ISSN 0378-6978

Official Journal

of the European Communities

L 17

Volume 45

19 January 2002

English edition

Legislation

Contents

(Continued overleaf)

EN

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)

COUNCIL REGULATION (EC) No 92/2002

of 17 January 2002

imposing definitive anti-dumping duty and collecting definitively the provisional anti-dumping duty imposed on imports of urea originating in Belarus, Bulgaria, Croatia, Estonia, Libya, Lithuania, Romania and the Ukraine

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 384/96 of 22 December 1995 on protection against dumped imports from countries not members of the European Community [1], and in particular Article 9 thereof,

Having regard to the proposal submitted by the Commission after consulting the Advisory Committee,

Whereas:

A. PROVISIONAL MEASURES

(1) The Commission, by Regulation (EC) No 1497/2001 [2] (the provisional Regulation) imposed a provisional anti-dumping duty on imports of urea falling within CN codes 3102 10 10 and 3102 10 90, and originating in Belarus, Bulgaria, Croatia, Estonia, Libya, Lithuania, Romania and the Ukraine.

(2) In the same Regulation it was decided to terminate the proceeding as regards imports of urea originating in Egypt and Poland.

B. SUBSEQUENT PROCEDURE

(3) Subsequent to the disclosure of the essential facts and considerations on the basis of which it was decided to impose provisional measures on imports of urea from Belarus, Bulgaria, Croatia, Estonia, Libya, Lithuania, Romania and the Ukraine, several interested parties submitted comments in writing. The parties, which so requested were also granted an opportunity to be heard orally.

(4) The Commission continued to seek and verify all information it deemed necessary for its definitive findings.

(5) Additional verification visits were carried out at the premises of the following:

Community producers

— Fertiberia, Madrid.

— Hydro Agri France, Paris.

Users in the Community

— Libera Associazione Agricoltori Cremonesi, Cremona.

(6) All parties were informed of the essential facts and considerations on the basis of which it is intended to recommend the imposition of definitive anti-dumping duties and the definitive collection of amounts secured by way of provisional duties. They were also granted a period within which they could make representations subsequent to this disclosure.

(7) The oral and written comments submitted by the parties were considered and, where appropriate, the provisional findings have been modified accordingly.

C. PRODUCT UNDER CONSIDERATION AND LIKE PRODUCT

(8) In the absence of any comments, the definition of the product under consideration and the like product as described at recitals 9 to 12 of the provisional Regulation are confirmed.

D. DUMPING

1. Market economy countries

Normal value

Application of Article 18 of the Basic Regulation

(9) The exporting producer in Libya claimed that recital 63 of the provisional Regulation does not accurately describe the level of cooperation provided. It claimed that the Commission was aware and implicitly accepted the fact that the overall company accounts covering all activities of the group would not be submitted due to confidentiality reasons. It furthermore claimed that in line with Libyan accounting requirements, no public audited accounts have to be filed and therefore, in accordance with Article 2(5) of the Basic Regulation, the Commission should not have rejected the company's accounts on these grounds.

[1] OJ L 56, 6. 3. 1996, p. 1. Regulation as last amended by Regulation (EC) No 2238/2000, OJ L 257, 11.10.2000, p. 2.
[2] OJ L 197, 21.7.2001, p. 4.

(10) As far as the level of cooperation is concerned, the Commission has never given any indication that it accepted the company's refusal to submit essential accounting documents. On the contrary, it has repeatedly informed the exporting producer of the possible application of Article 18 of the Basic Regulation including the use of best facts available, due to the deficient level of cooperation. Nevertheless, the company maintained its position and did not submit substantial information necessary to reconcile in particular domestic sales and the cost of production of the product concerned. Under these circumstances, and in order to determine the normal value for the company concerned, the Institutions had no choice but to make use of facts available, and namely of information provided in the complaint, in accordance with Article 18 of the Basic Regulation. In view of the above, it is incorrect to assume, as the company did, that the absence of publicly audited accounts was the reason for the use of facts available in the determination of the normal value.

(11) This is also confirmed by the fact that the reported data were used whenever it was possible to reasonably verify and reconcile it with the company's internal accounts, in particular when establishing the export price of the Libyan exporting producer (see recital 67 to 72 of the provisional Regulation).

(12) The same exporting producer claimed that its normal value should have been established on the basis of the actual domestic sales price or alternatively constructed on the basis of the company's own accounting data, rather than on the basis of the data submitted by the Community industry in the complaint. It argued that, for this purpose, all necessary evidence and information related to the production and sales of urea on the Libyan domestic market was provided.

(13) The company failed consistently to submit essential information in the reply to the questionnaire and to satisfactorily explain inconsistencies and contradictions revealed during the verification visit, despite of the fact that these were expressly pointed out by the Commission in deficiency letters and on-spot. It was therefore not possible to establish the completeness and correctness of the domestic sales reported, nor of the cost of production submitted. Consequently, as far as the submission of evidence and information related to the production and sales of urea on the Libyan domestic market is concerned, the findings of recital 64 and 65 of the provisional Regulation are confirmed.

(14) As mentioned in recital 66 of the provisional Regulation, in the absence of any other reliable information normal value for the exporting producer in Libya had to be established on the basis of the data submitted in the complaint in accordance Article 18 of the Basic Regulation.

(15) The same exporting producer claimed that, in any case, the profit margin used in the complaint in order to construct normal value was overestimated. It argued in support of its claim that profit margins in the urea business are traditionally low.

(16) On the basis of the findings regarding other cooperating exporting producers in this proceeding, the Commission considered it appropriate to review the level of the profit margin used for constructing the normal value of the exporting producer in Libya.

(17) As outlined in recital 22 of the provisional Regulation, the average profit margin realised by the cooperating exporting producers in the present investigation when selling the product concerned on their domestic markets, in accordance with Article 2(6)(c) of the Basic Regulation, has been used to construct the normal value of those exporting producers for which the profit margin could not be established in accordance with the chapeau of Article 2(6) of the Basic Regulation or its subparagraphs (a) and (b). Considering that no valid reason could be identified which would justify to apply a different profit margin to the Libyan exporting producer, and in the absence of any more appropriate information, it was decided to apply at the definitive stage this same profit margin to the Libyan producer in order to establish normal value.

Normal value based on domestic sales

(18) Two exporting producers in Romania submitted that normal value should be established on a monthly basis due to inflation in Romania during the investigation period. This methodology has been used at the provisional stage for all exporting producer in Romania.

(19) After imposition of the provisional anti-dumping duties, this approach was however re-analysed. The investigation has shown that the effects of the inflation were not such as to justify the calculation of monthly normal values. It is the Institution's consistent practice to establish average normal values for the investigation period except in situations such as hyperinflation. These conditions were however not fulfilled in the case of Romania.

(20) It was consequently considered appropriate to establish the normal value at the definitive stage for each exporting producer in Romania on the basis of the average price paid on the domestic market during the investigation period.

Constructed normal value

(21) The Community industry claimed that for the determination of the profit margin used in the construction of normal values for the exporting producers in Bulgaria, Estonia and Lithuania, the minimum return on capital employed 'normally necessary to sustain a viable urea business over the medium-long term' should have been used. It was argued that profit margins in the above countries would in general not be reliable due to 'overhangs' of the non market economy system in the accounting policies of the companies concerned.

(22) The investigation did not reveal any evidence or information indicating that the accounts of the companies concerned were not reliable and could thus not be used in the determination of the profit margin. Therefore, the Institutions had no alternative but to establish normal values in accordance with Article 2(3) and (6) of the Basic Regulation. Thus, profit margins were established in accordance with Article 2(6)(b) and (c) of the Basic Regulation, i.e. on the basis of the profit realised for the same general category of products produced and sold by the exporting producer concerned on the domestic market in the case of Lithuania; and in the case of Bulgaria and Estonia on any other reasonable basis, i.e. on the basis of the weighted average profit margin found for the other cooperating exporting producers in this proceeding.

(23) However the level of the profit margin which was established in accordance with Article 2(6)(c) of the Basic Regulation on the basis of the weighted average profit margins of cooperating exporting producers with profitable domestic sales was re-examined. Further to the termination of the proceeding as regards imports of urea originating in Egypt, exporting producers from Egypt were excluded from the calculation of the average profit margin.

(24) Following the comments of the Estonian exporting producer the profit margin used for the reconstruction of its normal value was reassessed. A re-examination of the provisional findings made apparent that the profit margin used — based on the sales of other products by the company — had to be reviewed, since these products could not be considered as being part of the same general category as the product concerned (i.e. fertilisers). Thus, in the absence of sufficient sales in the ordinary course of trade, of any other Estonian exporters/producers of the product concerned and/or other products of the same general category sold by the Estonian company concerned, any other reasonable method has been applied at the definitive stage pursuant to Article 2(6)(c) of the Basic Regulation. In this regard, the profit margin has been based on the weighted average profit margin of the other cooperating exporting producers concerned (as for the Bulgarian exporting producer, see recital 22 above).

(25) The Lithuanian exporting producer has argued against the use of selling, general and administrative costs (SG&A) and profit of ammonium nitrate (AN) in constructing normal value. It claimed that urea and ammonium nitrate are different fertilisers, sold in different markets and in different competitive situations, and with differences in manufacturing technology, market demand, selling prices and costs.

(26) Since there is only one producer of urea in Lithuania, and in the absence of representative domestic sales, Article 2(6)(b) of the Basic Regulation is a possibility for the determination of SG&A and profit. Also, urea and AN are both nitrogen fertilisers and, even if differences in production technology exist to some extent, they do belong to the same general category of products, as required by the Basic Regulation. For the sake of argument, markets and competitive situations are not dissimilar (one producer, import competition). In view of the above, it was decided to maintain the provisional determination.

Export price

(27) In the absence of any comments by the interested parties, or any other findings which could devaluate the provisional findings, the export prices of the exporting producers concerned as established provisionally are hereby confirmed.

Comparison

Handling and loading cost

(28) Following the comments received by the Libyan exporting producer with regard to the calculation of loading and handling costs when exporting the product concerned to the Community, the Commission reviewed its calculations and found a calculation error which was corrected accordingly.

2. **Non-market economy countries**

(29) The exporting producer from Belarus contested the fact that the Commission has allegedly treated it as a non cooperating party in the proceeding. The company claimed to have provided to the Commission all the information requested and considered that the reason for being treated as a non cooperator was to deprive it of its rights as a cooperating party and namely of the opportunity to offer an undertaking.

(30) In the present investigation, the fact that the company did not provide the information required to establish a verifiable export price led to the application of the rule set in Article 18 of the Basic Regulation for non-cooperating parties and consequently to the partial use of 'facts available', in this case the export figures provided by Eurostat.

(31) It is nevertheless noted that, contrary to the company's allegations, the partial application of Article 18 did not deprive it of any of its rights as an interested party, and namely of the right to receive disclosure, to be heard and to present written submissions, to consult non confidential files and the opportunity to offer an undertaking.

Market economy status ('MES')

(32) As outlined in recital 118 to 130 of the provisional Regulation, in accordance with Article 2(7)(b) of the Basic Regulation, three companies in the Ukraine filed applications that market economy conditions prevail in respect of the manufacture and sale of the like product concerned ('market economy status' or 'MES'). It is recalled that two Ukrainian companies received MES. One Ukrainian exporting producer, which was refused MES, disagreed with the Commission's findings on possible State interference.

(33) The Community industry re-iterated its claim that companies in the Ukraine producing and selling nitrogen fertilisers including urea, are subject to significant State interference and that therefore, on a general basis, no MES should have been granted. In particular, it argued that the Ukrainian fertiliser market was characterised by the existence of tolling agreements, barter chain arrangements and State interference in energy, electricity and transportation cost, and that all these factors were incompatible with a market economy situation.

(34) These arguments by the exporting producers and the Community industry have already been treated in recitals 118 to 130 of the provisional Regulation. It is nevertheless added that concerning tolling agreements, it was considered that these are not per se in contradiction with MES, since they cannot necessarily be considered as a typical characteristic of State interference. As far as the State interference in transport costs is concerned, this was taken into account by using the transport rates applicable in the analogue country. Concerning energy and electricity costs, no evidence was found that these costs were significantly distorted by State interference and that they did not substantially reflect market value. Furthermore, compared with natural gas, the cost of energy and electricity is not a major input of urea.

Individual treatment

(35) The Community industry objected to the decision to grant individual treatment to one of the Ukrainian exporting producers arguing that the shareholding of the State in the company would allow significant State interference.

(36) However, no new information or evidence was submitted by the complainant Community industry showing that the alleged State interference would permit circumvention of the measures imposed and the claim had thus to be rejected. The findings of the provisional Regulation (recital 132) are consequently confirmed.

Sales under tolling agreements

(37) As described in recitals 133 to 135 of the provisional Regulation three companies in the Ukraine were involved in tolling agreements. It is recalled that, under Ukrainian law, the provider of the raw materials remains the owner of the finished product, the company doing the transformation does not acquire property rights over the goods.

(38) The investigation revealed that one of the companies which was granted MES could not be considered, on its own, an exporting producer of the product concerned. This company had established a long-term business relationship with another company based in a third country. According to this relationship, the latter company was virtually the sole supplier under tolling agreements (and owner throughout the production process) of the main raw material. This company was also actively involved on the export sales of the product concerned. These facts clearly indicated that the relationship between these companies went beyond the usual buyer-seller relationship.

(39) In the absence of any cooperation from the associated gas supplier, neither the full cost of manufacturing nor the price paid or payable on export sales could be established, let alone verified. It should also be noted that although certain information on export prices to the first independent buyer was available, this information was not verifiable and could therefore not be used to establish a dumping margin. Since without the cooperation of the associated supplier (and legal owner of both the main raw material and the finished product), neither the normal value nor the export price of the Ukrainian company concerned could be reliably established. Therefore, an individual dumping margin could not be established for this company.

(40) Another Ukrainian company, which was neither granted MES nor individual treatment, realised all its export sales under tolling agreements. In the absence of any cooperation of its gas supplier, and in the absence of verifiable

export prices to the first independent buyer, the prices of these transactions were established as described in recital 66 below in the purpose of the assessment of the country-wide dumping margin.

(41) Finally, a third company has done part of its domestic and export sales under tolling agreements. Likewise, in the absence of cooperation from its suppliers, and in the absence of verifiable prices to the first independent buyer, the Community Institutions had no option but to disregard all sales made under such tolling agreements. The remaining domestic sales were still representative, as determined in recital 138 of the provisional duty Regulation.

(42) Two further Ukrainian companies which had also sales on the basis of tolling and whose gas suppliers equally refused to cooperate argued nevertheless that the sales data submitted was accurate and reliable and that they had provided sufficient evidence allowing these transactions to be taken into account when determining normal value or export price.

(43) During the verification visit it was established that neither the invoice prices nor the payments for urea were included in the accounting records of these companies. In the absence of any cooperation by the suppliers of gas, in which accounts these data should normally be registered, or of any evidence of the actual payments for these transactions, the information could not be verified and could not, therefore, be accepted.

Normal value

(i) *Analogue country*

(44) Three Ukrainian exporting producers argued that their normal value should not have been based on the domestic prices and costs of an analogue country, but that the normal value based on domestic sales of an Ukrainian exporting producer which was granted MES should have been used instead.

(45) It is the Community institutions' consistent practice, in line with Article 2(7)(b) of the Basic Regulation, to determine normal value on the basis of paragraphs 1 to 6 of Article 2 of the Basic Regulation only for those producers that can show that they operate in line with market economy conditions. For all other producers in the same country, normal value is determined on the basis of Article 2(7)(a), i.e. on the basis of a price or constructed value in a market economy third country, or on any other reasonable basis foreseen in Article 2(7)(a). No changes are therefore warranted in this respect to the provisional findings.

(46) The Belarussian exporting producer, three Ukrainian exporting producers, the government of Belarus and the Ukraine as well as an importer association objected to the choice of the USA as an analogue country claiming that Lithuania was a more appropriate market economy third country.

(47) These parties alleged that the USA was not an appropriate choice because of its high gas costs which would lead to distorted urea prices, its different level of economic development compared to Belarus and the Ukraine, and differences in market size. The fact that only one producer in the USA cooperated was also seen as an argument not to use USA as a market economy third country. It was further argued that Lithuania was the most appropriate analogue country. It was claimed that the volume of urea produced in Lithuania was representative as compared to the volume of exports of urea from the Ukraine and Belarus to the Community during the IP. It was moreover claimed that Lithuania would be an open, competitive market where no import duties exist, with a similar access to natural gas, and a similar production process as in Belarus and the Ukraine. The fact that there was only one producer of urea in Lithuania was also considered irrelevant by the parties, as Lithuania and other countries with one producer of the product concerned have already been used in previous investigations of products belonging to the same category.

(48) The Community institutions have examined all the above arguments in detail and came to the following conclusions:

(49) While on the USA market more than ten producers of urea are operating compared to at least five producers in Ukraine, there is only one producer in Lithuania. Despite the fact that anti-dumping duties exist in the USA on imports of urea from former Soviet Union countries, there were substantial imports (more than 1 million tons) of urea from a number of other third countries. Although the further investigation revealed that there are no import duties applicable in Lithuania to imports of urea, those imports remain nevertheless at a very low level. The USA has a vast urea market (more than 10 million tons per year), whereas the Lithuanian urea market is practically non-existing. Thus, sales of urea during the investigation period ('IP') on the Lithuanian market were minimal and, according to the information provided by the Lithuanian producer, not made in the ordinary course of trade. It has thus been concluded that the US-market for urea is highly competitive, in contrast with the Lithuanian market. Finally, and contrary to Lithuania, domestic sales in USA are representative when compared to Belarus and Ukrainian exports to the Community.

(50) The fact that only one US producer cooperated in this investigation does not render the above conclusions invalid. In fact, the prices of this producer, which were used to establish normal value are subject to the above-described competition. The quantities sold by this producer alone were even representative when compared to the total quantities exported from Belarus and Ukraine to the Community.

(51) Regarding the similarity in access to natural gas, the main raw material used for the production of urea, an analysis of the supplies to the urea producers was also made. It was confirmed that while the American producer had natural gas supplied by more than one supplier, as it was the case in Ukraine, the Lithuanian producer had only a single supplier and no possible alternative suppliers. In addition, similar to Ukraine, the USA is both a producer and an importer of natural gas, while Lithuania has no own natural gas resources.

(52) The Commission has also compared production processes in the USA and Belarus and the Ukraine and concluded that the technology used by the American producer was at least as efficient as the one used by the Belarus and Ukrainian producers.

(53) It was also argued that Lithuania should be used as the analogue country since it was subject to the same investigation.

(54) The Commission notes that Article 2(7) of the Basic Regulation stipulates that, where appropriate, a market economy country which is subject to the same investigation shall be used. However, for the reasons outlined in recitals 49 to 51, Lithuania could not be considered as an appropriate analogue country in this investigation.

(55) As already stated in recital 107 of the provisional Regulation, an adjustment was made to the high natural gas cost during the IP in the USA. The high natural gas cost was the result of a market situation specific to the USA during the IP. This adjustment brought the gas cost down to a level comparable to the one of other companies cooperating in this same proceeding.

(56) The Community industry supported the choice of the USA as an analogue country. However, it claimed that gas prices in the USA experienced only mild increases and that therefore no adjustment should have been made in this regard. While it is correct that the sharpest increase in gas prices took place only in the second half of the year 2000, i.e. after the IP, it was found that during the second half of the IP there was already an unusual and specific increase in the cost of natural gas. The adjustment made was therefore considered justified.

(57) For all the above reasons, it is concluded that the USA is an appropriate analogue market economy country and was selected in a not unreasonable manner. A normal value based on the domestic sales in the USA made in the ordinary course of trade, which includes a reasonable and not excessive profit margin, is therefore fully in line with the requirements of Article 2(7)(a) of the Basic Regulation.

(ii) *Normal value for companies granted MES*

(58) The Ukrainian company, which had almost all its sales made under tolling agreements, argued that its domestic sales should be used as a basis for the determination of its normal value. As alternatives, the company proposed the Commission to use the normal value of an Ukrainian exporting producer to which MES was granted or to construct normal value on the basis of the company's own data.

(59) As a consequence of non-cooperation by the associated supplier of gas, it was concluded that this Ukrainian company could not be qualified, on its own, as an exporting producer of urea (see details in recitals 38 and 39). Consequently, no normal value was established.

(60) As announced in recital 138 of the provisional duty Regulation, it was further examined whether adjustments to other cost factors, and in particular to depreciation incurred by the Ukrainian exporting producer for which normal value was based on its own data, were necessary.

(61) A comparison of the depreciation cost included in the cost of production of the different production facilities of the cooperating producer in the analogue country with the depreciation incurred by the Ukrainian producer showed certain differences. However, these differences could have been caused by numerous factors and were in any event not such as to warrant an adjustment to the Ukrainian producer's cost. Moreover, as the normal value for this Ukrainian producer was based on domestic sales, any change to the cost would have a negligible impact, if any. No adjustments were therefore made.

Export price

(62) Two companies in the Ukraine, whose export sales were made on the basis of tolling agreements and therefore excluded from the dumping calculations, submitted that their export price should be constructed on the basis of the transformation fee charged to their export customers plus the gas cost paid by themselves or another exporting producer in Ukraine, plus a reasonable amount of profit.

(63) For one of the companies, as a consequence of non-cooperation of the associated supplier of gas, not only the prices of its exports sales were not verifiable, but this company could not be qualified, on its own, as an exporting producer of urea (see details in recitals 38 and 39). Consequently, no individual dumping margin has been established for it.

(64) Regarding the other company, the methodology proposed is not in line with Article 2(9) of the Basic Regulation. The purpose of this Article is not to provide alternative methods to establish export prices in cases of non cooperation, but instead to take account of the participation in the export sales, of an importer in the Community related or associated with the exporting producer. The construction proposed by the Ukrainian companies, contrary to what is established on Article 2(9) of the Basic Regulation, is not based on any price of sale to an independent party. Instead it uses as a starting point a cost of manufacture (a method used to construct normal values, not exporting prices). The claim was therefore rejected.

(65) A third Ukrainian company, which also had all its export sales made under tolling agreements, argued that rather than taking the lowest export prices, the average export price of other Ukrainian exporting producers should have been used.

(66) However, there was no reason to believe that the average export price of other Ukrainian exporting producers was more accurate. It is the Community Institutions' practice, in cases of non-cooperation to use the weighted average export price of the transactions with the lowest export prices, representing at the same time a considerable quantity of the export quantities with verifiable prices.

Comparison

(67) Two Ukrainian companies and one Belarussian company claimed that the Commission should provide them with basic information to allow them to claim natural comparative advantages.

(68) Since only one US company cooperated in the proceeding, no specific evidence regarding production and sales' details of this company could be disclosed without breaching the rules on confidentiality. Other basic information (geographic location, access to raw materials, etc.) is publicly available. The Community Institutions have analysed the available information and have made, on their own initiative, the necessary adjustments. It is re-called that an unusually high natural gas cost during the IP in the USA was identified and consequently, an adjustment made to the gas cost used for the cooperating USA company brought the gas cost down to a level comparable to the one of other companies cooperating in this same proceeding.

(69) Three Ukrainian companies and the Belarussian company disagreed with the fact that the Commission made an adjustment for inland transport to the export price based on railway tariffs in the analogue country. It was argued that Ukrainian tariffs should be used, or alternatively, Lithuanian tariffs.

(70) Railway tariffs in Ukraine and Belarus, countries which are not yet operating under market economy conditions, are set by the State and cannot, therefore, be considered to reflect normal market prices. It is a long established practice of the Community Institutions to base adjustments for this type of inland transport for countries under Article 2(7) of the Basic Regulation, on verified data from the analogue country, when available. It was also specifically mentioned when granting MES to some of the Ukrainian companies involved that certain cost factors could be corrected to bring them in line with normal market value. No change to the provisional findings is therefore warranted.

(71) It was also claimed that lower tariffs should be applied as Ukrainian exporting producers used own railway wagons with large consignments, including return of empty wagons.

(72) Information from the producer in the analogue country revealed that an adjustment for the use of own wagons was warranted. The calculations were therefore revised accordingly.

(73) It was argued by the Ukranian and Belarussian companies that the adjustment made for physical differences between 'granular' urea sold on the domestic market of the analogue country and 'prilled' urea exported by these countries should have been based on price differences on the European market.

(74) However, since the aim is to determine a normal value for prilled urea on the analogue country market, the adjustment must be based on a price difference on that same market. The adjustment made has thus been based on price differences on the US market. To use the Community market does not appear to be appropriate because the price difference on that market will in all likelihood be influenced by dumping practices. Consequently, the claim was rejected.

(75) Two Ukrainian companies and the company in Belarus also claimed an adjustment for level of trade as they were allegedly selling only to traders.

(76) The exporting producers in the Ukraine and Belarus exported the product concerned to traders. The cooperating producer in the analogue country sold the product also to traders. Part of the domestic sales of the analogue country producer were made to blenders. A thorough analyses of functions and prices revealed that the claim was not warranted.

3. **Dumping margin for companies investigated**

Application of Article 18 of the Basic Regulation

(77) Subsequently to the imposition of provisional duties, the Commission further examined whether the freight costs reported by the Lithuanian exporting producer, but paid by the importers, were accurate. It was found that these costs were overstated when compared to information collected from importers and with publicly available quotations for the same routes. The amounts for freight costs have been revised accordingly and the actual costs have been used.

(78) Following the comments of the Estonian exporting producer concerning the inappropriateness of an adjustment of the cif value of the unreported sales used to express the dumping margin for these sales that was made at the provisional stage, the Commission analysed the issue in more detail and decided to revise the methodology used. The adjustment made at the provisional stage has been withdrawn. However, in the absence of reliable information provided by the company, the Commission decided to base its findings on the information provided by Eurostat, since it constitutes the most reliable data available.

(79) The Commission provisionally made an adjustment to the cif value of the Belarussian exporting producer used to calculate the dumping margin. Since this adjustment was made erroneously, the adjustment was withdrawn.

Dumping margins

(80) The definitive dumping margins, expressed as a percentage of the cif import price at Community border, are:

Belarus	
All companies:	67,3 %
Bulgaria	
— Chimco AD:	90,3 %
— Others:	90,3 %
Croatia	
— Petrokemija d.d.:	72,9 %
— Others:	72,9 %
Estonia	
— JSC Nitrofert	37,4 %
— Others:	37,4 %
Libya	
— National Oil Corporation:	48,8 %
— Others:	48,8 %
Lithuania	
— Joint Stock Company Achema, Jonava:	10,0 %
— Others:	10,0 %
Romania	
— S.C. Amonil S.A., Slobozia	20,1 %
— Petrom S.A. Sucursala Doljchim Craiova, Craiova	40,7 %
— Sofert S.A., Bacau	25,2 %
— Others:	40,7 %
Ukraine	
— Cherkassy Azot, Cherkassy	21,1 %
— Dnipro Azot, Dniprodzerzhinsk	66,3 %
— Others:	82,1 %.

E. **INJURY**

1. **Definition of the Community industry**

(81) Several interested parties repeated their claim that those Community producers which purchased and imported urea from countries covered by this proceeding, should be excluded from the definition of the Community industry

(82) As outlined at recital 156 of the provisional Regulation, these purchases were mainly small in volume and were made to cover production shortfalls due to maintenance works. The one company that did make more substantial purchases, equal to approximately 20 % of its own production in the IP, did so in order to supplement its product range. The investigation showed that this company is primarily a producer of urea, and not an importer, and that there are thus no good reasons for it to be excluded from the definition of the Community industry. In any case such exclusion would have no significant impact on the findings of the case nor on the level of duties imposed.

(83) Accordingly the findings in recital 157 of the provisional Regulation are confirmed.

2. **Community consumption**

(84) In the absence of any new information, the findings concerning Community consumption as outlined at recitals 158 and 159 of the provisional Regulation are confirmed.

3. **Imports from the countries concerned**

Cumulative assessment of the effects of the imports concerned

(85) It was claimed that imports of urea originating in Romania should not be cumulated with imports from the other countries covered by this proceeding. The claim was based on the grounds that the import volumes and the market shares developed differently over the period considered.

(86) At recital 162 of the provisional Regulation, it was determined that:

— imports from all the countries concerned were substantial and well above the levels set out in Article 5(7) of the basic Regulation,

— the dumping margins found were all above the *de minimis* level, and all exporting producers undercut the sales prices of the Community industry,

— the prices of both imported and Community produced urea fell significantly over the period considered.

(87) The volume of urea imports from Romania followed the trend for the price of urea on the Community market i.e. there was a certain relationship between prices and the volume of imports from Romania over the period considered. In 1999 when prices were at their lowest, there were almost no imports from Romania. This is evidence of price transparency in the Community urea market. It also shows that Romanian exporters will withdraw from a market when prices fall too far. Nevertheless, with the partial recovery in prices between 1999 and the IP (recital 164 of the provisional Regulation), Romanian imports increased substantially so that they held 2,3 % of market share during the IP. Of the countries concerned, Romania was the fourth largest exporter to the Community during the IP.

(88) Nor was this import trend specific to Romania. Imports from several of the countries concerned also followed a remarkably similar pattern of falling imports between 1996 and 1999 followed by a significant return to the Community market during the IP. This is against a background of total import volumes from the countries concerned rising year on year over the period considered. The only change was in the share of those imports between the countries concerned in line with prices. This is further evidence of competition between imported products and is not a reason for de-cumulating the imports from Romania, or indeed any of the other countries concerned.

(89) For all of the reasons outlined above, it is concluded that the criteria as set out in Article 3(4) of the basic Regulation have been met. The findings at recital 162 of the provisional Regulation are, therefore, confirmed.

Volume, market shares, and prices of the imports concerned

(90) In the absence of any new information on the volume and prices of imports from the countries concerned, the provisional findings are confirmed.

Undercutting

(91) For the provisional determinations, undercutting was calculated by comparing the exporters' Community frontier, ex quay, customs duty paid price level (DEQ) with the Community producers' verified ex-works prices. The comparison was made at a prilled to prilled, granular to granular, bulk to bulk, and bagged to bagged level.

(92) A number of parties, including several of the exporting producers, claimed that the Community producers' prices for the undercutting comparison should be the weighted average price at the Community industry level and not the price at the individual producer level. It is claimed that such a methodology serves to artificially inflate the margin by zeroing at the Community producer level.

(93) It should first be noted that the undercutting or price comparison exercise is an injury indicator which, under Article 3(3) of the basic Regulation, aims to examine 'whether there has been significant price undercutting by the dumped imports as compared with the price of a like product of the Community industry, or whether the effect of such imports is otherwise to depress prices to a significant degree'.

(94) It is true that not all imports from the countries concerned undercut the prices of each Community producer. However, a significant volume of export sales were made at prices below those of the Community industry. It is also noted that the Community urea market is both highly transparent and sensitive to price changes.

(95) Following further analysis it was found that, for the countries concerned, the proportion of imports, by company, which undercut the Community industry's prices, varied from 0 % to 56 %, with an overall average for all imports of 46 %. The level of the undercutting ranged as high as 17 %. For this analysis, no zeroing was used. Due to problems with cooperation from the exporting producer in Belarus (recital 113 of the provisional Regulation) and Estonia (recital 58 of the provisional Regulation), it was not possible to carry out this price comparison for these companies. However, there are no reasons to suggest that their results would have been any different.

(96) Furthermore, it should be noted that the Community industry recorded losses during the IP (recital 175 of the provisional Regulation), i.e. the prices of the Community industry were depressed. Also for the one company with no undercutting, underselling was still found.

(97) It is, therefore, definitively determined that there was both significant price undercutting by the exporting producers in the countries concerned, as well as a depression of prices on the Community market during the IP.

(98) A number of claims were made concerning the injury elimination calculations. These are addressed in detail in recitals 114 to 116 and 121 to 123. However, where adjustments were granted, it is confirmed that these were also taken into account for the undercutting exercise.

4. **Situation of the Community industry**

(99) Following further verification of two Community producers, some of the injury indicators changed in absolute terms. However, these changes were not sufficient to materially affect the trends of the injury indicators over the period considered or to alter the provisional conclusions. Based on the above, the provisional findings of material injury suffered by the Community industry are confirmed.

F. **CAUSATION**

(100) A number of interested parties re-iterated their claim that the injury suffered by the Community industry was not caused by dumped imports but rather by the oversupply of urea on the world market. This is linked to the claim made by some of the parties that the injury suffered by the Community industry was a result of their fall in export sales, which in turn affected their sales on the Community market.

(101) In this respect, it should be noted that the assessment of the situation of the Community industry was based on data relating to sales of the product concerned on the Community market. Therefore, the potential negative effects of reduced export sales are excluded in the above injury analysis.

(102) In addition, over the period considered, Community industry export sales fell by 337,000 tonnes, whilst its sales on the Community market increased by 172,000 tonnes. Therefore, faced with difficult export conditions, the Community industry was able to divert half of its lost export sales onto the Community market.

(103) At the same time, Community consumption increased by 1,25 million tonnes, low priced dumped imports increased by 867,000 tonnes (recital 163 of the provisional Regulation), and the Community industry lost 10,3 % of the Community market (recital 173 of the provisional Regulation). Rather than being the cause, the inability of the Community industry to take advantage of an expanding domestic market when export sales fell, is evidence of the existence of injury caused by the dumped imports.

(104) Accordingly, oversupply and loss of export sales could in fact only have had an effect on the Community industry (in terms of a limited loss of economies of scale) because the dumped imports prevented it from taking full advantage of an expanding Community market. Therefore, it is concluded that the effect of the fall in export sales by the Community industry, and the alleged oversupply, when they are examined separately, was not sufficient to break the causal link between the effect of the dumped imports and the material injury suffered by the Community industry. The conclusions of recitals 197 and 198 of the provisional Regulation are confirmed.

G. **COMMUNITY INTEREST**

1. **Importers/traders**

(105) Following publication of the provisional Regulation, no comments were received from any of the cooperating importers. However, one association of importers maintained that the imposition of anti-dumping measures was against the interest of importers of urea and that for them a flourishing agricultural sector is important.

(106) As stated at recital 206 of the provisional Regulation, there will be a continuing need for imports. Even were the duties to be passed on in full this would result in an increase of no more than 0,6 % in farmers' costs at worst. Whilst such a rise may result in some changes in the way that farmers source their urea, there is no evidence to call into question the conclusions set out in recital 206 of the provisional Regulation.

2. **Users**

Farmers

(107) Following publication of the provisional Regulation, comments were received from farmers' organisations in Austria, Italy, Spain and the UK. None of these parties challenged the provisional conclusion that the duties would lead to a 0,6 %, worst case scenario, increase in farmers' costs. They did however, object to the imposition of measures and to the conclusion that prise increases would not be passed on in full.

(108) Following a verification at the premises of a farmers' cooperative, the conclusion of the cost implication of the proposed measures is confirmed. That the impact of the measures will not be passed on in full is based on experience from many other anti-dumping proceedings. There is no evidence to suggest that this would not be case in this proceeding.

(109) Whilst the difficult situation faced by farmers is reaffirmed, it is not possible to conclude that the impact of the duties would be such as to make the imposition of measures against the interest of the Community.

Industrial users

(110) No written comments were received direct from any of the cooperating industrial users of urea. This suggests that the measures would not have such an important impact on these users of urea.

(111) One industrial user, who also imports and sells urea, submitted comments via an importers association. This company suggests that the imposition of measures may force it to close its plant with the loss of up to 380 jobs. However, as this claim was not made directly by the company, and as it is not supported by any evidence, the claim is rejected.

3. **Conclusion on Community interest**

(112) In the absence of any new information regarding the Community interest aspects, the conclusions of recital 219 of the provisional Regulation, are confirmed.

H. **DEFINITIVE ANTI-DUMPING MEASURES**

1. **Injury elimination level**

(113) For the provisional determinations, underselling was calculated by comparing the exporters' Community frontier, ex quay, customs duty paid price level (DEQ) with the Community producers' verified ex-works target prices. The comparison was made by company on a prilled to prilled, granular to granular, bulk to bulk, and bagged to bagged level.

(114) Many exporting producers claimed that the adjustment made for unloading costs to arrive at the DEQ price was insufficient. It was also claimed that an importers' (mainly traders) margin should be included, in line with other recent fertiliser cases.

(115) Further evidence of actual unloading costs incurred has been obtained from several sources, including the exporting producers, the Community industry, and independent importers. On the basis of this information, the allowance for unloading costs has been adjusted accordingly.

(116) The question of granting an adjustment for the importers' margin was considered on the merits of this particular investigation. It was found that exporting producers sold urea on the Community market via a number of channels, including directly to the end user. No evidence was provided that prices varied according to the channel used. Rather, it was found that in general, the selling prices did not depend upon the type of the customer. Nor were any significant differences found between the sales channels used by the Community industry and those used by the exporting producers. Accordingly the request for an adjustment for an importers' margin was rejected.

(117) A number of parties, including the majority of the exporting producers, claimed that the Community producers' prices for the underselling calculation should be the weighted average price at the Community industry level and not the price at the individual producer level. It was claimed that such a methodology served to artificially inflate the margin by eliminating any negative underselling at the Community producer level. In addition it was claimed that basing anti-dumping duties on a calculation methodology which results in zeroing, contravenes a recent WTO ruling [1].

[1] European Communities — Anti-Dumping Duties on Imports of Cotton-Type Bed Linen from India — AB-2000-13 — Report of the Appellate Body 1.3.2001.

(118) It should be noted that the underselling calculation aims to examine the actual extent of injury suffered by the Community industry caused by dumped imports. To show a true picture any price comparison should reflect economic reality. The investigation showed that competition on the Community market takes place between each individual exporting producer and each individual producer which forms part of the Community industry. In this respect it is noted, *inter alia*, that there are significant price spreads and important differences in the location of the Community producers. Thus, the extent of any injurious dumping caused by an exporting producer to the Community industry should be assessed on the actual market situation and on the basis of specific data verified for each company.

(119) Comparing prices company by company results in a precise evaluation of the full impact of any injurious dumping suffered by the Community industry, and does not artificially inflate the level of underselling in the current case. Accordingly the claim is rejected.

(120) The Community industry claimed that some of the urea imported into the Community was in fact a 'fat' prill, which should be treated as a separate type of urea. It was further claimed that, for the underselling calculation, this type should be compared to the price of Community produced 'fat' prill.

(121) It was found that large diameter or 'fat' prills were indeed produced by the Community industry as well as being exported to the Community from some of the countries concerned. However the only difference to standard prills is in their larger diameter. Nor is there is any evidence to suggest that the cost of production is any higher or that 'fat' prills were sold at a premium during the IP. Accordingly, it is concluded that there are no reasons why 'fat' prills should be considered as a separate product type.

(122) Some exporting producers repeated their claim for an adjustment for quality of their product. However, no supporting evidence was provided. Nor was any market perception of quality problems with Romanian urea found. The claim is therefore rejected.

(123) It should be noted that for calculating the non-injurious price at the provisional stage, a profit margin of 8 % on cost was used and not 8 % on turnover as stated at recital 222 of the provisional Regulation. Certain cooperating parties argued that the profit margin should be limited to 5 %, as was the case in previous anti-dumping proceedings concerning nitrate fertilisers as well as in the proceeding concerning urea from Russia [1]. For its part, the Community industry re-stated its claim that a profit margin of 15 % return on capital employed (ROCE) would be more appropriate.

(124) It is confirmed that the determination of the relevant profit margin in this proceeding is based on an assessment of the profit margin that the Community industry could reasonably have counted upon under normal conditions of competition, in the absence of dumped imports. It is therefore based on an assessment of the facts in this case and not on the assessment of the facts in other proceedings concerning other products and/or other investigation periods.

(125) For the reasons stated at recital 223 of the provisional Regulation, the claim that profitability be based on ROCE is rejected.

(126) Given the above, and in the absence of any evidence that the determination of an 8 % profit margin is incorrect, the conclusions of recitals 221 to 227 of the provisional Regulation are confirmed.

(127) Finally, information received and data verified following publication of the provisional Regulation, including verified information from two further Community producers, was also incorporated into the calculations, where appropriate.

2. **Level and form of the duties**

(128) In light of the foregoing, it is considered that, in accordance with Article 9(4) of the Basic Regulation, definitive anti-dumping duties should be imposed at the level of the injury margins or dumping margins found, on imports of urea originating in Belarus, Bulgaria, Croatia, Estonia, Libya, Lithuania, Romania and the Ukraine, whichever are the lower.

(129) As regards the residual duty to be applied to the non cooperating exporting producers, the residual duty was fixed on the basis of the highest duty rate established for the cooperating exporters in each country.

(130) One exporting producer claimed that, in order to be consistent with a previous proceeding, the duties should take the form of a minimum import price, as is the case for urea from Russia.

(131) However, as stated at recital 231 of the provisional Regulation, in order to ensure the efficiency of the measures and to discourage the price manipulation which has been observed in some previous proceedings involving the same general category of product, i.e. fertilisers, definitive duties should take the form of a specific amount per tonne. The claim is, therefore, rejected.

[1] Council Regulation (EC) No 901/2001 of 7 May 2001 imposing a definitive anti-dumping duty on imports of urea originating in Russia (OJ L 127, 9.5.2001, p. 11).

(132) On the basis of the above, the definitive duty amounts are as follows:

Country	Company	Basis for AD duty (%)	Definitive duty (Euro per tonne)
Belarus	Single country-wide margin	8,0	7,81
Bulgaria	Chimco AD	24,2	21,43
	Others	24,2	21,43
Croatia	Petrokemija d.d.	9,4	9,01
	Others	9,4	9,01
Estonia	JSC Nitrofert	11,4	11,45
	Others	11,4	11,45
Libya	National Oil Corporation	12,5	11,55
	Others	12,5	11,55
Lithuania	Joint Stock Company Achema	10,0	10,05
	Others	10,0	10,05
Romania	S.C. Amonil S.A., Slobozia	6,7	7,20
	Petrom S.A. Sucursala Doljchim Craiova, Craiova	5,7	6,18
	Sofert S.A., Bacau	7,6	8,01
	Others	7,6	8,01
Ukraine	Open Joint Stock Company Cherkassy Azot, Cherkassy	18,7	16,27
	Joint Stock Company DniproAzot, Dniprodzerzinsk	9,2	8,85
	Others	19,5	16,84

(133) The individual company anti-dumping duty rates specified in this Regulation were established on the basis of findings of the present investigation. Therefore, they reflect the situation found during that investigation with respect to these companies. These duty rates (as opposed to the country-wide duty applicable to 'all other companies') are thus exclusively applicable to imports of product originating in the country concerned and produced by the companies and thus by the specific legal entities mentioned. Imported product produced by any other company not specifically mentioned in the operative part of this Regulation with its name and address, including entities related to those specifically mentioned, cannot benefit from these rates and shall be subject to the duty rate applicable to 'all other companies'.

(134) Any claim requesting the application of these individual company anti-dumping duty rates (e.g. following a change in the name of the entity or following the setting up of new production or sales entities) should be addressed to the Commission [1] forthwith with all relevant information, in particular any modification in the company's activities linked to production, domestic and export sales associated with e.g. that name change or that change in the production and sales entities. The Commission, if appropriate, will, after consultation of the Advisory Committee, amend the Regulation accordingly by updating the list of companies benefiting from individual duty rates.

[1] Commission of the European Communities
Directorate-General Trade
TERV 00/13
Rue de la Loi/Wetstraat 200
B-1049 Brussels.

3. **Collection of provisional duties**

(135) In view of the magnitude of the dumping margins found and in the light of the injury caused to the Community industry, it is considered necessary that the amounts secured by way of the provisional anti-dumping duty, imposed by the provisional Regulation, should be definitively collected at the rate of the duty definitively imposed. Where the definitive duties are higher than the provisional duties, only the amounts secured at the level of the provisional duties should be definitively collected.

4. **Undertakings**

(136) Subsequent to the imposition of provisional measures, exporting producers in Belarus, Croatia, Libya, Romania and the Ukraine offered price undertakings in accordance with Article 8(1) of the Basic Regulation. The exporting producers in Estonia and Lithuania renewed their undertaking offers, already made at provisional stage, but which had been rejected for the reasons set out in recital 236 and 237 of the provisional Regulation.

(137) It is recalled that the Commission had already accepted an undertaking from the Bulgarian exporting producer at the provisional stage of this proceeding (see recital 236 of the provisional Regulation). As mentioned in recital 128, the incorporation of new data in the definitive injury margin calculation had an impact on the injury elimination level found. The minimum price of the undertaking was therefore adapted accordingly.

(138) Subsequent to the disclosure of the provisional findings, the complainant Community industry objected to the Commission's decision to accept an undertaking from the Bulgarian exporting producer. In this respect, it was argued that the company concerned was related — or had close technical and industrial relations — to other exporters and/or producers of nitrogen fertilisers including urea, located in Bulgaria, Belarus and the Ukraine which would constitute a strong potential for compensatory arrangements. Furthermore, the Community industry raised concerns regarding the ability of this exporting producer to fulfil the obligations of an undertaking.

(139) On a more general basis, the Community industry claimed that undertakings, and thus minimum prices, would be an inappropriate measure with regard to nitrogen fertilisers including urea.

(140) It should be noted that the Community industry could not support the allegations made with regard to the exporting producer in Bulgaria by sufficient evidence. Furthermore, the investigation of the Commission did not confirm these allegations and they had therefore to be rejected. As far as the appropriateness of the undertaking is concerned it should be noted that such assessment should primarily focus on the company specific situation. Thus, it was found that the company concerned produces and exports only urea and that an effective monitoring of the undertaking is most likely in this case.

(141) In any case, in the event of suspected breach, breach or withdrawal of the undertaking an anti-dumping duty may be imposed, pursuant to Article 8(9) and (10) of the Basic Regulation.

(142) All other undertaking offers received were also analysed in detail. Two main obstacles to the acceptability of these undertaking offers resulted from this examination:

(143) The exporting producers concerned in Lithuania, Romania, Croatia, Ukraine and Libya are producers of different types of fertilisers and/or other chemical products and have consistently in the past exported these products to common customers (mostly traders) in the Community. This practice raises a serious risk of cross-compensation i.e. that any undertaking prices would be formally respected but that prices for products not concerned would be lowered. All this would render the commitment to respect a minimum price for urea easy to circumvent and extremely difficult to monitor effectively.

(144) Furthermore, certain producers (vg: Estonia, Ukraine, Belarus) claimed that they had no control over, or even knowledge of the destination and/or sales conditions of their exports of urea, while it was clear from official statistics that the product was exported to the Community in large quantities during the investigation period. It is recalled that given that these companies did not provide sufficient information in this respect, the Commission had no option but to make use of facts available in accordance with Article 18 of the Basic Regulation to establish export prices. In addition, certain exporters (Libya, Estonia) provided overall a deficient level of cooperation during the investigation. It was considered that these facts render the risk of accepting an undertaking unreasonably high and the guarantees to assure a proper monitoring unsatisfactory.

(145) For the reasons set out above, it was therefore concluded that none of the undertakings offered subsequent to the disclosure of the definitive findings should be accepted.

(146) The interested parties were informed accordingly and the reasons why the undertaking offered could not be accepted disclosed in detail to the exporters concerned. The Advisory Committee has been consulted,

HAS ADOPTED THIS REGULATION:

Article 1

1. A definitive anti-dumping duty is hereby imposed on imports of urea, whether or not in aqueous solution, falling within CN codes 3102 10 10 and 3102 10 90 originating in Belarus, Bulgaria, Croatia, Estonia, Libya, Lithuania, Romania and the Ukraine.

2. The rate of the definitive anti-dumping duty, applicable, before duty, to the net, free-at-Community frontier price of the product described in paragraph 1 above, shall be as follows:

Country of origin	Produced by	Definitive anti-dumping duty (euro per ton)	TARIC additional code
Belarus	All companies	7,81	—
Bulgaria	All companies	21,43	A999
Croatia	All companies	9,01	—
Estonia	All companies	11,45	—
Libya	All companies	11,55	—
Lithuania	All companies	10,05	—
Romania	S.C. Amonil SA, Slobozia	7,20	A264
	Petrom SA Sucursala Doljchim Craiova, Craiova	6,18	A265
	Sofert SA, Bacau	8,01	A266
	All other companies	8,01	A999
Ukraine	Open Joint Stock Company Cherkassy Azot, Cherkassy	16,27	A268
	Joint Stock Company DniproAzot, Dniprodzerzinsk	8,85	A269
	All other companies	16,84	A999

3. In cases where goods have been damaged before entry into free circulation and, therefore, the price actually paid or payable is apportioned for the determination of the customs value pursuant to Article 145 of Commission Regulation (EEC) No 2454/93 of 22 July 1993 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code [1] the amount of anti-dumping duty, calculated on the basis of paragraph 2 above, shall be reduced by a percentage which corresponds to the apportioning of the price actually paid or payable.

4. Unless otherwise specified, the provisions in force concerning customs duties shall apply.

Article 2

1. Imports shall be exempt from the anti-dumping duties imposed by Article 1 provided that they are produced and directly exported (i.e. shipped and invoiced) to the first independent customer in the Community acting as an importer by the company named below which has offered undertakings accepted by the Commission, when such imports are in conformity with paragraph 2.

Country	Company	TARIC additional code
Bulgaria	Chimco AD, Shose az Mezdra, 3037 Vratza	A272

2. (a) When the declaration for release for free circulation pursuant to an undertaking is presented, exemption from the duty shall be conditional upon presentation of a valid commercial invoice, issued by the company listed in paragraph 1, to the Member States customs authorities.

(b) The undertaking invoice shall conform with the requirements for such invoices set out in the undertaking accepted by the Commission, the essential elements of which are listed in the Annex.

(c) Exemption from the duty shall further be conditional on the goods presented to customs corresponding precisely to the description on the commercial invoice.

3. Imports accompanied by such an undertaking invoice shall be declared under the TARIC additional code provided in paragraph 1.

Article 3

The amounts secured by way of the provisional anti- dumping duty imposed pursuant to Regulation (EC) No 1497/2001 shall be definitively collected at the rate of the duties definitively imposed on imports of urea, whether or not in aqueous solution, falling within CN codes 3102 10 10 and 3102 10 90 originating in Belarus, Bulgaria, Croatia, Estonia, Libya, Lithuania, Romania and the Ukraine.

The amounts secured in excess of the definitive rate of anti-dumping duties shall be released.

Article 4

This Regulation shall enter into force on the day following that 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, 17 January 2002.

For the Council

The President

J. PIQUÉ I CAMPS

[1] OJ L 253, 11.10.1993, p. 1. Regulation as last amended by Commission Regulation (EC) No 993/2001 (OJ L 141, 28.5.2001, p. 1).

ANNEX

The following elements shall be indicated in the commercial invoice accompanying the Company's sales of urea to the Community which are subject to the Undertaking:

1. The heading 'COMMERCIAL INVOICE ACCOMPANYING GOODS SUBJECT TO AN UNDERTAKING'
2. The name of the company mentioned in Article 2(1) issuing the commercial invoice
3. The commercial invoice number
4. The date of issue of the commercial invoice
5. The TARIC additional code under which the goods on the invoice are to be customs cleared at the Community frontier
6. The exact description of the goods, including:
   — the Product Code Number (PCN)
   — the description of the goods corresponding to the PCN (i.e. 'PCN 1 urea in bulk', 'PCN 2 urea, bagged')
   — the company product code number (CPC) (if applicable)
   — CN-code
   — quantity (to be given in tonnes)
7. The description of the terms of sale, including:
   — price per tonne
   — the applicable payment terms
   — the applicable delivery terms
   — total discounts and rebates
8. Name of the company acting as an importer to which the invoice is issued directly by the company
9. The name of the official of the company that has issued the undertaking invoice and the following signed declaration:

   'I, the undersigned, certify that the sale for direct export by [company name] to the European Community of the goods covered by this invoice is being made within the scope and under the terms of the Undertaking offered by [company name], and accepted by the Commission of the European Communities through [Regulation (EC) No 1497/2001]. I declare that the information provided in this invoice is complete and correct.'

COMMISSION REGULATION (EC) No 93/2002

of 18 January 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 1498/98 [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 19 January 2002.

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

Done at Brussels, 18 January 2002.

For the Commission

Franz FISCHLER

Member of the Commission

[1] OJ L 337, 24.12.1994, p. 66.
[2] OJ L 198, 15.7.1998, p. 4.

ANNEX

to the Commission Regulation of 18 January 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	98,6
	204	108,5
	212	110,5
	624	242,6
	999	140,1
0707 00 05	052	169,4
	628	191,7
	999	180,6
0709 90 70	052	228,6
	204	330,4
	999	279,5
0805 10 10, 0805 10 30, 0805 10 50	052	52,1
	204	58,2
	212	50,2
	220	48,4
	508	13,4
	999	44,5
0805 20 10	204	94,5
	999	94,5
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	052	61,1
	464	94,0
	624	76,0
	999	77,0
0805 50 10	052	55,9
	600	59,1
	999	57,5
0808 10 20, 0808 10 50, 0808 10 90	060	40,6
	400	106,5
	404	95,9
	720	110,2
	728	105,5
	999	91,7
0808 20 50	400	106,9
	512	64,6
	720	88,1
	999	86,5

(1) Country nomenclature as fixed by Commission Regulation (EC) No 2020/2001 (OJ L 273, 16.10.2001, p. 6). Code '999' stands for 'of other origin'.

COMMISSION REGULATION (EC) No 94/2002

of 18 January 2002

laying down detailed rules for applying Council Regulation (EC) No 2826/2000 on information and promotion actions for agricultural products on the internal market

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2826/2000 of 19 December 2000 on information and promotion actions for agricultural products on the internal market, [1] and in particular Articles 12 and 16 thereof,

Whereas:

(1) Detailed rules should be laid down for applying the measures to provide information about, and to promote, agricultural products and, secondarily, foodstuffs on the internal market.

(2) In the interests of sound management, the frequency with which lists of themes and products eligible under these measures are to be drawn up should be specified.

(3) In order to prevent any risk of distortion of competition, guidelines should be drawn up on the way the specific origin of products covered by promotion and information campaigns is to be referred to.

(4) The procedure for presenting programmes and selecting implementing bodies should be determined with a view to ensuring the broadest possible competition and free movement of services.

(5) Criteria governing the selection of programmes by the Member States and their scrutiny by the Commission should be established with a view to ensuring that the Community rules are complied with and that the measures to be implemented are effective, in particular in the light of Council Directive 92/50/EEC of 18 June 1992 relating to the coordination of procedures for the award of public service contracts [2], as last amended by Commission Directive 2001/78/EC [3].

(6) In the context of its collaboration with the Member States, once the Commission has scrutinised the programmes it is to notify the Management Committee of the programmes approved and their budgets.

(7) General guidelines on campaigns should be laid down for the purpose of managing the programmes to be implemented. Campaigns should have an informative aspect in accordance with Article 3 of Regulation (EC) No 2826/2000. Initially, these guidelines have been drawn up for a limited number of key sectors, without prejudice to the inclusion of other sectors or themes at a later date. Guidelines have still to be drawn up for live plants and floricultural products.

(8) With a view to ensuring that the Community measures are effective, preferential criteria should be laid down for selecting programmes so as to optimise their impact.

(9) In the case of programmes involving more than one Member State, provision should be made for measures to ensure that the Member States concerned cooperate in submitting and scrutinising programmes.

(10) The consequences, which may involve, where appropriate, a reduction of Community financing, should be spelled out in cases where an organisation is rejected for lack of part-financing by a Member State and Article 9(3) of Regulation (EC) No 2826/2000 does not apply.

(11) The checks to be carried out by the Member States on programmes managed directly by them should be determined.

(12) Detailed rules on the Community's financial contribution should be laid down in the interests of sound financial management. It should be specified in particular that, in the case of multiannual programmes, the Community's total financial contribution may not exceed 50 % of the total cost.

(13) The various arrangements ensuring that commitments entered into are fulfilled should be laid down in contracts to be concluded between the parties concerned and the competent national authorities within a reasonable time limit, using standard forms of contract supplied by the Commission.

(14) With a view to the proper performance of such contracts, contractors should lodge a security equal to 15 % of the Community contribution in favour of the competent authority. To the same end, a security should be lodged where an advance payment is applied for.

[1] OJ L 328, 21.12.2000, p. 2.
[2] OJ L 209, 24.7.1992, p. 1.
[3] OJ L 285, 29.10.2001, p. 1.

(15) The primary requirement within the meaning of Article 20 of Commission Regulation (EEC) No 2220/85 [1], as last amended by Regulation (EC) No 1932/1999 [2], should be defined.

(16) With a view to budget management requirements, a penalty should be laid down for failure to submit, or late submission of, intermediate payment applications and for late payment by Member States.

(17) In the interests of sound financial management and in order to avoid any danger that payments to be made take up the whole of the Community financial contribution and leave no balance to pay, provision should be made for advances and intermediate payments not to exceed 80 % of the Community contribution. To the same end, applications for payment of the balance must reach the competent authorities within a specified time limit.

(18) The Member States should monitor the implementation of the measures covered by this Regulation and the Commission should be kept informed of the results thereof. In the interests of sound financial management, provision should be made for the Member States to cooperate where measures are implemented in a Member State other than the one in which the competent authority signing the contract is established.

(19) Regulation (EC) No 2826/2000 harmonises information and promotion measures for agricultural products on the internal market and brings them together in a single text. The detailed implementing rules for the different sectors should therefore also be harmonised and simplified. Accordingly, the existing sectoral implementing provisions and regulations relating to the promotion of agricultural products should be repealed.

(20) The measures provided for in this Regulation are in accordance with the opinion of the joint meeting of the management committees on agricultural product promotion,

HAS ADOPTED THIS REGULATION:

Article 1

For the purposes of Article 6(1) and Article 7(1) of Regulation (EC) No 2826/2000, 'programme' means a coherent set of measures of a scope that is sufficient to contribute towards improving information about, and sales of, the products concerned.

Article 2

1. In compliance with the criteria set out in Article 3 of Regulation (EC) No 2826/2000, the promotion and/or information message passed on to consumers and other target groups shall include the intrinsic qualities and/or characteristics of the product concerned.

2. Any reference to the origin of products shall be secondary to the central message of a campaign. However, the origin of a product may be indicated in the case of a designation under Community rules or a feature of a typical product needed to illustrate the promotion or information campaign.

Article 3

The lists of themes and products referred to in Article 4 of Regulation (EC) No 2826/2000 shall be drawn up by 31 March at the latest every two years. The initial lists are set out in Annex I hereto.

The competent national authorities for the application of this Regulation are listed in Annex II.

Article 4

Programmes as referred to in Article 1 shall be implemented over a period of at least one year but not more than three years from the date on which the relevant contract takes effect.

Article 5

1. With a view to implementing measures contained in programmes as referred to in Article 6 of Regulation (EC) No 2826/2000, the Community trade federations or interbranch organisations that are representative of the sector(s) concerned shall submit programmes in response to calls for proposals issued by the Member States concerned no later than 15 March the first time and no later than 15 June thereafter. Such programmes shall comply with the guidelines referred to in Article 5 of Regulation (EC) No 2826/2000 and the specifications stipulating exclusion, selection and award criteria distributed to that end by the Member States concerned.

The initial guidelines are set out in Annex III hereto.

2. Member States shall take the necessary steps to ensure that, under contracts involving their country, the authorities awarding contracts enforce Directive 92/50/EEC.

3. Where an information and/or promotion programme involving more than one Member State is planned, the Member States concerned shall cooperate in drawing up compatible specifications and calls for proposals.

[1] OJ L 205, 3.8.1985, p. 5.
[2] OJ L 240, 10.9.1999, p. 11.

4. In response to such calls for proposals, the organisations referred to in paragraph 1 shall draw up information and promotion programmes in cooperation with the implementing body or bodies that they have selected by a competitive procedure using appropriate means validated by the Member State concerned.

5. In the case of programmes involving more than one Member State, the Member States concerned shall cooperate in selecting the programmes and shall undertake to contribute to their financing in accordance with Article 9(2).

Article 6

In cases where a Member State makes no financial contribution and Article 9(3) is not applied, the trade federation or interbranch organisation of that Member State shall be excluded from the programme.

Article 7

1. No later than 31 August each year, but for the first time no later than 15 May, the Member States shall send the Commission a provisional list of the programmes and implementing bodies which they have selected and a copy of each programme. In the case of programmes involving more than one Member State, this notification shall be made by common accord of the Member States concerned.

2. Where a programme is found not to comply with the Community rules or the guidelines referred to in Annex III, the Commission shall inform the Member State(s) concerned, within 60 calendar days of receipt of the provisional list, that all or part of that programme is ineligible.

3. After checking programmes, the Commission shall notify the joint management committees provided for in Article 13 of Regulation (EC) No 2826/2000 of the programmes selected and their budgets no later than 31 July the first time and no later than 15 November thereafter.

4. The proposing trade federations or interbranch organisations shall be responsible for the proper implementation of the programmes selected.

Article 8

Where Article 7 of Regulation (EC) No 2826/2000 is applied, the provisional list of programmes shall be communicated to the Commission no later than 15 June the first time and no later than 30 September thereafter. The joint management committees shall be informed for the first time no later than 15 September and no later than 15 December thereafter.

Article 9

1. The Community's financial contribution to measures as referred to in Article 9(1)(b) of Regulation (EC) No 2826/2000 shall amount to:

(a) 50 % of the actual cost of measures under programmes lasting one year;

(b) 60 % of the actual cost of measures during the first year and 40 % during the second year under programmes lasting two years, up to a total Community contribution not exceeding 50 % of the total cost of the programme;

(c) 60 % of the actual cost of measures during the first year, 50 % during the second year and 40 % during the third year under programmes lasting three years, up to a total Community contribution not exceeding 50 % of the total cost of the programme.

This financial contribution shall be paid to Member States as referred to in Article 10(2) of Regulation (EC) No 2826/2000.

2. Member States' financial contributions to measures as referred to in Article 9(2) of Regulation (EC) No 2826/2000 shall amount to 20 % of their actual cost. Where more than one Member State contributes to the financing, the share to be paid by each shall be proportionate to the financial contribution of the proposing organisation established in its territory.

Article 10

1. As soon as the final list, referred to in the third subparagraph of Article 6(3) of Regulation (EC) No 2826/2000, of programmes selected by the Member States has been drawn up, the individual organisations concerned shall be informed by the Member States whether or not their applications have been accepted. The Member States shall conclude contracts with the selected organisations within the following 30 calendar days. Beyond that deadline, no contracts may be concluded without prior authorisation from the Commission.

2. The Member States shall use standard forms of contract supplied by the Commission.

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

However, where the contractor is a body governed by public law or acts under the supervision of such a body, the competent authority of the Member State may accept a written guarantee from the supervisory body covering an amount equal to the percentage specified in the first subparagraph, provided that the supervisory body undertakes to ensure that:

— the obligations entered into are properly discharged, and

— the sums received are used properly to discharge the obligations entered into.

Proof that the performance security has been lodged must reach the Member State within the time limit laid down in paragraph 1.

Performance securities shall be released within the time limit and on the terms laid down in Article 12 of this Regulation for payment of the balance.

4. The primary requirement within the meaning of Article 20 of Regulation (EEC) No 2220/85 shall be implementation of the measures covered by the contract.

5. The Member State shall immediately send the Commission a copy of the contract and proof that the performance security has been lodged. It shall also send a copy of the contract concluded by the selected organisation with the implementing body.

The latter contract shall contain the provision that the implementing body must submit to the checks provided for in Article 13.

Article 11

1. Within 30 calendar days of the contract being signed, a contractor may submit an application for an advance payment to the Member State concerned, together with the security provided for in paragraph 3. Beyond that date, no applications for an advance may be made.

The advance payment may amount to no more than 30 % of the annual contribution from the Community and the Member State(s) concerned.

2. The Member State shall pay the advance within 30 calendar days of submission of the application for advance payment. Where payment is made late, Article 4 of Commission Regulation (EC) No 296/96 [1] shall apply.

3. The advance shall be paid on condition that the contractor lodges a security equal to 110 % of that advance in favour of the Member State in accordance with Title III of Regulation (EEC) No 2220/85.

However, if the contractor is a body governed by public law or acts under the supervision of such a body, the competent authority may accept a written guarantee from the supervisory body covering an amount equal to the percentage specified in the first subparagraph, provided the supervisory body undertakes to pay the amount covered by its guarantee if entitlement to the advance as paid is not established.

Article 12

1. Applications for intermediate payments of the Community and Member State contributions shall be submitted before the end of the calendar month following the month in which each period of three months calculated from the date of signing of the contract expires. Such applications shall cover the expenditure incurred during the quarter concerned and shall be accompanied by a summary financial statement, the relevant supporting documents and an interim report on the implementation of the contract. Where no expenditure has been incurred during the quarter concerned, a statement to that effect shall be submitted within the same time limit as for applications for intermediate payments.

Except in cases of *force majeure*, where an application for intermediate payment and the relevant documents are submitted late, the payment shall be reduced by 3 % for each whole month by which it is overdue.

Intermediate payments and the advance payment referred to in Article 11(1) taken together may not exceed 80 % of the total annual financial contribution from the Community and the Member States concerned. Once that level is reached, no more intermediate payment applications shall be submitted.

2. Applications for payment of the balance shall be submitted within four months of completion of the annual measures covered by the contract.

To be considered as duly submitted, applications must be accompanied by:

(a) a summary financial statement showing all expenditure scheduled and incurred and all relevant supporting documents relating to the expenditure;

(b) a summary of the work carried out (activity report);

(c) an internal report, drawn up by the contractor, evaluating the results obtained, as ascertainable at the date of the report, and the use that can be made of them.

Except in cases of *force majeure*, where an application for payment of the balance is submitted late, the balance shall be reduced by 3 % for each month by which it is overdue.

3. The balance shall not be paid until the documents referred to in paragraph 2 have been checked.

Where the primary requirement referred to in Article 10(4) is not satisfied in full, the balance payable shall be reduced proportionately.

4. The security referred to in Article 11(3) shall be released on condition that definitive entitlement to the advance as paid has been established.

5. Member States shall make the payments referred to in the previous paragraphs within 60 calendar days of receipt of the application for payment. However, that period may be interrupted at any time during the 60 days after the application for payment is first recorded as received, by notifying the contractor concerned that the application is not acceptable either because the amount is not due or because the supporting documents required for all additional applications have not been supplied or because the Member State sees the need for further information or checks. The payment period shall start running again from the date of receipt of the information requested, which must be forwarded within 30 calendar days. Except in cases of *force majeure*, where the above payments are made late, the amount reimbursed to the Member State shall be reduced in accordance with Article 4 of Regulation (EC) No 296/96.

6. Performance securities as provided for in Article 10(3) must remain valid until the balance is paid and shall be released by means of a letter of discharge issued by the competent authority.

7. Within 30 calendar days of receipt, the Member State shall send the Commission:

— the quarterly reports on implementation of the contract,

— the summaries referred to in paragraph 2(a) and (b),

— the internal evaluation report.

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

8. After the balance has been paid, the Member State shall send the Commission a financial statement detailing the expenditure incurred under the contract.

It shall also certify that, in the light of checks carried out, all the expenditure may be considered eligible under the terms of the contract.

9. Any securities forfeit and penalties imposed shall be deducted from the expenditure part-financed by the Community and declared to the EAGGF Guarantee Section.

Article 13

1. In particular by means of technical, administrative and accounting checks at the premises of the contractor and the implementing body, the Member States shall take the steps necessary to verify that:

(a) the information and supporting documents supplied are accurate, and

(b) all the obligations laid down in the contract have been fulfilled.

Without prejudice to Council Regulation (EEC) No 595/91 [1], the Member States shall inform the Commission at the earliest opportunity of any irregularities detected during checks.

2. The Member State concerned shall determine the most appropriate way of checking on the measures covered by this Regulation and shall notify the Commission thereof.

3. In the case of programmes covering more than one Member State, the Member States concerned shall take the necessary steps to coordinate their checks and shall inform the Commission thereof.

4. The Commission may take part at any time in the verifications and checks provided for in paragraphs 2 and 3. To that end, the competent authorities of the Member States shall notify the Commission in good time of verifications and checks planned.

The Commission may also carry out any additional checks it considers necessary.

Article 14

1. Where undue payments are made, the beneficiary shall repay the amounts concerned plus interest calculated on the basis of the time elapsing between payment and repayment by the beneficiary.

The interest rate to be used shall be that applied by the European Central Bank to its operations in euro on the date of the undue payment, as published in the C series of the *Official Journal of the European Communities*, plus three percentage points.

2. Amounts recovered and the relevant interest shall be paid to the paying agencies or departments and deducted by them from the expenditure financed by the European Agricultural Guidance and Guarantee Fund in proportion to the Community financial contribution.

[1] OJ L 67, 14.3.1991, p. 11.

Article 15

Articles 10, 11, 12, 13 and 14 shall also apply to programmes presented in accordance with Article 7 of Regulation (EC) No 2826/2000.

The contracts for these programmes shall be concluded between the Member States concerned and the selected implementing organisations.

Article 16

1. The following provisions are hereby deleted:

(a) Articles 13, 14, 15, 16 and 17 of Commission Regulation (EEC) No 2159/89 of 18 July 1989 laying down detailed rules for applying the specific measures for nuts and locust beans as provided for in Title IIa of Council Regulation (EEC) No 1035/72 [2];

(b) Article 6 of Commission Regulation (EC) No 1905/94 of 27 July 1994 on detailed rules for the application of Council Regulation (EC) No 399/94 concerning specific measures for dried grapes [3].

2. The following Regulations are hereby repealed:

(a) Commission Regulation (EEC) No 1348/81 of 20 May 1981 on detailed rules for applying Council Regulation (EEC) No 1970/80 laying down general implementing rules for campaigns aimed at promoting the consumption of olive oil in the Community [4];

(b) Commission Regulation (EEC) No 1164/89 of 28 April 1989 laying down detailed rules concerning the aid for fibre flax and hemp [5];

(c) Commission Regulation (EEC) No 2282/90 of 31 July 1990 laying down detailed rules for increasing the consumption and utilisation of apples and the consumption of citrus fruit [6];

(d) Commission Regulation (EEC) No 3601/92 of 14 December 1992 laying down detailed rules for the application of specific measures for table olives [7];

(e) Commission Regulation (EEC) No 1318/93 of 28 May 1993 on detailed rules for the application of Council Regulation (EEC) No 2067/92 on measures to promote and market quality beef and veal [8];

(f) Commission Regulation (EC) No 890/1999 of 29 April 1999 on the organisation of publicity measures relating to the Community system for the labelling of beef and veal [9];

[2] OJ L 207, 19.7.1989, p. 19.
[3] OJ L 194, 29.7.1994, p. 21.
[4] OJ L 134, 21.5.1981, p. 17.
[5] OJ L 121, 29.4.1989, p. 4.
[6] OJ L 205, 3.8.1990, p. 8.
[7] OJ L 366, 15.12.1992, p. 17.
[8] OJ L 132, 29.5.1993, p. 83.
[9] OJ L 113, 30.4.1999, p. 5.

(g) Commission Regulation (EC) No 3582/93 of 21 December 1993 on detailed rules for the application of Council Regulation (EEC) No 2073/92 on promoting consumption in the Community and expanding the markets for milk and milk products [1];

(h) Commission Regulation (EC) No 803/98 of 16 April 1998 laying down detailed rules for 1998 for the application of Council Regulation (EC) No 2275/96 introducing specific measures for live plants and floricultural products [2].

3. The Regulations listed in paragraph 2 shall continue to apply to information and promotion programmes approved before the entry into force of this Regulation.

Article 17

This Regulation shall enter into force on the seventh day following 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, 18 January 2002.

For the Commission

Franz FISCHLER

Member of the Commission

[1] OJ L 326, 28.12.1993, p. 23.
[2] OJ L 115, 17.4.1998, p. 5.

ANNEX I

(a) **List of themes for which information and/or promotion measures may be carried out**

— Information about protected designations of origin (PDOs), protected geographical indications (PGIs), traditional specialities guaranteed (TSGs) and the graphic symbols laid down in agricultural legislation.
— Information about organic farming.
— Information about agricultural production systems that guarantee product traceability and the labelling of such products.
— Information on the quality and safety of food and nutritional and health aspects.

(b) **List of products which may be covered by campaigns**

— Milk products.
— Quality wines psr, table wines with a geographical indication.
— Fresh fruit and vegetables.
— Processed fruit and vegetables.
— Live plants and floricultural products.

ANNEX II

List of competent bodies in the Member States

(for administering Regulations (EC) No 2702/1999 and (EC) No 2826/2000)

Member State	Name and address	
Belgium	B.I.R.B. Rue de Trèves B-1040 Bruxelles	Tel. (32-02) 287 24 11 Fax (32-02) 230 25 33 e-mail
	Vlaamse Gemeenschap: Administratie Land- en Tuinbouw (ALT) (dhr. J. Van Liefferinge) Directeur-generaal Leuvenseplein 4 B-1000 Brussel	Tel. (32-02) 553 63 40 Fax (32-02) 553 63 50 email jules.vanliefferinge@ewbl.vlaanderen.be
	Région wallonne: Agence Wallonne à l'Exportation (AWEX) (M. Ph. Suinen) Directeur général Place Sainctelette 2 B-1080 Bruxelles	Tel. (32-02) 421 82 11 Fax (32-02) 421 87 87 email mail@awex.wallonie.be
Denmark	Ministeriet for Fødevarer, Landbrug og Fiskeri Direktoratet for FødevareErhverv EU-Koordinationskontoret (Thor Lind Haugstrup) Kampmannsgade 3 DK-1780 København V	Tel. (45) 33 95 83 83 Fax (45) 33 95 80 21 e-mail hau@dffe.dk
	Ministeriet for Fødevarer, Landbrug og Fiskeri Direktoratet for FødevareErhverv, Interventionskontoret (Carsten Andersen) Kampmannsgade 3 DK-1780 København V	Tel. (45) 33 95 80 00/33 95 88 04 Fax (45) 33 95 80 34 e-mail dffe@dffe.dk/caea@dffe.dk
Germany	Bundesanstalt für Landwirtschaft und Ernährung (BLE) D-60631 Frankfurt/Main	Tel. Fax e-mail www.dainet.de/ble/
	Referat 322 pflanzliche Erzeugnisse	Tel. (069) 15 64 335 Fax (069) 15 64 940 e-mail
	Referat 411 tierische Erzeugnisse	Tel. (069) 15 64 862/756 Fax (069) 15 64 791 e-mail
Greece	Ministry of Agriculture Direction of Agricultural Extenses Acharnon Street 5 GR-10176 Athens	Tel. 00 30 10 52 47 044 Fax 00 30 10 52 48 022 e-mail direfarm@minagric.gr
Spain	Ministerio de Agricultura, Pesca y Alimentación (MAPA) Subsecretaría — Dirección General de Alimentación (Don Juan García Butragueño) Paseo Infanta Isabel 1, E-28014 Madrid	Tel.: (34-91) 347 50 91 Fax: (34-91) 347 51 68 e-mail:
France	Office national interprofessionnel des viandes de l'élevage et de l'aviculture (OFIVAL) (M. Geudar-Delahaye) 80, avenue des terroirs de France F-75607 Paris Cedex 12	Tel. 33 1 44 68 50 00 Fax 33 1 44 68 52 33 e-mail
	Office national interprofessionnel du lait et des produits laitiers (ONILAIT) (M[me] Boulengier) 2, rue Saint-Charles F-75740 Paris Cedex 15	Tel. 33 1 73 00 50 00 Fax 33 1 73 00 50 50 e-mail
	Office national interprofessionnel des fruits, des légumes et de l'horticulture (ONIFLHOR) (M. Laneret) 164, rue de Javel F-75739 Paris Cedex 15	Tel. 33 1 44 25 36 36 Fax 33 1 44 25 31 69 e-mail

Member State	Name and address	
	Office national interprofessionnel des vins (ONIVINS) (M. Dairien) 232, rue de Rivoli F-75001 Paris	Tel. 33 1 42 86 32 00 Fax 33 1 40 15 06 96 e-mail
	Office national interprofessionnel des produits de la mer et de l'aquaculture (OFIMER) (M. Merckelbagh) 11, rue de Sébastopol F-75001 Paris	Tel. 33 1 53 00 96 96 Fax 33 1 53 00 96 99 e-mail
	Office national interprofessionnel des céréales (ONIC) Office national interprofessionnel des oléagineux, protéagineux et cultures textiles (ONIOL) (M. Drege) 21, avenue Bosquet F-75015 Paris	Tel. 33 1 44 18 20 00 Fax 33 1 45 51 90 99 e-mail
	Institut national des appellations d'origines (INAO) (M. Bernard) 138, Champs-Élysées F-75008 Paris	Tel. 33 1 53 89 80 00 Fax 33 1 42 25 57 97 e-mail
	Fonds d'intervention et de régulation du marché du sucre (FIRS) (M[me] Ulmann) 120, boulevard de Courcelles F-75017 Paris	Tel. 33 1 56 79 46 00 Fax 33 1 56 79 46 50 e-mail
	Office de développement de l'économie agricole des départements d'outre-mer (ODEADOM) (M. Lefevre) 31, quai de Grenelle, Tour Mercure 1 F-75738 Paris Cedex 15	Tel. 33 1 53 95 41 70 Fax 33 1 53 95 41 95 e-mail
	Office national interprofessionnel des plantes à parfum, aromatiques et médicinales (ONIPPAM) (M. De Laurens) 25, rue du Maréchal Foch F-04130 Voix	Tel. 33 4 92 79 34 46 Fax 33 4 92 79 33 22 e-mail
Ireland	Department of Agriculture, Food and Rural Development (Ms Maura Nolan) Kildare Street Dublin 2	Tel. (353-1) 607 20 00/607 26 53 Fax (353-1) 661 62 63 e-mail maura.nolan@daff.irlgov.ie
Italy	AGEA Dr. Alberto Migliorini Direzione Organismo Pagatore Via Palestro, 81 I-00185 Roma	Tel. (39-06) 49 49 91 Fax (39-06) 445 39 40 e-mail aimauo01@tin.it
Luxembourg	Administration des services techniques de l'Agriculture 16, route d'Esch, boîte postale 1904 L-1019 Luxembourg	Tel. 45 71 72 215 Fax 45 71 72 341 e-mail www.asta.etat.lu asta.asta@asta.etat.lu
Netherlands	Ministerie van Landbouw, Natuurbeheer en Visserij Directie I.Z.; desk P.P. Postbus 20401 2500 EK Den Haag Nederland	Tel. (31-70) 378 68 68 Fax (31-70) 378 61 05 e-mail p.j.buiter@iz.agro.nl
	Ministerie van Landbouw, Natuurbeheer en Visserij Agentschap LASER T.a.v. ir. M.A. Romeyn-van Zwieten Regio Zuid-West Postbus 1191 3300 BD Dordrecht Nederland	Tel. (31-78) 639 53 95 Fax (31-78) 639 53 94 e-mail m-a.romeyn@laser.agro.nl

Member State	Name and address	
Austria	Agrarmarkt Austria Dresdner Straße 70 A-1200 Wien	Tel. (43-1) 33 151-0 Fax (43-1) 33 151-297 e-mail www.ama.at
	Wein: Bundesministerium für Land- und Forstwirtschaft, Umwelt und Wasserwirtschaft Stubering 12 A-1010 Wien	Tel. (43-1) 711 00-0 Fax (43-1) 711 00-29 01 e-mail
Portugal	Ministério da Agricultura (GPPAA) Rua padre António Vieira, n.º 1 P-1099-073 Lisboa	Tel. (351) 21 381 93 36 Fax (351) 21 381 93 22 e-mail anacastro@GPPAA.min-agricultura.pt
Finland	Ministry of Agriculture and Forestry Intervention Unit (SIRVIO Tapani) PO Box 30 FIN-00023 GOVERNMENT	Tel. (358-9) 160 27 54 Fax (358-9) 160 97 90 e-mail petri.koskela@mmm.fi
Sweden	Swedish Baord of Agriculture S-55182 Jönköping	Tel. (46-36) 15 50 00, 15 58 58 Fax (46-36) 71 95 11 e-mail jordbruksverket@sjv.se Maria.nyquist@sjv.se
United Kingdom	Ministry of Agriculture, Fisheries and Food (MAFF) International Relations and Export Promotion Division (Jill Russell) Whitehall Place (East Block) London SWIA 2 HH	Tel. (44-207) 270 19 04 Fax (44-207) 270 84 94 e-mail j.russell@irep.maff.gsi.gov.uk

ANNEX III

GUIDELINES FOR PROMOTION ON THE INTERNAL MARKET

Information on the Community system of protected designations of origin (PDOs), protected geographical indications (PGIs) and traditional specialities guaranteed (TSGs) and their respective logos

1. OVERVIEW OF THE SITUATION

The Community's information campaign in 1996-98 was the first step taken to publicise the existence, meaning and benefits of the two Community systems for protecting agri-foodstuffs with specific characteristics and for increasing their commercial value.

In view of the campaign's short run, recognition of these designations, which now cover some 562 Community products, should be improved by continuing with the measure to publicise their meaning and benefits. The information will also cover the Community logos created to this end, in particular the logo for PDOs and PGIs created in 1998.

2. GOALS

— To encourage producers/processors to use these quality systems.
— To stimulate demand for the products concerned by informing consumers and distributors of the existence, significance and benefits of the quality systems and their logos, the conditions under which designations are awarded, and the relevant checks and controls.

3. MAIN TARGETS

— Producers and processors.
— Distributors (supermarkets, wholesalers, retail outlets, restaurants).
— Consumers.
— Opinion multipliers.

4. MAIN MESSAGES

— The product has specific characteristics associated with its geographical origin (PDO/PGI).
— The product has specific characteristics associated with its particular traditional method of production, regardless of where it is produced (TSG).
— Quality aspects (safety, nutritional value and taste, traceability).
— Diversity, richness and flavour of the products concerned.
— The presentation of some PGI, PDO or TSG products as examples of the successful commercial enhancement of foodstuffs with special characteristics.

5. MAIN CHANNELS

— Electronic channels (an Internet site).
— PR contacts with the media (specialised, women's and culinary press).
— Contacts with consumer associations.
— Information at points of sale.
— Audio-visual media.
— Written documents (leaflets, brochures, etc.).
— Participation at trade fairs and shows.
— Publicity in the specialised press.

6. DURATION OF THE PROGRAMME

24-36 months, with targets set for each stage.

7. INDICATIVE BUDGET

EUR 4 million.

Information on the graphic symbol for the most remote regions

1. OVERVIEW OF THE SITUATION

The outside evaluation study shows that the Community's 1998-99 information campaign on the graphic symbol (logo) for the most remote regions was received with a great deal of interest on the part of those operating in that sector.

As a result, some producers and processors sought approval for their quality products, so that they could use the logo.

In view of the short run of this first campaign, the time is now ripe to improve the various target-groups' awareness of the logo by continuing the measures to inform them about its meaning and benefits.

2. GOALS

— To publicise the existence, meaning and benefits of the logo.
— To encourage producers and processors in the regions concerned to use the logo.
— To improve awareness of the logo among distributors and consumers.

3. MAIN TARGETS

— Local producers and processors.
— Distributors and consumers.
— Opinion multipliers.

4. MAIN MESSAGES

— The product is typical and natural.
— It originates in a Community region.
— Quality (safety, nutritional value and taste, production method, link with origin).
— The product's exotic nature.
— Variety of the supply, including out of season.
— Traceability.

5. MAIN CHANNELS

— Electronic channels (Internet site, etc.).
— Telephone information line.
— PR contacts with the media (e.g. specialised journalists, women's press, culinary press).
— Demonstrations at points of sale, fairs and shows, etc.
— Contacts with doctors and nutritionists.
— Other channels (leaflets, brochures, recipes, etc.).
— Audio-visual media.
— Publicity in the specialised and local press.

6. DURATION OF THE PROGRAMMES

24-36 months, with targets set for each stage.

7. INDICATIVE BUDGET

EUR 3 million.

Organic production

1. OVERVIEW OF THE SITUATION

The consumption of organically produced agricultural products is particularly popular among urban populations, but it is still not well developed compared to the consumption of conventional products.

2. GOALS

— To make the Community rules on organic production methods, the checks performed and the Community logo known to the public at large.
— To encourage the consumption of organic farming products.
— To broaden consumers' knowledge of organic farming and its products.

3. MAIN TARGETS

— Households (parents aged between 20 and 50).
— Operators in the sector (with a view to making them aware of the Community logo and encouraging their interest in using it).

4. MAIN MESSAGES

— Organic products are natural, suited to modern daily living and a pleasure to consume. They result from growing methods that respect the environment. The products are subject to stringent rules and they are checked for compliance by independent bodies and public authorities.
— The messages must be well thought out and positive and they must take account of the specific consumption patterns of the various target groups.
— The Community logo is the symbol for organic products which meet strict production criteria and have undergone stringent inspection.

The information on the Community logo can be supplemented with information on the collective logos introduced in the Member States, provided that their specifications meet stricter conditions than those laid down for the Community logo.

5. MAIN CHANNELS

— Internet site.
— Telephone information line.
— Contacts with the media (e.g. specialised journalists, women's press).
— Contacts with doctors and nutritionists.
— Contacts with teachers.
— Other channels (leaflets, brochures, etc.).
— Visual media (cinema, specialised television channels).
— Radio spots.
— Publicity in the specialised press (for women and the elderly).

6. DURATION OF THE PROGRAMMES

12-36 months, giving priority to multiannual programmes that set objectives for each stage.

7. INDICATIVE BUDGET

EUR 6 million.

Milk and milk products

1. OVERVIEW OF THE SITUATION

There has been a drop in the consumption of liquid milk, particularly in the major consumer countries, mainly due to the competition from soft drinks targeted at young people. By contrast, there is an overall increase in the consumption of milk products expressed in milk equivalent.

2. GOALS

— To increase liquid milk consumption.
— To consolidate consumption of milk products.
— To encourage consumption by young people.

3. MAIN TARGETS

— Children and adolescents, especially girls aged 8 to 13.
— Young women and mothers aged 20 to 40.

4. MAIN MESSAGES

— Milk and milk products are healthy, natural, high-energy products suited to modern living and enjoyable to consume.
— Messages must be positive and take account of the specific nature of consumption on the different markets.
— The continuity of the main messages must be ensured during the entire programme in order to convince consumers of the benefits to be had from regularly consuming these products.

5. MAIN CHANNELS

— Electronic channels.
— Telephone information line.
— Contacts with the media (e.g. specialised journalists, women's press, the youth press).
— Contacts with doctors and nutritionists.
— Contacts with teachers.
— Other channels (leaflets and brochures, children's games, etc.).
— Demonstrations at points of sale.
— Visual media (cinema, specialised TV channels).
— Radio spots.
— Publicity in the specialised press (for young people and women).

6. DURATION OF THE PROGRAMMES

12-36 months, giving priority to multiannual programmes that set targets for each stage.

7. INDICATIVE BUDGET

EUR 6 million.

Wine

1. OVERVIEW OF THE SITUATION

Wine production is ample but consumption is static or even in decline for certain types of wine, and supply from third countries is on the increase.

2. GOALS

To inform consumers about the variety, quality and production conditions of European wines and the results of scientific studies.

3. MAIN TARGETS

Consumers aged 20 to 40.

4. MAIN MESSAGES

— Community legislation strictly regulates production, quality indications, labelling and marketing, so guaranteeing for consumers the quality and traceability of the wine on offer.
— The attraction of being able to choose from a very wide selection of European wines of different origins.
— The health effects of moderate wine consumption.

5. MAIN CHANNELS

— Information and public relations measures.
— Training for distributors and caterers.
— Contacts with the medial profession and specialised press.
— Other channels (Internet site, leaflets and brochures) to guide consumers in their choice and create opportunities for consumption at family events.

6. DURATION OF THE PROGRAMMES

12-36 months, giving priority to multiannual programmes that set objectives for each stage.

7. INDICATIVE BUDGET

EUR 6 million.

Fresh fruit and vegetables

1. OVERVIEW OF THE SITUATION

This sector suffers from a structural market imbalance which is more pronounced for some products, regardless of the communication measures taken hitherto.

There is a noticeable lack of interest among consumers under 35, which is even stronger among the school-age population. This is not in the interests of a balanced diet.

2. GOALS

The aim is to restore the image of the products as being 'fresh' and 'natural' and to bring down the average age of consumers, chiefly by encouraging young people to consume the products concerned.

3. MAIN TARGETS

— Young households under 35.
— School-age children and adolescents.
— Mass caterers and school canteens.
— Doctors and nutritionists.

4. MAIN MESSAGES

— The products are natural.
— The products are fresh.
— Quality (safety, nutritional value and taste, production methods, environmental protection, link with the product's origin.)
— Enjoyment.
— Balanced diet.
— Variety and seasonal nature of the supply of fresh products.
— Ease of preparation: fresh foods require no cooking.
— Traceability.

5. MAIN CHANNELS

— Electronic channels (Internet site presenting the products available, with online games for children).
— Telephone information line.
— PR contacts with the media (e.g. specialised journalists, women's press, youth magazines and papers).
— Contacts with doctors and nutritionists.
— Educational measures targeting children and adolescents by mobilising teachers and school canteen managers.
— Other channels (leaflets and brochures with information on the products and recipes, children's games, etc.).
— Visual media (cinema, specialised TV channels).
— Radio spots.
— Publicity in the specialised press (for women and young people).

6. DURATION OF THE PROGRAMMES

12-36 months, giving priority to multiannual programmes that set objectives for each stage.

7. INDICATIVE BUDGET

EUR 6 million.

Processed fruit and vegetables

1. OVERVIEW OF THE SITUATION

There is a structural imbalance on this market which is more pronounced for some products that also face stiff competition from imports and where the attempts at communicating with consumers have met with little success.

In particular it is worth noting that consumers are receptive to processed products because they are easy to prepare. This is therefore a market with growth potential which can also benefit basic production.

2. GOALS

The image of the product needs to be modernised and made more youthful, giving the information needed to encourage consumption.

3. MAIN TARGETS

— Housewives.
— Mass caterers and school canteens.
— Doctors and nutritionists.

4. MAIN MESSAGES

— Quality (safety, nutritional value and taste, preparation methods).
— Ease of use.
— Enjoyment.
— Variety of supply and availability throughout the year.
— Balanced diet.
— Traceability.

5. MAIN CHANNELS

— Electronic channels (Internet site).
— Telephone information line.
— PR contacts with the media (e.g. specialised journalists, women's press).
— Demonstrations at points of sale.
— Contacts with doctors and nutritionists.
— Other channels (leaflets and brochures featuring products and recipes).
— Visual media.
— Women's press, culinary press, professional press.

6. DURATION OF THE PROGRAMMES

12-36 months, giving priority to multiannual programmes that set objectives for each stage.

7. INDICATIVE BUDGET

EUR 3 million.

COMMISSION REGULATION (EC) No 95/2002

of 18 January 2002

amending Regulation (EEC) No 2670/81 laying down detailed implementing rules in respect of sugar production in excess of the quota

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1260/2001 of 19 June 2001 on the common organisation of the markets in the sugar sector [1], and in particular Article 13(3) thereof,

Whereas:

(1) Council Regulations (EC) No 1453/2001 of 28 June 2001 introducing specific measures for certain agricultural products for the Azores and Madeira and repealing Regulation (EEC) No 1600/92 (Poseima) [2] and (EC) No 1454/2001 of 28 June 2001 introducing specific measures for certain agricultural products for the Canary Islands and repealing Regulation (EEC) No 1601/92 (Poseican) [3] lay down new arrangements to remedy the remoteness, insularity and outermost location of these regions.

(2) The detailed rules for implementing the specific supply arrangements for the outermost regions introduced by Council Regulations (EC) No 1452/2001 [4], (EC) No 1453/2001 and (EC) No 1454/2001 laid down by Commission Regulation (EC) No 20/2002 [5], provide, among others, for the continuation of specific provisions relating to traditional trade flows with the rest of the Community, in particular as regards deliveries of C white sugar and C raw sugar within the meaning of Article 13 of Regulation (EC) No 1260/2001. To ensure a standardised period of application of this Regulation and Regulation (EC) No 1260/2001, it should be specified that the specific provisions set out in Article 1(1a) of Commission Regulation (EEC) No 2670/81 of 14 September 1981 laying down detailed implementing rules in respect of sugar production in excess of the quota [6], as last amended by Regulation (EC) No 1148/98 [7], apply during the period laid down in Article 10(1) of Regulation (EC) No 1260/2001.

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

HAS ADOPTED THIS REGULATION:

Article 1

The text of Article 1(1a) of Regulation (EEC) No 2670/81 is hereby replaced by the following:

'1a. During the period referred to in Article 10(1) of Council Regulation (EC) No 1260/2001 (*), notwithstanding paragraph 1(a), (b) and (d), where C sugar is imported into the Canary Islands or into Madeira in the form of white sugar falling within CN code 1701 or into the Azores in the form of raw sugar falling within CN code 1701 12 10 under the scheme of exemption from import duties provided for in Article 3 of Council Regulation (EC) No 1453/2001 (**) or Article 3 of Council Regulation (EC) No 1454/2001 (***), it shall be regarded as being exported to a third country within the meaning of Article 13(1) of Regulation (EC) No 1260/2001 and originating in that third country for the purposes of the application of the said scheme.

(*) OJ L 178, 30.6.2001, p. 1.
(**) OJ L 198, 21.7.2001, p. 26.
(***) OJ L 198, 21.7.2001, p. 45.'

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 1 January 2002.

[1] OJ L 178, 30.6.2001, p. 1.
[2] OJ L 198, 21.7.2001, p. 26.
[3] OJ L 198, 21.7.2001, p. 45.
[4] OJ L 198, 21.7.2001, p. 11.
[5] OJ L 8, 11.1.2002, p. 1.
[6] OJ L 262, 16.9.1981, p. 14.
[7] OJ L 159, 3.6.1998, p. 38.

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

Done at Brussels, 18 January 2002.

For the Commission

Franz FISCHLER

Member of the Commission

COMMISSION REGULATION (EC) No 96/2002
of 18 January 2002
amending Regulation (EEC) No 1627/89 on the buying-in of beef by invitation to tender

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1254/1999 of 17 May 1999 on the common organisation of the market in beef and veal [1], as last amended by Commission Regulation (EC) No 2345/2001 [2], and in particular Article 47(8) thereof,

Whereas:

(1) Commission Regulation (EEC) No 1627/89 of 9 June 1989 on the buying-in of beef by invitation to tender [3], as last amended by Regulation (EC) No 12/2002 [4], opened buying-in by invitation to tender in certain Member States or regions of a Member State for certain quality groups.

(2) The application of Article 47(3), (4) and (5) of Regulation (EC) No 1254/1999 and the need to limit intervention to buying-in the quantities necessary to ensure reasonable support for the market result, on the basis of the prices of which the Commission is aware, in an amendment, in accordance with the Annex hereto, to the list of Member States or regions of a Member State where buying-in is open by invitation to tender, and the list of the quality groups which may be bought in,

HAS ADOPTED THIS REGULATION:

Article 1

The Annex to Regulation (EEC) No 1627/89 is hereby replaced by the Annex hereto.

Article 2

This Regulation shall enter into force on 19 January 2002.

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

Done at Brussels, 18 January 2002.

For the Commission
Franz FISCHLER
Member of the Commission

[1] OJ L 160, 26.6.1999, p. 21.
[2] OJ L 315, 1.12.2001, p. 29.
[3] OJ L 159, 10.6.1989, p. 36.
[4] OJ L 3, 5.1.2002, p. 34.

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

Estados miembros o regiones de Estados miembros y grupos de calidades previstos en el apartado 1 del artículo 1 del Reglamento (CEE) nº 1627/89

Medlemsstater eller regioner og kvalitetsgrupper, jf. artikel 1, stk. 1, i forordning (EØF) nr. 1627/89

Mitgliedstaaten oder Gebiete eines Mitgliedstaats sowie die in Artikel 1 Absatz 1 der Verordnung (EWG) Nr. 1627/89 genannten Qualitätsgruppen

Κράτη μέλη ή περιοχές κρατών μελών και ομάδες ποιότητος που αναφέρονται στο άρθρο 1 παράγραφος 1 του κανονισμού (ΕΟΚ) αριθ. 1627/89

Member States or regions of a Member State and quality groups referred to in Article 1 (1) of Regulation (EEC) No 1627/89

États membres ou régions d'États membres et groupes de qualités visés à l'article 1er paragraphe 1 du règlement (CEE) nº 1627/89

Stati membri o regioni di Stati membri e gruppi di qualità di cui all'articolo 1, paragrafo 1 del regolamento (CEE) n. 1627/89

In artikel 1, lid 1, van Verordening (EEG) nr. 1627/89 bedoelde lidstaten of gebieden van een lidstaat en kwaliteitsgroepen

Estados-Membros ou regiões de Estados-Membros e grupos de qualidades referidos no n.º 1 do artigo 1.º do Regulamento (CEE) n.º 1627/89

Jäsenvaltiot tai alueet ja asetuksen (ETY) N:o 1627/89 1 artiklan 1 kohdan tarkoittamat laaturyhmät

Medlemsstater eller regioner och kvalitetsgrupper som avses i artikel 1.1 i förordning (EEG) nr 1627/89

Estados miembros o regiones de Estados miembros	Categoría A			Categoría C		
Medlemsstat eller region	Kategori A			Kategori C		
Mitgliedstaaten oder Gebiete eines Mitgliedstaats	Kategorie A			Kategorie C		
Κράτος μέλος ή περιοχές κράτους μέλους	Κατηγορία Α			Κατηγορία Γ		
Member States or regions of a Member State	Category A			Category C		
États membres ou régions d'États membres	Catégorie A			Catégorie C		
Stati membri o regioni di Stati membri	Categoria A			Categoria C		
Lidstaat of gebied van een lidstaat	Categorie A			Categorie C		
Estados-Membros ou regiões de Estados-Membros	Categoria A			Categoria C		
Jäsenvaltiot tai alueet	Luokka A			Luokka C		
Medlemsstater eller regioner	Kategori A			Kategori C		
	U	R	O	U	R	O
Belgique/België			×			
Danmark			×			
Deutschland			×			
France						×
Nederland			×			

COMMISSION REGULATION (EC) No 97/2002

of 18 January 2002

amending Regulation (EC) No 713/2001 on the purchase of beef under Regulation (EC) No 690/2001

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1254/1999 of 17 May 1999 on the common organisation of the market in beef and veal [1], as last amended by Regulation (EC) No 2345/2001 [2],

Having regard to Commission Regulation (EC) No 690/2001 of 3 April 2001 on special market support measures in the beef sector [3], as amended by Regulation (EC) No 2595/2001 [4], and in particular Article 2(2),

Whereas:

(1) Regulation (EC) No 690/2001 provides in its Article 2(2) in particular for the opening or the suspension of tendering for purchase of beef depending on the average market prices for the reference class during the two most recent weeks with price quotations preceding the tender.

(2) The application of Article 2 referred to above results in the opening of purchase by tender in a number of Member States. Commission Regulation (EC) No 713/2001 [5], as last amended by Regulation (EC) No 13/2002 [6], on the purchase of beef under Regulation (EC) No 690/2001 should be amended accordingly.

(3) Since this Regulation should be applied immediately it is necessary to provide for its entry into force on the day of its publication,

HAS ADOPTED THIS REGULATION:

Article 1

The Annex to Regulation (EC) No 713/2001 is replaced by the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 19 January 2002.

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

Done at Brussels, 18 January 2002.

For the Commission

Franz FISCHLER

Member of the Commission

[1] OJ L 160, 26.6.1999, p. 21.
[2] OJ L 315, 1.12.2001, p. 29.
[3] OJ L 95, 5.4.2001, p. 8.
[4] OJ L 345, 29.12.2001, p. 33.
[5] OJ L 100, 11.4.2001, p. 3.
[6] OJ L 3, 5.1.2002, p. 36.

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

Estado miembro Medlemsstat Mitgliedstaat Κράτος μέλος Member State État membre Stati membri Lidstaat Estado-Membro Jäsenvaltiot Medlemsstat
Belgique/België
Deutschland
Österreich
Nederland
Ireland
España
France
Portugal
Luxembourg

COMMISSION REGULATION (EC) No 98/2002

of 18 January 2002

on the issue of import licences for rice originating in the ACP States and the overseas countries and territories against applications submitted in the first five working days of January 2002 pursuant to Regulation (EC) No 2603/97

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 2603/97 of 16 December 1997 laying down the detailed rules of application for the import of rice from the ACP States and for the import of rice from the overseas countries and territories (OCT) [1], as last amended by Regulation (EC) No 2731/1999 [2], and in particular Article 9(2) thereof,

Whereas:

(1) Pursuant to Article 9(2) of Regulation (EC) No 2603/97, the Commission must decide within 10 days of the final date for notification by the Member States the extent to which applications can be granted and must fix the available quantities for the following tranche.

(2) Examination of the quantities for which applications have been submitted shows that licences for the January 2002 tranche should be issued for the quantities applied for reduced, where appropriate, by the percentages set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

1. Import licences for rice against applications submitted during the first five working days of January 2002 pursuant to Regulation (EC) No 2603/97 and notified to the Commission shall be issued for the quantities applied for reduced, where appropriate, by the percentages set out in the Annex hereto.

2. The available quantities for the subsequent tranche are set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 19 January 2002.

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

Done at Brussels, 18 January 2002.

For the Commission

Franz FISCHLER

Member of the Commission

[1] OJ L 351, 23.12.1997, p. 22.
[2] OJ L 328, 22.12.1999, p. 39.

ANNEX

Regulation (EC) No 2603/97

Reduction percentages to be applied to quantities applied for under the tranche for January 2002 and quantities available for the following tranche:

Origin	Reduction (%)	Quantity available for the tranche for May 2002 (t)
ACP (Article 2(1)) — CN codes 1006 10 21 to 1006 10 98, 1006 20 and 1006 30	24,1272	—
ACP (Article 3) — CN code 1006 40 00	90,2139	—

COMMISSION REGULATION (EC) No 99/2002

of 18 January 2002

fixing the maximum export refund on wholly milled round grain rice in connection with the invitation to tender issued in Regulation (EC) No 2007/2001

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 Regulation (EC) No 1987/2001 [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 2007/2001 [3].

(2) Article 5 of Commission Regulation (EEC) No 584/75 [4], as last amended by Regulation (EC) No 299/95 [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 2007/2001 is hereby fixed on the basis of the tenders submitted from 11 to 17 January 2002 at 193,00 EUR/t.

Article 2

This Regulation shall enter into force on 19 January 2002.

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

Done at Brussels, 18 January 2002.

For the Commission

Franz FISCHLER

Member of the Commission

[1] OJ L 329, 30.12.1995, p. 18.
[2] OJ L 271, 12.10.2001, p. 5.
[3] OJ L 272, 13.10.2001, p. 13.
[4] OJ L 61, 7.3.1975, p. 25.
[5] OJ L 35, 15.2.1995, p. 8.

COMMISSION REGULATION (EC) No 100/2002

of 18 January 2002

concerning tenders submitted in response to the invitation to tender for the export to certain third European countries of wholly milled round, medium and long grain A rice issued in Regulation (EC) No 2008/2001

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 Regulation (EC) No 1987/2001 [2], and in particular Article 13(3) thereof,

Whereas:

(1) An invitation to tender for the export refund on rice was issued under Commission Regulation (EC) No 2008/2001 [3].

(2) Article 5 of Commission Regulation (EEC) No 584/75 [4], as last amended by Regulation (EC) No 299/95 [5], 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 Article 13 of Regulation (EC) No 3072/95 a maximum refund 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 11 to 17 January 2002 in response to the invitation to tender for the export refund on wholly milled round, medium and long grain A rice to certain third European countries issued in Regulation (EC) No 2008/2001.

Article 2

This Regulation shall enter into force on 19 January 2002.

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

Done at Brussels, 18 January 2002.

For the Commission

Franz FISCHLER

Member of the Commission

[1] OJ L 329, 30.12.1995, p. 18.
[2] OJ L 271, 12.10.2001, p. 5.
[3] OJ L 272, 13.10.2001, p. 15.
[4] OJ L 61, 7.3.1975, p. 25.
[5] OJ L 35, 15.2.1995, p. 8.

COMMISSION REGULATION (EC) No 101/2002

of 18 January 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 2009/2001

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 Regulation (EC) No 1987/2001 [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 2009/2001 [3].

(2) Article 5 of Commission Regulation (EEC) No 584/75 [4], as last amended by Regulation (EC) No 299/95 [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 2009/2001 is hereby fixed on the basis of the tenders submitted from 11 to 17 January 2002 at 205,00 EUR/t.

Article 2

This Regulation shall enter into force on 19 January 2002.

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

Done at Brussels, 18 January 2002.

For the Commission

Franz FISCHLER

Member of the Commission

[1] OJ L 329, 30.12.1995, p. 18.
[2] OJ L 271, 12.10.2001, p. 5.
[3] OJ L 272, 13.10.2001, p. 17.
[4] OJ L 61, 7.3.1975, p. 25.
[5] OJ L 35, 15.2.1995, p. 8.

COMMISSION REGULATION (EC) No 102/2002

of 18 January 2002

concerning tenders submitted in response to the invitation to tender for the export to certain third countries of wholly milled long grain rice issued in Regulation (EC) No 2010/2001

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 Regulation (EC) No 1987/2001 [2], and in particular Article 13(3) thereof,

Whereas:

(1) An invitation to tender for the export refund on rice was issued under Commission Regulation (EC) No 2010/2001 [3].

(2) Article 5 of Commission Regulation (EEC) No 584/75 [4], as last amended by Regulation (EC) No 299/95 [5], 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 Article 13 of Regulation (EC) No 3072/95 a maximum refund 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 11 to 17 January 2002 in response to the invitation to tender for the export refund on wholly milled long grain rice to certain third countries issued in Regulation (EC) No 2010/2001.

Article 2

This Regulation shall enter into force on 19 January 2002.

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

Done at Brussels, 18 January 2002.

For the Commission

Franz FISCHLER

Member of the Commission

[1] OJ L 329, 30.12.1995, p. 18.
[2] OJ L 271, 12.10.2001, p. 5.
[3] OJ L 272, 13.10.2001, p. 19.
[4] OJ L 61, 7.3.1975, p. 25.
[5] OJ L 35, 15.2.1995, p. 8.

COMMISSION REGULATION (EC) No 103/2002

of 18 January 2002

concerning tenders submitted in response to the invitation to tender for the export of husked long grain rice to the island of Réunion referred to in Regulation (EC) No 2011/2001

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 Regulation (EC) No 1987/2001 [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 2011/2001 [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 14 to 17 January 2002 in response to the invitation to tender referred to in Regulation (EC) No 2011/2001 for the subsidy on exports to Réunion of husked long grain rice falling within CN code 1006 20 98.

Article 2

This Regulation shall enter into force on 19 January 2002.

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

Done at Brussels, 18 January 2002.

For the Commission

Franz FISCHLER

Member of the Commission

[1] OJ L 329, 30.12.1995, p. 18.
[2] OJ L 271, 12.10.2001, p. 5.
[3] OJ L 261, 7.9.1989, p. 8.
[4] OJ L 167, 2.7.1999, p. 19.
[5] OJ L 272, 13.10.2001, p. 21.

COMMISSION REGULATION (EC) No 104/2002

of 18 January 2002

amending representative prices and additional duties for the import of certain products in the sugar sector

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1260/2001 of 19 June 2001 on the common organisation of the markets in the sugar sector [1],

Having regard to Commission Regulation (EC) No 1423/95 of 23 June 1995 laying down detailed implementing rules for the import of products in the sugar sector other than molasses [2], as last amended by Regulation (EC) No 624/98 [3], and in particular the second subparagraph of Article 1(2), and Article 3(1) thereof,

Whereas:

(1) The amounts of the representative prices and additional duties applicable to the import of white sugar, raw sugar and certain syrups are fixed by Commission Regulation (EC) No 1309/2001 [4], as last amended by Regulation (EC) No 34/2002 [5].

(2) It follows from applying the general and detailed fixing rules contained in Regulation (EC) No 1423/95 to the information known to the Commission that the representative prices and additional duties at present in force should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The representative prices and additional duties on imports of the products referred to in Article 1 of Regulation (EC) No 1423/95 shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 19 January 2002.

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

Done at Brussels, 18 January 2002.

For the Commission

Franz FISCHLER

Member of the Commission

[1] OJ L 178, 30.6.2001, p. 1.
[2] OJ L 141, 24.6.1995, p. 16.
[3] OJ L 85, 20.3.1998, p. 5.
[4] OJ L 177, 30.6.2001, p. 21.
[5] OJ L 6, 10.1.2002, p. 42.

ANNEX

to the Commission Regulation of 18 January 2002 amending representative prices and the amounts of additional duties applicable to imports of white sugar, raw sugar and products covered by CN code 1702 90 99

(EUR)

CN code	Amount of representative prices per 100 kg net of product concerned	Amount of additional duty per 100 kg net of product concerned
1701 11 10 (1)	23,11	4,74
1701 11 90 (1)	23,11	9,98
1701 12 10 (1)	23,11	4,55
1701 12 90 (1)	23,11	9,55
1701 91 00 (2)	29,85	10,31
1701 99 10 (2)	29,85	5,79
1701 99 90 (2)	29,85	5,79
1702 90 99 (3)	0,30	0,35

(1) For the standard quality as defined in Article 1 of amended Council Regulation (EEC) No 431/68 (OJ L 89, 10.4.1968, p. 3).

(2) For the standard quality as defined in Article 1 of Council Regulation (EEC) No 793/72 (OJ L 94, 21.4.1972, p. 1).

(3) By 1 % sucrose content.

COMMISSION REGULATION (EC) No 105/2002

of 18 January 2002

amending, for the eighth time, Council Regulation (EC) No 467/2001 prohibiting the export of certain goods and services to Afghanistan, strengthening the flight ban and extending the freeze of funds and other financial resources in respect of the Taliban of Afghanistan and repealing Regulation (EC) No 337/2000

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 467/2001 [1], prohibiting the export of certain goods and services to Afghanistan, strengthening the flight ban and extending the freeze of funds and other financial resources in respect of the Taliban of Afghanistan and repealing Regulation (EC) No 337/2000, as last amended by Commission Regulation (EC) No 65/2002 [2], and in particular Article 10(1) second indent thereof,

Whereas:

(1) Article 10 of Regulation (EC) No 467/2001 empowers the Commission to amend Annex I on the basis of determinations by either the United Nations Security Council or the Taliban Sanctions Committee.

(2) Annex I to Regulation (EC) No 467/2001 lays down the list of persons and entities covered by the freeze of funds under that Regulation.

(3) On 11 January 2002 the Security Council of the United Nations determined to exclude the Central Bank of Afghanistan from the list of entities subject to the measures of paragraph 4(b) of Resolution 1267 and therefore Annex I should be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

The following entity shall be excluded from Annex I to Regulation (EC) No 467/2001:

'Da Afghanistan (aka Bank of Afghanistan, aka Central Bank of Afghanistan, aka The Afghan State Bank), Ibni Sina Wat, Kabul, Afghanistan, and any other office of Da Afghanistan Bank.'

Article 2

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, 18 January 2002.

For the Commission

Christopher PATTEN

Member of the Commission

[1] OJ L 67, 9.3.2001, p. 1.
[2] OJ L 11, 15.1.2002, p. 3.

COMMISSION REGULATION (EC) No 106/2002
of 18 January 2002
determining the world market price for unginned cotton

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Protocol 4 on cotton, annexed to the Act of Accession of Greece, as last amended by Council Regulation (EC) No 1050/2001 [1],

Having regard to Council Regulation (EC) No 1051/2001 of 22 May 2001 on production aid for cotton [2], and in particular Article 4 thereof,

Whereas:

(1) In accordance with Article 4 of Regulation (EC) No 1051/2001, a world market price for unginned cotton is to be determined periodically from the price for ginned cotton recorded on the world market and by reference to the historical relationship between the price recorded for ginned cotton and that calculated for unginned cotton. That historical relationship has been established in Article 2(2) of Commission Regulation (EC) No 1591/2001 of 2 August 2001 [3]. Where the world market price cannot be determined in this way, it is to be based on the most recent price determined.

(2) In accordance with Article 5 of Regulation (EC) No 1051/2001, the world market price for unginned cotton is to be determined in respect of a product of specific characteristics and by reference to the most favourable offers and quotations on the world market among those considered representative of the real market trend. To that end, an average is to be calculated of offers and quotations recorded on one or more European exchanges for a product delivered cif to a port in the Community and coming from the various supplier countries considered the most representative in terms of international trade. However, there is provision for adjusting the criteria for determining the world market price for ginned cotton to reflect differences justified by the quality of the product delivered and the offers and quotations concerned. Those adjustments are specified in Article 3(2) of Regulation (EC) No 1591/2001.

(3) The application of the above criteria gives the world market price for unginned cotton determined hereinafter,

HAS ADOPTED THIS REGULATION:

Article 1

The world price for unginned cotton as referred to in Article 4 of Regulation (EC) No 1051/2001 is hereby determined as equalling EUR 22,530/100 kg.

Article 2

This Regulation shall enter into force on 19 January 2002.

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

Done at Brussels, 18 January 2002.

For the Commission
Franz FISCHLER
Member of the Commission

[1] OJ L 148, 1.6.2001, p. 1.
[2] OJ L 148, 1.6.2001, p. 3.
[3] OJ L 210, 3.8.2001, p. 10.

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 17 December 2001

concerning the conclusion of a Framework Agreement between the European Community and the Republic of Malta on the general principles for the participation of the Republic of Malta in Community programmes

(2002/39/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Articles 13, 61, 95, 129, 137, 149(4), 150(4), 151(5), 152(4), 153(4), 156, 157, 166, 175(1) and 308, in conjunction with the second sentence of the first subparagraph of Article 300(2), the second subparagraph of Article 300(3), and Article 300(4) thereof,

Having regard to the proposal from the Commission [1],

Having regard to the assent of the European Parliament [2],

Whereas:

(1) The Republic of Malta's decision to reactivate its application for accession to the European Union was welcomed at the European Council in Vienna in December 1998 and in February 1999 the Commission submitted an updated version of its 1993 opinion on the Republic of Malta's application for membership.

(2) The European Council in Luxembourg in December 1997 made participation in the Community programmes a way of stepping-up the enhanced pre-accession strategy for candidate countries, this participation being determined case-by-case. Following the European Council meetings in Helsinki in December 1999 and, in particular, in Nice in December 2000, the case-by-case approach in this field could be shifted to a more far-reaching one embracing most of the Community programmes.

(3) The Helsinki European Council stated that the Republic of Malta is a candidate country destined to join the Union on the basis of the same criteria applied to the other candidate countries. Building on the existing European strategy, the Republic of Malta, like other candidate countries, benefits from a pre-accession strategy to prepare for accession, including the opportunity to participate in Community programmes and agencies.

(4) In accordance with the negotiating directives adopted by the Council on 5 June 2001, the Commission has negotiated on behalf of the Community a Framework Agreement with the Republic of Malta on the general principles for its participation in Community programmes.

(5) With regard to some of the programmes covered by the Agreement, the Treaty provides for no powers other than those under Article 308.

(6) The specific terms and conditions regarding the participation of the Republic of Malta in the Community programmes, in particular the financial contribution payable, should be determined by the Commission on behalf to the Community. For that purpose the Commission should be assisted by a special committee appointed by the Council.

(7) The Republic of Malta may apply for financial assistance for participation in Community programmes under Council Regulation (EC) No 555/2000 of 13 March 2000 on the implementation of operations in the framework of the pre-accession strategy for the Republic of Cyprus and the Republic of Malta [3].

(8) Denmark, in accordance with Articles 1 and 2 of the Protocol on the position of Denmark, annexed to the Treaty on European Union and to the EC Treaty, is not participating in the part of this Council decision adopted with reference to Title IV of the EC Treaty, and Denmark is not bound by this part of this Council decision nor subject to its application.

[1] OJ C 304 E, 30.10.2001, p. 338.
[2] Opinion delivered on 11.12.2001 (not yet published in the Official Journal).
[3] OJ L 68, 16.3.2000, p. 3.

(9) The United Kingdom and Ireland intend to participate in the adoption of the Council Regulation establishing a general framework for Community activities to facilitate the implementation of a European judicial area in civil matters and when it is adopted, the United Kingdom and Ireland will be bound by it and subject to its application. In respect of any future Community instrument adopted under Title IV of the EC Treaty, implementing or establishing any future Community programme, the United Kingdom and Ireland will only be bound by the part relating to Title IV of the EC Treaty in this Council decision and subject to its application, if the United Kingdom and Ireland are bound by that instrument in accordance with the Protocol on the position of the United Kingdom and Ireland annexed to the Treaty on European Union and to the EC Treaty.

(10) The Agreement should be reviewed by the Commission at regular intervals.

(11) The Agreement should be approved,

HAS DECIDED AS FOLLOWS:

Article 1

The Framework Agreement between the European Community and the Republic of Malta on the general principles for the participation of the Republic of Malta in Community programmes, is hereby approved on behalf of the Community.

The text of the Agreement is attached to this Decision.

Article 2

1. The Commission is authorised to determine, on behalf of the Community, the specific terms and conditions regarding the participation of the Republic of Malta in each individual programme, including the financial contribution payable. The Commission shall be assisted in this task by a special committee appointed by the Council.

2. Where the Republic of Malta requests external assistance, the procedures provided for in Regulation (EC) No 555/2000 and in similar Regulations providing for Community external assistance to the Republic of Malta that may be adopted in the future, shall apply.

Article 3

No later than three years after the date of entry into force of the Agreement, and every three years thereafter, the Commission shall review the implementation of the Agreement and report thereon to the Council. The report shall be accompanied, where necessary, by appropriate proposals.

Article 4

The President of the Council is authorised to designate the person(s) empowered to sign the Agreement in order to bind the Community.

Article 5

The President of the Council shall, on behalf of the Community, give the notifications provided for in Article 9 of the Agreement [1].

Done at Brussels, 17 December 2001.

For the Council

The President

A. NEYTS-UYTTEBROECK

[1] The date of entry into force of the Agreement will be published in the *Official Journal of the European Communities* by the General Secretariat of the Council.

FRAMEWORK AGREEMENT

between the European Community and the Republic of Malta on the general principles for the participation of the Republic of Malta in Community programmes

THE EUROPEAN COMMUNITY, hereinafter referred to as 'the Community',

of the one part, and

THE REPUBLIC OF MALTA, hereinafter referred to as 'Malta',

of the other part,

Whereas:

(1) The European Council in Luxembourg in December 1997 made participation in the Community programmes a way of stepping-up the enhanced pre-accession strategy for candidate countries, such participation being determined case-by-case. Following the European Council meetings in Helsinki in December 1999 and, in particular, in Nice in December 2000, the case-by-case approach in this field could be shifted to a more far-reaching one embracing most of the Community programmes.

(2) The Helsinki European Council stated that Malta is a candidate country destined to join the European Union on the basis of the same criteria applied to the other European candidate countries. Building on the existing European strategy, Malta, like other candidate States, benefits from a pre-accession strategy to prepare for accession, including the opportunity to participate in Community programmes and agencies.

(3) Malta has expressed the wish to participate in a number of Community programmes.

(4) The specific terms and conditions, in particular financial contribution, regarding the participation of Malta in each particular programme should be determined by agreement between the Commission of the European Communities, acting on behalf of the Community, and the competent authorities of Malta,

HAVE AGREED AS FOLLOWS:

Article 1

Malta shall be allowed to participate in all Community programmes opened to participation of candidate countries of Central and Eastern Europe, in accordance with the provisions adopting these programmes.

Article 2

Malta shall contribute financially to the general budget of the European Union corresponding to the specific programmes in which Malta participates.

Article 3

Malta's representatives shall be allowed to take part, as observers and for the points which concern Malta, in the management committees responsible for monitoring the programmes to which Malta contributes financially.

Article 4

Projects and initiatives submitted by participants from Malta shall, as far as possible, be subject to the same conditions, rules and procedures pertaining to the programmes concerned as are applied to Member States.

Article 5

The specific terms and conditions regarding the participation of Malta in each particular programme, in particular the financial contribution payable, shall be determined by agreement between the Commission, acting on behalf of the Community, and the competent authorities of Malta.

If Malta applies for Community external assistance pursuant to Council Regulation (EC) No 555/2000 of 13 March 2000 on the implementation of operations in the framework of the pre-accession strategy for the Republic of Cyprus and the Republic of Malta [1], or pursuant to any similar Regulation providing for Community external assistance to Malta that may be adopted in future, the conditions governing the use by Malta of the Community assistance shall be determined in a Financing Memorandum.

Article 6

The Agreement shall apply for an indeterminate period.

It may be denounced by either Party by giving six months' notice in writing.

Article 7

No later than three years after the date of entry into force of this Agreement, and every three years thereafter, both Contracting Parties may review the implementation of the Agreement on the basis of actual participation of Malta in one or more Community programmes.

Article 8

This Agreement shall apply, on the one hand, to the territories in which the Treaty establishing the European Community is applied and under the conditions laid down in that Treaty and, on the other hand, to the territory of the Republic of Malta.

Article 9

This Agreement shall enter into force on the day on which the Contracting Parties have notified each other of the completion of their respective procedures.

Article 10

This Agreement is drawn up in duplicate in the Danish, Dutch, English, Finnish, French, German, Greek, Italian, Portuguese, Spanish and Swedish languages, each of these texts being equally authentic.

[1] OJ L 68, 16.3.2000, p. 3.

Hecho en Bruselas, el diecinueve de diciembre del dos mil uno.

Udfærdiget i Bruxelles den nittende december to tusind og en.

Geschehen zu Brüssel am neunzehnten Dezember zweitausendundeins.

Έγινε στις Βρυξέλλες, στις δέκα εννέα Δεκεμβρίου δύο χιλιάδες ένα.

Done at Brussels on the ninteenth day of December in the year two thousand and one.

Fait à Bruxelles, le dix-neuf décembre deux mille un.

Fatto a Bruxelles, addì diciannove dicembre duemilauno.

Gedaan te Brussel, de negentiende december tweeduizendeneen.

Feito em Bruxelas, em dezanove de Dezembro de dois mil e um.

Tehty Brysselissä yhdeksäntenätoista päivänä joulukuuta vuonna kaksituhattayksi.

Som skedde i Bryssel den nittonde december tjugohundraett.

Por la Comunidad Europea

For Det Europæiske Fællesskab

Für die Europäische Gemeinschaft

Για την Ευρωπαϊκή Κοινότητα

For the European Community

Pour la Communauté européenne

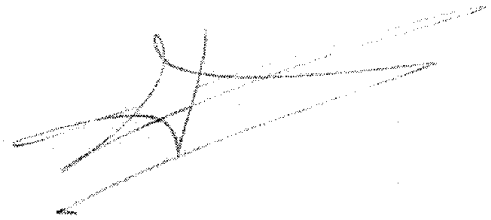
Per la Comunità europea

Voor de Europese Gemeenschap

Pela Comunidade Europeia

Euroopan yhteisön puolesta

På Europeiska gemenskapens vägnar



For the Republic of Malta

CORRIGENDA

Corrigendum to Commission Regulation (EC) No 2535/2001 of 14 December 2001 laying down detailed rules for applying Council Regulation (EC) No 1255/1999 as regards the import arrangements for milk and milk products and opening tariff quotas

(Official Journal of the European Communities L 341 of 22 December 2001)

On pages 42 and 43, Annex I, 1. A will be replaced by the following:

'ANNEX I

I. A

TARIFF QUOTAS NOT SPECIFIED BY COUNTRY OF ORIGIN

Quota number	CN code	Description (1)	Country of origin	Quota from 1 July to 30 June (quantity in tonnes)		Import duty (EUR/100 kg net weight)
				Annual	Six-monthly	
09.4590	0402 10 19	Skimmed-milk powder	All third countries	68 000	34 000	47,50
09.4599	0405 10 11 0405 10 19 0405 10 30 0405 10 50 0405 10 90 0405 90 10 (*) 0405 90 90 (*)	Butter and other fats and oils derived from milk	All third countries	10 000 in butter equivalent	5 000	94,80
09.4591	ex 0406 10 20 ex 0406 10 80	Pizza cheese, frozen, cut into pieces each weighing not more than 1 gram, in containers with a net content of 5 kg or more, of a water content, by weight, of 52 % or more, and a fat content by weight in the dry matter of 38 % or more	All third countries	5 300	2 650	13,00
09.4592	ex 0406 30 10	Processed Emmentaler	All third countries	18 400	9 200	71,90
	ex 0406 90 13	Emmentaler				85,80
09.4593	ex 0406 30 10	Processed Gruyère	All third countries	5 200	2 600	71,90
	ex 0406 90 15	Gruyère, Sbrinz				85,80
09.4594	0406 90 01	Cheese for processing (2)	All third countries	20 000	10 000	83,50
09.4595	0406 90 21	Cheddar	All third countries	15 000	7 500	21,00
09.4596	ex 0406 10 20	Fresh (unripened or uncured) cheese, including whey cheese, and curd, other than pizza cheese of quota No 09.4591	All third countries	19 500	9 750	92,60
	ex 0406 10 80					106,40
	0406 20 90	Other grated or powdered cheese				94,10
	0406 30 31	Other processed cheese				69,00
	0406 30 39					71,90
	0406 30 90					102,90
	0406 40 10 0406 40 50 0406 40 90	Blue-veined cheese				70,40
	0406 90 17	Bergkäse and Appenzell				85,80
	0406 90 18	Fromage Fribourgeois, Vacherin Mont d'Or and Tête de Moine				75,50
	0406 90 23	Edam				
	0406 90 25	Tilsit				
	0406 90 27	Butterkäse				
	0406 90 29	Kashkaval				

Quota number	CN code	Description (1)	Country of origin	Quota from 1 July to 30 June (quantity in tonnes)		Import duty (EUR/100 kg net weight)
				Annual	Six-monthly	
09.4596 *(cont'd)*	0406 90 31	Feta, of sheep's milk or buffalo milk				
	0406 90 33	Feta, other				
	0406 90 35	Kefalo-Tyri				
	0406 90 37	Finlandia				
	0406 90 39	Jarlsberg				
	0406 90 50	Cheese of sheep's milk or buffalo milk				
	ex 0406 90 63	Pecorino				94,10
	0406 90 69	Other				
	0406 90 73	Provolone				75,50
	ex 0406 90 75	Caciocavallo				
	ex 0406 90 76	Danbo, Fontal, Fynbo, Havarti, Maribo, Samsø				
	0406 90 78	Gouda				
	ex 0406 90 79	Esrom, Italico, Kernhem, Saint-Paulin				
	ex 0406 90 81	Cheshire, Wensleydale, Lancashire, Double Gloucester, Blarney, Colby, Monterey				
	0406 90 82	Camembert				
	0406 90 84	Brie				
	0406 90 86	Exceeding 47 %, but not exceeding 52 %				
	0406 90 87	Exceeding 52 %, but not exceeding 62 %				
	0406 90 88	Exceeding 62 %, but not exceeding 72 %				
	0406 90 93	Exceeding 72 %				92,60
	0406 90 99	Other				106,40

(*) 1 kg product = 1,22 kg butter.

(1) Notwithstanding the rules for the interpretation of the combined nomenclature, the wording for the description of the products is to be considered as having no more than an indicative value, the applicability of the preferential scheme being determined, for the purposes of this Annex, by the coverage of the CN codes. Where ex CN codes are indicated, the applicability of the preferential scheme is determined on the basis of the CN code and the corresponding description taken jointly.

(2) The cheeses referred to are considered as processed when they have been processed into products falling within subheading 0406 30 of the combined nomenclature. Articles 291 to 300 of Regulation (EEC) No 2454/93 apply.'

Corrigendum to Commission Decision 97/447/EC of 16 July 1997 exempting imports of certain bicycle parts originating in the People's Republic of China from the extension by Council Regulation (EC) No 71/97 of the anti-dumping duty imposed by Regulation (EEC) No 2474/93 as maintained by Regulation (EC) No 1524/2000

(Official Journal of the European Communities L 193 of 22 July 1997)

In Annex B, on page 36, line 13:

for: 'Flli Masciaghi SRL',

read: 'Flli Masciaghi SpA'.