COMMISSION DECISION

of 17 December 2003

amending Decision 2001/574/EC establishing a common fiscal marker for gas oils and kerosene

(notified under document number C(2003) 4607)

(2003/900/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 95/60/EC of 27 November 1995 on fiscal marking of gas oils and kerosene [1], and in particular Article 2(2) thereof,

Whereas:

(1) By Commission Decision 2001/574/EC [2], the product identified by the scientific name N-Ethyl-N-[2-(1-isobutoxyethoxy)ethyl]-4-(phenylazo)aniline (Solvent Yellow 124) was established as the common fiscal marker for gas oils and kerosene, and a marking level of at least 6 mg of marker per litre of mineral oil was fixed. However, a maximum marking level of 9 mg of marker per litre of mineral oil should be established in order to counter a number of fraudulent uses of mineral oils.

(2) Decision 2001/574/EC should therefore be amended accordingly.

(3) The measure provided for in this Decision is in accordance with the opinion of the Committee on Excise Duties,

HAS ADOPTED THIS DECISION:

Article 1

The second paragraph of Article 1 of Decision 2001/574/EC is replaced by the following:

'Member States shall fix a marking level of at least 6 mg and not more than 9 mg of marker per litre of mineral oil.'

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 17 December 2003.

For the Commission

Frederik BOLKESTEIN

Member of the Commission

[1] OJ L 291, 6.12.1995, p. 46.

[2] OJ L 203, 28.7.2001, p. 20. Decision as amended by Decision 2002/269/EC (OJ L 93, 10.4.2002, p. 6).