

English edition

Information and Notices

<u>Notice No</u>	<u>Contents</u>	<u>Page</u>
	<i>I Information</i>	
	Commission	
2002/C 324/01	Euro exchange rates	1
2002/C 324/02	Community guidelines for State aid concerning TSE tests, fallen stock and slaughterhouse waste	2
2002/C 324/03	Notice as provided for in Article 7(8) of Commission Regulation (EC) No 1148/2001 relating to the establishment of administrative cooperation between the Czech Republic and the European Community (<i>Published under Article 7(8) of Commission Regulation (EC) No 1148/2001 (OJ L 156, 13.6.2001, p. 9)</i>)	7
2002/C 324/04	Authorisation for State aid pursuant to Articles 87 and 88 of the EC Treaty — Cases where the Commission raises no objections	8
2002/C 324/05	State aid — United Kingdom (Articles 87 to 89 of the Treaty establishing the European Community) — Commission notice pursuant to Article 88(2) of the EC Treaty to other Member States and interested parties — State aid C 7/2002 (ex N 577/2001) — Ford Bridgend ⁽¹⁾	11
2002/C 324/06	State aid — Italy (Articles 87 to 89 of the Treaty establishing the European Community) — Commission notice pursuant to Article 88(2) of the EC Treaty to other Member States and interested parties — State aid C 37/02 (ex N 715/2001) — Montefibre SpA ⁽¹⁾	12
2002/C 324/07	Authorisation for State aid pursuant to Articles 87 and 88 of the EC Treaty — Cases where the Commission raises no objections	13
2002/C 324/08	Communication from Ireland pursuant to Directive 94/22/EC of the European Parliament and of the Council of 30 May 1994 on the conditions for granting and using authorisations for the prospecting, exploration and production of hydrocarbons ⁽¹⁾	14
2002/C 324/09	List of organisations having received Community funding for environmental purposes	15

<u>Notice No</u>	Contents (continued)	Page
2002/C 324/10	Acknowledgement of receipt of complaint No 2002/5367	15
2002/C 324/11	Prior notification of a concentration (Case COMP/M.3055 — Rautakirja/Hachette Distribution Services/JV) — Candidate case for simplified procedure ⁽¹⁾	16
2002/C 324/12	Non-opposition to a notified concentration (Case COMP/M.2960 — Keolis/AB Storstockholms Lokaltrafik/Busslink) ⁽¹⁾	17

II *Preparatory Acts*

.....

III *Notices*

Commission

2002/C 324/13	Amendment to the notice of invitation to tender for the refund for the export of rye to all third countries except Hungary, Estonia, Lithuania and Latvia	18
2002/C 324/14	Amendment to the notice of invitation to tender for the refund for the export of common wheat to all third countries except Hungary, Poland, Estonia, Lithuania and Latvia	18
2002/C 324/15	Amendment to the notice of invitation to tender for the refund for the export of oats from Finland and Sweden to all third countries except Hungary, Estonia, Lithuania and Latvia	19



⁽¹⁾ Text with EEA relevance

I

(Information)

COMMISSION

Euro exchange rates ⁽¹⁾

23 December 2002

(2002/C 324/01)

1 euro =

Currency	Exchange rate	Currency	Exchange rate		
USD	US dollar	1,0282	LVL	Latvian lats	0,6049
JPY	Japanese yen	123,35	MTL	Maltese lira	0,4167
DKK	Danish krone	7,4266	PLN	Polish zloty	3,9825
GBP	Pound sterling	0,6446	ROL	Romanian leu	34400
SEK	Swedish krona	9,138	SIT	Slovenian tolar	230,0315
CHF	Swiss franc	1,458	SKK	Slovak koruna	41,825
ISK	Iceland króna	84,51	TRL	Turkish lira	1700000
NOK	Norwegian krone	7,2895	AUD	Australian dollar	1,829
BGN	Bulgarian lev	1,9515	CAD	Canadian dollar	1,5962
CYP	Cyprus pound	0,57264	HKD	Hong Kong dollar	8,0184
CZK	Czech koruna	31,36	NZD	New Zealand dollar	1,9934
EEK	Estonian kroon	15,6466	SGD	Singapore dollar	1,7886
HUF	Hungarian forint	235,75	KRW	South Korean won	1235,49
LTL	Lithuanian litas	3,4523	ZAR	South African rand	9,1099

⁽¹⁾ Source: reference exchange rate published by the ECB.

Community guidelines for State aid concerning TSE tests, fallen stock and slaughterhouse waste

(2002/C 324/02)

I. INTRODUCTION

1. Community legislation introduced in the wake of the bovine spongiform encephalopathies (BSE) crisis has changed the economics of meat production. For example, parts of a slaughtered animal which before could be profitably turned into meat and bonemeal to be sold for feed are now not only often worthless, but have to be destroyed at extra cost. Community legislation⁽¹⁾ now requires the removal of specified risk material at the slaughterhouse. Compulsory testing of certain cattle for transmissible spongiform encephalopathies (TSE) is another additional cost factor.
2. As a result, several Member States have notified State aid measures granting aid towards the costs of TSE tests, for the disposal of fallen stock, and in particular for the elimination of specified risk material and meat and bonemeal.
3. Several Member States have requested the Commission to look into the possibility of better harmonisation of costs incurred by farmers and slaughterhouses, for the elimination of slaughterhouse waste, fallen stock and BSE test costs. They argue that the current situation, where some slaughterhouses and farmers receive State aid for covering these costs, while others do not, causes distortions of competition. The issue has also been raised on the occasion of several meetings of the Agriculture Council in 2001 and 2002.
4. The Commission sent out a questionnaire to all Member States in the summer of 2001, asking for more specific information relating to State aid granted towards the costs of dealing with slaughterhouse waste and fallen stock. A similar exercise was undertaken in relation to BSE test costs.
5. On the basis of the information received, and of the experience gathered with State aid notifications received since 2001, the Commission presented its findings to Member States in a meeting on 27 May 2002. Those findings were also presented to the Standing groups on beef and pigmeat of the Advisory Committee on livestock products, comprising representatives of producers, the processing and marketing sector, as well as consumers, on respectively 3 and 18 July 2002. Additional direct contacts have taken place with sectoral organisations.
6. A draft of these guidelines has been presented to Member States in a meeting on 8 November 2002.
7. The information gathered shows that the different State aid policies followed by Member States imply a serious risk of distortion of competition. It is, therefore, necessary to create a more level playing field, while also taking into account the importance of the measures in question for the protection of human and animal health, and for the protection of the environment.
8. Ongoing harmonisation via Community legislation requiring the sector to bear the costs is slow and likely to remain incomplete for some time.
9. The Commission has therefore decided to clarify and modify in some respects its State aid policy in relation to TSE test costs, fallen stock and slaughterhouse waste, by laying down these guidelines.
10. If the economics of animal by-products should change significantly in the future, the Commission will review the policy set out in these guidelines.
11. The Commission encourages Member States to speed up as much as possible the provision of sufficient capacities for proper disposal of animal by-products, and to foster research into their alternative use.

II. SCOPE AND DEFINITIONS

A. Scope and relation to the Community guidelines for State aid in the agriculture sector

12. These guidelines concern State aid towards the costs of TSE tests, fallen stock and slaughterhouse waste granted to operators active in the production, processing and marketing of animals and animal products falling within the scope of Annex I to the Treaty and insofar as Articles 87, 88 and 89 of the Treaty have been declared applicable to such products.
13. For the purpose of these guidelines, the processing and marketing of an animal or animal product means an operation the product resulting from which remains an animal product, for example the slaughter of animals for meat. The processing of Annex I products into non-Annex I products therefore falls outside the scope of these guidelines.

⁽¹⁾ See in particular Regulation (EC) No 999/2001 of the European Parliament and of the Council of 22 May 2001 laying down rules for the prevention, control and eradication of certain transmissible spongiform encephalopathies (OJ L 147, 31.5.2001, p. 1), Regulation as last amended by Commission Regulation (EC) No 1494/2002 (OJ L 225, 22.8.2002, p. 3).

14. These guidelines take precedence over the Community guidelines for State aid in the agriculture sector⁽¹⁾ (hereinafter referred to as the agriculture guidelines) in so far as an issue is expressly covered by these guidelines. The agriculture guidelines remain applicable on a subsidiary basis.

B. Definitions

15. For the purpose of these guidelines, the following definitions apply:

16. 'TSE and BSE test costs' are all costs, including those for test kits, taking, transporting, testing, storing and destruction of samples necessary for tests undertaken in accordance with Annex X, Chapter C to Regulation (EC) No 999/2001.

17. 'Fallen stock' are animals which were killed (euthanasia with or without definite diagnosis) or have died (including stillborn and unborn animals) on a farm or any premise or during transport, but were not slaughtered for human consumption.

18. 'Slaughterhouse waste' is any waste occurring at the level of slaughterhouses, cutting plants or butchers, including in particular animal by-products covered by categories 1, 2 and 3 of Regulation (EC) No 1774/2002 of the European Parliament and of the Council laying down health rules concerning animal by-products not intended for human consumption⁽²⁾.

19. 'Specified risk material' is, from the date referred to in Article 22(1) of Regulation (EC) No 999/2001, the specified risk materials as designated in Annex V to that Regulation, and until that date, the specified risk materials as designated in Annex XI Part A to that Regulation.

20. 'Disposal' comprises the collection, transport, storage, transformation to prepare destruction, destruction and the final disposal of the good to be disposed of.

III. TSE AND BSE TEST COSTS

A. Introduction

21. Since the introduction of compulsory BSE testing of cattle over thirty months, the Commission has authorised State aid of up to 100 % towards the costs of such tests. This also applies to aid towards the TSE testing of fallen stock and the recently introduced obligation to perform random tests on small ruminants, for example. Several Member States have notified such aid. In all cases notified and authorised, the aid schemes are of limited duration. The Commission decisions authorising such State aid have been based on point 11.4 of the agriculture guidelines on aid for combating animal and plant diseases.

⁽¹⁾ Corrected version OJ C 232, 12.8.2000 p. 17.

⁽²⁾ OJ L 273, 10.10.2002, p. 1.

B. Analysis

22. In order to determine its future policy, the Commission has in particular taken into account the following considerations:

(a) The tests serve the purpose of avoiding the spread of TSE, a disease that is of particular concern from the point of view of the protection of human health.

(b) There is a risk of distortion of competition arising from different levels of State aid granted, at least as far as slaughter cattle is concerned. However, most Member States do currently grant some State aid. Prices for TSE tests continue to vary between Member States. In order to reduce the risk of distortions of competition which could be caused by aid granted towards TSE tests for cattle slaughtered for human consumption, and in order to encourage research towards low-price tests, aid should be limited to EUR 40, currently roughly the best price available in the Community.

(c) There is concern that making farmers pay for the cost of testing fallen stock could make some of them try to avoid controls by illegally disposing of carcasses, reducing the reliability of statistical data, and create health risks.

(d) As to low-value animals like sheep and goats, TSE tests may cost more than the value of the animal. Making owners pay for tests could entail the risk that such animals are marketed without testing, again reducing the availability of data.

(e) For both fallen stock and low-value animals, the risk of distortions of competition from the granting of aid seems to be lower than in the case of slaughter cattle.

C. Future policy concerning TSE and BSE test costs

23. In order to promote the taking of measures for the protection of animal and human health, the Commission has decided that it will continue to authorise State aid of up to 100 % towards the costs of TSE tests, following the principles of point 11.4 of the agriculture guidelines.

24. However, from 1 January 2003, as far as compulsory BSE testing of bovine animals slaughtered for human consumption is concerned, total direct and indirect public support, including Community payments, may not be more than EUR 40 per test. The obligation for testing may be based on Community or national legislation. This amount refers to the total costs of testing, comprising: test kit, taking, transporting, testing, storing and destruction of the sample. This amount may be reduced in future, as test costs fall.

25. State aid towards the costs of TSE tests has to be paid to the operator where the samples for the tests have to be taken. However, in order to facilitate administration of such State aid, payment of the aid may be made to laboratories instead, provided that it can be properly demonstrated that the full amount of State aid paid is passed on to the operator. In any event, State aid directly or indirectly received by an operator where the samples for the tests have to be taken must be reflected in correspondingly lower prices charged by this operator.

IV. FALLEN STOCK

A. Introduction

26. In the past, the Commission has received hardly any notification of State aid Member States may be granting towards the costs of collecting and disposing of fallen stock. Due to this absence of notifications, the Commission so far has not had the opportunity to clearly define its policy towards such aid. In view of the information received over the past months, it now seems both possible and necessary to establish a clear policy on how the Commission will deal with such State aid in the future.

B. Analysis

27. In order to determine its future policy, the Commission has in particular taken into account the following considerations:

- (a) Fallen stock is a regular feature of keeping live animals, and therefore part of normal production costs.
- (b) The 'polluter pays' principle set out in Article 174(2) of the Treaty ⁽¹⁾ establishes a primary responsibility of producers to take proper care of removal of fallen stock, and to finance the costs of it.
- (c) Granting aid for the elimination of waste may go against the principle applied in agriculture that aid should only be granted for behaviour, which goes beyond good agricultural practice. Community legislation, which is part of good agricultural practice, requires proper disposal of carcasses.
- (d) The costs of removing fallen stock can be high, in particular where carcasses of heavy animals like cattle or horses have to be removed from remote locations.
- (e) It is difficult to control what farmers do with carcasses. There is a risk that carcasses may be disposed of illegally, creating serious health risks.

(f) Where carcasses have to be tested for TSE, their uncontrolled disposal in order to avoid test costs could have the additional disadvantage that these animals are not tested, although it may be that precisely these animals should be tested, in order to ensure sound statistical data on TSE.

(g) The risks of distortions of competition from State aid granted for the removal of fallen stock is considered relatively low.

(h) State aid should only be accepted for fallen stock occurring at the level of farmers, and not at any other level, such as slaughterhouses, where control of proper removal is easier.

(i) In order to facilitate the introduction of new rules for State aid for the costs of removing and destroying fallen stock, a transitional period of one year seems justified, during which aid of up to 100 % can be authorised.

C. Future policy concerning fallen stock

28. In order to contribute to the protection of human health and of the environment, the Commission has decided that Member States may grant State aid of up to 100 % of the costs of removal (collection and transport) and destruction (storage, transformation, destruction and final disposal) of fallen stock until 31 December 2003; alternatively, aid up to an equivalent amount may be granted towards the costs of premiums paid by farmers for insurance covering the costs of removal and destruction of fallen stock, if the principles set out in points 32, 33 and 34 are complied with.

29. From 1 January 2004 onwards, Member States may grant State aid of up to 100 % of costs of removal of fallen stock, which has to be disposed of, and 75 % of the costs of destruction of such carcasses; alternatively, aid up to an equivalent amount may be granted towards the costs of premiums paid by farmers for insurance covering the costs of removal and destruction of fallen stock, if the principles set out in points 32, 33 and 34 are complied with.

30. Alternatively, Member States may grant State aid of up to 100 % for costs of removal and destruction of carcasses where the aid is financed through fees or through compulsory contributions destined for the financing of the destruction of such carcasses, provided that such fees or contributions are limited to and directly imposed on the meat sector.

⁽¹⁾ As far as State aid is concerned, see in particular point 5 of the agriculture guidelines, and the Community guidelines on State aid for environmental protection (OJ C 37, 3.2.2001, p. 3).

31. Member States may grant State aid of 100 % for the costs of removal and destruction of fallen stock where there is an obligation to perform TSE tests on the fallen stock concerned.
32. In all cases, the approval of such State aid is conditional upon the existence of a consistent programme monitoring and ensuring safe disposal of all fallen stock in the Member State. State aid for fallen stock may only be granted to farmers. No aid may be given to operators active in the processing and marketing of such animals.
33. In order to facilitate administration of such State aid, payment of the aid may be made to economic operators active downstream from the farmer, providing services linked to the removal and/or destruction of fallen stock, provided that it can be properly demonstrated that the full amount of State aid paid is passed on to the farmer.
34. Where the choice of the provider of such services is not freely left to the farmer, and unless it is demonstrated that there is only one possible provider due to the nature or the legal basis for the provision of a given service, such provider must be chosen and remunerated according to market principles, in a non-discriminatory way, where necessary using tendering procedures which are in accordance with Community law, and in any event using a degree of advertising sufficient to enable the services market to be opened up to competition and the impartiality of procurement rules to be reviewed.
35. In cases where fallen stock is directly linked to conservation measures, for instance where the feeding of endangered or protected species of necrophagous birds with fallen stock is allowed in accordance with Community rules, Member States need to make the necessary provisions to ensure that the conservation objectives are still met.
36. For the sake of clarity, the Commission confirms that where animals are culled for disease reasons on basis of a public order, compensation for the farmer will continue to be examined and authorised on the basis of point 11.4 of the agriculture guidelines, if the conditions are fulfilled. In relation to TSE, Article 13(4) of Regulation (EC) No 999/2001 specifies that 'owners shall be compensated without delay for the loss of the animals which have been killed or products of animal origin destroyed in accordance with Article 12(2) and paragraph 1(a) and (c) of this Article'.

V. SLAUGHTERHOUSE WASTE

A. Analysis

37. In order to determine its future policy, the Commission has in particular taken into account the following considerations:
- (a) The removal and destruction of slaughterhouse waste is a major cost factor for slaughterhouses and cutting plants (and their customers, if they are charged for it).
 - (b) The polluter pays principle establishes a primary responsibility of producers of waste to take proper care of its removal, and to finance the costs of it.
 - (c) The granting of State aid for this can create serious distortions of competition.
 - (d) Control would normally appear to ensure that slaughterhouse waste is dealt with properly.
 - (e) There is broad agreement amongst most Member States that the costs of the removal of slaughterhouse waste should be borne by operators responsible for them.
 - (f) It would therefore seem appropriate to clearly exclude State aid for the cost of the disposal of slaughterhouse waste, or other operating costs of slaughterhouses.
 - (g) As to the costs of disposal of specified risk material and meat and bonemeal or of feed made from it, the Commission has been authorising State aid of up to 100 % for this for almost two years, allowing the sector to calculate these costs, and gradually factor them into prices.
 - (h) A specific solution should be provided for specified risk material and meat and bonemeal produced before the date of application of these guidelines, which could not be disposed of so far because of a lack of disposal facilities.
 - (i) Aid towards the costs of safe and proper storage (but not the destruction) of specified risk material would seem acceptable, until sufficient destruction capacity is available.

B. Future policy concerning slaughterhouse waste

38. Within the scope of these guidelines, the Commission will not authorise State aid towards the costs of the disposal of slaughterhouse waste produced after the date of application of these guidelines.

39. Exceptionally, and in order to allow the meat sector to gradually integrate the higher costs resulting from the introduction of legislation related to TSEs, the Commission will authorise State aid of up to 50 % towards costs occurred for the safe disposal of specified risk material and meat and bonemeal having no further commercial use, produced in the year 2003.
40. For the same reason, the Commission will authorise State aid of 100 % for the disposal of specified risk material and meat and bonemeal having no further commercial use produced before the date of application of these guidelines.
41. In addition, and in order to reduce the risk of unsafe storage of such material, the Commission will authorise State aid of up to 100 % towards the costs of safe and proper storage of specified risk material and meat and bonemeal waiting for safe disposal, until the end of 2004. The Commission will review by mid-2004 whether this should be prolonged.
42. For the sake of clarity, the Commission confirms that State aid for investments undertaken in relation with the disposal of slaughterhouse waste will be examined under the relevant rules applying to investment aid, such as point 4 of the agriculture guidelines. In relation to TSE, Article 13(4) of Regulation (EC) No 999/2001 provides that 'owners shall be compensated without delay for the loss of the animals which have been killed or products of animal origin destroyed in accordance with Article 12(2) and paragraph 1(a) and (c) of this Article'.

VI. UNLAWFUL STATE AID

A. Introduction

43. It is also appropriate to clarify the position as to State aid which may have been unlawfully granted in the past towards TSE and BSE test costs or the disposal of fallen stock and slaughterhouse waste within the meaning of these guidelines.
44. Unless specifically provided for in points 45, 46 and 47 of these guidelines, unlawful aid within the meaning of Article 1(f) of Regulation (EC) No 659/1999⁽¹⁾ will be assessed in accordance with the rules and guidelines applicable at the time when the aid has been granted.

B. TSE and BSE tests

45. As to unlawful State aid towards the costs of TSE and BSE tests granted before the date of application of these guidelines, and without prejudice to compliance with other provisions of Community law, the Commission

will evaluate the compatibility of such aid in line with point 11.4 of the agriculture guidelines and its practice since 2001 of accepting such aid of up to 100 %.

C. Fallen stock

46. As to State aid towards fallen stock, the Commission has so far not clearly defined its policy, notably as to the relation between rules for the fight against diseases, as set out in point 11.4. of the agriculture guidelines, allowing State aid up to 100 %, on the one hand, and the application of the polluter pays principle and the rules for aid to waste treatment on the other hand. Therefore, as to unlawful State aid towards the costs of the removal and destruction of fallen stock granted at the level of production, processing and marketing of animals before the date of application of these guidelines, and without prejudice to compliance with other provisions of Community law, the Commission will authorise State aid of 100 % towards such costs.

D. Slaughterhouse waste

47. As to State aid for slaughterhouse waste, a series of individual decisions have been taken by the Commission since January 2001, authorising State aid of up to 100 % for the cost of disposal of specific risk material, meat and bonemeal, and animal feed containing such products, which had to be disposed of as a consequence of new Community legislation on TSEs. These decisions were in particular based on point 11.4 of the agriculture guidelines, taking note of the short-term character of these aids, and of the need to respect the polluter pays principle in the long run. Exceptionally, the Commission has accepted that such State aid is also granted to operators other than those active in the production of live animals, for example slaughterhouses. For unlawful aid granted before the end of 2002 for comparable costs in relation to new Community legislation on TSEs, and without prejudice to compliance with other provisions of Community law, the Commission will apply the same principles.

VII. LEGAL BASIS

48. State aid falling under Article 87(1) of the Treaty which fulfils the criteria set out in these guidelines can benefit from the derogation provided for by Article 87(3)(c) of the Treaty because it facilitates the development of the agricultural sector, and does not adversely affect trading conditions to an extent contrary to the common interest. The Commission considers that such aids contributes in particular to the protection of human and animal health, and to the protection of the environment.

VIII. NOTIFICATION AND REPORTS

49. Notifications and annual reports are to be undertaken in line with the rules set out in point 23 of the agriculture guidelines.

⁽¹⁾ Council Regulation (EC) No 659/1999 of 22 March 1999 laying down detailed rules for the application of Article 93 of the EC Treaty (OJ L 83, 27.3.1999, p. 1).

IX. PERIOD OF APPLICATION AND PROPOSALS FOR APPROPRIATE MEASURES**A. Application**

50. The Commission will apply these guidelines to new State aid, including pending notifications from Member States, from 1 January 2003.

B. Proposals for appropriate measures

51. In accordance with Article 88(1) of the Treaty, the Commission proposes to Member States to amend their existing aid schemes relating to State aid covered by these guidelines to conform to these guidelines by 31 December 2003 at the latest.

52. Member States are invited to confirm that they accept these proposals for appropriate measures in writing by 31 March 2003 at the latest.

53. In the event that a Member State fails to confirm its acceptance in writing before that date, the Commission will apply Article 19(2) of Regulation (EC) No 659/1999 and, if necessary, initiate the proceedings referred to in that provision.

C. Expiry

54. These guidelines shall apply until 31 December 2013. After consulting the Member States, the Commission may amend them before that date on the basis of important competition policy considerations, or agricultural of human and animal health policy considerations, or in order to take account of other Community policies or international commitments.

Notice as provided for in Article 7(8) of Commission Regulation (EC) No 1148/2001 relating to the establishment of administrative cooperation between the Czech Republic and the European Community

(Published under Article 7(8) of Commission Regulation (EC) No 1148/2001 (OJ L 156, 13.6.2001, p. 9))

(2002/C 324/03)

The Commission hereby states that the Czech Republic has sent all the relevant information on the checking operations referred to in Commission Regulation (EC) No 902/2002, as amended by Regulation (EC) No 1998/2002, under the administrative cooperation provided for in Article 7(8) of Commission Regulation (EC) No 1148/2001, as amended by Regulation (EC) No 2379/2001, and established between the Czech Republic and the European Community.

Authorisation for State aid pursuant to Articles 87 and 88 of the EC Treaty

Cases where the Commission raises no objections

(2002/C 324/04)

Date of adoption of the decision: 25.11.2002

The authentic text(s) of the decision, from which all confidential information has been removed, can be found at

Member State: Netherlands

http://europa.eu.int/comm/secretariat_general/sgb/state_aids

Aid No: N 33/02

Title: Subsidy regulation on rare breeds of domestic farm animals

Objective: Aid to help protect breeds threatened by extinction

Date of adoption of the decision: 25.11.2002

Legal basis: Subsidieregeling zeldzame landbouwhuisdierrassen

Member State: France

Budget: EUR 810 000

Aid No: N 170/02

Aid intensity or amount: Maximum EUR 300,60 per hectare

Title: Aid for the promotion of fresh and processed fruit and vegetables

Duration: Unspecified

Objective: To promote the image of fruit products

The authentic text(s) of the decision, from which all confidential information has been removed, can be found at

Budget: EUR 3,3 million per year

http://europa.eu.int/comm/secretariat_general/sgb/state_aids

Aid intensity or amount: Maximum 100 % of expenditure

Duration: Five years

The authentic text(s) of the decision, from which all confidential information has been removed, can be found at

http://europa.eu.int/comm/secretariat_general/sgb/state_aids

Date of adoption of the decision: 25.11.2002

Member State: Spain (Madrid)

Aid No: N 113/02

Title: Aid to restructure greenhouses

Date of adoption of the decision: 25.11.2002

Objective: Restructuring greenhouses for the commercial production of vegetables

Member State: The Netherlands (Northern part: Provinces of Groningen, Friesland and Drenthe and the communes of Steenwijk and Hardenberg)

Aid No: N 230/B/02

Legal basis: Proyecto de orden de la Consejería de Economía e Innovación Tecnológica por la que se regula la concesión de ayudas a la reestructuración de invernaderos en la Comunidad de Madrid

Title: Wages Premium Scheme North-Netherlands 2002 (LPR 2002)

Objective: Regional development

Budget: EUR 901 520

Legal basis: Besluit van de drie noordelijke Provinciale Staten „Loonkostenpremieregeling Noord-Nederland 2002 (LPR2002)“

Aid intensity or amount: 6 % interest-rate subsidies on loans

Budget: The average annual budget amounts to EUR 4 537 800

Duration: 2002-2007

Aid intensity or amount: For the communes retained on the Dutch national regional State aid map (N 228/2000) of: Groningen, Friesland and Drenthe and the communes of Steenwijk and Hardenberg: 20 % gross grant equivalent (GGE); with the exception of the communes of the NUTS 3 of Overig Groningen which are at 10 % net grant equivalent (NGE). SME's in Overig Groningen could claim however the regional SME top up of 10 % GGE.

For the communes of Groningen, Friesland and Drenthe that are not retained on the Dutch national regional state aid map (N 228/2000) 15 % GGE for small enterprises and 7,5 % GGE for medium sized enterprises

Duration: 2002-2006

The authentic text(s) of the decision, from which all confidential information has been removed, can be found at

http://europa.eu.int/comm/secretariat_general/sgb/state_aids

Date of adoption of the decision: 22.11.2002

Member State: France

Aid No: N 419/02

Title: Aids in the wine sector

Objective: Prorogation until 31 December 2003 of a parafiscal tax designed to finance certain interprofessional bodies in the wine sector

Legal basis: Projet de décret de la République française

Budget: Variable according to the proceeds of the tax

Aid intensity or amount: Up to 100 %

Duration: Until 31 December 2003

The authentic text(s) of the decision, from which all confidential information has been removed, can be found at

http://europa.eu.int/comm/secretariat_general/sgb/state_aids

Date of adoption of the decision: 25.11.2002

Member State: The Netherlands

Aid No: N 432/02

Title: Modification of certain parafiscal taxes financing measures for ware potatoes

Objective: The parafiscal charges are used to finance sales promotion, research and the combating of potato diseases in the ware potato sector

Legal basis: Heffingsverordening HPA fonds consumptieaard-appelen jaar 2002; heffingsverordening HPA fonds aardappel-verwerking jaar 2002

Budget:

	2002	2003
Sales promotion	EUR 1 000 000	EUR 1 050 000
Research	EUR 725 000	EUR 750 000
Combating of plant diseases	EUR 300 000	EUR 330 000
Masterplan Phytophthora	EUR 180 000	EUR 200 000

Aid intensity or amount: Up to 100 %

Duration: Indefinite

The authentic text(s) of the decision, from which all confidential information has been removed, can be found at

http://europa.eu.int/comm/secretariat_general/sgb/state_aids

Date of adoption of the decision: 25.11.2002

Member State: Germany (Saarland)

Aid No: N 452/02

Title: Promotion of the marketing of organic and regional products

Objective: To promote the sale of agricultural products, and thus indirectly contribute to safeguarding farming

Legal basis: Verwaltungsvorschrift zur Verbesserung der Vermarktung regional oder ökologisch erzeugter Produkte der saarländischen Land- und Ernährungswirtschaft

Budget: Average of EUR 150 000 per year

Aid intensity or amount: Variable

Duration: Until 31 December 2006

The authentic text(s) of the decision, from which all confidential information has been removed, can be found at

http://europa.eu.int/comm/secretariat_general/sgb/state_aids

Date of adoption of the decision: 25.11.2002

Member State: Germany (Rheinland-Pfalz)

Aid No: N 532/02

Title: Aid for the preservation of the endangered breed Glanrind

Objective: To contribute to the maintenance of the genetic diversity in animal production

Legal basis: Verwaltungsvorschrift für die Förderung der Erhaltung des vom Aussterben bedrohten Glanrindes in Rheinland-Pfalz zur Erhaltung der genetischen Vielfalt in der Tierzucht

Budget: Average of EUR 10 000 per year

Aid intensity or amount: EUR 50 per female animal

Duration: Indefinite

The authentic text(s) of the decision, from which all confidential information has been removed, can be found at

http://europa.eu.int/comm/secretariat_general/sgb/state_aids

Date of adoption of the decision: 25.11.2002

Member State: United Kingdom

Aid No: N 544/02

Title: National Scrapie Plan for Great Britain: Phase 1 — Genotyping schemes to encourage breeding for genetic resistance

Objective: Genotyping of sheep to encourage breeding for genetic resistance

Legal basis: Non-statutory initiative

Budget: GBP 13 925 000 (EUR 22 040 000) for 2002/2003

Aid intensity or amount: Up to 100 % of eligible expenses

Duration: Unlimited

Other information: This aid notification concerns the development of measures in connection with a previously approved aid scheme (N 4/2001)

The authentic text(s) of the decision, from which all confidential information has been removed, can be found at

http://europa.eu.int/comm/secretariat_general/sgb/state_aids

Date of adoption of the decision: 25.11.2002

Member State: Italy (Sardinia)

Aid No: N 560/02

Title: Aid to assist farms affected by bovine tuberculosis

Objective: Aid to compensate for loss of income due to compulsory slaughter and for loss of profit in the period between slaughter and rebuilding the herd

Legal basis: Deliberazione della Giunta regionale n. 15/9 del 15 maggio 2002 — Aiuti in favore delle aziende colpite da tubercolosi bovina

Budget: EUR 1 000 000 for the first year

Aid intensity or amount: Up to 90 % of losses, as set out in the letter to the Member State

Duration: Unspecified

The authentic text(s) of the decision, from which all confidential information has been removed, can be found at

http://europa.eu.int/comm/secretariat_general/sgb/state_aids

STATE AID — UNITED KINGDOM**(Articles 87 to 89 of the Treaty establishing the European Community)****Commission notice pursuant to Article 88(2) of the EC Treaty to other Member States and interested parties****State aid C 7/2002 (ex N 577/2001) — Ford Bridgend**

(2002/C 324/05)

(Text with EEA relevance)

By the letter reproduced below, dated 10 October 2002, the Commission informed the United Kingdom that it had decided to terminate the proceedings initiated under Article 88(2) of the EC Treaty.

By letter dated 26 July 2001 the British authorities notified the Commission of the aid referred to above. The Commission requested further information on 18 September 2001, and carried out an on site visit to the Bridgend premises on 26 October 2001. The British authorities replied to the request of information by letter dated 4 December 2001.

On 13 February 2002 the Commission decided to initiate the procedure laid down in Article 88(2) of the EC Treaty in respect of the aid.

The Commission decision to initiate the procedure was published in the *Official Journal of the European Communities* ⁽¹⁾. The Commission called on interested parties to submit their comments.

The Commission received comments from interested parties on 29 April 2002. It forwarded them to the United Kingdom, which was given the opportunity to react; its comments were received by letter dated 26 June 2002.

By letter of 19 August 2002 the United Kingdom withdrew the notification of the aid.

The Commission notes that according to Article 8 of the Council Regulation (EC) No 659/1999 ⁽²⁾, the Member State concerned may withdraw the notification in due time before the Commission has taken a decision on the aid. In cases where the Commission has initiated the formal investigation procedure, the Commission shall close that procedure.

Consequently, the Commission decided to close the formal investigation procedure under Article 88(2) of the EC Treaty in respect of the relevant aid, recording that the United Kingdom has withdrawn its notification.

If the British authorities intend to grant any aid in connection with the Ford Bridgend project before 31 December 2002, prior notification to the Commission will be required. As from 1 January 2003, the new Multisectoral Framework on regional aid for large investment projects approved by the Commission on 13 February 2002 will be applicable. According to the Framework, the maximum aid intensity for regional investment aid in the motor vehicle sector (as defined in Annex C to the Framework), granted under an approved scheme in favour of projects that involve either eligible expenditure above EUR 50 million or an aid amount above EUR 5 million expressed in gross grant equivalent, will be equal to 30 % of the corresponding regional aid ceiling. These rules will be in force until the date of applicability of the List of sectors to which point 31 of the Framework refers. In order to ensure transparency and effective monitoring Member States will be requested to provide the Commission with summary information in the form laid down in Annex A to the Framework.'

⁽¹⁾ OJ C 217, 29.7.2000.

⁽²⁾ Council Regulation (EC) No 659/1999 of 22 March 1999 laying down detailed rules for application of Article 93 of the Treaty (OJ L 83, 27.3.1999, p. 1).

STATE AID — ITALY

(Articles 87 to 89 of the Treaty establishing the European Community)

Commission notice pursuant to Article 88(2) of the EC Treaty to other Member States and interested parties**State aid C 37/02 (ex N 715/2001) — Montefibre SpA**

(2002/C 324/06)

(Text with EEA relevance)

By the letter reproduced below, dated 17 July 2002, the Commission informed Italy that it had decided to terminate the proceedings initiated under Article 88(2) of the EC Treaty.

By letter dated 25 October 2001 the Italian authorities notified a plan to grant Montefibre SpA aid totalling EUR 13,7 million towards an investment of EUR 48,9 million in a polymerisation unit at its plant in Acerra, near Naples.

By letter dated 13 May 2002, the Commission informed Italy that it had decided to initiate the procedure laid down in Article 88(2) of the EC Treaty in respect of the aid.

By letter dated 13 May 2002, received on 21 May, Italy withdrew the notification of the aid and asked the Commission not to publish the decision to initiate the procedure in the *Official Journal of the European Communities*.

The Commission notes that, under Article 8 of Council Regulation (EC) No 659/99 ⁽¹⁾, the Member State concerned may withdraw the notification in due time before the Commission has taken a decision on the aid. In cases where the Commission has initiated the formal investigation procedure, it will terminate the procedure.

The Commission has accordingly decided to close the formal investigation procedure under Article 88(2) of the EC Treaty in respect of the relevant aid, since Italy has withdrawn its notification.

As the decision to initiate proceedings has not yet been published in the *Official Journal of the European Communities*, and as the purpose served by such publication (to invite third parties to present their comments) no longer exists, the Commission has decided to suspend such publication.'

⁽¹⁾ Council Regulation (EC) No 659/1999 of 22 March 1999 laying down detailed rules for the application of Article 93 of the EC Treaty (OJ L 83, 27.3.1999, p. 1).

Authorisation for State aid pursuant to Articles 87 and 88 of the EC Treaty**Cases where the Commission raises no objections**

(2002/C 324/07)

Date of adoption of the decision:	17.4.2002
Member State:	Netherlands
Aid No:	N 641/01
Title:	Aid to assist the onion sector
Objective:	To promote onion sales and support research activities and the implementation of controls (research concerns not only onions but also arable crops)
Legal basis:	Heffingsverordening HPA fonds teeltaangelegenheden jaar 2001 (Regulation governing the 2001 levy from Hoofdproductenschap Akkerbouw to the Crop Foundation)
Budget:	Onions: EUR 533 191,75 in 2001; Arable crops: EUR 2 382 346 in 2001 and EUR 2 339 237 in 2002
Aid intensity or amount:	100 % for research and controls; for advertising: covered in full by the parafiscal charge
Duration:	Unspecified

The authentic text(s) of the decision, from which all confidential information has been removed, can be found at

http://europa.eu.int/comm/secretariat_general/sgb/state_aids

Communication from Ireland pursuant to Directive 94/22/EC of the European Parliament and of the Council of 30 May 1994 on the conditions for granting and using authorisations for the prospection, exploration and production of hydrocarbons

(2002/C 324/08)

(Text with EEA relevance)

In accordance with Article 3(3) of the abovementioned Directive, the Minister for Communications, Marine and Natural Resources hereby gives notice of a change in regard to areas available for licensing from the previous notice published in the *Official Journal of the European Communities* C 356 of 22 November 1997, page 2.

The Porcupine Basin is now available for granting any exclusive hydrocarbon exploration authorisations.

Hydrocarbon exploration frontier licensing initiative in the Porcupine Basin

An area covering 241 blocks in the Porcupine Basin has been designated a frontier area and has been selected for inclusion in a petroleum exploration licensing initiative. Licensing will be by means of four tranches, which will be successively opened for licence bids at near six-monthly intervals between 15 March, 2003 and 15 October, 2004. Until 15 October, 2003, the first closing date of the first tranche, no exploration licence or licensing option will be issued in respect of any of the blocks in the round.

List of blocks (228 full blocks and 26 half blocks)

Tranche 1: (39 whole blocks; 6 half blocks)

Application Closing Dates: 15 March and 15 October, 2003, 15 March and 15 October, 2004

34/4; 34/5; 34/9; 34/10;

35/1; 35/2; 35/3; 35/4; 35/5; 35/6; 35/7; 35/8; 35/9; 35/10; 35/13; 35/14; 35/15; 35/18(E); 35/19; 35/20; 35/23(E); 35/24; 35/25; 35/29; 35/30;

36/1; 36/6; 36/11; 36/16; 36/21; 36/22; 36/26; 36/27;

44/4; 44/5; 44/9; 44/10; 44/14(N); 44/15(N);

45/1; 45/2; 45/6; 45/7; 45/11(N); 45/12(N).

Tranche 2: (32 whole blocks; nine half blocks)

Application Closing Dates: 15 October, 2003, 15 March and 15 October, 2004

34/14; 34/15; 34/18; 34/19; 34/20; 34/23; 34/24; 34/25; 34/28; 34/29; 34/30;

35/11; 35/12; 35/16; 35/17; 35/18(W); 35/21; 35/22; 35/23(W); 35/26; 35/27; 35/28;

43/3; 43/4; 43/5; 43/8; 43/9; 43/10; 43/12(N); 43/13(N); 43/14(N); 43/15(N);

44/1; 44/2; 44/3; 44/6; 44/7; 44/8; 44/11(N); 44/12(N); 44/13(N).

Tranche 3: (23 whole blocks)

Application Closing Dates: 15 March and 15 October, 2004

25/25; 25/30;

26/16; 26/17; 26/18; 26/19; 26/20; 26/21; 26/22; 26/23; 26/24; 26/25; 26/26; 26/27; 26/28; 26/29; 26/30;

27/16; 27/17; 27/21; 27/22; 27/26; 27/27.

Tranche 4: (134 whole blocks; 11 half blocks).

Application Closing Date: 15 October, 2004

43/12(S); 43/13(S); 43/14(S); 44/15(S); 43/17; 43/18; 43/22; 43/23; 43/27; 43/30;

44/11(S); 44/12(S); 44/13(S); 44/14(S); 44/15(S); 44/16; 44/17; 44/19; 44/20; 44/21; 44/22; 44/25; 44/26; 44/27; 44/28;

45/11(S); 45/12(S); 45/16; 45/17; 45/21; 45/22; 45/23; 45/24; 45/26; 45/27; 45/28; 45/29; 45/30;

52/1; 52/2; 52/3; 52/4; 52/5; 52/6; 52/7; 52/8; 52/9; 52/10; 52/11; 52/12; 52/13; 52/14; 52/15; 52/16; 52/17; 52/18; 52/19; 52/20; 52/21; 52/22; 52/23; 52/24; 52/25; 52/26; 52/27; 52/28; 52/29; 52/30;

53/1; 53/2; 53/3; 53/4; 53/5; 53/6; 53/7; 53/8; 53/9; 53/10; 53/11; 53/12; 53/13; 53/14; 53/15; 53/16; 53/17; 53/18; 53/19; 53/20; 53/21; 53/22; 53/23; 53/24; 53/25; 53/26; 53/27; 53/28; 53/29; 53/30;

54/1; 54/2; 54/3; 54/4; 54/5; 54/6; 54/7; 54/8; 54/9; 54/10; 54/11; 54/12; 54/13; 54/14; 54/15; 54/16; 54/17; 54/18; 54/19; 54/20; 54/21; 54/22; 54/23; 54/24; 54/26; 54/27; 54/28; 54/29;

60/2; 60/3; 60/4; 60/5; 60/8; 60/9; 60/10;

61/1; 61/2; 61/3; 61/4; 61/5; 61/6; 61/7; 61/8; 61/9; 61/10;

62/1; 62/2.

List of organisations having received Community funding for environmental purposes

(2002/C 324/09)

In implementation of the provisions set out in the remarks on budget heading B7-8110/2002 the Commission hereby publishes in the *Official Journal of the European Communities* the amounts involved and a list of the organisations having received Community funding.

Results of the call for the submission of proposals under a Community Action Programme promoting non-governmental organisations primarily active in the field of environmental protection (OJ C 184, 2.8.2002) and as adopted by H(2002) 3117

Organisation	Amounts in EUR	Aim of work programme
1. CEE Bankwatch Network (Czech Republic)	215 000	A network of 16 member organisations from the CEEC and the NIS, which focuses on environmental aspects of international development finance. Its aim is to prevent harmful environmental and social impacts from international development finance.
2. Central and East European Working Group for the Enhancement of Biodiversity — CEEWEB (Hungary)	29 071	A network of over 50 environmental organisations covering the whole of the EEC area. Active in nature protection, sustainable development, enlargement, integration as well as capacity building and policy implementation.

Acknowledgement of receipt of complaint No 2002/5367

(2002/C 324/10)

1. The European Commission has registered a complaint concerning the extension of Frankfurt Airport in Germany under No 2002/5367.
2. It has received more than fifty copies of this complaint, so, in order to ensure a rapid response and to keep those concerned informed while making economical use of its administrative resources, it is publishing this acknowledgement of receipt in the *Official Journal of the European Communities* and on the Internet at the following address:
http://europa.eu.int/comm/secretariat_general/sg1/receipt/
3. The complaint will be examined by the Commission in the light of the applicable Community legislation. The complainants will be kept informed, by the same means, of the results of this examination and of any follow-up action that the Commission may decide to take.
4. The Commission will endeavour to take a decision on the substance of the case (opening of infringement proceedings or closing of the case without further action) within twelve months of the date of registration of the complaint in its Secretariat-General.
5. Should the Commission need to contact the authorities of the Member State against which the complaint is directed, it will do so without mentioning the identity of the complainants in order to protect their rights. The complainants may, however, authorise the Commission to reveal their identity in any contacts with the authorities of the Member State against which the complaint is directed.

Prior notification of a concentration**(Case COMP/M.3055 — Rautakirja/Hachette Distribution Services/JV)****Candidate case for simplified procedure**

(2002/C 324/11)

(Text with EEA relevance)

1. On 16 December 2002, the Commission received notification of a proposed concentration pursuant to Article 4 of Council Regulation (EEC) No 4064/89 ⁽¹⁾, as last amended by Regulation (EC) No 1310/97 ⁽²⁾, by which the undertaking Rautakirja, Finland, acquires within the meaning of Article 3(1)(b) of that Regulation, joint control of the undertaking HDS Retail Czech Republic (HDS Retail), by way of purchase of shares. HDS Retail is currently wholly owned and controlled by Hachette Distribution Services SA (HDS), France.

2. The business activities of the undertakings concerned are:

- Rautakirja: distribution of newspapers and magazines and operation of news-stands, bookstores, cinemas and restaurants,
- HDS: wholesale distribution and retailing of newspapers, magazines and books; distribution and sale of records, videos and multimedia products; operation of retail stores in travel outlets,
- HDS Retail: operation of retail stores in transportation centres and newspaper kiosks in the Czech Republic.

3. On preliminary examination, the Commission finds that the notified concentration could fall within the scope of Regulation (EEC) No 4064/89. However, the final decision on this point is reserved. Pursuant to the Commission notice on a simplified procedure for treatment of certain concentrations under Council Regulation (EEC) No 4064/89 ⁽³⁾, it should be noted that this case is a candidate for treatment under the procedure set out in the notice.

4. The Commission invites interested third parties to submit their possible observations on the proposed operation.

Observations must reach the Commission not later than 10 days following the date of this publication. Observations can be sent by fax (No (32-2) 296 43 01 or 296 72 44) or by post, under reference COMP/M.3055 — Rautakirja/Hachette Distribution Services/JV, to the following address:

European Commission,
Directorate-General for Competition,
Directorate B — Merger Task Force,
J-70,
B-1049 Brussels.

⁽¹⁾ OJ L 395, 30.12.1989, p. 1; corrigendum: OJ L 257, 21.9.1990, p. 13.

⁽²⁾ OJ L 180, 9.7.1997, p. 1; corrigendum: OJ L 40, 13.2.1998, p. 17.

⁽³⁾ OJ C 217, 29.7.2000, p. 32.

Non-opposition to a notified concentration**(Case COMP/M.2960 — Keolis/AB Storstockholms Lokaltrafik/Busslink)**

(2002/C 324/12)

(Text with EEA relevance)

On 4 December 2002, the Commission decided not to oppose the above notified concentration and to declare it compatible with the common market. This decision is based on Article 6(1)(b) of Council Regulation (EEC) No 4064/89. The full text of the decision is only available in English and will be made public after it is cleared of any business secrets it may contain. It will be available:

- as a paper version through the sales offices of the Office for Official Publications of the European Communities (see list on the last page),
- in electronic form in the 'CEN' version of the CELEX database, under document No 302M2960. CELEX is the computerised documentation system of European Community law.

For more information concerning subscriptions please contact:

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Information, Marketing and Public Relations,
2, rue Mercier,
L-2985 Luxembourg.
Tel. (352) 29 29 427 18, fax (352) 29 29 427 09.

III

(Notices)

COMMISSION

Amendment to the notice of invitation to tender for the refund for the export of rye to all third countries except Hungary, Estonia, Lithuania and Latvia

(2002/C 324/13)

(Official Journal of the European Communities C 129 of 31 May 2002)

On page 19, the title reads as follows:

'Notice of invitation to tender for the refund for the export of rye to all third countries except Bulgaria, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Slovakia and Slovenia.'

on page 19, under heading I 'Subject', the text of point 1 reads as follows:

- '1. Tenders are invited for the refund for the export to all third countries except Bulgaria, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Slovakia and Slovenia of rye falling within CN code 1002 00 00.'

on page 20, under heading III, 'Tenders', the text of point 1, second paragraph, reads as follows:

'Tenders not submitted by telex, fax or telegram must be enclosed in a sealed envelope marked: "Tender under invitation to tender for the refund for the export of rye to all third countries except Bulgaria, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Slovakia and Slovenia — Regulation (EC) No 900/2002 — Confidential", itself enclosed in a further sealed envelope addressed as above.'

Amendment to the notice of invitation to tender for the refund for the export of common wheat to all third countries except Hungary, Poland, Estonia, Lithuania and Latvia

(2002/C 324/14)

(Official Journal of the European Communities C 129 of 31 May 2002)

On page 18, the title reads as follows:

'Notice of invitation to tender for the refund for the export of common wheat to all third countries except Bulgaria, Estonia, Hungary, Latvia, Lithuania, Poland, the Czech Republic, Romania, Slovakia and Slovenia.'

on page 18, the text of point 1, under heading I 'Subject' reads as follows:

- '1. Tenders are invited for the refund for the export to all third countries except Bulgaria, Estonia, Hungary, Latvia, Lithuania, Poland, the Czech Republic, Romania, Slovakia and Slovenia of common wheat falling within CN code 1001 90 99.'

on page 19, the text of point 1, second paragraph, under heading III 'Tenders' reads as follows:

'Tenders not submitted by telex, fax or telegram must be enclosed in a sealed envelope marked: "Tender under invitation to tender for the refund for the export of common wheat to all third countries except Bulgaria, Estonia, Hungary, Latvia, Lithuania, Poland, the Czech Republic, Romania, Slovakia and Slovenia — Regulation (EC) No 899/2002 — Confidential", itself enclosed in a further sealed envelope addressed as above.'

Amendment to the notice of invitation to tender for the refund for the export of oats from Finland and Sweden to all third countries except Hungary, Estonia, Lithuania and Latvia

(2002/C 324/15)

(Official Journal of the European Communities C 212 of 6 September 2002)

On page 13, the title reads as follows:

'Notice of invitation to tender for the refund for the export of oats from Finland and Sweden to all third countries except Bulgaria, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Slovakia and Slovenia.'

on page 13, under heading I 'subject', the text of point 1 reads as follows:

- '1. Tenders are invited for the refund for the export to all third countries except Bulgaria, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Slovakia and Slovenia of oats falling within CN code 1004 00 00.'

on page 13, under heading III 'Tenders', the text of point 1, second paragraph, reads as follows:

'Tenders not submitted by telex, fax or telegram must be enclosed in a sealed envelope marked: "Tender under invitation to tender for the refund for the export oats from Finland and Sweden to all third countries except Bulgaria, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Slovakia and Slovenia — Regulation (EC) No 1582/2002 — Confidential", itself enclosed in a further sealed envelope addressed as above.'
