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Legislation

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Acts whose titles are printed in light type are those relating to day-to-day management of agricultural matters, and are generally valid for a limited period.

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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EC) No 2175/2002
of 6 December 2002
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 7 December 2002.

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

Done at Brussels, 6 December 2002.

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 6 December 2002 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	91,4
	204	79,8
	999	85,6
0707 00 05	052	110,6
	204	111,0
	220	155,5
	999	125,7
0709 90 70	052	115,4
	204	93,4
	999	104,4
0805 10 10, 0805 10 30, 0805 10 50	052	61,7
	220	55,8
	388	56,0
	624	65,9
	999	59,9
0805 20 10	052	69,7
	204	67,3
	999	68,5
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	052	64,1
	464	139,5
	999	101,8
0805 50 10	052	63,3
	600	65,3
	999	64,3
0808 10 20, 0808 10 50, 0808 10 90	060	28,7
	400	94,6
	404	102,2
	720	107,0
	800	166,0
	999	99,7
0808 20 50	052	144,8
	400	118,8
	720	75,8
	999	113,1

(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 2176/2002

of 6 December 2002

amending Annex I to Council Regulation (EEC) No 2658/87 on the tariff and statistical nomenclature and on the Common Customs Tariff

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff [1], as last amended by Commission Regulation (EC) No 1832/2002 [2], and in particular Article 9 thereof,

Whereas:

(1) Commission Regulation (EC) No 969/2002 [3] introduced in Annex I to Regulation (EEC) No 2658/87 a new Additional Note 1 to Chapter 39 and a new Additional Note 1 to Chapter 40 to clarify the conditions under which gloves, mittens and mitts, impregnated, coated or covered with cellular plastics or cellular rubber are classified in Chapters 39 or 40 of the Combined Nomenclature.

(2) It has shown that the expression 'textile fabrics' used in these additional notes is not precise enough as to the materials these gloves, mittens and mitts can be made of.

(3) In order to specify the material and to ensure the uniform application of the nomenclature, the expression 'textile fabrics' as used in the above mentioned additional notes should therefore be replaced by the expression 'woven, knitted or crocheted fabrics, felt or nonwovens'.

(4) Regulation (EEC) No 2658/87 should be amended accordingly.

(5) For the sake of legal certainty this Regulation shall apply as from the same date as Regulation (EC) No 1832/2002.

(6) The measures foreseen in this Regulation are in accordance with the opinion of the Customs Code Committee,

HAS ADOPTED THIS REGULATION:

Article 1

Annex I to Regulation (EEC) No 2658/87 shall be replaced by the following:

1. In Chapter 39, Additional Note 1 shall be replaced by the following:

   '1. Where the woven, knitted or crocheted fabrics, felt or nonwovens are present merely for reinforcing purposes, gloves, mittens or mitts impregnated, coated or covered with cellular plastics belong to Chapter 39, even if they are:

   — made up from woven, knitted or crocheted fabrics (other than those of heading No 5903), felt or nonwovens impregnated, coated or covered with cellular plastics, or

   — made up from unimpregnated, uncoated or uncovered woven, knitted or crocheted fabrics, felt or nonwovens and subsequently impregnated, coated or covered with cellular plastics.

   (Note 3(c) to Chapter 56 and note 2(a)(5) to Chapter 59).'

2. In Chapter 40, Additional Note 1 shall be replaced by the following:

   '1. Where the woven, knitted or crocheted fabrics, felt or nonwovens are present merely for reinforcing purposes, gloves, mittens or mitts impregnated, coated or covered with cellular rubber belong to Chapter 40, even if they are:

   — made up from woven, knitted or crocheted fabrics (other than those of heading No 5906), felt or nonwovens impregnated, coated or covered with cellular rubber, or

   — made up from unimpregnated, uncoated or uncovered woven, knitted or crocheted fabrics, felt or nonwovens and subsequently impregnated, coated or covered with cellular rubber.

   (Note 3(c) to Chapter 56 and note 4, last paragraph, to Chapter 59).'

Article 2

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

It shall apply as from 1 January 2003.

[1] OJ L 256, 7.9.1987, p. 1.
[2] OJ L 290, 28.10.2002, p. 1.
[3] OJ L 149, 7.6.2002, p. 20.

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

Done at Brussels, 6 December 2002.

For the Commission

Frederik BOLKESTEIN

Member of the Commission

COMMISSION REGULATION (EC) No 2177/2002

of 6 December 2002

opening a standing invitation to tender for the export of barley held by the Swedish intervention agency

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 1666/2000 [2], and in particular Article 5 thereof,

Whereas:

(1) Commission Regulation (EEC) No 2131/93 [3], as last amended by Regulation (EC) No 1630/2000 [4], lays down the procedure and conditions for the disposal of cereals held by intervention agencies.

(2) Given the current market situation, a standing invitation to tender should be opened for the export of 36 093 tonnes of barley held by the Swedish intervention agency.

(3) Special rules must be laid down to ensure that the operations are properly carried out and monitored. To that end, securities should be lodged to ensure that the goals of the operation are achieved without excessive cost to the operators. Derogations should accordingly be made to certain rules, in particular those laid down in Regulation (EEC) No 2131/93.

(4) Where removal of the barley is delayed by more than five days or the release of one of the securities required is delayed for reasons imputable to the intervention agency, the Member State concerned should pay compensation.

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

HAS ADOPTED THIS REGULATION:

Article 1

Subject to this Regulation, the Swedish intervention agency shall issue a standing invitation to tender in accordance with Regulation (EEC) No 2131/93 for the export of barley held by it.

Article 2

1. The invitation to tender shall cover a maximum of 36 093 tonnes of barley for export to third countries, with the exception of the United States of America, Canada and Mexico.

2. The regions in which the 36 093 tonnes of barley are stored are set out in Annex I.

Article 3

1. As an exception to the third paragraph of Article 16 of Regulation (EEC) No 2131/93, the price to be paid for the export shall be that quoted in the tender.

2. No export refund or tax or monthly increase shall be granted on exports carried out under this Regulation.

3. Article 8(2) of Regulation (EEC) No 2131/93 shall not apply.

Article 4

1. Export licences shall be valid from their date of issue within the meaning of Article 9 of Regulation (EEC) No 2131/93 until the end of the fourth month thereafter.

2. Tenders submitted in response to this invitation to tender may not be accompanied by export licence applications submitted under Article 49 of Commission Regulation (EC) No 1291/2000 [5].

Article 5

1. As an exception to Article 7(1) of Regulation (EEC) No 2131/93, the time limit for submission of tenders under the first partial invitation to tender shall be 09.00 (Brussels time) on 12 December 2002.

2. The time limit for submission of tenders under subsequent partial invitations to tender shall be 09.00 (Brussels time) each Thursday thereafter.

3. The last partial invitation to tender shall expire at 09.00 (Brussels time) on 22 May 2003.

4. Tenders must be lodged with the Swedish intervention agency.

Article 6

1. The intervention agency, the storer and a successful tenderer shall, at the request of the latter and by common agreement, either before or at the time of removal from storage as the tenderer chooses, take reference samples for counter-analysis at the rate of at least one sample for every 500 tonnes and shall analyse the samples. The intervention agency may be represented by a proxy, provided this is not the storer.

[1] OJ L 181, 1.7.1992, p. 21.
[2] OJ L 193, 29.7.2000, p. 1.
[3] OJ L 191, 31.7.1993, p. 76.
[4] OJ L 187, 26.7.2000, p. 24.
[5] OJ L 152, 24.6.2000, p. 1.

In the event of a dispute, the analysis results shall be forwarded to the Commission.

Reference samples for counter-analysis shall be taken and analysed within seven working days of the date of the successful tenderer's request or within three working days if the samples are taken on removal from storage. Where the final result of sample analyses indicates a quality:

(a) higher than that specified in the notice of invitation to tender, the successful tenderer must accept the lot as established;

(b) higher than the minimum characteristics laid down for intervention but below the quality described in the notice of invitation to tender, providing that the differences do not exceed the following limits:

— two kilograms per hectolitre as regards specific weight, which must not, however, be less than 60 kg/hl,

— one percentage point as regards moisture content,

— half a percentage point as regards the impurities specified in points B.2 and B.4 of the Annex to Regulation (EC) No 824/2000 [1], and

— half a percentage point as regards the impurities specified in point B.5 of the Annex to Regulation (EC) No 824/2000, the percentages admissible for noxious grains and ergot, however, remaining unchanged,

the successful tenderer must accept the lot as established;

(c) higher than the minimum characteristics laid down for intervention but below the quality described in the notice of invitation to tender, and a difference exceeding the limits set out in point (b), the successful tenderer may:

— accept the lot as established, or

— refuse to take over the lot concerned. The successful tenderer shall be discharged of all obligations relating to the lot in question and the securities shall be released provided the Commission and the intervention agency are immediately notified in accordance with Annex II; however, if the successful tenderer requests the intervention agency to supply another lot of intervention barley of the quality laid down at no additional charge, the security shall not be released. The lot must be replaced within three days of the date of the successful tenderer's request. The successful tenderer shall notify the Commission immediately thereof in accordance with Annex II;

(d) below the minimum characteristics laid down for intervention, the successful tenderer may not remove the lot in question. The successful tenderer shall be discharged of all obligations relating to the lot in question and the securities shall be released provided the Commission and the intervention agency are immediately notified in accordance with Annex II; however, the successful tenderer may request the intervention agency to supply another lot of intervention barley of the quality laid down at no additional charge. In that case, the security shall not be released. The lot must be replaced within three days of the date of the successful tenderer's request. The successful tenderer shall immediately inform the Commission thereof in accordance with Annex II.

2. However, if the barley is removed before the results of the analyses are known, all risks shall be borne by the successful tenderer from the time the lot is removed, without prejudice to any means of redress against the storer.

3. If, as a result of successive replacements, the successful tenderer has not received a replacement lot of the quality laid down within one month of the date of the request for a replacement, the successful tenderer shall be discharged of all obligations and the securities shall be released, provided the Commission and the intervention agency have been immediately informed in accordance with Annex II.

4. Except where the final results of analyses indicate a quality below the minimum characteristics laid down for intervention, the costs of taking the samples and conducting the analyses provided for in paragraph 1 but not of inter-bin transfers shall be borne by the European Agricultural Guidance and Guarantee Fund (EAGGF) for up to one analysis per 500 tonnes. The costs of inter-bin transfers and any additional analyses requested by a successful tenderer shall be borne by that tenderer.

Article 7

As an exception to Article 12 of Commission Regulation (EEC) No 3002/92 [2], the documents relating to the sale of barley under this Regulation, and in particular the export licence, the removal order referred to in Article 3(1)(b) of Regulation (EEC) No 3002/92, the export declaration and, where applicable, the T5 copy shall carry the entry:

— Cebada de intervención sin aplicación de restitución ni gravamen, Reglamento (CE) nº 2177/2002

— Byg fra intervention uden restitutionsydelse eller -afgift, forordning (EF) nr. 2177/2002

— Interventionsgerste ohne Anwendung von Ausfuhrerstattungen oder Ausfuhrabgaben, Verordnung (EG) Nr. 2177/2002

— Κριθή παρέμβασης χωρίς εφαρμογή επιστροφής ή φόρου, κανονισμός (ΕΚ) αριθ. 2177/2002

— Intervention barley without application of refund or tax, Regulation (EC) No 2177/2002

— Orge d'intervention ne donnant pas lieu à restitution ni taxe, règlement (CE) nº 2177/2002

— Orzo d'intervento senza applicazione di restituzione né di tassa, regolamento (CE) n. 2177/2002

— Gerst uit interventie, zonder toepassing van restitutie of belasting, Verordening (EG) nr. 2177/2002

— Cevada de intervenção sem aplicação de uma restituição ou imposição, Regulamento (CE) n.º 2177/2002

— Interventio-ohraa, johon ei sovelleta vientitukea eikä vientimaksua, asetus (EY) N:o 2177/2002

— Interventionskorn, utan tillämpning av bidrag eller avgift, förordning (EG) nr 2177/2002.

[1] OJ L 100, 20.4.2000, p. 31.

[2] OJ L 301, 17.10.1992, p. 17.

Article 8

1. The security lodged under Article 13(4) of Regulation (EEC) No 2131/93 shall be released once the export licences have been issued to the successful tenderers.

2. Notwithstanding Article 17 of Regulation (EEC) No 2131/93, the obligation to export shall be covered by a security equal to the difference between the intervention price applying on the day of the award and the price awarded but not less than EUR 10 per tonne. Half of the security shall be lodged when the licence is issued and the balance shall be lodged before the cereals are removed.

As an exception to Article 15(2) of Regulation (EEC) No 3002/92:

— the part of the security lodged when the licence is issued shall be released within 20 working days of the date on which the successful tenderer provides proof that the cereals removed have left the customs territory of the Community.

As an exception to Article 17(3) of Regulation (EEC) No 2131/93:

— the remainder of the security shall be released within 15 working days of the date on which the successful tenderer provides the proof referred to in Article 16 of Commission Regulation (EC) No 800/1999 [1].

3. Except in duly substantiated exceptional cases, in particular the opening of an administrative enquiry, where the securities provided for in this Article are released after the time limits specified in this Article, the Member State shall be required to pay compensation amounting to EUR 0,015 per 10 tonnes for each day's delay.

This compensation shall not be charged to the EAGGF.

Article 9

Within two hours of the expiry of the time limit for the submission of tenders, the Swedish intervention agency shall notify the Commission of tenders received. Such notification shall be made using the model set out in Annex III and the fax numbers set out in Annex IV.

Article 10

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

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

Done at Brussels, 6 December 2002.

For the Commission

Franz FISCHLER

Member of the Commission

[1] OJ L 102, 17.4.1999, p. 11.

ANNEX I

(in tonnes)

Place of storage	Quantity
Djurön	21 517,365
Helsingborg	7 079,340
Köping	7 496,648

ANNEX II

COMMUNICATION OF REFUSAL OF LOTS UNDER THE STANDING INVITATION FOR THE EXPORT OF BARLEY HELD BY THE SWEDISH INTERVENTION AGENCY

(Article 6(1) of Regulation (EC) No 2177/2002)

— Name of successful tenderer:

— Date of award:

— Date of refusal of the lot by the successful tenderer:

Number of lot	Quantity in tonnes	Address of the silo	Reason for refusal to take over
			— PS (kg/hl) — % of sprouted grains — % of miscellaneous impurities (Schwarzbesatz) — % of matter other than basic cereals of unimpaired quality — Other

ANNEX III

STANDING INVITATION TO TENDER FOR THE EXPORT OF BARLEY HELD BY THE SWEDISH INTERVENTION AGENCY

(Regulation (EC) No 2177/2002)

1	2	3	4	5	6	7
Serial numbers of tenderers	Number of lot	Quantity in tonnes	Tender price (EUR/tonne) (1)	Increases (+) Reductions (–) (EUR/tonne) (for the record)	Commercial costs (EUR/tonne)	Destination
1						
2						
3						
etc.						

(1) This price includes the increases and reductions relating to the lot covered by the tender.

ANNEX IV

The following numbers only for the Agriculture DG (C/1) in Brussels are to be used:

— fax:	(32-2) 296 49 56
	(32-2) 295 25 15.

COMMISSION REGULATION (EC) No 2178/2002
of 6 December 2002
prohibiting fishing for common sole by vessels flying the flag of France

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2847/93 of 12 October 1993 establishing a control system applicable to the common fisheries policy ([1]), as last amended by Regulation (EC) No 2846/98 ([2]), and in particular Article 21(3) thereof,

Whereas:

(1) Council Regulation (EC) No 2555/2001 of 18 December 2001 fixing for 2002 the fishing opportunities and associated conditions for certain fish stocks and groups of fish stocks, applicable in Community waters and, for Community vessels, in waters where limitations in catch are required ([3]) lays down quotas for common sole for 2002.

(2) In order to ensure compliance with the provisions relating to the quantity limits on catches of stocks subject to quotas, the Commission must fix the date by which catches made by vessels flying the flag of a Member State are deemed to have exhausted the quota allocated.

(3) According to the information received by the Commission, catches of common sole in the waters of ICES division VIIIa, b by vessels flying the flag of France or registered in France have exhausted the quota allocated for 2002. France has prohibited fishing for this stock from 30 November 2002. This date should be adopted in this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

Catches of common sole in the waters of ICES division VIIIa, b by vessels flying the flag of France or registered in France are hereby deemed to have exhausted the quota allocated to France for 2002.

Fishing for common sole in the waters of ICES division VIIIa, b by vessels flying the flag of France or registered in France is hereby prohibited, as are the retention on board, transhipment and landing of this stock caught by the above vessels after the date of application of this Regulation.

Article 2

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

It shall apply from 30 November 2002.

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

Done at Brussels, 6 December 2002.

For the Commission
Franz FISCHLER
Member of the Commission

([1]) OJ L 261, 20.10.1993, p. 1.
([2]) OJ L 358, 31.12.1998, p. 5.
([3]) OJ L 347, 31.12.2001, p. 1.

COMMISSION REGULATION (EC) No 2179/2002
of 6 December 2002
on special conditions for the granting of private storage aid for pigmeat

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2759/75 of 29 October 1975 on the common organisation of the market in pigmeat [1], as last amended by Regulation (EC) No 1365/2000 [2], and in particular Article 4(6) and Article 5(4) thereof,

Whereas:

(1) Intervention measures may be taken in respect of pigmeat if, on the representative markets of the Community, the average price for pig carcasses is less than 103 % of the basic price and is likely to remain below that level.

(2) Market prices have fallen below that level and, given seasonal and cyclical trends, this situation could persist.

(3) Intervention measures must be taken. These can be limited to the granting of private storage aid in accordance with Commission Regulation (EEC) No 3444/90 of 27 November 1990 laying down detailed rules for granting private storage aid for pigmeat [3], as amended by Regulation (EC) No 3533/93 [4].

(4) Under Article 3 of Council Regulation (EEC) No 2763/75 of 29 October 1975 laying down general rules for granting private storage aid for pigmeat [5], the Commission may decide to reduce or extend the storage period. As well as the amounts of aid for specific periods of storage, the amounts to be added or deducted in the event that the Commission adopts such a decision should be fixed.

(5) In order to facilitate administrative and control work relating to the conclusion of contracts, minimum quantities should be fixed.

(6) The security should be fixed at a level that will ensure storers fulfil their contractual obligations.

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

HAS ADOPTED THIS REGULATION:

Article 1

1. From 9 December 2002 applications for private storage aid may be lodged in accordance with Regulation (EEC) No 3444/90. The list of products eligible for aid and the relevant amounts are set out in the Annex hereto.

2. Should the Commission extend or reduce the period of storage, the amount of aid shall be adjusted accordingly. The supplements and deductions per month and per day are set out in columns 6 and 7 of the Annex.

Article 2

The minimum quantities per contract and per product shall be:

(a) 10 tonnes for boned products;

(b) 15 tonnes for other products.

Article 3

The security shall be 20 % of the amounts of aid set out in the Annex.

Article 4

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

[1] OJ L 282, 1.11.1975, p. 1.
[2] OJ L 156, 29.6.2000, p. 5.
[3] OJ L 333, 30.11.1990, p. 22.
[4] OJ L 321, 23.12.1993, p. 9.
[5] OJ L 282, 1.11.1975, p. 19.

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

Done at Brussels, 6 December 2002.

For the Commission
Franz FISCHLER
Member of the Commission

ANNEX

(EUR/tonne)

CN code	Products in respect of which aid is granted	Amount of aid for a storage period of			Supplement or deduction	
		3 months	4 months	5 months	Per month	Per day
1	2	3	4	5	6	7
ex 0203	**Meat of domestic swine, fresh or chilled:**					
ex 0203 11 10	Half-carcasses without the forefoot, tail, kidney, thin skirt and spinal cord (1)	278	315	352	37	1,24
ex 0203 12 11	Hams	337	379	421	42	1,41
ex 0203 12 19	Shoulders	337	379	421	42	1,41
ex 0203 19 11	Fore-ends	337	379	421	42	1,41
ex 0203 19 13	Loins, with or without the neck-end, or neck-ends separately, loins with or without the chump (2) (3)	337	379	421	42	1,41
ex 0203 19 15	Bellies, whole or trimmed by rectangular cut	164	197	230	33	1,09
ex 0203 19 55	Bellies, whole or trimmed by rectangular cut, without rind and ribs	164	197	230	33	1,09
ex 0203 19 55	Legs, shoulders, fore-ends, loins with or without the neck-end, or neck-ends separately, loins with or without the chump, boned (2) (3)	337	379	421	42	1,41
ex 0203 19 55	Cuts corresponding to 'middles', with or without rind or fat, boned (4)	255	290	325	35	1,17
ex 0203 19 59	Cuts corresponding to 'middles', with or without rind or fat, with bone in (4)	255	290	325	35	1,17

(1) The aid may also be granted for half-carcasses presented as Wiltshire sides, i.e. without the head, cheek, chap, feet, tail, flare fat, kidney, tenderloin, blade-bone, sternum, vertebral column, pelvic bone and diaphragm.
(2) Loins and neck-ends may be with or without rind but the adherent layer of fat may not exceed 25 mm in depth.
(3) The quantity contracted may cover any combination of the products referred to.
(4) Same presentation as for products falling within CN code 0210 19 20.

COMMISSION REGULATION (EC) No 2180/2002

of 6 December 2002

concerning applications for export licences for rice and broken rice with advance fixing of the refund

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Having regard to Commission Regulation (EC) No 1162/95 of 23 May 1995, laying down special detailed rules for the application of the system of import and export licences for cereals and rice [3], as last amended by Regulation (EC) No 1322/2002 [4], and in particular the second subparagraph of Article 7(4) thereof,

Whereas:

(1) Article 7(4) of Regulation (EC) No 1162/95 provides, where this paragraph is specifically referred to when an export refund is fixed, for an interval of three working days between the day of submission of applications and the granting of export licences with advance fixing of the refund and provides that the Commission is to fix a uniform percentage reduction in the quantities if applications for export licences exceed the quantities which may be exported. Commission Regulation (EC) No 2119/2002 [5] fixes refunds under the procedure provided for in the abovementioned paragraph for 1 389 tonnes for the destination R01 defined in the Annex to that Regulation.

(2) For the destination R01, quantities applied for on 5 December 2002 are in excess of the available quantity, a percentage reduction should therefore be fixed for export licence applications submitted on 5 December 2002.

(3) In view of its purpose, this Regulation should take effect from the day of its publication in the *Official Journal of the European Communities*,

HAS ADOPTED THIS REGULATION:

Article 1

For the destination R01 defined in the Annex to Regulation (EC) No 2119/2002, applications for export licences for rice and broken rice with advance fixing of the refund submitted under that Regulation on 5 December 2002 shall give rise to the issue of licences for the quantities applied for to which a percentage reduction of 38,83 % has been applied.

Article 2

For the destination R01 defined in the Annex to Regulation (EC) No 2119/2002, applications for export licences for rice and broken rice submitted from 6 December 2002 shall not give rise to the issue of export licences under that Regulation.

Article 3

This Regulation shall enter into force on 7 December 2002.

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

Done at Brussels, 6 December 2002.

For the Commission

J. M. SILVA RODRÍGUEZ

Agriculture Director-General

(1) OJ L 329, 30.12.1995, p. 18.
(2) OJ L 62, 5.3.2002, p. 27.
(3) OJ L 117, 24.5.1995, p. 2.
(4) OJ L 194, 23.7.2002, p. 22.
(5) OJ L 324, 29.11.2002, p. 50.

COMMISSION REGULATION (EC) No 2181/2002

of 6 December 2002

amending Regulation (EC) No 1239/95 establishing implementing rules for the application of Council Regulation (EC) No 2100/94 as regards proceedings before the Community Plant Variety Office

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2100/94 of 27 July 1994 on Community plant variety rights [1], as last amended by Regulation (EC) No 2506/95 [2], and in particular Article 114 thereof,

Whereas:

(1) The Community Plant Variety Office (the Office) established by Regulation (EC) No 2100/94 implements and applies the scheme for the protection of plant variety rights.

(2) The rules concerning the proceedings before the Office are laid down in Commission Regulation (EC) No 1239/95 [3], as amended by Regulation (EC) No 448/96 [4]. Article 27 of that Regulation provided that examination reports made under the responsibility of authorities of a Member State or a third country which is member of the International Union on the Protection of New Varieties of Plants (UPOV) could be considered a sufficient basis for decision. Article 27 was however a temporary provision which lapsed on 30 June 1998.

(3) The intention of applying Article 27 of Regulation (EC) No 1239/95 on a temporary basis was to build up an independent Community system, with the Office arranging for technical examination of the varieties submitted with the application for plant variety protection. The experience of the Office has however shown the need to consider other examination reports as specified in Article 27.

(4) The majority of Community plant variety rights granted after 30 June 1998 have been based on decisions considering technical examinations made under the responsibility of authorities other than the Office, providing grants in a very competitive market.

(5) It is therefore necessary to regularise the practices of the Office since 1 July 1998. At the same time, the possibility to apply Article 27 in the future should be kept open. Regulation (EC) No 1239/95 should therefore be amended with effect from 1 July 1998.

(6) The Administrative Council of the Community Plant Variety Office has been consulted.

(7) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Plant Variety Rights,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 1239/95 is amended as follows:

1. Article 27 shall be replaced by the following:

‘*Article 27*

Other examination reports

1. An examination report on the results of any technical examination which has been carried out or is in the process of being carried out for official purposes in a Member State by one of the offices responsible for the species concerned pursuant to Article 55(1) of the Basic Regulation may be considered by the Office to constitute a sufficient basis for decision, provided that:

— the material submitted for the technical examination has complied, in quantity and quality, with any standards that may have been laid down pursuant to Article 55(4) of the Basic Regulation,

— the technical examination has been carried out in a manner consistent with the designations by the Administrative Council pursuant to Article 55(1) of the Basic Regulation, and has been conducted in accordance with the test guidelines issued, on general instructions given, pursuant to Article 56(2) of that Regulation and Articles 22 and 23 of this Regulation,

— the Office has had the opportunity to monitor the conduct of the technical examination concerned, and

— where the final report is not immediately available, the interim reports on each growing period are submitted to the Office prior to the examination report.

2. Where the Office does not consider the examination report referred to in paragraph 1 to constitute a sufficient basis for a decision, it may follow the procedure under Article 55 of the Regulation, after consultation of the applicant and the Examination Office concerned.

[1] OJ L 227, 1.9.1994, p. 1.
[2] OJ L 258, 28.10.1995, p. 3.
[3] OJ L 121, 1.6.1995, p. 37.
[4] OJ L 62, 13.3.1996, p. 3.

3. The Office and each competent national plant variety office in a Member State shall give administrative assistance to the other by making available, upon request, any examination reports on a variety, for the purpose of assessing distinctiveness, uniformity and stability of that variety. A specific amount shall be charged by the Office or the competent national plant variety office for the submission of such a report, such amount being agreed by the offices concerned.

4. An examination report on the results of a technical examination which has been carried out or is in the process of being carried out for official purposes in a third country which is Member of the International Union for the Protection of New Varieties of Plants may be considered by the Office to constitute a sufficient basis for decision, provided the technical examination complies with the conditions laid down in a written agreement between the Office and the competent authority of such third country. Such conditions shall at least include:

— those related to the material, as referred to in paragraph 1, first indent,

— that the technical examination has been conducted in accordance with the test guidelines issued, or general instructions given, pursuant to Article 56(2) of the Basic Regulation,

— that the Office has had the opportunity to assess the suitability of facilities for carrying out a technical examination for the species concerned in that third country and to monitor the conduct of the technical examination concerned, and

— those related to the availability of reports, as laid down in paragraph 1, fourth indent.'

2. In Article 95 the second paragraph is deleted.

Article 2

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

It shall apply from 1 July 1998.

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

Done at Brussels, 6 December 2002.

For the Commission

David BYRNE

Member of the Commission

COMMISSION REGULATION (EC) No 2182/2002

of 6 December 2002

laying down detailed rules for the application of Council Regulation (EEC) No 2075/92 with regard to the Community Tobacco Fund

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2075/92 of 30 June 1992 on the common organisation of the market in raw tobacco ([1]), as last amended by Regulation (EC) No 546/2002 ([2]), and in particular Article 14a thereof,

Whereas:

(1) Regulation (EC) No 546/2002 amended Article 13 of Regulation (EEC) No 2075/92, with regard to the establishment of a Community Tobacco Fund. The amendments concern the areas of activity of the Fund. As a result, detailed rules for the application of that provision should be adopted.

(2) Assistance should be provided for measures to discourage smoking, and in particular for improving public awareness of the dangers of tobacco consumption, and funding should be provided for specific measures to encourage tobacco producers to switch production, in collaboration with the quota buy-back programme, and for studies into the possibilities for encouraging producers to switch to other crops or activities.

(3) The funding should be divided appropriately between the two main objectives of the Fund, which are providing information and encouraging producers to switch production. However, if the funds earmarked for one of these objectives are not used up in full, the distribution of the initial allocation between the objectives should be adjusted.

(4) The Tobacco Fund is financed by a deduction from the premiums granted to tobacco producers and it is therefore justified to propose that all public assistance for measures financed under the Fund be provided from the Community own resources in the Fund.

(5) For the information programmes, the various proposals presented under the procedures adopted should be assessed in accordance with criteria that will ensure the best possible choice. Provision should be made also for projects to be carried out on the initiative and on behalf of the Commission. To that end, a call for proposals or, as appropriate, a public invitation to tender seem the most appropriate course.

(6) Eligibility criteria should be laid down for natural or legal persons who may present proposals under the information programmes.

(7) In the interests of sound administration of the information programmes, the projects approved by the Commission should be carried out within a specified period. The time limit originally envisaged may prove difficult to meet in exceptional cases. Provision should be made, therefore, for the time limit to be extended under certain conditions.

(8) In order to make the best possible choice of projects financed within the context of the information programmes and ensure the proper implementation of the approved projects, provision should be made for the Commission to be assisted in the selection of the projects by a scientific and technical committee. The Commission should have access to the services of independent experts in assessing the projects.

(9) In order to guarantee the proper implementation of each project financed within the context of the information programmes, it is necessary for details of the conditions of implementation to be included in the contracts concluded with the Commission. Where an application is made for an advance, contractors must lodge a security in favour of the Commission on the conditions laid down in Title III of Commission Regulation (EEC) No 2220/85 of 22 July 1985 laying down common detailed rules for the application of the system of securities for agricultural products ([3]), as last amended by Regulation (EC) No 1932/1999 ([4]).

(10) Regarding the information programmes, provision should be made to prevent the unjustified cumulation of measures for the same project, and for payments to be recovered in certain cases, particularly in the event of irregularities.

(11) As regards the specific measures to promote a switch of production, individual measures should be laid down to promote a switch of production, as well as general interest measures and studies into the possibilities for tobacco producers to switch production, that are eligible for financing by the Fund. The beneficiaries of each type of measure should also be defined.

(12) To ensure that the measures to support the switch of production are sufficiently effective, the intensity of the aid to be granted for each measure and the total amount of assistance per producer should be determined for all the measures. The intensity of the aid for each measure should be set at a sufficiently attractive level to encourage producers to take up the opportunity to switch production, given the major changes that this entails to how production is organised on their holding.

([1]) OJ L 215, 30.7.1992, p. 70.
([2]) OJ L 84, 28.3.2002, p. 4.
([3]) OJ L 205, 3.8.1985, p. 5.
([4]) OJ L 240, 10.9.1999, p. 11.

(13) The Fund must guarantee assistance for producers to switch production across the whole Community and must operate in collaboration with the quota buy-back programme. To this end, the distribution of financing under the Fund should be determined for each tobacco-producing Member State. In order to respond to the actual rate of withdrawal from tobacco production in each Member State, provision should also be made for a second distribution of the financing, based on applications for assistance received.

(14) To guarantee that the assistance granted to promote the switch of production by tobacco producers is implemented in the proper framework, a programme must be drawn up by each producer Member State. The content of these programmes should therefore be determined, together with the obligation on Member States to inform the Commission of the monitoring they have carried out on the progress made by the programmes each year.

(15) Any risk of a funding overlap for the same project from the Tobacco Fund and other assistance schemes must be avoided. Moreover, all decisions by tobacco producers to withdraw from tobacco production should be facilitated. The conditions should be determined in which an application for assistance from the Tobacco Fund can be accepted, and provision made for the possibility of having the project financed by another scheme where no further funding is available under the Tobacco Fund. The type of controls to be carried out and the penalties to apply should also be determined.

(16) To give Member States sufficient time to draw up financing plans for production-switching measures for 2003, that year's deadline for notifying the Commission of these plans — and, consequently, the deadline for the definitive distribution of the resources among the Member States — should be deferred.

(17) Commission Regulation (EC) No 1648/2000 of 25 July 2000 laying down detailed rules for the application of Council Regulation (EEC) No 2075/92 with regard to the Community Tobacco Fund [1] should therefore be repealed and replaced. However, the provision of that Regulation must continue to apply to projects approved before the entry into force of this Regulation.

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

[1] OJ L 189, 27.7.2000, p. 9.

HAS ADOPTED THIS REGULATION:

CHAPTER I

GENERAL PROVISIONS

Article 1

This Regulation lays down the conditions for financing by the Community Tobacco Fund, hereinafter called 'the Fund', of the measures in the two areas referred to in Article 13(2) of Regulation (EEC) No 2075/92 in the form of information programmes and measures to promote a switch of production.

Article 2

Expenditure by the Fund in each of the two categories of measures referred to in Article 1 may amount to a maximum 50 % of the total amount of the Fund.

However, where the amount available for one of these categories is not used up in full, the Commission shall reallocate the remaining amount to the other, provided that, in the latter area, there are eligible projects still in need of funding.

CHAPTER II

INFORMATION PROGRAMMES

Article 3

1. The aim of the information programmes financed by the Fund shall be to improve public awareness of the dangers of all forms of tobacco consumption.

2. The programmes shall consist of projects involving information and education, data collection and studies. The projects concerned shall focus in particular on:

(a) raising public awareness of the harmful effects of tobacco consumption, including passive smoking;

(b) improving the relevance and effectiveness of the messages put across about the harmful effects of tobacco consumption, and the methods of communication used (language and images);

(c) preventing and stopping smoking;

(d) disseminating the results to the national authorities and the relevant sectors, in the areas referred to in (a), (b) and (c).

Article 4

1. The Commission, with the assistance of a scientific and technical committee, shall be responsible for the management of the Fund as regards the information programmes.

2. The scientific and technical committee shall be made up of nine members appointed by the Commission. The Committee shall be chaired by the Commission. The Commission shall ensure that members of the Committee are independent as regards the projects submitted to them.

Article 5

Projects shall be the subject, as appropriate, of a call for proposals or a public invitation to tender, in accordance with the relevant provisions, published in the C series of the *Official Journal of the European Communities*, within the period set in the notice.

Article 6

1. Proposals for projects may be submitted by any natural or legal persons established in the Community who:

(a) possess recognised competence and at least five years' professional experience in the field in question;

(b) undertake to contribute from their own resources at least 25 % of the total financing of the project. However, projects carried out on the initiative and on behalf of the Commission shall be financed by the Fund at a rate of up to 100 % of the total cost;

(c) undertake to carry out the proposed programme within the time limit laid down;

(d) agree to provide regular reports on the progress of the work;

(e) agree to make their accounts and other supporting documents on expenditure available for verification by the Commission;

(f) agree to the conditions laid down in Articles 9, 10 and 11.

2. Projects may be carried out on an annual basis, and may be renewed, but may not however exceed five years from the date on which the contract is signed.

However, the time limit for implementation may be extended if the interested party requests the Commission to extend it and provides proof that, because of exceptional circumstances beyond that party's control, it is not able to comply with the time limit initially laid down.

Article 7

1. Projects submitted in response to a call for proposals shall be assessed by a group of independent experts selected by the Commission. The following factors must be taken into account in the assessment:

(a) the work must be done on a collaborative basis by natural or legal persons established in several Member States;

(b) the projects must pay particular attention to the cultural and linguistic characteristics of the Member States, notably in the case of information campaigns directed at the public at large, and to groups at risk;

(c) the projects must show that they have a methodology and firm scientific backing. They must be innovative and take account of work that has been carried out already and of experience gained under past or present national or Community programmes, so as to avoid any likelihood of duplication in the allocation of Community funding;

(d) the projects must, as appropriate, contribute objectively and effectively to improving public awareness of the harmful effects on health of using tobacco, to collecting and analysing relevant epidemiological data or to ensuring the rapid implementation of practical preventive measures;

(e) contractors must ensure that the results of their projects are disseminated in recognised scientific journals and/or presented at international conferences;

(f) priority will be given to projects covering the whole of the territory of the Community and submitted by public health organisations which are recognised and/or are expressly supported by national or regional health authorities.

2. On the basis of the assessment, the Commission shall submit a list of the projects shortlisted for financing to the scientific and technical committee referred to in Article 4. The committee shall deliver an opinion on the list.

3. As part of the public tendering procedure, projects to be carried out at the initiative and on behalf of the Commission, and shortlisted for financing, shall also be submitted by the Commission to the scientific and technical committee referred to in Article 4. The committee shall deliver an opinion on those projects.

4. Pursuant to Article 5(4) of Decision No 646/96/EC of the European Parliament and of the Council [1], the Commission shall inform the Committee referred to in Article 5 of that Decision which projects have been shortlisted for financing, and shall provide it with the opinion of the scientific and technical committee referred to in Article 4 of this Regulation.

Article 8

1. On the basis of the opinions referred to in Article 7(2) and (3), the Commission shall select the projects and decide on their financing by the Fund. It may decide not to proceed with any of the projects.

2. Projects accepted for financing by the Fund shall be the subject of a contract concluded by the Commission. A list of the projects financed shall be published in the *Official Journal of the European Communities*.

3. The Commission shall monitor the implementation of projects accepted for financing by the Fund. It shall inform the Management Committee for Tobacco regularly of the contracts concluded and the progress of work.

(1) OJ L 95, 16.4.1996, p. 9.

Article 9

1. Contracts shall be based on the appropriate standard contract drawn up by the Commission and shall reflect, where necessary, the various activities concerned. They shall specify in particular:

(a) the possibility of the payment of an advance by the Fund, within two months of the contract being signed;

(b) the nature of the project deliverables required in order to obtain subsequent payments, which shall be made in staggered instalments reflecting the progress of the work and on the basis of invoices and appropriate supporting documents;

(c) the deadline for submitting applications for payment of the balance following completion of the measures provided for in the contract, together with the nature of the accompanying deliverables, which shall include at least a summary of work carried out, appropriate supporting documents and an evaluation of the results obtained and how those results can be used;

(d) a maximum period for payments from the Fund of 60 days from the date of approval by the Commission of the project deliverables, which may be suspended by the Commission in order to carry out additional verifications.

2. The payment of an advance by the Fund shall be subject to the lodging by the contractor, in favour of the Commission, of a security of an amount equivalent to 110 % of the advance, lodged in accordance with the conditions laid down in Title III of Regulation (EEC) No 2220/85. However, public institutions may be exempt from this requirement.

3. The security shall be released subject to payment of the balance of the contribution for the measures concerned.

4. Where the advance exceeds the amount due, the security shall be partially forfeit for an amount equal to the amount wrongly paid.

Article 10

Projects accepted for financing by the Fund may not receive Community financing from other sources.

Article 11

1. Where financing has been unduly paid for a project, the Commission shall recover the amounts paid to the beneficiaries, plus interest to be counted from the date of payment to the date of recovery.

The interest rate to be used shall be that charged by the European Central Bank on its euro operations as published in the *Official Journal of the European Communities* on the first working day of each month.

2. The amounts recovered, together with the interest, shall be paid to the Commission and deducted from expenditure in the tobacco sector financed by the European Agricultural Guidance and Guarantee Fund.

CHAPTER III

MEASURES TO PROMOTE A SWITCH OF PRODUCTION

Article 12

The measures to promote a switch of production financed by the Fund shall consist of specific individual measures and general interest measures to encourage raw tobacco producers to switch production to other crops or economic activities that generate employment, and to support studies into the possibilities for raw tobacco producers of switching to other crops or activities.

Article 13

Individual measures to encourage tobacco producers to switch production shall comprise:

(a) switching to other crops and improving the quality of agricultural products other than tobacco, as well as providing incentives to holdings to diversify their activities;

(b) training for producers required for a switch to agricultural products other than tobacco;

(c) establishing the infrastructure for marketing quality products other than tobacco, as well as services for the rural economy and rural people and diversifying agricultural or semi-agricultural activities with a view to creating a range of activities that generate alternative employment and income, and in particular promoting tourism and handicrafts activities.

Article 14

General interest measures and studies into the possibilities for tobacco producers to switch production shall comprise:

(a) studies intended to expand the opportunities for producers of tobacco to switch production to other crops or activities;

(b) guidance and advisory services for producers who decide to withdraw from tobacco production;

(c) conducting innovative experiments for demonstration purposes.

These measures may be accompanied by measures to disseminate and promote the results.

Article 15

1. The beneficiaries of the measures referred to in Article 13 shall be tobacco producers who have been participating in the buy-back programme provided for in Article 14(1) of Regulation (EC) No 2075/92 since the 2002 harvest and whose quota irrevocably bought back is a quantity equal to or greater than 500 kg.

Beneficiaries may apply for assistance from the Fund only in the first year in which they no longer have a quota allocated to them.

2. The beneficiaries of the measures listed in Article 14 shall be:

(a) public authorities in the production areas;

(b) public research bodies specialising in agronomy and/or rural economy and designated by the Member States.

Article 16

1. The maximum total value of Community assistance that can be granted under this Chapter shall be equal to:

— 75 % of the eligible expenditure, for the measures referred to in Article 13(a) and (c);

— 100 % of the eligible expenditure, for the measures referred to in Article 13(b) and Article 14.

2. The total amount of Community assistance per producer for all of the measures referred to in Article 13 shall be as follows:

(a) three times the amount of the annual premium — for quantities of raw tobacco covered by the quota up to and including 10 tonnes for which the producer has been paid under the buy-back programme;

(b) twice the amount of the annual premium — for quantities of raw tobacco covered by the quota between 10 and 40 tonnes for which the producer has been paid under the buy-back programme;

(c) the amount of the annual premium — for quantities of raw tobacco covered by the quota above 40 tonnes for which the producer has been paid under the buy-back programme.

3. The total amount of Community assistance per producer for all of the measures referred to in Article 13 may not exceed EUR 300 000. However, for measures not involving the production, marketing or processing of products referred to in Annex I of the Treaty, the total amount of Community assistance per producer may not exceed EUR 100 000.

Article 17

1. The Community contribution shall comprise all of the public contribution for the measures referred to in Articles 13 and 14.

2. Every year before 15 February, in accordance with the procedure laid down in Article 23 of Regulation (EEC) No 2075/92, the Commission shall draw up an indicative allocation between the Member States of the financing under the Fund to the measures referred to in Articles 13 and 14 of this Regulation, based on the following criteria:

— 90 % based on the quantities irrevocably bought back under the quotas;

— 10 % based on the national guarantee threshold.

The Commission shall review the percentage allocations provided for in the first subparagraph in the light of experience.

3. Before 31 March every year, the Member States shall draw up and notify to the Commission their projected financing plans for the measures for which assistance has been applied.

4. Where it is established, on the basis of the information referred to in paragraph 3, that part of the funding allocated to one or more Member States will not be committed due to a lack of applications for assistance, the Commission shall draw up, before 31 May every year, a definitive allocation of this funding among Member States that have received applications for assistance for a total amount greater than their budget as determined in accordance with paragraph 2. This definitive allocation shall be in proportion to the indicative allocation laid down in paragraph 2 above.

Article 18

1. The Member States shall set up the programmes connected with the measures referred to in Articles 13 and 14.

The programmes shall include:

(a) a quantified description of the current situation in the tobacco sector, of the guidelines for measures to promote a switch of production and the holdings involved, and of the socio-economic situation in the production areas, in particular as regards employment and development potential;

(b) a description of the proposed strategy, its quantified objectives and the priorities selected for the switch of production from tobacco;

(c) an analysis of the expected impact in economic, environmental and social terms, in particular as regards employment;

(d) a general indicative financial table;

(e) a description of the national provisions taken to implement the programmes, and in particular the arrangements for controls;

(f) the definition of the selection criteria for projects for which an application for assistance has been made.

2. The Member States shall adopt the necessary national provisions to implement the programmes referred to in paragraph 1, including the procedure for approving projects, and shall designate the national authorities responsible for implementation.

3. Every year before 31 March the Member States shall send the Commission a comprehensive report on the progress made by the programmes during the period between 1 January and 31 December in the previous year.

Article 19

1. Applicants for assistance under Article 13 and 14 must sign an undertaking not to apply for funding for the same project under another assistance scheme. However, they shall be relieved of this undertaking if the application for financing for their project under the Fund is rejected definitively.

2. Failure to comply with the undertaking prescribed in paragraph 1 shall entail:

— the loss of rights regarding the quota buy-back programme provided for in Article 14 of Regulation (EEC) No 2075/92; and

— loss of eligibility for assistance for the measures referred to in Articles 13 and 14 of this Regulation.

Article 20

1. The Member States, in accordance with common rules to be laid down by the Commission, shall set up a computerised file including all the information on the projects financed under this Chapter. This data shall be made available to the Commission.

2. The Member States shall ensure that the information collected in accordance with paragraph 1 is made available to the authorities responsible for implementing the other Community or national structural assistance programmes.

3. The Member States shall take the necessary steps to effectively check that the provisions of this Chapter have been observed, in particular by carrying out administrative controls and on-site inspections. These measures shall ensure in particular that the projects financed under this Chapter have not received assistance under another assistance scheme.

4. The controls referred to in paragraph 3 shall cover all the projects financed by the Fund.

Article 21

The Member States shall notify the Commission without delay of the measures they adopt under Articles 18, 19 and 20.

Article 22

1. The projects shall be carried out within two years of the date on which the Member State notifies the beneficiary that the project has been approved.

2. The aid shall be paid once checks have been made that the project in question has been carried out and no later than three years following the date on which the Member State notifies the beneficiary that the project has been approved.

3. Notwithstanding paragraph 2, the Member State may provide for aid to be paid in advance, on condition that:

(a) project implementation has begun;

(b) the beneficiary has lodged a security equal to 120 % of the advance. However, public bodies may be exempted from this requirement.

   For the purposes of Regulation (EEC) No 2220/85, the obligation shall in this case be to ensure that the project is implemented within the period specified in paragraph 1 above.

Article 23

At the latest in the last declaration of expenditure for that year, the Member States shall notify the Commission of all expenditure actually incurred during the current financial year related to the measures to promote a switch of production, as specified in Article 3 of Commission Regulation (EC) No 296/96 ([1]).

([1]) OJ L 39, 17.2.1996, p. 5.

Article 24

For each Member State, the amounts of expenditure actually incurred notified to the Commission in the declarations for a given year shall be financed in accordance with Article 23, provided the total of these amounts does not exceed the amount allocated to the Member State under Article 17.

Article 25

The Member States shall store the information recorded in accordance with this Chapter for at least ten years after the year in which it is recorded.

CHAPTER IV

TRANSITIONAL AND FINAL PROVISIONS

Article 26

By derogation from Article 17(3), the notification deadline for the financing plans for the measures for which assistance has been applied for under the buy-back programme for the 2002 harvest shall be put back from 31 March 2003 to 31 May 2003, and, consequently, by derogation from Article 17(4), the deadline of 31 May 2003 shall be put back to 30 June 2003.

Article 27

The amount of the premium to be paid to producers and the reimbursement to be made by the Member States to the processors, in accordance with Articles 18 and 20 respectively of Commission Regulation (EC) No 2848/98 of 22 December 1998 laying down detailed rules for the application of Council Regulation (EEC) No 2075/92 as regards the premium scheme, production quotas and the specific aid to be granted to producer groups in the raw tobacco sector ([2]) shall be reduced, at the time of payment, by the deduction referred to in Article 13(1) of Regulation (EEC) No 2075/92.

The amount thus reduced shall be declared by the Member States as expenditure under the Guarantee Section of the European Agricultural Guidance and Guarantee Fund.

Article 28

Regulation (EC) No 1648/2000 is hereby repealed. However, its provisions shall continue to apply to projects approved before the entry into force of this Regulation.

Article 29

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

([2]) OJ L 358, 31.12.1998, p. 17.

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

Done at Brussels, 6 December 2002.

For the Commission

Franz FISCHLER

Member of the Commission

COMMISSION REGULATION (EC) No 2183/2002

of 6 December 2002

concerning tenders submitted in response to the invitation to tender for the export of husked long grain B rice to the island of Réunion referred to in Regulation (EC) No 1895/2002

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organisation of the market in rice [1], as last amended by Commission Regulation (EC) No 411/2002 [2], and in particular Article 10(1) thereof,

Having regard to Commission Regulation (EEC) No 2692/89 of 6 September 1989 laying down detailed rules for exports of rice to Réunion [3], as amended by Regulation (EC) No 1453/1999 [4], and in particular Article 9(1) thereof,

Whereas:

(1) Commission Regulation (EC) No 1895/2002 [5] opens an invitation to tender for the subsidy on rice exported to Réunion.

(2) Article 9 of Regulation (EEC) No 2692/89 allows the Commission to decide, in accordance with the procedure laid down in Article 22 of Regulation (EC) No 3072/95 and on the basis of the tenders submitted, to make no award.

(3) On the basis of the criteria laid down in Articles 2 and 3 of Regulation (EEC) No 2692/89, a maximum subsidy should not be fixed.

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

HAS ADOPTED THIS REGULATION:

Article 1

No action shall be taken on the tenders submitted from 2 to 5 December 2002 in response to the invitation to tender referred to in Regulation (EC) No 1895/2002 for the subsidy on exports to Réunion of husked long grain B rice falling within CN code 1006 20 98.

Article 2

This Regulation shall enter into force on 7 December 2002.

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

Done at Brussels, 6 December 2002.

For the Commission

Franz FISCHLER

Member of the Commission

(1) OJ L 329, 30.12.1995, p. 18.
(2) OJ L 62, 5.3.2002, p. 27.
(3) OJ L 287, 25.10.2002, p. 5.
(4) OJ L 61, 7.3.1975, p. 25.
(5) OJ L 299, 1.11.2002, p. 18.

COMMISSION REGULATION (EC) No 2184/2002

of 6 December 2002

fixing the maximum export refund on wholly milled round grain rice to certain third countries in connection with the invitation to tender issued in Regulation (EC) No 1896/2002

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

(1) An invitation to tender for the export refund on rice was issued pursuant to Commission Regulation (EC) No 1896/2002 [3].

(2) Article 5 of Commission Regulation (EEC) No 584/75 [4], as last amended by Regulation (EC) No 1948/2002 [5], allows the Commission to fix, in accordance with the procedure laid down in Article 22 of Regulation (EC) No 3072/95 and on the basis of the tenders submitted, a maximum export refund. In fixing this maximum, the criteria provided for in Article 13 of Regulation (EC) No 3072/95 must be taken into account. A contract is awarded to any tenderer whose tender is equal to or less than the maximum export refund.

(3) The application of the abovementioned criteria to the current market situation for the rice in question results in the maximum export refund being fixed at the amount specified in Article 1.

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

HAS ADOPTED THIS REGULATION:

Article 1

The maximum export refund on wholly milled round grain rice to be exported to certain third countries pursuant to the invitation to tender issued in Regulation (EC) No 1896/2002 is hereby fixed on the basis of the tenders submitted from 2 to 5 December 2002 at 152,00 EUR/t.

Article 2

This Regulation shall enter into force on 7 December 2002.

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

Done at Brussels, 6 December 2002.

For the Commission

Franz FISCHLER

Member of the Commission

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(1) OJ L 329, 30.12.1995, p. 18.
(2) OJ L 62, 5.3.2002, p. 27.
(3) OJ L 287, 25.10.2002, p. 5.
(4) OJ L 61, 7.3.1975, p. 25.
(5) OJ L 299, 1.11.2002, p. 18.

COMMISSION REGULATION (EC) No 2185/2002

of 6 December 2002

fixing the maximum export refund on wholly milled round grain, medium grain and long grain A rice to be exported to certain third countries in connection with the invitation to tender issued in Regulation (EC) No 1897/2002

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

(1) An invitation to tender for the export refund on rice was issued pursuant to Commission Regulation (EC) No 1897/2002 [3].

(2) Article 5 of Commission Regulation (EEC) No 584/75 [4], as last amended by Regulation (EC) No 1948/2002 [5], allows the Commission to fix, in accordance with the procedure laid down in Article 22 of Regulation (EC) No 3072/95 and on the basis of the tenders submitted, a maximum export refund. In fixing this maximum, the criteria provided for in Article 13 of Regulation (EC) No 3072/95 must be taken into account. A contract is awarded to any tenderer whose tender is equal to or less than the maximum export refund.

(3) The application of the abovementioned criteria to the current market situation for the rice in question results in the maximum export refund being fixed at the amount specified in Article 1.

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

HAS ADOPTED THIS REGULATION:

Article 1

The maximum export refund on wholly milled grain, medium grain and long grain A rice to be exported to certain third countries pursuant to the invitation to tender issued in Regulation (EC) No 1897/2002 is hereby fixed on the basis of the tenders submitted from 2 to 5 December 2002 at 160,00 EUR/t.

Article 2

This Regulation shall enter into force on 7 December 2002.

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

Done at Brussels, 6 December 2002.

For the Commission

Franz FISCHLER

Member of the Commission

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(1) OJ L 329, 30.12.1995, p. 18.
(2) OJ L 62, 5.3.2002, p. 27.
(3) OJ L 287, 25.10.2002, p. 8.
(4) OJ L 61, 7.3.1975, p. 25.
(5) OJ L 299, 1.11.2002, p. 18.

COMMISSION REGULATION (EC) No 2186/2002

of 6 December 2002

fixing the maximum export refund on wholly milled long grain B rice to certain third countries in connection with the invitation to tender issued in Regulation (EC) No 1898/2002

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

(1) An invitation to tender for the export refund on rice was issued pursuant to Commission Regulation (EC) No 1898/2002 [3].

(2) Article 5 of Commission Regulation (EEC) No 584/75 [4], as last amended by Regulation (EC) No 1948/2002 [5], allows the Commission to fix, in accordance with the procedure laid down in Article 22 of Regulation (EC) No 3072/95 and on the basis of the tenders submitted, a maximum export refund. In fixing this maximum, the criteria provided for in Article 13 of Regulation (EC) No 3072/95 must be taken into account. A contract is awarded to any tenderer whose tender is equal to or less than the maximum export refund.

(3) The application of the abovementioned criteria to the current market situation for the rice in question results in the maximum export refund being fixed at the amount specified in Article 1.

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

HAS ADOPTED THIS REGULATION:

Article 1

The maximum export refund on wholly milled long grain B rice to be exported to certain third countries pursuant to the invitation to tender issued in Regulation (EC) No 1898/2002 is hereby fixed on the basis of the tenders submitted from 2 to 5 December 2002 at 257,00 EUR/t.

Article 2

This Regulation shall enter into force on 7 December 2002.

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

Done at Brussels, 6 December 2002.

For the Commission

Franz FISCHLER

Member of the Commission

(1) OJ L 329, 30.12.1995, p. 18.
(2) OJ L 62, 5.3.2002, p. 27.
(3) OJ L 287, 25.10.2002, p. 11.
(4) OJ L 61, 7.3.1975, p. 25.
(5) OJ L 299, 1.11.2002, p. 18.

COUNCIL DIRECTIVE 2002/92/EC

of 3 December 2002

amending Directive 77/388/EEC to extend the facility allowing Member States to apply reduced rates of VAT to certain labour-intensive services

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 93 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament [1],

Having regard to the opinion of the Economic and Social Committee [2],

Whereas:

(1) Article 28(6) of Council Directive 77/388/EC of 17 May 1977 on the harmonisation of the laws of the Member States relating to turnover taxes — common system of value added tax: uniform basis of assessment [3], allows the reduced rates provided for in the third subparagraph of Article 12(3)(a) also to be applied to the labour-intensive services listed in the categories set out in Annex K to that Directive for a maximum period of three years from 1 January 2000 to 31 December 2002.

(2) Council Decision 2000/185/EC of 28 February 2000 authorising Member States to apply a reduced rate of VAT to certain labour-intensive services in accordance with the procedure provided for in Article 28(6) of Directive 77/388/EEC [4] authorised certain Member States to apply, up to 31 December 2002, a reduced rate of VAT to those labour-intensive services for which they had submitted an application.

(3) Based on the reports to be drawn up by 1 October 2002 by the Member States that have applied such reduced rates, the Commission is required to submit a global evaluation report to the Council and the European Parliament by 31 December 2002, accompanied if necessary by a proposal for a final decision on the rate to be applied to labour-intensive services.

(4) In view of the time needed to produce a thorough global evaluation of such reports to extend the maximum period of application set for this measure in Directive 77/388/EEC.

(5) Directive 77/388/EEC should therefore be amended accordingly,

HAS ADOPTED THIS DIRECTIVE:

Article 1

In the first subparagraph of Article 28(6) of Directive 77/388/EEC the words 'three years between 1 January 2000 and 31 December 2002' shall be replaced by the words 'four years between 1 January 2000 and 31 December 2003'.

Article 2

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

Article 3

This Directive is addressed to the Member States.

Done at Brussels, 3 December 2002.

For the Council

The President

T. PEDERSEN

(1) Opinion delivered on 20 November 2002 (not yet published in the Official Journal).

(2) Opinion delivered on 24 October 2002 (not yet published in the Official Journal).

(3) OJ L 145, 13.6.1977, p. 1. Directive as last amended by Directive 2002/38/EC (OJ L 128, 15.5.2002, p. 41).

(4) OJ L 59, 4.3.2000, p. 10.

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 3 December 2002

extending the period of application of Decision 2000/185/EC authorising Member States to apply a reduced rate of VAT to certain labour-intensive services in accordance with the procedure provided for in Article 28(6) of Directive 77/388/EEC

(2002/954/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 77/388/EEC of 17 May 1977 on the harmonisation of the laws of the Member States relating to turnover taxes — common system of value-added tax: uniform basis of assessment [1], and in particular Article 28(6) thereof,

Having regard to the proposal from the Commission,

Whereas:

(1) Under Council Decision 2000/185/EC [2], Belgium, Greece, Spain, France, Italy, Luxembourg, the Netherlands, Portugal and the United Kingdom are authorised to apply, up to 31 December 2002, a reduced rate of VAT on the labour-intensive services for which they submitted an application.

(2) Based on the reports to be drawn up by 1 October 2002 by the Member States that have applied such reduced VAT rates, the Commission is required to submit a global evaluation report to the European Parliament and the Council by 31 December 2002, accompanied if necessary by a proposal for a final decision on the rate to be applied to labour-intensive services.

(3) In view of the time needed to produce a thorough global evaluation of the national reports, the maximum period of application set for this measure in Directive 77/388/EEC has been extended.

(4) The period of application of Decision 2000/185/EC should also be extended,

HAS ADOPTED THIS DECISION:

Article 1

Decision 2000/185/EC is hereby amended as follows:

1. in the first subparagraph of Article 1 'three years running from 1 January 2000 to 31 December 2002' shall be replaced by 'four years running from 1 January 2000 to 31 December 2003';
2. in the second subparagraph of Article 3, '31 December 2002' shall be replaced by '31 December 2003'.

Article 2

This Decision is addressed to the Kingdom of Belgium, the Hellenic Republic, the Kingdom of Spain, the French Republic, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the Portuguese Republic and the United Kingdom of Great Britain and Northern Ireland.

Done at Brussels, 3 December 2002.

For the Council

The President

T. PEDERSEN

(1) OJ L 145, 13.6.1977, p. 1. Directive as last amended by Directive 2002/38/EC (OJ L 128, 15.5.2002, p. 41).
(2) OJ L 59, 4.3.2000, p. 10.