmes, on the basis of the information provided by Member States, not later than the end of the fourth year after the date of adoption of this Recommendation, to consider the extent to which the proposed measures are working effectively, and to consider the need for further action.

2. To encourage cooperation between Member States in research and exchange of best practices as regards cancer screening with a view to developing and evaluating new screening methods or improving existing ones.
3. To support European research on cancer screening including the development of new guidelines and the updating of existing guidelines for cancer screening.

Done at Brussels, 2 December 2003.

For the Council

The President

R. MARONI

ANNEX

SCREENING TESTS WHICH FULFIL THE REQUIREMENTS OF THE RECOMMENDATION (*):

- pap smear screening for cervical cancer precursors starting not before the age of 20 and not later than the age of 30;
 - mammography screening for breast cancer in women aged 50 to 69 in accordance with European guidelines on quality assurance in mammography;
 - faecal occult blood screening for colorectal cancer in men and women aged 50 to 74.
-

(*) The indicated age ranges are to be understood as maximum ranges; subject to national epidemiological evidence and prioritisation, smaller age ranges may be appropriate.

COMMISSION

COMMISSION DECISION

of 24 June 2003

on State aid which the Netherlands proposes to implement to assist NV Huisvuilcentrale Noord-Holland (HVC)

(notified under document number C(2003) 1909)

(Only the Dutch text is authentic)

(Text with EEA relevance)

(2003/879/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

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

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

Having called on interested parties to submit their comments, pursuant to the provisions cited above ⁽¹⁾,

Whereas:

(3) The Commission's decision to initiate the procedure was published in the *Official Journal of the European Communities* ⁽²⁾. The Commission called on interested parties to submit their comments.

(4) The Netherlands submitted its comments to the Commission by letter dated 11 October 2002, which was registered on 16 October 2002.

(5) The Commission received no comments from interested parties.

1. PROCEDURE

(1) By letter dated 27 November 2001, the Dutch authorities notified the Commission of the abovementioned aid in accordance with Article 88(3) of the EC Treaty which it proposes to implement for the construction of a container terminal. The notification was registered by the Secretariat-General of the Commission on 5 December 2001 under the reference N 840/2001. By letter dated 5 February 2002, the Commission requested further information. A technical meeting took place between Dutch representatives and the Directorate-General for Energy and Transport (DG TREN) on 26 March 2002. The replies from the Dutch authorities were received on 28 May 2002 and on 5 June 2002, registered respectively under numbers SG (2002) A/5441 and DG TREN A/59943.

(2) By letter dated 17 July 2002, the Commission informed the Netherlands of its decision to initiate the procedure in accordance with Article 88(2) of the Treaty with regard to the proposed aid. This procedure was registered as C 51/2002.

2. DETAILED DESCRIPTION OF THE AID

2.1. Objective

(6) By means of the construction of a container terminal at Alkmaar (province of North Holland), the aid is intended to promote household waste transport by inland waterways instead of by road. The terminal, primarily intended for the transshipment of household waste from the municipalities, is located in the immediate vicinity of a waste incineration plant at Alkmaar and has been operational since April 2001. The terminal will constitute an essential link in the chain of transport by water to Alkmaar coming from the municipality of Zaanstad and the province of Flevoland. The overall cost of constructing the terminal is EUR 7 714 262. The terminal consists of a quay wall along North Holland Canal, a travelling container crane and an area for the transfer of goods.

⁽¹⁾ OJ C 212, 6.9.2002, p. 2.

⁽²⁾ See footnote 1.

2.2. Beneficiary

- (7) The beneficiary of the aid is NV Huisvuilcentrale Noord-Holland, hereinafter referred to as 'HVC'. HVC operates a plant for the incineration of household waste for disposal. HVC is a limited liability company whose shares are owned by municipalities and collaborative groups of municipalities in the northern part of the province of North Holland and in the province of Flevoland and by a public electricity company ⁽¹⁾. The municipalities established HVC for the disposal of the household waste they collect. HVC's core activity is operating a large waste incineration plant at Alkmaar. HVC processes about 465 000 tonnes of waste a year.
- (8) The municipalities located at a short distance from HVC's incineration plant deliver their household waste themselves by road to the HVC plant, using refuse collection lorries. For the other municipalities, HVC runs transshipment stations in Almere, Den Helder, Lelystad, Noordoostpolder, Oudeschild, Zaanstad and Urk and is in charge of the transport from the transshipment stations to its Alkmaar incineration plant. For a period of five years from taking the terminal into service, HVC is obliged to supply at least 115 000 tonnes of waste a year by waterway from Lelystad and at least 35 000 tonnes from Zaanstad. If HVC fails to meet the conditions for the award of the grant, the Province may demand repayment in accordance with that General Administrative Law Act.
- (9) HVC passes on all transport and transshipment costs to the municipalities through an equalisation payment. The municipalities defray these costs by imposing municipal waste charges. Transport by water involves an increase of the transport levy paid by the municipalities of about EUR 3,60 per tonne, a substantial sum in relation to the total amount of the levy (about EUR 12,90 per tonne in 2001), amounting to an increase of approximately 28 %.
- (10) The investment aid will keep HVC's transport costs to the incineration plant lower, entailing a concomitant reduction in the cost to be paid by the municipalities. Accordingly, the transport costs to be borne by the municipalities will increase by only EUR 1,80 per tonne (about 14 % of the price), an amount which the municipalities may well be able to bear without introducing higher waste charges. The Dutch view is that without the province's contribution the project would not be viable and would have to be cancelled.

⁽¹⁾ Energie Noord West (ENW) has a 15 % minority interest in HVC.

- (11) In order to receive the subsidy, HVC had to build and operate the container terminal in Alkmaar (operational since April 2001) which can also be used for transshipment activities of interested third parties. HVC will become the owner of the terminal and will be able to provide transshipment services in accordance with its own commercial criteria. There is no obligation on how to operate the terminal. HVC pursues various types of activities: waste incineration, transport and operation of transshipment stations.

2.3. Eligible costs and aid intensity

- (12) The aid consists of a once-only investment subsidy from the province of North Holland. The eligible costs consist of a direct investment in the construction of the multi-functional container terminal in Alkmaar. The investment costs for the terminal are EUR 7 714 262. The subsidy amounts to EUR 5 309 226. The percentage of aid is therefore 68,82 %.

2.4. Grounds for initiating the procedure

- (13) The Commission's decision to initiate the procedure in accordance with Article 88(2) of the Treaty and to ask the Netherlands for additional information resulted from an initial examination of the notified intention to grant aid. There was particular concern about the proportionality of the aid. The Commission normally considers State aid with an aid intensity exceeding 50 % for transport infrastructure as not compatible with the Treaty, unless it is shown that the main beneficiary of the facilities is not capable of financing a higher amount without State intervention ⁽²⁾ and that the project would not be realised without the envisaged aid.
- (14) The Commission expressed doubts in particular on the following issues:
- (a) the necessity and proportionality of 68,82 % aid intensity for the realisation of the project, as the container terminal has already been built and has been operational since April 2001;
 - (b) the possible impact of the terminal on other inland waterway terminals;
 - (c) the possible impact of the terminal on the waste disposal and recovery market;
 - (d) the method of operating the terminal after the first five years.

⁽²⁾ Commission Decision of 31 January 2001, N 597/2000, Netherlands (OJ C 102, 31.3.2001, p. 8); Commission Decision of 14 September 2001, N 208/2000, Netherlands, SOIT (OJ C 315, 4.11.2000, p. 22); Commission Decision of 15 November 2000, N 755/1999, Italy, Bozen (OJ C 71, 3.3.2001, p. 71).

3. COMMENTS FROM THE NETHERLANDS

(15) The Netherlands indicated it was because the province of North Holland was prepared to contribute towards the costs of waterborne transport via the notified subsidy that the municipalities cooperating in the HVC framework opted exclusively for waterborne transport and hence for the construction of a container terminal.

(16) Since all transport and transshipment costs are borne by public entities, the Netherlands considers that HVC does not derive a direct or indirect advantage from the subsidy. If the subsidy is regarded as aid, the aid intensity would vary from 68,8 % (if the subsidy is related only to Alkmaar) to 27,3 % (if the subsidy is related to the entire project which includes facilities at Zaanstad and Lelystad).

(17) Because of its location, the Alkmaar terminal does not affect other inland waterway terminals. Attention is drawn to the fact that the regional demand for terminal capacity exists almost exclusively at locations along the Noordzeekanaal (North Sea Canal) between IJmuiden and Amsterdam. This is because for goods supplied by seagoing vessels it is much cheaper to transport them in the Netherlands by road rather than by inland waterway vessels. In the case of transport by inland waterway vessel, goods would normally have to be transshipped twice (first from a seagoing vessel to an inland waterway vessel and next from that vessel to a lorry to take them to their final destination) whereas goods carried by road need to be transshipped only once (from the seagoing vessel onto the lorry). This is also clear from the fact that since the Alkmaar terminal started operating in April 2001 no goods of third parties have been transshipped.

(18) The subsidy will be used exclusively to mitigate the costs of transport and transshipment of household waste from the municipalities and not for HVC's activities in the field of waste incineration. Moreover, it is highly unlikely that any waste other than the household waste from the shareholders that is incinerated in the HVC plant will be supplied by inland waterway vessel. Consequently, the terminal does not give HVC any advantage compared with other waste incineration plants. Moreover, the Netherlands has stated that HVC at any rate is not active on the market for incinerating waste intended for recovery.

(19) Finally, the Netherlands pointed out that after the first five years the terminal would be operated in the same way. The sole difference is that HVC will no longer be obliged to transport particular quantities of household waste by water. However, there is no reason to assume that HVC's shareholders will after five years decide to abandon the use of water transport. There will be no change with regard to possible use by third parties.

4. ASSESSMENT OF THE MEASURE

4.1. Existence of aid within the meaning of Article 87(1) of the EC Treaty

(20) Article 87(1) of the Treaty provides that 'any aid granted by a Member State or through State resources in any form whatsoever which distorts or threatens to distort competition by favouring certain undertakings or the production of certain goods shall, in so far as it affects trade between Member States, be incompatible with the common market'.

(21) The provisions of the Treaty on State aid apply exclusively to undertakings. The concept of undertaking encompasses every entity engaged in an economic activity, regardless of the legal status of the entity and the way in which it is financed ⁽¹⁾. Activities consisting of offering goods and services on a particular market must be regarded as economic activities ⁽²⁾.

(22) The Community rules on State aid apply exclusively to measures meeting all of the criteria laid down in Article 87(1) of the Treaty.

4.1.1. Transfer of State resources

(23) Under the notified measure, HVC will receive a State grant for the construction of a terminal at Alkmaar. Consequently, it is clear that the notified measure involves a transfer of State resources.

4.1.2. Favouring certain undertakings

(24) The subsidy does not confer an advantage on HVC with regard to the transport and transshipment of household waste coming from the municipalities because the subsidy is used exclusively to reduce the price paid by the municipalities.

⁽¹⁾ Judgment of the Court of Justice of 23 April 1991, *Höfner and Elser v Macrotron*, C-41/90, [1991] ECR I-1979, point 21; judgment of the Court of Justice of 18 June 1998, *Commission v Italy*, C-35/96, [1998] ECR I-3851, point 36.

⁽²⁾ Judgment of the Court of Justice of 16 June 1987, *Commission v Italy*, 118/85, [1987] ECR 2599, point 3.

- (25) However, providing a container terminal gives HVC a quantifiable economic advantage over its competitors on the market for terminal operations (offering transshipment services to interested third parties), even though the subsidised infrastructure will be open to all potential users under normal market conditions. Under the proposed measure, HVC receives a State contribution towards costs arising from the investment in a terminal for combined transport whereas other domestic undertakings or undertakings from other Member States which are active in this field do not receive such a contribution.

4.1.3. Selectivity

- (26) The aid measure favours a particular undertaking (HVC) and is therefore selective in nature.

4.1.4. Effects on trade and distortion of competition

- (27) Pursuant to Council Regulation (EEC) No 259/93 of 1 February 1993 on the supervision and control of shipments of waste within, into and out of the European Community⁽¹⁾, as last amended by Commission Regulation (EC) No 2557/2001⁽²⁾, the Member States have, with regard to waste intended for disposal, particular powers to limit cross-border transport in order to implement the principles of proximity, priority for recovery and self-sufficiency. These principles do not apply to the transfer of waste for recovery that may be effected by another undertaking in the Community. Consequently, HVC's activities with regard to waste intended for disposal (transport, transshipment and incineration) at the most have a very limited impact on trade between the Member States.
- (28) The Alkmaar container terminal will also be open to transshipment activities of interested third parties. Accordingly, HVC will become active on the market for operating container terminals, a market which has been liberalised in accordance with the general rules governing the freedom of establishment and the freedom to provide services laid down in Articles 43 and 49 of

the Treaty. Consequently, it cannot be excluded that there will be an impact on trade between the Member States.

- (29) In view of the above, the Commission concludes that the notified aid measure is aid within the meaning of Article 87(1) of the Treaty and is incompatible with the common market unless the aid qualifies for one of the derogations provided for in the Treaty. Moreover, the Commission also takes the view that Article 87(1) refers to the fact that other provisions of the Treaty (e.g. Article 73) can allow aid under particular circumstances.

4.2. Legal basis for the assessment

- (30) Article 73 of the Treaty declares aid to be compatible with the Treaty if it meets the needs of coordination of transport. The concept of coordination as used in Article 73 implies more than facilitating the development of an industry, it involves some form of planning by the State.
- (31) In general, providing infrastructure for inland shipping is a task for the State within its responsibilities for land planning and the development of an integrated and sustainable transport system. Investment in transport infrastructure therefore entails more than only commercial considerations by an undertaking operating on the market for providing transport infrastructure. Accordingly, the Commission takes the view that there may be a need for State intervention for coordinating measures in the field of investment in inland waterway transport infrastructure, as it is unlikely that the market forces will come up with the necessary investment on the basis of purely commercial considerations.
- (32) Consequently, as the Commission already noted in its decision of 17 July 2002 to initiate the procedure in accordance with Article 88(2) of the Treaty, Article 73 of the Treaty is the appropriate legal basis for analysing investments in infrastructure for transshipment facilities for inland shipping and evaluating its compatibility with the common market.

⁽¹⁾ OJ L 30, 6.2.1993, p. 1.

⁽²⁾ OJ L 349, 31.12.2001, p. 1.

- (33) Council Regulation (EEC) No 1107/70 of 4 June 1970 on the granting of aids for transport by rail, road and inland waterway ⁽¹⁾, as last amended by Regulation (EC) No 543/97 ⁽²⁾, implements Article 73 of the Treaty and provides for specific exemptions for aid deemed to meet the needs of coordination of inland transport. For inland shipping, however, these exemptions expired on 31 December 1999 and are no longer applicable in accordance with Council Regulation (EC) No 2255/96 of 19 November 1996 amending Regulation (EEC) No 1107/70 ⁽³⁾. At this stage, the Commission considers that, in the absence of secondary legislation Article 73 may be applied directly to investment aid for inland shipping ⁽⁴⁾.
- (34) Consequently, the Commission will apply Article 73 directly in evaluating the notified aid to be granted for the construction of a container terminal at Alkmaar.
- (35) According to the Commission's normal practice, three requirements must be fulfilled so that the aid meets the needs of coordination of transport within the meaning of Article 73 of the Treaty ⁽⁵⁾:
- (a) the State contribution to overall financing is necessary for achieving the project or the activity in the interest of the Community;
 - (b) access to the subsidised infrastructure must be possible on non-discriminatory terms;
 - (c) the aid must not give rise to distortion of competition to an extent contrary to the common interest.
- (a) *Necessity and proportionality of the aid*
- (36) The Community has for some time pursued a policy of promoting the development of a balanced intermodal transport system and fostering the transfer of goods from road to other more environmentally friendly transport modes ⁽⁶⁾. The Commission's White Paper on transport policy ⁽⁷⁾ states that transport by water is less harmful to the environment than transport by road. Moreover, the new Marco Polo proposal ⁽⁸⁾ seeks to shift the expected increase in international goods transport of 12 billion tonnes/kilometre a year from congested roads to short sea shipping, rail and inland waterway transport.
- (37) The Commission takes the view that an intermodal and sustainable transport system for the future can be brought about only if priority is given to investment in infrastructure. Freight transport by water may require costly and specialised equipment which road transport would not require. By contributing to the costs of such facilities, inland waterway transport will be able to compete financially with road transport. However, if infrastructure for intermodal terminals were not co-financed by the public sector, operators pursuing economic activities would not invest in them as there would be no guarantee of viability without State funding. In the case under consideration here, the construction of a container terminal is not a particularly viable commercial option, given the relatively low density of industry in the Alkmaar region.
- (38) Transport of household waste by water instead of by road involves higher operating costs, most of them connected with the construction of the Alkmaar terminal. Even with the provincial subsidy, the municipalities concerned would still have to bear substantial extra costs each year for transport by waterway. Without the subsidy, waste transport to HVC would continue to take place by road.
- (39) The Netherlands argue that if all investment needed to enable transport by waterway (facilities in Zaanstad and Lelystad) is taken into account, the aid intensity would be only 27,3 %. The Commission does not share this view as the subsidy granted by the province of North Holland exclusively relates to the construction of the Alkmaar container terminal which has been operational since April 2001 and was notified as an individual project. Consequently, the aid level is 68,8 % of the costs of the terminal.

⁽¹⁾ OJ L 130, 15.6.1970, p. 1.

⁽²⁾ OJ L 84, 26.3.1997, p. 6.

⁽³⁾ OJ L 304, 27.11.1996, p. 3.

⁽⁴⁾ Commission Decision of 14 September 2000, N 208/2000, Netherlands, SOIT (OJ C 315, 4.11.2000, p. 22), Commission Decision of 20 June 2001, N 219/2001 Austria, Pilotprogramme Donau (OJ C 244, 1.9.2001, p. 2) and Commission Decision of 31 January 2001, N 597/2000, Netherlands, Subsidieregeling bedrijfsgebonden vaarwegaansluitingen (subsidy scheme for inland waterway sidings) (OJ C 102, 31.3.2001, p. 8).

⁽⁵⁾ Ibid. See also COM(2000) 5 final of 26 July 2000, Commission proposal for a regulation of the European Parliament and of the Council concerning granting of aid for the coordination of transport by rail, road and inland waterway.

⁽⁶⁾ See the Commission's Green Paper on fair and efficient pricing, COM(1995) 691 of 20 December 1995, the Commission's White Paper on fair payment for infrastructure use, COM(1998) 466 of 22 July 1998 and the Council Resolution of 14 February 2000 on the promotion of intermodality and intermodal freight transport in the European Community (OJ C 56, 29.2.2000, p. 1).

⁽⁷⁾ *European transport policy for 2010: time to decide*, COM(2001) 370 of 12 September 2001.

⁽⁸⁾ COM(2002) 54 final of 4 February 2002.

(40) Nevertheless, the Commission considers that such a high planned level of subsidy level is necessary to realise the project and is justified by the environmental benefit of the measure which serves the common Community interest. In this connection, it is also important to note that the subsidy will lead to a lesser increase of the transport levy which HVC charges to the municipalities. The actual support to HVC is therefore less, because a significant part of the subsidy is passed on to the municipalities in the form of a lesser increase of the transport levy. With regard to this aspect, the Commission asks that the Netherlands send it a report each year showing that the subsidy has been effectively passed on in accordance with the provisions of recitals 9 and 10 of the present Decision.

(b) *Access to the subsidised infrastructure on non-discriminatory terms*

(41) The container terminal will be destined mainly for the transshipment of household waste from the municipalities in order to promote its transport by inland waterways instead of by road. Nevertheless, it will also be suitable for the transshipment of cargo belonging to third parties on non-discriminatory terms and at going market rates. In particular, according to the notified conditions for granting the subsidy, HVC has to ensure that transshipment is offered to interested third parties at competitive rates and at a competitive speed, with sufficient storage and transshipment capacity and opening times in accordance with what is required by the market.

(42) HVC will be under an obligation by the province of North Holland for five years to transport specified quantities of household waste by water. There is, however, no reason to assume that HVC's shareholders will decide after this period to abandon the system.

(c) *No inadmissible distortion of competition*

(43) Regarding the possible activity of HVC on the market of container terminals, it has to be noted that although no other facilities for the transshipment of containers exist in the Alkmaar region, there has been little or no interest shown by third parties to use the Alkmaar terminal since April 2001. Therefore it can be concluded that the possible impact of the Alkmaar terminal on other terminals would be very limited.

(44) The Netherlands argues that the beneficiary does not operate on the market for waste intended for recovery. In light of the information provided on HVC's website ⁽¹⁾, a certain amount of interest on the part of the beneficiary in this market cannot be completely excluded.

(45) However, no comments have been received from interested third parties. Consequently, the Commission assumes that competitors operating existing terminals or operating on the market for waste intended for recovery do not consider the planned aid as a threat to their competitive position on the market.

(46) Accordingly, the Commission considers that the environmental benefit of the project will be considerably higher than a potential impact on competition and that the subsidy will therefore not distort competition to an extent contrary to the common interest.

(47) It follows that the initial doubts raised by the Commission on the opening of the procedure no longer exist.

5. CONCLUSION

(48) In view of the above, the Commission concludes that the aid measure is compatible with the EC Treaty in accordance with Article 73 thereof,

HAS ADOPTED THIS DECISION:

Article 1

The notified aid which the Netherlands is planning to implement for HVC is compatible with the common market within the meaning of Article 73 of the Treaty.

Article 2

The Netherlands shall submit an annual report to the Commission showing that the province's subsidy is effectively used to reduce the extra costs of municipalities resulting from the transport of household waste by water.

The report should also indicate the transshipment services provided by HVC to third parties as well as the eventual profits obtained with this activity.

⁽¹⁾ <http://www.huisvuilcentrale.nl>

'Our products are compost, renewable energy (in the form of electricity and heat), ferrous and non-ferrous metals, bottom ash and fly ash (...)'.
 (1)

Article 3

This Decision is addressed to the Kingdom of the Netherlands.

Done at Brussels, 24 June 2003.

For the Commission

Loyola DE PALACIO

Vice-President

COMMISSION DECISION

of 15 December 2003

terminating the anti-dumping proceeding concerning imports of hollow sections originating in Russia and Turkey and releasing the amounts secured by way of the provisional duties imposed

(2003/880/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 384/96 of 22 December 1995 on protection against dumped imports from countries not members of the European Community ⁽¹⁾, as last amended by Regulation (EC) No 1972/2002 ⁽²⁾ (the 'basic Regulation') and in particular Article 9 thereof,

After consulting the Advisory Committee,

Whereas:

(5) The Commission officially advised the exporting producers and importers known to be concerned, the representatives of the exporting countries, the representative users, raw material suppliers and the complainant Community producers. Interested parties were given the opportunity to make their views known in writing and to request a hearing within the time limit set out in the notice of initiation.

(6) The Commission, by Regulation (EC) No 1251/2003 ⁽⁴⁾, imposed a provisional anti-dumping duty on imports of hollow sections, which consist of welded pipes, tubes and hollow profiles of a square or rectangular cross-section of iron or steel with the exception of those made of stainless steel or of a perimeter greater than 600 mm, falling within CN codes ex 7306 60 31 (TARIC code 7306 60 31 90) and ex 7306 60 39 (TARIC code 7306 60 39 90), originating in Turkey.

A. PROCEDURE

(1) On 2 September 2002, the Commission received a complaint pursuant to Article 5 of the basic Regulation, concerning the alleged injurious dumping by imports of hollow sections, which consist of welded pipes, tubes and hollow profiles of a square or rectangular cross-section of iron or steel with the exception of those made of stainless steel or of a perimeter greater than 600 mm, (the 'product concerned') originating in Russia and Turkey.

(2) The complaint was lodged by the Defence Committee of the Welded Steel Tube Industry (the 'complainant') on behalf of producers representing a major proportion of the total Community production of hollow sections pursuant to Articles 4(1) and 5(4) of the basic Regulation.

(3) The complaint contained prima facie evidence of the existence of dumping and of material injury resulting therefrom, which was considered sufficient to justify the initiation of an anti-dumping proceeding.

(4) By means of a notice published in the *Official Journal of the European Communities* ⁽³⁾, the Commission initiated an anti-dumping proceeding concerning imports into the Community of the product concerned, currently classifiable within CN codes ex 7306 60 31 and ex 7306 60 39, and originating in Russia and Turkey (the 'notice of initiation').

B. WITHDRAWAL OF THE COMPLAINT AND TERMINATION OF THE PROCEEDING

(7) By a letter of 31 October 2003 to the Commission, the complainant formally withdrew its complaint.

(8) In accordance with Article 9(1) of the basic Regulation, the proceeding may be terminated where the complaint is withdrawn, unless such termination would not be in the Community interest.

(9) The Commission considered that the present proceeding should be terminated since the investigation had not brought to light any considerations showing that such termination would not be in the Community interest. Interested parties were informed accordingly and were given the opportunity to comment. No comments were received indicating that such termination would not be in the Community interest.

(10) The Commission therefore concludes that the anti-dumping proceeding concerning imports into the Community of the product concerned originating in Russia and Turkey should be terminated without the imposition of anti-dumping measures.

(11) Any duties provisionally secured on the basis of Regulation (EC) No 1251/2003 should be released,

⁽¹⁾ OJ L 56, 6.3.1996, p. 1.

⁽²⁾ OJ L 305, 7.11.2002, p. 1.

⁽³⁾ OJ C 249, 16.10.2002, p. 5.

⁽⁴⁾ OJ L 175, 15.7.2003, p. 3.

HAS DECIDED AS FOLLOWS:

Article 1

The anti-dumping proceeding concerning imports of hollow sections, which consist of welded pipes, tubes and hollow profiles of a square or rectangular cross-section of iron or steel with the exception of those made of stainless steel or of a perimeter greater than 600 mm, falling within CN codes ex 7306 60 31 (TARIC code 7306 60 31 90) and ex 7306 60 39 (TARIC code 7306 60 39 90), originating in Russia and Turkey, is hereby terminated without the imposition of anti-dumping measures.

Article 2

Regulation (EC) No 1251/2003 is hereby repealed.

Article 3

The amounts secured by way of the provisional anti-dumping duty imposed pursuant to Regulation (EC) No 1251/2003 shall be released.

Article 4

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

Done at Brussels, 15 December 2003.

For the Commission

Pascal LAMY

Member of the Commission
