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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EC) No 163/2002

of 28 January 2002

extending the definitive anti-dumping duty imposed by Regulation (EC) No 368/98 on imports of glyphosate originating in the People's Republic of China to imports of glyphosate consigned from Malaysia or Taiwan, whether declared as originating in Malaysia or Taiwan or not, and terminating the investigation in respect of imports from one Malaysian and one Taiwanese exporting producer

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 13 thereof,

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

Whereas:

A. PROCEDURE

1. Existing measures

(1) By Regulation (EC) No 368/98 ⁽²⁾ ('the definitive Regulation'), the Council imposed an anti-dumping duty of 24 % on imports of glyphosate originating in the People's Republic of China ('the PRC'). By Regulation (EC) No 1086/2000 ⁽³⁾, the rate of duty applicable was increased to 48 % pursuant to Article 12 of Regulation (EC) No 384/96 ('the basic Regulation').

2. Request

(2) On 26 March 2001, the Commission received a request pursuant to Article 13(3) of the basic Regulation from the European Glyphosate Association (EGA) to investigate the alleged circumvention of the anti-dumping measures imposed on imports of glyphosate originating in the PRC. The request was submitted on behalf of a major proportion of Community producers of glyphosate ('the Community industry').

(3) The request alleged that there had been a change in the pattern of trade following the imposition of anti-dumping measures on imports of glyphosate originating in the PRC as shown by a significant increase in imports from Malaysia and Taiwan while imports from the PRC had decreased substantially in the meantime.

(4) This change in the pattern of trade was alleged to stem from the transshipment of glyphosate originating in the PRC via Malaysia or Taiwan and also from the formulation in Malaysia or Taiwan of glyphosate originating in the PRC. It was claimed that the formulation was a relatively simple operation, which mainly consists of diluting glyphosate salt with water and blending it with surfactant. It was also claimed that this operation led to an increase of the shipment costs for the importers. The request concluded, consequently, that there was insufficient due cause or economic justification for these practices other than the existence of the anti-dumping duty on glyphosate originating in the PRC.

(5) Finally, the Community industry alleged that the remedial effects of the existing anti-dumping duty on glyphosate were being undermined both in terms of quantities and price and that dumping was taking place in relation to the normal values previously established, for imports consigned from Malaysia or Taiwan.

3. Initiation

(6) The Commission initiated an investigation by Regulation (EC) No 909/2001 ⁽⁴⁾ ('initiating Regulation'). Pursuant to Article 13(3) and Article 14(5) of the basic Regulation, it directed the customs authorities to register imports of glyphosate consigned from Malaysia or Taiwan, whether declared as originating in Malaysia or Taiwan or not, as from 10 May 2001.

⁽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 47, 18.2.1998, p. 1.

⁽³⁾ OJ L 124, 25.5.2000, p. 1.

⁽⁴⁾ OJ L 127, 9.5.2001, p. 35.

4. Investigation

- (7) The Commission advised the representatives of Malaysia, the PRC and Taiwan of the initiation of the investigation. Questionnaires were sent to the producers and exporters in Malaysia and Taiwan named in the request, to the importers in the Community and to the exporters in the PRC known to the Commission as well as to other interested parties who came forward within the prescribed time limit. Interested parties were given the opportunity to make their views known in writing and to request a hearing within the time limit set in the initiating Regulation.
- (8) A number of exporting producers in Malaysia and Taiwan, as well as Community producers and importers, made their views known in writing. All parties who so requested within the above time limit, and who demonstrated that there were particular reasons why they should be heard, were granted the opportunity to be heard.
- (9) No reply to the questionnaire was received from exporters of glyphosate in the PRC. Replies to the questionnaire were received within the prescribed time limits from 11 unrelated importers, three Malaysian exporting producers and one Taiwanese exporting producer that also acted as a trader. The Commission carried out verification visits at the premises of the following companies:

Malaysian exporting producers:

- Crop Protection (M) Sdn. Bhd., Klang, Selangor D.E., Malaysia,
- Kenso Corporation (M) Sdn. Bhd., Petaling Jaya, Selangor D.E., Malaysia,
- Mastra Industries Sdn. Bhd., Port Klang, Selangor D.E., Malaysia and its related exporter Agrimart Sdn. Bhd., Petaling Jaya, Malaysia;

Taiwanese exporting producer/trader:

- Sinon Corporation, Taichung, Taiwan.

5. Investigation period

- (10) The investigation period covered the period from 1 April 2000 to 31 March 2001 ('the IP'). Data were collected from 1994 up to the IP to investigate the change in the pattern of trade.

B. RESULTS OF THE INVESTIGATION

1. General considerations/degree of cooperation

(a) Malaysia

- (11) In September 2001, namely three months after the expiry of the deadline for receipt of replies to the questionnaire, the Commission received a submission on

behalf of Halex Industries (M) Sdn. Bhd. (Malaysia) and from Agrolex Private Limited (Singapore), involved as producer and exporter respectively, in the formulation of glyphosate acid in Malaysia and exports to the Community. It was claimed that the submission had already been made within the time limits provided for in the basic Regulation and the initiating Regulation. However, the Commission had no record of earlier receipt; no proof of successful transmission could be provided and it appeared that the submission had been faxed to a telephone number. Given that the submission was received at such an advanced stage of the investigation and, in addition, would have required further explanations and verification, these companies could not be considered as cooperating in the investigation and, therefore, findings in respect of them are made on the basis of the facts available in accordance with Article 18(1) of the basic Regulation.

- (12) The verification visit revealed that Mastra Industries (M) Sdn. Bhd. ('Mastra Industries') was related to another company in Malaysia belonging to the Nufarm group, Nufarm Malaysia Sdn. Bhd. ('Nufarm Malaysia') and that Nufarm Malaysia was, at least, involved in imports into Malaysia of glyphosate acid originating in the PRC and in the formulation of such glyphosate acid in Malaysia. Nufarm Malaysia had stated at the beginning of the investigation that neither it nor any related subsidiary company of Nufarm Malaysia had at any time exported any glyphosate products, either directly or indirectly, to any country in the Community. In reply to this, the Commission informed Nufarm Malaysia that it was not required to fill in the questionnaire if it had not been involved in imports of glyphosate into Malaysia from the PRC or exports of glyphosate to the Community during the IP. Nufarm Malaysia subsequently merely confirmed its original statement. In its reply to the questionnaire, Mastra Industries presented the 'Mastra group' of related companies, to which it belonged, without mentioning its relationship to Nufarm Malaysia and other relationships to the Nufarm group⁽¹⁾.

- (13) As in all anti-dumping investigations, a determination has to be made in respect of the economic entity formed by the cooperating exporting producer and all its related companies which are involved with the production and/or trade of the product concerned. This was made impossible by the absence of verified information on the corporate structure, purchases, production/processing (including costs) and sales of Nufarm Malaysia. In accordance with Article 18(4) of the basic Regulation, Mastra Industries was informed of these findings and invited to present comments and further explanations.

⁽¹⁾ Two companies related to Mastra Industries, Mastra K.K. (Japan) and Mastra Corporation Pty Ltd (Australia), were related to Nufarm (Australia) via shareholdings and directorship.

(14) Mastra Industries confirmed its relationship with Nufarm Malaysia and explained that the Commission reply to Nufarm Malaysia led Mastra Industries to believe that Nufarm Malaysia was not involved in any way. It should, however, be noted that (i) this reply was given on the basis of wrong information submitted by Nufarm Malaysia and (ii) the questionnaire drew attention to the necessity for all related companies involved with the product concerned to complete the questionnaire. A definition of related company was also provided in the questionnaire. In addition, following analysis of Mastra Industries' questionnaire reply, Mastra Industries was asked to identify the shareholders of the related companies listed as being all its subsidiaries or other related companies in all countries involved directly or indirectly with glyphosate. Mastra Industries failed to disclose before the verification visit the shareholders of two of these companies, Mastra K.K. (Japan) and Mastra Corporation Pty Ltd (Australia), which would have shown the relationship to the Nufarm group. Nufarm Malaysia eventually offered to provide every information required to verify that it had never exported any glyphosate products to the Community, but did not submit any supporting information, which would have been, in any case, submitted at a very advanced stage of the investigation.

(15) Given that incorrect information has been submitted and that necessary information (concerning the relationship between Nufarm Malaysia and Mastra Industries) and the questionnaire reply by Nufarm Malaysia have not been provided within the time limits provided for in the basic Regulation, findings in respect of Mastra Industries and its related companies are made on the basis of the facts available in accordance with Article 18(1) of the basic Regulation.

(16) The two exporting producers in Malaysia that cooperated accounted for less than 50 %⁽¹⁾ in volume and value of the total imports of glyphosate from Malaysia during the IP, as reported by Eurostat at TARIC level.

(b) Taiwan

(17) The sole Taiwanese exporting producer that cooperated in the investigation, Sinon Corporation, accounted for less than 25 %⁽¹⁾ in volume and value of the total imports of glyphosate from Taiwan during the IP, as reported by Eurostat at TARIC level.

2. Product under consideration and like product

- (18) The product under consideration is, as defined in the original investigation, glyphosate currently classifiable within CN codes ex 2931 00 95 (TARIC code 2931 00 95*80) and ex 3808 30 27 (TARIC code 3808 30 27*10). Glyphosate is a herbicide which can be produced in different grades or forms of concentration of which the main ones are the following: acid (generally with 95 % glyphosate content), cake (generally with 84 % glyphosate content), salt (generally with 46 % glyphosate content), and formulated (generally with 36 %, by volume, glyphosate content), the last being the only form that is used as an end product.
- (19) The investigation showed that the glyphosate exported to the Community originating in the PRC and that consigned from Malaysia or Taiwan to the Community have the same basic physical and chemical characteristics and have the same uses. They are therefore to be considered as like products within the meaning of Article 1(4) of the basic Regulation.

3. Change in the pattern of trade

(a) Cooperating exporting producers

Malaysia

- (20) The two cooperating exporting producers in Malaysia substantially increased their exports to the Community between 1998 and the IP, following the imposition of measures on glyphosate originating in the PRC. The rate of increase was even higher than that registered for the non-cooperating companies and in both cases export records showed a clear change in the pattern of trade to the Community at the beginning of 1998.

Taiwan

- (21) The cooperating exporting producer in Taiwan, Sinon Corporation, re-started its exports to the Community in 1998 and these increased substantially between then and the IP.

Conclusion

- (22) A change in the pattern of trade was therefore established in respect of the cooperating exporting producers and coincided in the case of both exporting countries with the entry into force of anti-dumping measures on glyphosate originating in the PRC at the beginning of 1998.

⁽¹⁾ For reasons of confidentiality, precise data are not given.

(b) *Non-cooperating companies*

- (23) As far as the non-cooperating companies are concerned, the Commission had to establish the exports to the Community on the basis of the facts available pursuant to Article 18 of the basic Regulation. Considering that the CN codes also include products other than glyphosate, it was considered that Eurostat data at TARIC level were the best information available to establish the findings in respect of exports to the Community following the imposition of the anti-dumping duty on imports of glyphosate originating in the PRC. Deductions were made in respect of the export quantities of the cooperating exporting producers ⁽¹⁾. Eurostat data at TARIC level were only available for full calendar years beginning from 1998. Therefore, the comparison of the share of each country in the total volume of imports of glyphosate into the Community during the original IP (September 1994 to August 1995) and the current IP was made based on Eurostat data at CN level. For the same reason, Eurostat data at CN level were used to confirm the pattern of trade over the period 1994 to the IP, which confirmed the conclusions reached with Eurostat data at TARIC level ⁽²⁾.

Malaysia

- (24) Imports into the Community of glyphosate from Malaysia increased from 740 tonnes ⁽³⁾ in 1998 to 1 045 tonnes ⁽³⁾ of 95 % acid equivalent in the IP, reaching a peak of 1 370 tonnes ⁽³⁾ in 1999. The share of Malaysia in the total volume of imports of glyphosate into the Community has also increased from 2,3 % in the original IP to 5,2 % in the current IP. Analysis at TARIC level ⁽⁴⁾ showed an increased share, rising from 22 % to 29,7 %.

⁽¹⁾ Analysis of Eurostat data at TARIC level was carried out after first converting quantities to 95 % acid equivalent, using the best information available, in order to allow for the different forms of concentration. Import statistics registered under the TARIC code 3808 30 27*10 were converted, using the most common 36 % glyphosate content for formulated product. For imports registered under the TARIC code 2931 00 95*80, since no information was available on the proportion of acid and salt imported and on their concentration, conversion to 95 % was limited to the quantities declared by the cooperating exporting producers and deducted from the total imports.

⁽²⁾ For the analysis of Eurostat data at CN level, quantities were not converted to 95 % acid equivalent because this was considered unreliable given that the CN codes include products other than glyphosate.

⁽³⁾ Real figures have been amended by a certain percentage to preserve confidentiality.

⁽⁴⁾ The volume in the original IP was established by applying to the quantities registered at CN level the ratio of quantities at CN level/quantities at TARIC level for 1998 and converting to 95 % acid equivalent.

- (25) Eurostat data at CN level for the period 1994 to the IP show, at the beginning of 1998, a marked change in the pattern of trade from a slow increase to a significant increase, similar to that observed at TARIC level.

Taiwan

- (26) Imports into the Community of glyphosate from Taiwan increased from 36 tonnes ⁽³⁾ in 1998 to 922 tonnes ⁽³⁾ of 95 % acid equivalent in the IP, reaching a peak of 1 335 tonnes ⁽³⁾ in 2000. The share of Taiwan in the total volume of imports of glyphosate into the Community has also increased from 0,8 % in the original IP to 3 % in the current IP. Analysis at TARIC level ⁽⁴⁾ showed an increased share, rising from 1,4 % to 19,7 %.
- (27) Eurostat data at CN level for the period 1994 to the IP shows, at the beginning of 1998, a marked change in the pattern of trade from a slow decrease to a significant increase, similar to that observed at TARIC level.

The PRC

- (28) From the imposition of the measures, the share of the PRC in the total volume of imports of glyphosate into the Community has decreased from 24,6 % in the original IP to 8,5 % in the current IP. Analysis at TARIC level ⁽⁴⁾ showed a decreased share, changing from 24,6 % to 11,9 %, and an even more substantial decrease, from 19,9 % to 1,5 %, if imports under the normal customs regime (subject to the payment of the anti-dumping duty) are exclusively considered, since most imports were made under inward processing regimes.
- (29) Export statistics from the PRC at a level equivalent to CN level show, for glyphosate not put up for retail sale, a substantial increase between 1997 and the IP of the exports to Malaysia (from an index of 100 to 171) and Taiwan (from an index of 100 to 187).

Conclusion

- (30) A change in the pattern of trade was therefore established in respect of the non-cooperating companies and coincided, in the case of both exporting countries, with the entry into force of anti-dumping measures on glyphosate originating in the PRC at the beginning of 1998.

4. Insufficient due cause or economic justification

duty on glyphosate originating in the PRC did not drive the change in its pattern of trade.

(a) *Cooperating exporting producers*

Conclusion

Malaysia

(31) Crop Protection (M) Sdn. Bhd. ('Crop Protection') transformed purchased glyphosate acid, part of which was originating in the PRC, into salt or formulated products. However, their purchases of PRC-origin acid increased less significantly than their purchases of non-PRC-origin acid and did not show a constant movement (plunge in 1998, increase up to 2000, decrease within the IP). Moreover, most of the supply of PRC origin acid was caused by Monsanto (M) Sdn. Bhd. (Malaysia) ⁽¹⁾ due to its inability to supply Crop Protection with the US origin acid it had ordered. Direct purchases from another supplier in the PRC were minor. Additionally, to satisfy customers' requests, Crop Protection limited the use of acid originating in the PRC for production of glyphosate exported to the Community. It was therefore considered that Crop Protection reasonably established that the imposition of the anti-dumping duty on glyphosate originating in the PRC did not drive the change in its pattern of trade.

(34) Given the above, it is considered that Crop Protection and Sinon Corporation have shown that there were reasonable grounds, other than the imposition of the anti-dumping duty on glyphosate originating in the PRC, for the change in their pattern of trade. Consequently, the investigation with regard to glyphosate produced by these two companies should be terminated.

(32) Kenso Corporation (M) Sdn. Bhd. ('Kenso Corporation') transformed glyphosate acid exclusively supplied from the PRC into salt or formulated products. Kenso Corporation advanced arguments to justify economically the formulation in Malaysia of PRC origin acid. These arguments related to the low know-how in the PRC and cost efficiency in Malaysia. However, this did not explain why Kenso Corporation started to sell to a customer for export to the Community soon after the time of the imposition of the anti-dumping measures on the PRC. Though concerned by the investigation, this customer did not cooperate. The general pattern and developments of Kenso Corporation's exports did not explain either their appearance on the Community market. Therefore, the change in the pattern of trade remained unexplained.

(35) Kenso Corporation failed to submit evidence of sufficient due cause or economic justification for the change in its pattern of trade. An investigation was consequently carried out, in its respect, to assess the undermining of the remedial effects of the duty and the existence of dumping in relation to the normal values previously established.

(b) *Non-cooperating companies*

Taiwan

(33) Sinon Corporation produces glyphosate starting from the initial stage of producing glyphosate acid and also formulates purchased glyphosate acid which does not originate in the PRC, both operations being carried out in Taiwan. The investigation has shown that Sinon has exported to the Community its own produced product, with the exception of limited quantities of formulated glyphosate purchased from a Malaysian company and shipped directly from Malaysia to the Community. It was therefore considered that Sinon Corporation reasonably established that the imposition of the anti-dumping

(36) In the absence of cooperation, and given the coincidence in time with the imposition of the anti-dumping measures on the PRC, it has to be concluded that the change in the pattern of trade stemmed from the imposition of the anti-dumping duty rather than from any other sufficient due cause or economic justification within the meaning of the second sentence of Article 13(1) of the basic Regulation.

(37) This conclusion is reinforced by the following. Export statistics from the PRC show a substantial increase in exports to Taiwan or Malaysia between 1997 and the IP (see recital 29) for glyphosate not put up for retail sale (i.e. non formulated). The significant increase in imports to the Community from Malaysia or Taiwan was mainly registered on the non formulated glyphosate. Exports from the PRC to Taiwan were, in Taiwanese imports statistics, either (i) not registered (systematically for formulated glyphosate, the import of which into Taiwan from mainland China is, in any case, prohibited by Taiwanese customs law) or (ii) registered in much lower quantities for non formulated glyphosate.

(38) The Commission has also investigated whether the development, in Malaysia and Taiwan, of transformation operations of the glyphosate acid into another form (salt or formulated product) could justify the change in the pattern of trade. The added value of the operations is minor (around 5 % on the cost of manufacturing). Information on manufacturing and transport costs from cooperating companies in Malaysia (quantities from Taiwan are too low to draw conclusions) give no evidence that transforming the acid into salt locally rather than in the Community is cost saving. Even if formulating acid locally rather than in the Community

⁽¹⁾ Related to Monsanto Europe, one of the complainants.

can compensate for the increased shipping costs involved, this does not explain why exports to the Community surged immediately after the imposition of anti-dumping measures on the PRC.

- (39) It was, therefore, concluded that no reasonable grounds, other than avoiding the existing anti-dumping duty on imports of glyphosate originating in the PRC, could be established for the change in the pattern of trade of the non-cooperating companies and that the investigation of the other criteria should be continued in their respect.

5. Undermining of the remedial effects of the duty in terms of the prices and/or the quantities of the like products

- (40) In view of the conclusions reached in recitals 31 to 39, the analysis of the undermining of the remedial effects of the duty in terms of quantities and prices has been limited to those economic operators for which the change in pattern of trade was found to have insufficient due cause or economic justification.
- (41) Since the imposition of measures in the original investigation, a quantitative change in the pattern of Community imports occurred, which undermined the remedial effects of the measures in terms of the quantities imported into the Community. The imports of glyphosate from the PRC in the IP of the original investigation (1 397 tonnes) were exceeded by exports from Taiwan and Malaysia in the IP (representing 1 864 tonnes).
- (42) With regard to prices, and regarding the cooperating Malaysian exporting producer Kenso Corporation, the investigation revealed that the export prices submitted by this company⁽¹⁾ are still below the non-depressed level of Community prices as established in the original investigation. In fact, they were even lower than the export prices established in the original investigation.
- (43) Regarding non-cooperating companies from Malaysia and Taiwan, the investigation also revealed that the prices of these imports, on the basis of the responses provided by unrelated importers in the Community and representing a volume of around 50 % of the Chinese imports in the previous investigation, were also below the non-depressed level of Community prices as established in the original investigation and even lower than the export prices established in the original investigation.
- (44) It is therefore concluded that the imports concerned undermined the remedial effects of the duty both in terms of quantities and prices.

6. Evidence of dumping in relation to the normal values previously established for like or similar products

- (45) It has to be recalled that Article 13(1) of the basic Regulation requires evidence of dumping in relation to the normal values previously established for the like or similar products but does not require the establishment of a new dumping margin.
- (46) The investigation into the absence of movement, or insufficient movement, in the resale prices or subsequent selling prices in the Community, concluded by Regulation (EC) No 1086/2000, re-examined the normal values of the original case (see recital 1). Consequently, the normal values used in the present investigation were those as re-examined, since these represent the normal values previously established for the like or similar products in accordance with Article 13(1) of the basic Regulation.

(a) Cooperating exporting producer

- (47) Given that the change in the pattern of trade of Crop Protection and Sinon Corporation was considered as having a due cause other than the imposition of the anti-dumping duty on the PRC, the evidence of dumping was investigated only in respect of the exports to the Community of Kenso Corporation.
- (48) For the purpose of a fair comparison between the normal value and the export price, due allowance, in the form of adjustments, was made for differences which affect prices and price comparability. These adjustments were made in accordance with Article 2(10) of the basic Regulation in respect of level of trade, transport, insurance, handling, loading and ancillary costs, credit and commissions.
- (49) In the original investigation, normal value was established for the two forms of glyphosate produced and sold in the selected analogue country (Brazil), i.e. glyphosate acid and formulated glyphosate. Since exports by Kenso Corporation of another form was negligible in the IP and Article 13(1) of the basic Regulation does not require the establishment of a new dumping margin, no normal value was established for this type. In accordance with Article 2(11) and (12) of the basic Regulation, the weighted average normal value of each form of glyphosate exported to the Community was compared to the weighted average export price of the corresponding form. The difference, expressed as a percentage of the cif import price at the Community frontier duty unpaid, showed a significant level of dumping.

⁽¹⁾ The export prices were duly adjusted for import duty and post importation costs.

(b) Non-cooperating companies

- (50) The export prices were established on the basis of the total export value and volume reported by Eurostat at TARIC level, from which the quantities and values exported by the cooperating exporting producers were deducted for their respective countries.
- (51) The weighted average price of exports registered under the TARIC code 3808 30 27*10 (herbicides, glyphosate) was compared to the normal value for formulated glyphosate. The other forms of glyphosate are registered under the TARIC code 2931 00 95*80 (organo-inorganic compounds, glyphosate). To ensure a proper comparison which was unaffected by the product mix of the exports registered under this TARIC code, the weighted average export price was compared to both the normal value for glyphosate acid and to the lower normal value for formulated glyphosate. In both cases, substantial levels of dumping were established.
- (52) For the purpose of a fair comparison between the normal value and the export price, due allowance, in the form of adjustments, was made for differences which affect prices and price comparability. These adjustments were made in accordance with Article 2(10) of the basic Regulation in respect of transport, insurance, handling, loading and ancillary costs, credit and commissions.
- (53) In accordance with Article 2(11) and (12) of the basic Regulation, the comparison of weighted average normal values and weighted average export prices expressed as a percentage of the cif import price at the Community frontier duty unpaid, showed a significant level of dumping.

C. REQUESTS FOR EXEMPTION FROM REGISTRATION OR EXTENSION OF THE DUTY

- (54) The Commission received requests for exemption from the registration or measures from four unrelated importers and two cooperating exporting producers, Crop Protection and Sinon Corporation. Given that the alleged circumvention was taking place outside the Community, exemption of imports from registration or measures was dependent on the findings in respect of the exporters. No decision could therefore be taken by the Commission purely on the basis of the exemption requests presented by individual importers. Importers will, however, benefit from exemption from registration or measures to the extent that their imports are from exporters which have been granted such an exemption.
- (55) By Regulation (EC) No 2593/2001⁽¹⁾, the Commission amended the initiating Regulation in order to cease registration of imports of glyphosate produced by those companies in the countries concerned found not to be

circumventing the anti-dumping duties, namely Crop Protection and Sinon Corporation.

- (56) In accordance with the above findings that these companies were found not to have circumvented the anti-dumping measures in force, these companies should also be exempted from the extension of the measures envisaged.

D. MEASURES

- (57) In view of the above finding of circumvention within the meaning of the second sentence of Article 13(1) of the basic Regulation and in accordance with the first sentence of Article 13(1) of the basic Regulation, the existing anti-dumping measures on glyphosate originating in the PRC should be extended to the same product consigned from Malaysia or Taiwan, whether declared as originating in Malaysia or Taiwan or not. Exception should be made for glyphosate consigned from Malaysia and produced by Crop Protection and for glyphosate consigned from Taiwan and produced by Sinon Corporation.
- (58) In accordance with Article 14(5) of the basic Regulation, which provides that measures may be applied against registered imports from the date of registration, the anti-dumping duty should be collected on imports of glyphosate consigned from Malaysia or Taiwan which entered the Community under registration imposed by the initiating Regulation, except on imports of glyphosate consigned from Malaysia and produced by Crop Protection and of glyphosate consigned from Taiwan and produced by Sinon Corporation.
- (59) The exemption from this extension which is granted to Crop Protection and Sinon Corporation was established on the basis of the findings of the present investigation. Therefore, it reflects the situation found during that investigation with respect to these companies. The non-extension is thus exclusively applicable to imports of products consigned from Malaysia and produced by Crop Protection, and to those consigned from Taiwan and produced by Sinon Corporation. Imported products 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 the exception and should be subject to the duty rate imposed by the definitive Regulation.

- (60) Any claim requesting the application of this exception would have to be addressed to the Commission forthwith, with all relevant information, in particular any modification in the company's activities linked to production and export sales.

⁽¹⁾ OJ L 345, 29.12.2001, p. 29.

- (61) Taiwanese or Malaysian exporters requesting an exemption pursuant to Article 13(4) of the basic Regulation will be required to complete a questionnaire in order to enable the Commission to determine whether an exemption may be warranted, and the Commission would normally also carry out an on-spot verification visit.
- (62) Where exemption is considered appropriate, the Commission would, after consultation of the Advisory Committee, amend the Regulation accordingly by updating the list of companies benefiting from the exception.

E. PROCEDURE

- (63) Interested parties were informed of the essential facts and considerations on the basis of which the Commission intended to propose the extension of the definitive anti-dumping duty in force and were given the opportunity to comment. No comments which were of a nature to change the above conclusions were received,

HAS ADOPTED THIS REGULATION:

Article 1

1. The definitive anti-dumping duty imposed by Regulation (EC) No 368/98 on imports of glyphosate falling within CN codes ex 2931 00 95 (TARIC code 2931 00 95*89) and ex 3808 30 27 (TARIC code 3808 30 27*19) originating in the People's Republic of China as amended by Regulation (EC) No 1086/2000, is hereby extended to imports of glyphosate consigned from Malaysia (whether declared as originating in Malaysia or not) (TARIC codes 2931 00 95*81 and 3808 30 27*11) with the exception of those produced by Crop Protection (M) Sdn. Bhd., Lot 746, Jalan Haji Sirat 4 $\frac{1}{2}$ Miles, off Jalan Kapar, 42100 Klang, Selangor Darul Ehsan, Malaysia (TARIC additional code A309).

2. The definitive anti-dumping duty imposed by Regulation (EC) No 368/98 on imports of glyphosate falling within CN codes ex 2931 00 95 (TARIC code 2931 00 95*89) and ex 3808 30 27 (TARIC code 3808 30 27*19) originating in the People's Republic of China as amended by Regulation (EC)

No 1086/2000, is hereby extended to imports of glyphosate consigned from Taiwan (whether declared as originating in Taiwan or not) (TARIC codes 2931 00 95*81 and 3808 30 27*11), with the exception of those produced by Sinon Corporation, No. 23, Sec. 1, Mei Chuan W. Rd, Taichung, Taiwan (TARIC additional code A310).

3. The duty extended by paragraph 1 and 2 shall be collected on imports registered in accordance with Article 2 of Regulation (EC) No 909/2001 and Article 13(3) and Article 14(5) of Regulation (EC) No 384/96.

4. The provisions in force concerning customs duties shall apply.

Article 2

1. Requests for exemption from the duty extended by Article 1 shall be made in writing in one of the official languages of the Community and must be signed by a person authorised to represent the applicant. The request must be sent to the following address:

Commission of the European Communities
Directorate-General for Trade
Unit C-3
B-1049 Brussels
Fax (32-2) 295 65 05.

2. The Commission, after consulting the Advisory Committee, shall authorise, by decision, the exemption of imports from companies which do not circumvent the anti-dumping duty imposed by Regulation (EC) No 368/98 from the duty extended by Article 1.

Article 3

Customs authorities are hereby directed to discontinue the registration of imports, established in accordance with Article 2 of Regulation (EC) No 909/2001.

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, 28 January 2002.

For the Council
The President

J. PIQUÉ I CAMPS

COUNCIL REGULATION (EC) No 164/2002**of 28 January 2002****amending Regulation (EC) No 1599/1999 imposing a definitive countervailing duty on imports of stainless steel wire having a diameter of 1 mm or more, originating in India**

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2026/97 of 6 October 1997 on protection against subsidised imports from countries not members of the European Community ⁽¹⁾, and in particular Article 20 thereof,

After consulting the Advisory Committee,

Whereas:

A. PREVIOUS PROCEDURE

- (1) By Regulation (EC) 1599/1999 ⁽²⁾, the Council imposed a definitive countervailing duty on imports of stainless steel wire having a diameter of 1 mm or more (hereinafter referred to as 'the product concerned') falling within CN code ex 7223 00 19 originating in India. The measures took the form of *ad valorem* duties of between 0 and 35,4 % on individual exporters with a residual duty of 48,8 %.

B. CURRENT PROCEDURE**1. Request for review**

- (2) After the definitive measures had been imposed, the Commission received a request for the initiation of an accelerated review of Regulation (EC) No 1599/1999, pursuant to Article 20 of Regulation (EC) No 2026/97 (hereinafter referred to as 'the basic Regulation'), from two Indian producers of the product concerned, Sindia Steels Limited and Nevatia Steel & Alloys Private Limited ('Nevatia'), both located in Mumbai. The companies concerned claimed that they were not related to any other exporting producers of the product concerned in India. Furthermore, they claimed that they had not exported the product concerned during the original period of investigation (1 April 1997 to 31 March 1998), but had exported the product concerned to the Community since then.

2. Initiation of an accelerated review

- (3) The Commission examined the evidence submitted by the two Indian exporting producers concerned and considered it sufficient to justify the initiation of a review in accordance with the provisions of Article 20 of the basic Regulation. After consultation of the Advisory Committee and after the Community industry concerned had been given the opportunity to comment, the Commission initiated, by a notice in the Official

Journal ⁽³⁾, an accelerated review of Regulation (EC) No 1599/1999 with regard to the companies concerned and commenced its investigation.

3. Product concerned

- (4) The product covered by the current review is the same product as that under consideration in Regulation (EC) No 1599/1999.

4. Parties concerned

- (5) The Commission officially advised the two companies concerned and the Government of India (GOI). Furthermore, it gave other parties directly concerned the opportunity to make their views known in writing and to request a hearing. However, no such request was received by the Commission.

The Commission sent a questionnaire to the companies concerned and received full replies within the deadline. The Commission sought and verified all information it deemed necessary for the purpose of the investigation and carried out verification visits at the premises of the companies concerned.

5. Investigation period

- (6) The investigation of subsidisation covered the period from 1 April 1998 to 31 March 1999 (hereinafter referred to as 'the investigation period').

6. Methodology

- (7) The same methodology as that used in the original investigation was applied in the current investigation.

C. SCOPE OF THE REVIEW

- (8) As no request for a review of the findings on injury was made in this investigation, this review was limited to subsidisation.
- (9) The Commission examined the same subsidy schemes which were analysed in the original investigation. It was also examined whether the exporting producers had used any subsidy schemes which were alleged in the original complaint but not used during the original investigation.

It was finally examined whether the exporting producers had made use of any subsidy schemes which were established after the end of the original investigation period, or had received *ad hoc* subsidies after this date.

⁽¹⁾ OJ L 288, 21.10.1997, p. 1.

⁽²⁾ OJ L 189, 22.7.1999, p. 1.

⁽³⁾ OJ C 288, 9.10.1999, p. 45.

D. RESULTS OF THE INVESTIGATION

1. Withdrawal of request for review

- (10) During the investigation, one company, Nevatia, withdrew its request for an accelerated review. Therefore, the investigation regarding this company shall be terminated. Consequently, the further analysis only refers to the other request for an accelerated review, i.e. by Sindia Steels Limited.

2. New exporter qualification

- (11) The investigation confirmed that Sindia Steels Limited had not exported the product concerned during the original period of investigation and that they had begun exporting to the Community after this period.

Furthermore, Sindia Steels Limited was able to demonstrate satisfactorily that it did not have any links, direct or indirect, with any of the Indian exporting producers subject to the countervailing measures in force with regard to the product concerned.

Accordingly, it is confirmed that Sindia Steels Limited should be considered as a new exporter in accordance with Article 20 of the basic Regulation, since it was not individually investigated during the original investigation for reasons other than a refusal to cooperate with the Commission, and thus an individual countervailing duty rate should be determined for it.

3. Subsidisation

- (12) On the basis of the information contained in the replies to the Commission's questionnaire, the following five schemes were investigated:
- Passbook Scheme,
 - Duty Entitlement Passbook Scheme,
 - Export Promotion Capital Goods Scheme,
 - Export Processing Zones/Export Oriented Units,
 - Income Tax Scheme.

4. Passbook Scheme (PBS)

- (13) Sindia Steels Limited had not availed itself of the Passbook Scheme which, on 1 April 1997, i.e. during the original investigation period, was abolished and replaced by its successor, the Duty Entitlement Passbook Scheme (DEPB).

5. Duty Entitlement Passbook Scheme (DEPB)

General

- (14) It was established that Sindia Steels Limited had received benefits under this scheme. This company made use of the DEPB on a post-export basis.

Under this scheme, any eligible exporter can apply for credits which are calculated as a percentage of the value of exported finished products. Such DEPB rates have been established by the Indian authorities for most products, including the products concerned, on the basis of the Standard Input/Output Norms (SION). A licence stating the amount of credit granted is issued automatically.

DEPB on post-export basis allows for the use of such credits for any subsequent imports (e.g. raw materials or capital goods) except for goods the importation of which is restricted or prohibited. Such imported goods can be sold on the domestic market (subject to sales tax) or used otherwise.

DEPB credits are freely transferable. The DEPB licence is valid for a period of 12 months from the date on which the licence is granted.

- (15) The characteristics of the DEPB have not changed since the original investigation. The scheme is a subsidy contingent upon export performance, and it was therefore determined during the original investigation that it is deemed to be specific and countervailable under Article 3(4)(a) of the Basic Regulation.

Calculation of the subsidy amount

- (16) It was established that Sindia Steels Limited did not use the licences to make duty-free imports. Instead this company sold some of its licences, and the benefit was calculated on the basis of the amount of credit in the licence regardless of the sale price of the licence. The company claimed that the benefit should be limited to the effective sale price of the licence, which is often less than the face value of the credits in the licence. However, in accordance with the findings in the initial investigation (Commission Regulation (EC) No 618/1999⁽¹⁾, recital 34, as confirmed by Regulation (EC) No 1599/1999), this claim cannot be granted since the sale of a licence at a price less than the face value is a purely commercial decision which does not alter the countervailable benefit from this scheme.

As in the original investigation, the total value of the subsidy has been allocated over total exports in the investigation period. Where the company made duly substantiated claims for deductions linked to the payment of fees for obtaining the DEPB Licence, these were granted.

⁽¹⁾ OJ L 79, 24.3.1999, p. 25.

Sindia Steels Limited benefited from this scheme during the investigation period and obtained subsidies of 15,5 %.

6. Export Promotion Capital Goods Scheme (EPCGS)

General

- (17) It was established that Sindia Steels Limited had availed itself of this scheme.

To benefit from the scheme, a company must provide to the relevant authorities details of the type and value of capital goods which are to be imported. Depending on the level of export commitment which the company is prepared to undertake, the company will be allowed to import capital goods at either a zero rate of duty or a reduced rate. A licence authorising the import at preferential rates is issued automatically.

In order to meet the export obligation, goods exported must have been produced using the imported capital goods.

An application fee is payable to obtain a licence.

- (18) The characteristics of the EPCGS have not changed since the original investigation. It was determined during the original investigation that the EPCGS is a countervailable subsidy, as the payment by an exporter of a reduced or zero rate of duty constitutes a financial contribution by the GOI, government revenue otherwise due being foregone, and a benefit is conferred on the recipient by lowering the duties payable or fully exempting him from paying the import duties.

The subsidy is contingent in law upon export performance within the meaning of Article 3(4)(a) of the basic Regulation, since it cannot be obtained without a commitment to export goods, and is therefore deemed to be specific and countervailable.

Calculation of the subsidy amount

- (19) Using the same calculation methodology as in the original investigation, the benefit to the exporter has been calculated on the basis of the amount of unpaid customs duty due on imported capital goods by spreading this amount across a period which reflects the normal depreciation of such capital goods in the industry of the product concerned. This period has been established by using the weighted average (on the basis of production volume of the products concerned) of depreciation periods for capital goods actually imported under the EPCGS by Indian producers during the original investigation period, resulting in a normal depreciation period of 15,5 years. This amount has then been allocated over total exports during the investigation period.

- (20) Sindia Steels Limited obtained a benefit under this scheme of 0,3 %.

7. Export Processing Zones (EPZ)/Export Oriented Units (EOU)

- (21) It was established that Sindia Steels Limited was not located in an EPZ and was not an EOU.

8. Income Tax Exemption Scheme (ITES)

- (22) It was established that Sindia Steels Limited had not availed itself of the ITES.

9. Other schemes

- (23) It was established that Sindia Steels Limited had neither made use of new subsidy schemes which were established after the end of the original investigation period, nor had it received any ad hoc subsidies after this date.

10. Amount of countervailable subsidies

- (24) Taking account of the definitive findings relating to the various schemes as set out above, the amount of countervailable subsidies for Sindia Steels Limited is as follows:

	DEPB	EPCGS	Total
Sindia Steels Ltd	15,5 %	0,3 %	15,8 %

E. AMENDMENT OF THE MEASURES BEING REVIEWED

- (25) Based on the findings made during the investigation, it is considered that imports into the Community of stainless steel wire having a diameter of 1 mm or more produced and exported by Sindia Steels Limited should be subject to a level of countervailing duty corresponding to individual amounts of subsidies established for this company.
- (26) Regulation (EC) No 1599/1999 should therefore be amended accordingly.

F. DISCLOSURE AND DURATION OF THE MEASURE

- (27) The company concerned has been informed on the facts and considerations on the basis of which it is intended to propose that Regulation (EC) No 1599/1999 be amended, and was given the opportunity to comment. No comments were received.
- (28) The review carried out does not affect the date on which Regulation (EC) No 1599/1999 will expire pursuant to Article 18(1) of the basic Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The following shall be inserted into the table in Article 1(2) of Regulation (EC) No 1599/1999:

— Sindia Steels Limited 53/9 AB. Samitha complex, Off Andheri Kurla Road Safeed Pool, Andheri (East), Mumbai 400 072, India	15,8	A285'
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Article 2

The accelerated review of Regulation (EC) No 1599/1999 concerning imports by Nevatia Steel & Alloys Private Limited of stainless steel wires with a diameter of 1 mm or more originating in India is hereby terminated.

Article 3

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, 28 January 2002.

For the Council

The President

J. PIQUÉ I CAMPS

COMMISSION REGULATION (EC) No 165/2002
of 30 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 31 January 2002.

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

Done at Brussels, 30 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 30 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	72,5
	204	77,4
	212	100,4
	999	83,4
0707 00 05	052	145,8
	628	205,3
	999	175,6
0709 90 70	052	221,5
	204	123,0
	999	172,3
0805 10 10, 0805 10 30, 0805 10 50	052	58,2
	204	53,9
	212	40,8
	220	47,1
	508	22,3
	999	44,5
0805 20 10	204	93,0
	999	93,0
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	052	72,6
	204	80,7
	464	136,9
	600	97,2
	624	79,0
	999	93,3
0805 50 10	052	63,2
	600	48,4
	999	55,8
0808 10 20, 0808 10 50, 0808 10 90	039	106,7
	052	69,0
	060	36,5
	400	120,3
	404	86,3
	720	128,4
0808 20 50	999	91,2
	388	141,9
	400	113,2
	528	103,8
	720	99,9
	999	114,7

⁽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 166/2002
of 29 January 2002
establishing unit values for the determination of the customs value of certain perishable goods

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code ⁽¹⁾, as last amended by Regulation (EC) No 2700/2000 of the European Parliament and of the Council ⁽²⁾,

Having regard to Commission Regulation (EEC) No 2454/93 of 2 July 1993 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code ⁽³⁾, as last amended by Regulation (EC) No 993/2001 ⁽⁴⁾, and in particular Article 173(1) thereof,

Whereas:

- (1) Articles 173 to 177 of Regulation (EEC) No 2454/93 provide that the Commission shall periodically establish unit values for the products referred to in the classification in Annex 26 to that Regulation.

- (2) The result of applying the rules and criteria laid down in the abovementioned Articles to the elements communicated to the Commission in accordance with Article 173(2) of Regulation (EEC) No 2454/93 is that unit values set out in the Annex to this Regulation should be established in regard to the products in question,

HAS ADOPTED THIS REGULATION:

Article 1

The unit values provided for in Article 173(1) of Regulation (EEC) No 2454/93 are hereby established as set out in the table in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 February 2002.

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

Done at Brussels, 29 January 2002.

For the Commission

Erkki LIIKANEN

Member of the Commission

⁽¹⁾ OJ L 302, 19.10.1992, p. 1.

⁽²⁾ OJ L 311, 12.12.2000, p. 17.

⁽³⁾ OJ L 253, 11.10.1993, p. 1.

⁽⁴⁾ OJ L 141, 28.5.2001, p. 1.

ANNEX

Code	Description	Amount of unit values per 100 kg			
	Species, varieties, CN code	EUR	DKK	SEK	GBP
1.10	New potatoes 0701 90 50	46,10	342,50	426,28	28,24
1.30	Onions (other than seed) 0703 10 19	29,06	215,89	268,70	17,80
1.40	Garlic 0703 20 00	163,50	1 214,71	1 511,81	100,16
1.50	Leeks ex 0703 90 00	76,11	565,45	703,76	46,63
1.60	Cauliflowers 0704 10 00	55,28	410,69	511,14	33,86
1.80	White cabbages and red cabbages 0704 90 10	69,43	515,81	641,97	42,53
1.90	Sprouting broccoli or calabrese (<i>Brassica oleracea</i> L. <i>convar. botrytis</i> (L.) Alef var. <i>italica</i> Plenck) ex 0704 90 90	61,43	456,38	568,00	37,63
1.100	Chinese cabbage ex 0704 90 90	56,49	419,68	522,32	34,61
1.110	Cabbage lettuce (head lettuce) 0705 11 00	90,36	671,30	835,50	55,35
1.130	Carrots ex 0706 10 00	33,06	245,61	305,68	20,25
1.140	Radishes ex 0706 90 90	88,37	656,50	817,07	54,13
1.160	Peas (<i>Pisum sativum</i>) 0708 10 00	426,31	3 167,16	3 941,81	261,16
1.170	Beans:				
1.170.1	Beans (<i>Vigna</i> spp., <i>Phaseolus</i> spp.) ex 0708 20 00	176,95	1 314,61	1 636,15	108,40
1.170.2	Beans (<i>Phaseolus</i> spp., <i>vulgaris</i> var. <i>Compressus</i> Savi) ex 0708 20 00	225,55	1 675,66	2 085,50	138,17
1.180	Broad beans ex 0708 90 00	157,74	1 171,88	1 458,51	96,63
1.190	Globe artichokes 0709 10 00	—	—	—	—
1.200	Asparagus:				
1.200.1	— green ex 0709 20 00	509,39	3 784,38	4 710,00	312,05
1.200.2	— other ex 0709 20 00	379,93	2 822,58	3 512,95	232,75
1.210	Aubergines (eggplants) 0709 30 00	139,70	1 037,89	1 291,75	85,58

Code	Description	Amount of unit values per 100 kg			
	Species, varieties, CN code	EUR	DKK	SEK	GBP
1.220	Ribbed celery (<i>Apium graveolens</i> L., var. <i>dulce</i> (Mill.) Pers.) ex 0709 40 00	135,14	1 003,98	1 249,54	82,79
1.230	Chantarelles 0709 51 30	744,83	5 533,49	6 886,92	456,28
1.240	Sweet peppers 0709 60 10	172,89	1 284,41	1 598,57	105,91
1.270	Sweet potatoes, whole, fresh (intended for human consumption) 0714 20 10	77,25	573,92	714,30	47,32
2.10	Chestnuts (<i>Castanea</i> spp.), fresh ex 0802 40 00	176,48	1 311,11	1 631,79	108,11
2.30	Pineapples, fresh ex 0804 30 00	73,47	545,79	679,29	45,01
2.40	Avocados, fresh ex 0804 40 00	153,28	1 138,74	1 417,26	93,90
2.50	Guavas and mangoes, fresh ex 0804 50 00	114,28	849,02	1 056,68	70,01
2.60	Sweet oranges, fresh:				
2.60.1	— Sanguines and semi-sanguines 0805 10 10	—	—	—	—
2.60.2	— Navels, navelines, navelates, salustianas, vernas, Valencia lates, Maltese, shamoutis, ovalis, trovita and hamlins 0805 10 30	—	—	—	—
2.60.3	— Others 0805 10 50	—	—	—	—
2.70	Mandarins (including tangerines and satsumas), fresh; clementines, wilkings and similar citrus hybrids, fresh:				
2.70.1	— Clementines ex 0805 20 10	—	—	—	—
2.70.2	— Monreales and satsumas ex 0805 20 30	—	—	—	—
2.70.3	— Mandarines and wilkings ex 0805 20 50	—	—	—	—
2.70.4	— Tangerines and others ex 0805 20 70 ex 0805 20 90	—	—	—	—
2.85	Limes (<i>Citrus aurantifolia</i> , <i>Citrus latifolia</i>), fresh ex 0805 30 90 ex 0805 90 00	118,24	878,42	1 093,27	72,43
2.90	Grapefruit, fresh:				
2.90.1	— white ex 0805 40 00	49,41	367,05	456,83	30,27
2.90.2	— pink ex 0805 40 00	64,53	479,37	596,62	39,53

Code	Description	Amount of unit values per 100 kg			
	Species, varieties, CN code	EUR	DKK	SEK	GBP
2.100	Table grapes 0806 10 10	201,03	1 493,51	1 858,81	123,15
2.110	Water melons 0807 11 00	34,95	259,65	323,16	21,41
2.120	Melons (other than water melons):				
2.120.1	— Amarillo, cuper, honey dew (including cantalene), ontentiente, piel de sapo (including verde liso), rochet, tendral, futuro ex 0807 19 00	78,93	586,37	729,79	48,35
2.120.2	— Other ex 0807 19 00	201,12	1 494,14	1 859,59	123,20
2.140	Pears				
2.140.1	Pears — nashi (<i>Pyrus pyrifolia</i>), Pears — Ya (<i>Pyrus bretschneideri</i>) ex 0808 20 50	—	—	—	—
2.140.2	Other ex 0808 20 50	—	—	—	—
2.150	Apricots ex 0809 10 00	115,03	854,58	1 063,61	70,47
2.160	Cherries 0809 20 95 0809 20 05	475,97	3 536,07	4 400,95	291,58
2.170	Peaches 0809 30 90	164,81	1 224,37	1 523,84	100,96
2.180	Nectarines ex 0809 30 10	160,26	1 190,58	1 481,78	98,17
2.190	Plums 0809 40 05	178,85	1 328,71	1 653,70	109,56
2.200	Strawberries 0810 10 00	345,69	2 568,22	3 196,37	211,77
2.205	Raspberries 0810 20 10	848,90	6 306,65	7 849,18	520,04
2.210	Fruit of the species <i>Vaccinium myrtillus</i> 0810 40 30	1 598,12	11 872,75	14 776,70	979,01
2.220	Kiwi fruit (<i>Actinidia chinensis</i> Planch.) 0810 50 00	127,40	946,48	1 177,98	78,05
2.230	Pomegranates ex 0810 90 85	151,65	1 126,61	1 402,16	92,90
2.240	Khakis (including sharon fruit) ex 0810 90 85	215,59	1 601,66	1 993,40	132,07
2.250	Lychees ex 0810 90 30	125,09	929,32	1 156,62	76,63

COMMISSION REGULATION (EC) No 167/2002**of 30 January 2002****fixing a percentage for acceptance of contracts concluded for the optional distillation of table wine and suspending the notification of new contracts for the optional distillation of table wine**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 1623/2000 of 25 July 2000 laying down detailed rules for implementing Council Regulation (EC) No 1493/1999 on the common organisation of the market in wine with regard to market mechanisms ⁽¹⁾, as last amended by Regulation (EC) No 2464/2001 ⁽²⁾, and in particular Article 63(6) thereof,

Whereas:

- (1) Article 63 of Regulation (EC) No 1623/2000 lays down the conditions for the application of the distillation arrangements for wines referred to in Article 29 of Council Regulation (EC) No 1493/1999 ⁽³⁾, as last amended by Regulation (EC) No 2585/2001 ⁽⁴⁾. Those arrangements provide for subsidised, voluntary distillation in order to support the wine market and help ensure continued supplies to the potable alcohol sector, which traditionally uses this type of alcohol. To that end, wine producers and distillers conclude contracts, which the Member States notify to the Commission twice a month.
- (2) Article 63(6) lays down the conditions under which the Commission must intervene in the contract-approval procedure, setting a single percentage for acceptance of the contracts concluded for distillation and/or suspending the notification of new contracts, where the available budgetary resources or the absorption capacity of the potable alcohol sector are exceeded or may be exceeded.

- (3) For the 2001/02 wine year the Commission has, for budgetary reasons and bearing in mind the absorption capacity of the potable alcohol sector, managed this distillation in quantitatively limited tranches. The second tranche was opened from 1 January 2002 by Commission Regulation (EC) No 2512/2001 of 20 December 2001 opening a second tranche of distillation as provided for in Article 29 of Council Regulation (EC) No 1493/1999 for the 2001/02 wine year ⁽⁵⁾. Contracts can be concluded under this tranche for a maximum of 3 million hl of table wine. On the basis of the quantities of wine for which the Member States notified new distillation contracts to the Commission on 21 January 2002, the Commission notes that that limit has been exceeded. The Commission should therefore set a single percentage for acceptance of the quantities notified for distillation and suspend the notification of new contracts,

HAS ADOPTED THIS REGULATION:

Article 1

1. Contracts concluded and notified to the Commission under Article 63(4) of Regulation (EC) No 1623/2000 on 21 January 2002 shall be accepted for 41,09 % of the wine covered.
2. Notification to the Commission of new contracts under Article 63(4) of Regulation (EC) No 1623/2000 is hereby suspended.

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, 30 January 2002.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 194, 31.7.2000, p. 45.

⁽²⁾ OJ L 331, 15.12.2001, p. 25.

⁽³⁾ OJ L 179, 14.7.1999, p. 1.

⁽⁴⁾ OJ L 345, 29.12.2001, p. 10.

⁽⁵⁾ OJ L 339, 21.12.2001, p. 18.

COMMISSION REGULATION (EC) No 168/2002**of 30 January 2002****derogating from Regulation (EC) No 1148/2001 as regards certificates of conformity and certificates of industrial use**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2200/96 of 28 October 1996 on the common organisation of the market in fruit and vegetables ⁽¹⁾, as last amended by Commission Regulation (EC) No 911/2001 ⁽²⁾, and in particular Article 10 thereof,

Whereas:

- (1) Annexes I and II to Commission Regulation (EC) No 1148/2001 of 12 June 2001 on checks on conformity to the marketing standards applicable to fresh fruit and vegetables ⁽³⁾, as amended by Regulation (EC) No 2379/2001 ⁽⁴⁾, lay down a model of certificate of conformity with the Community marketing standards for fresh fruit and vegetables and a model of certificate of industrial use for fresh fruit and vegetables subject to Community marketing standards. Certificates referred to in Articles 5, 6, 8 and 9 of Regulation (EC) No 1148/2001 shall be issued according to these models.
- (2) For practical reasons due to the availability of the new forms, Member States inspection bodies shall be authorised, for a limited period, alternatively to the provisions of Regulation (EC) No 1148/2001, to issue the referred

certificates according to the models laid down by Annexes I and II to Commission Regulation (EEC) No 2251/92 of 29 July 1992 on quality inspection of fresh fruit and vegetables ⁽⁵⁾, as last amended by Regulation (EC) No 766/97 ⁽⁶⁾.

- (3) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Fresh Fruit and Vegetables,

HAS ADOPTED THIS REGULATION:

Article 1

Until 31 December 2002, the competent inspection bodies can issue the certificates of conformity referred to in Article 5(2), Article 6(2) and Article 9(2) of Regulation (EC) No 1148/2001 as set out in Annex I to Regulation (EEC) No 2251/92, and the certificates of industrial use referred to in Article 8(2) of Regulation (EC) No 1148/2001 as set out in Annex II to Regulation (EEC) No 2251/92.

Article 2

This Regulation shall enter into force on the third 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, 30 January 2002.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 297, 21.11.1996, p. 1.

⁽²⁾ OJ L 129, 11.5.2001, p. 3.

⁽³⁾ OJ L 156, 13.6.2001, p. 9.

⁽⁴⁾ OJ L 321, 6.12.2001, p. 15.

⁽⁵⁾ OJ L 219, 4.8.1992, p. 9.

⁽⁶⁾ OJ L 112, 29.4.1997, p. 10.

COMMISSION REGULATION (EC) No 169/2002

of 30 January 2002

amending Regulation (EC) No 2342/1999 laying down detailed rules for the application of Council Regulation (EC) No 1254/1999 on the common organisation of the market in beef and veal as regards premium schemes

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1452/2001 of 28 June 2001 introducing specific measures for certain agricultural products for the French overseas departments, amending Directive 72/462/EEC and repealing Regulations (EEC) No 525/77 and (EEC) No 3763/91 (Poseidom) ⁽¹⁾, and in particular Article 9(4) thereof,

Having regard to Council Regulation (EC) No 1453/2001 of 28 June 2001 introducing measures for certain agricultural products for the Azores and Madeira and repealing Regulation (EEC) No 1600/92 (Poseican) ⁽²⁾, and in particular Article 13(6) and Article 22(6) thereof,

Having regard to Council Regulation (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⁾, and in particular Article 5(6) thereof,

Whereas:

(1) Regulations (EC) No 1452/2001, (EC) No 1453/2001 and (EC) No 1454/2001 lay down specific measures to assist livestock farming in the French overseas departments, the Azores and Madeira, and the Canary Islands respectively. The detailed rules of application to be laid down should provide in particular in the case of the slaughter premium for freezing, within the ceiling set in Article 38(1) of Commission Regulation (EC) No 2342/1999 ⁽⁴⁾ as last amended by Regulation (EC) No 2088/2001 ⁽⁵⁾, the number of animals for which the slaughter premium was granted for the year 2000.

(2) Annex III to Regulation (EC) No 2342/1999 provides for national ceilings on the slaughter premium. The ceilings must not compromise the introduction of the specific limits established by Regulations (EC) No 1452/2001, (EC) No 1453/2001 and (EC) No 1454/2001. The ceilings for France, Portugal and Spain should therefore include sub-ceilings based on the number of premiums

paid in a reference year to producers in the overseas departments, the Azores and Madeira and the Canary Islands and intended exclusively for producers in the said regions; the remaining number of eligible animals up to the specific limits introduced by the abovementioned Regulations for the slaughter premium in those regions should be added to those in Annex III to Regulation (EC) No 2342/1999.

- (3) The Member States concerned have notified the Commission of the number of animals for which the slaughter premium was granted for the year 2000 in the overseas departments (3 727), Madeira (1 678), the Azores (10 318) and the Canary Islands (1 696).
- (4) So that Regulations (EC) No 1452/2001, (EC) No 1453/2001 and (EC) No 1454/2001 can be applied immediately, this Regulation should enter into force at the earliest opportunity.
- (5) To ensure consistency with the beginning of the period of application of the premium scheme introduced by Council Regulation (EC) No 1254/1999 ⁽⁶⁾, as last amended by Commission Regulation (EC) No 2345/2001 ⁽⁷⁾, for 2002, this Regulation should apply from 1 January 2002.
- (6) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Beef and Veal,

HAS ADOPTED THIS REGULATION:

Article 1

Annex III to Regulation (EC) No 2342/1999 is replaced by the Annex to this Regulation.

Article 2

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

It shall apply from 1 January 2002.

⁽¹⁾ OJ L 198, 21.7.2001, p. 11.

⁽²⁾ OJ L 198, 21.7.2001, p. 26.

⁽³⁾ OJ L 198, 21.7.2001, p. 45.

⁽⁴⁾ OJ L 281, 4.11.1999, p. 30.

⁽⁵⁾ OJ L 282, 26.10.2001, p. 39.

⁽⁶⁾ OJ L 160, 26.6.1999, p. 21.

⁽⁷⁾ OJ L 315, 1.12.2001, p. 29.

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

Done at Brussels, 30 January 2002.

For the Commission
 Franz FISCHLER
 Member of the Commission

ANNEX

‘ANNEX III

National ceilings for the slaughter premium referred to in Article 38(1) applicable from 1 January 2002

	Adult bovines	Calves
Belgium	711 232	335 935
Denmark	711 589	54 700
Germany	4 357 713	652 132
Greece	235 060	80 324
Spain ⁽¹⁾	1 982 216	25 629
France ⁽²⁾	4 041 075	2 045 731
Ireland	1 776 668	0
Italy	3 426 835	1 321 236
Luxembourg	21 867	3 432
Netherlands	1 207 849	1 198 113
Austria	546 557	129 881
Portugal ⁽³⁾	325 093	70 911
Finland	382 536	10 090
Sweden	502 063	29 933
United Kingdom	3 266 212	26 271

⁽¹⁾ Without prejudice to the special provisions laid down by Council Regulation (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) (OJ L 198, 21.7.2001, p. 45).

⁽²⁾ Without prejudice to the special provisions laid down by Council Regulation (EC) No 1452/2001 of 28 June 2001 introducing specific measures for certain agricultural products for the French overseas departments, amending Directive 72/462/EEC and repealing Regulations (EEC) No 525/77 and (EEC) No 3763/91 (Poseidom) (OJ L 198, 21.7.2001, p. 11).

⁽³⁾ Without prejudice to the special provisions laid down by Council Regulation (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) (OJ L 198, 21.7.2001, p. 26).’

**COMMISSION REGULATION (EC) No 170/2002
of 30 January 2002**

laying down detailed rules for applying the premium schemes for beef and veal provided for in Council Regulations (EC) No 1452/2001, (EC) No 1453/2001 and (EC) No 1454/2001 introducing specific measures in respect of certain agricultural products for the benefit of the French overseas departments (Poseidom), the Azores and Madeira (Poseima) and the Canary Islands (Poseican) and repealing Regulation (EC) No 2912/95

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1452/2001 of 28 June 2001 introducing specific measures for certain agricultural products for the French overseas departments, amending Directive 72/462/EEC and repealing Regulations (EEC) No 525/77 and (EEC) No 3763/91 (Poseidom) ⁽¹⁾, and in particular Article 9(4) thereof,

Having regard to Council Regulation (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 in particular Article 13(6) and Article 22(6) thereof,

Having regard to Council Regulation (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⁾, and in particular Article 5(6) thereof,

Whereas:

- (1) Regulation (EC) No 1452/2001 provides for specific measures to promote livestock farming in the French overseas departments. In particular, Article 9(1)(a) and (b) of that Regulation provides for a supplement to the premium for maintaining suckler cows provided for in Article 6 of Council Regulation (EC) No 1254/1999 ⁽⁴⁾, as last amended by Commission Regulation (EC) No 2345/2001 ⁽⁵⁾, and a supplement to the slaughter premium provided for in Article 11 of that Regulation to be paid to beef and veal producers. The basic and additional premiums are granted each year for up to 10 000 male bovine animals, 35 000 suckler cows and 20 000 animals slaughtered, respectively. The following detailed implementing rules should be adopted in accordance with Article 9(4) of that Regulation. In the case of the special premium, within the regional ceiling provided for in Article 4 of Regulation (EC) No 1254/1999 the number of male animals in the first age group for which the special premium was granted in the French overseas departments for 1994 should be frozen

and premiums should be granted within the limit of 90 animals per age group, per calendar year and per holding. In the case of the suckler-cow premium, a specific reserve should be established for the overseas departments, the size of which is determined on the basis of a ceiling of 35 000 suckler cows and the number of premiums granted for 1994. In the case of the slaughter premium, the ceiling set in Article 38(1) of Commission Regulation (EC) No 2342/1999 ⁽⁶⁾, as last amended by Regulation (EC) No 2088/2001 ⁽⁷⁾, should be frozen at the number of animals for which the slaughter premium was granted for 2000.

- (2) Regulation (EC) No 1453/2001 provides for specific measures to promote livestock farming in the Azores and Madeira. In particular, for Madeira, Article 13(2) and (3) of that Regulation provides for a supplement to the slaughter premium provided for in Article 11 of Regulation (EC) No 1254/1999 to be paid to producers for each locally fattened animal slaughtered, up to a maximum of 2 500 animals slaughtered, and a supplement to the premium for maintaining suckler cows provided for in Article 6 of that Regulation to be paid to beef and veal producers. All the basic premiums and the premium supplement referred to in Article 13(3) are granted each year for up to 2 000 male bovine animals, 1 000 suckler cows and 6 000 animals slaughtered, respectively. The following detailed implementing rules should be adopted in accordance with Article 13(6) of that Regulation. In the case of the special premium, within the regional ceiling provided for in Article 4 of Regulation (EC) No 1254/1999 the number of male animals in the first age group for which the special premium was granted in Madeira for 2000 should be frozen and premiums should be granted within the limit of 90 animals per age group, per calendar year and per holding. In the case of the suckler-cow premium, a specific reserve should be established for Madeira, the size of which is determined on the basis of a ceiling of 1 000 suckler cows and the number of premiums granted for 2000. In the case of the slaughter premium, the ceiling set in Article 38(1) of Regulation (EC) No 2342/1999 should be frozen at the number of animals for which the slaughter premium was granted for 2000.

⁽¹⁾ OJ L 198, 21.7.2001, p. 11.

⁽²⁾ OJ L 198, 21.7.2001, p. 26.

⁽³⁾ OJ L 198, 21.7.2001, p. 45.

⁽⁴⁾ OJ L 160, 26.6.1999, p. 21.

⁽⁵⁾ OJ L 315, 1.12.2001, p. 29.

⁽⁶⁾ OJ L 281, 4.11.1999, p. 30.

⁽⁷⁾ OJ L 282, 26.10.2001, p. 39.

- (3) For the Azores, Article 22(2) and (3) of Regulation (EC) No 1453/2001 provides for a supplement to the slaughter premium provided for in Article 11 of Regulation (EC) No 1254/1999 to be paid to producers for each animal slaughtered and a supplement to the premium for maintaining suckler cows provided for in Article 6 of that Regulation to be paid to beef and veal producers. The basic and additional premiums are granted each year for up to 40 000 male bovine animals and 33 000 animals slaughtered, respectively. The following detailed implementing rules should be adopted in accordance with Article 22(6) of that Regulation. In the case of the special premium, within the regional ceiling provided for in Article 4 of Regulation (EC) No 1254/1999 the number of male animals in the first age group for which the special premium was granted in the Azores for 2000 should be frozen. In the case of the slaughter premium, the ceiling set in Article 38(1) of Regulation (EC) No 2342/1999 should be frozen at the number of animals for which the slaughter premium was granted for 2000.
- (4) Article 22(9) of Regulation (EC) No 1453/2001 introduces aid to dispose of young male bovine animals born in the Azores in other regions of the Community. Detailed rules should be laid down for implementing the aid.
- (5) Regulation (EC) No 1454/2001 provides for specific measures to promote livestock farming in the Canary Islands. In particular, Article 5(2) and (3) of that Regulation provides for a supplement to the slaughter premium provided for in Article 11 of Regulation (EC) No 1254/1999 to be paid to producers for each animal slaughtered and a supplement to the premium for maintaining suckler cows provided for in Article 6 of that Regulation to be paid to beef and veal producers. The basic and additional premiums are granted each year for up to 10 000 male bovine animals, 5 000 suckler cows and 15 000 animals slaughtered, respectively. The following detailed implementing rules should be adopted in accordance with Article 5(6) of that Regulation. In the case of the special premium, within the regional ceiling provided for in Article 4 of Regulation (EC) No 1254/1999 the number of male animals in the first age group for which the special premium was granted in the Canary Islands for 2000 should be frozen. In the case of the suckler-cow premium, a specific reserve should be established for the Canary Islands, the size of which is determined on the basis of a ceiling of 5 000 suckler cows and the number of premiums granted for 2000. In the case of the slaughter premium, the ceiling set in Article 38(1) of Regulation (EC) No 2342/1999 should be frozen at the number of animals for which the slaughter premium was granted for 2000.
- (6) The Member States concerned have notified the Commission of the number of animals for which the special premium was granted in 1994 in the French overseas departments (1 669) and in 2000 in Madeira (886), the Azores (27 744) and the Canary Islands (2 133), the number of suckler-cow premiums granted in 1994 in the French overseas departments (21 149) and in 2000 in Madeira (0) and the Canary Islands (1 279), and the number of animals for which the slaughter premium was granted for 2000 in the French overseas departments (3 727), Madeira (1 678), the Azores (10 318) and the Canary Islands (1 696).
- (7) The sub-ceilings included in the regional ceilings for France, Portugal and Spain in the case of the special premium and in the national ceilings for those Member States in the case of the suckler-cow premium, based on the number of premiums paid for a reference year to producers in the French overseas departments, the Azores and Madeira and the Canary Islands, are intended exclusively for such producers. The sub-ceilings included in the national ceilings for those Member States in the case of the suckler-cow premium, based on the number of premiums paid for a reference year to producers in the French overseas departments, Madeira and the Canary Islands, are intended exclusively for such producers. The remaining number of eligible animals, up to the specific limits on the special premium and the suckler-cow premium for those regions introduced by Regulations (EC) No 1452/2001, (EC) No 1453/2001 and (EC) No 1454/2001, are to be added to those set out in Annexes I and II to Regulation (EC) No 1254/1999 as amended by Regulation (EC) No 1455/2001⁽¹⁾.
- (8) The sub-ceilings included in the national ceilings for France, Portugal and Spain in the case of the slaughter premium, based on the number of premiums paid for a reference year to producers in the French overseas departments, the Azores and Madeira and the Canary Islands, are intended exclusively for such producers. The remaining number of eligible animals, up to the specific limits on the slaughter premium for those regions introduced by Regulations (EC) No 1452/2001, (EC) No 1453/2001 and (EC) No 1454/2001, are to be added to those set out in Annex III to Regulation (EC) No 2342/1999.
- (9) In the interests of legal clarity, Commission Regulation (EC) No 2912/95⁽²⁾ should be repealed.
- (10) So that Regulations (EC) No 1452/2001, (EC) No 1453/2001 and (EC) No 1454/2001 can be applied immediately, it is essential that this Regulation enter into force at the earliest opportunity.
- (11) To ensure consistency with the beginning of the period of application of the premium scheme introduced by Regulation (EC) No 1254/1999 for 2002, this Regulation should apply from 1 January 2002.

⁽¹⁾ OJ L 198, 21.7.2001, p. 58.

⁽²⁾ OJ L 305, 19.12.1995, p. 17.

- (12) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Beef and Veal,

HAS ADOPTED THIS REGULATION:

Article 1

1. The limit of 90 animals per age group, per calendar year and per holding for the purpose of granting the special premium provided for in Article 4 of Regulation (EC) No 1254/1999 shall apply in the French overseas departments, Madeira and the Canary Islands.

2. The sub-ceilings set for the remotest regions within the regional ceilings defined in Article 4(4) of Regulation (EC) No 1254/1999 for the special premium and set out in Annex I to that Regulation shall be as follows:

the French overseas departments:	1 669
Madeira:	886
the Azores:	27 744
the Canary Islands:	2 133

3. In the case of the suckler-cow premium, the authorities of the Member States concerned shall adopt the provisions necessary to guarantee, where required, the rights of the producers to whom a premium has been awarded under Article 6 of Regulation (EC) No 1254/1999. They shall notify the Commission of the measures taken at the earliest opportunity. The sum of the premiums awarded shall be included in a specific sub-ceiling included in the national ceilings laid down in Article 7(2) of Regulation (EC) No 1254/1999, intended exclusively for producers in the French overseas departments, Madeira and the Canary Islands.

The competent authorities may lay down special rules for allocating or reallocating these premium rights. They shall submit these rules to the Commission for consideration before implementing them.

4. The specific reserve of suckler-cow premium rights referred to in the second indent of Article 9(4)(b) of Regulation (EC) No 1452/2001 shall contain 35 000 rights.

5. The specific reserve of suckler-cow premium rights referred to in the second indent of Article 13(6)(b) of Regulation (EC) No 1453/2001 shall contain 1 000 rights.

6. The specific reserve of suckler-cow premium rights referred to in the second indent of Article 5(6)(b) of Regulation (EC) No 1454/2001 shall contain 5 000 rights.

7. The sub-ceilings set for the remotest regions within the national ceilings defined in Article 11(3) of Regulation (EC) No 1254/1999 for the slaughter premium and set out in Annex III to Regulation (EC) No 2342/1999 shall be as follows:

the French overseas departments:	3 727
Madeira:	1 678
the Azores:	10 318
the Canary Islands:	1 696

8. The basic premiums and the supplements to the suckler-cow premium and the slaughter premium shall be covered by a single application from the producer under the rules laid down in Regulation (EC) No 1254/1999.

9. Applications for the aid referred to in Article 22(9) of Regulation (EC) No 1453/2001 shall be submitted by the producer last responsible for keeping the animals during the mandatory period before shipment. They shall contain the following information, in particular:

- the animal's identification number,
- a declaration by the consignor indicating the destination of the animal.

10. The authorities of the Member States concerned may adopt, as necessary, additional rules for the grant of the supplements referred to in this Article. They shall inform the Commission of such action forthwith.

In addition, the said authorities shall notify the Commission, no later than 31 July each year for the previous calendar year, of the number of animals for which the basic premiums and the supplements to the suckler-cow premium and the slaughter premium have been applied for and granted. They shall also notify, before that date, the number of animals for which the aid referred to in Article 22(9) of Regulation (EC) No 1453/2001 has been applied for and granted.

Article 2

Regulation (EC) No 2912/95 is hereby repealed.

Article 3

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

It shall apply from 1 January 2002.

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

Done at Brussels, 30 January 2002.

For the Commission

Franz FISCHLER

Member of the Commission

COMMISSION REGULATION (EC) No 171/2002**of 30 January 2002****determining the extent to which the applications for import licences submitted in January 2002 for certain dairy products under certain tariff quotas opened by Regulation (EC) No 2535/2001 can be accepted**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1255/1999 of 17 May 1999 on the common organisation of the market in milk and milk products ⁽¹⁾, as last amended by Regulation (EC) No 1670/2000 ⁽²⁾,

Having regard 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 ⁽³⁾, and in particular Article 16(2) thereof,

Whereas:

Applications lodged in January 2002 for the products referred to in Annex I to Regulation (EC) No 2535/2001 concern

quantities greater than those available; therefore, the allocation factors should be fixed for the quantities applied for,

HAS ADOPTED THIS REGULATION:

Article 1

The allocation coefficients set out in the Annex to this Regulation shall be applied to the quantities for which import licences have been sought for the period 1 January to 30 June 2002 in respect of products falling within the quotas referred to in Annex I to Regulation (EC) No 2535/2001.

Article 2

This Regulation shall enter into force on 31 January 2002.

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

Done at Brussels, 30 January 2002.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 160, 26.6.1999, p. 48.

⁽²⁾ OJ L 193, 29.7.2000, p. 10.

⁽³⁾ OJ L 341, 22.12.2001, p. 29.

ANNEX

Applications submitted for the period 1 January to 30 June 2002

ANNEX I. A

Quota number	Allocation coefficient
09.4590	1,0000
09.4599	0,0087
09.4591	—
09.4592	1,0000
09.4593	1,0000
09.4594	1,0000
09.4595	0,0086
09.4596	1,0000

ANNEX I. B

1. Poland

Quota number	Allocation coefficient
09.4813	0,0095
09.4814	0,0088
09.4815	0,0368

2. Czech Republic

Quota number	Allocation coefficient
09.4611	0,0164
09.4612	0,0090
09.4613	1,0000

3. Slovak Republic

Quota number	Allocation coefficient
09.4611	0,0269
09.4612	0,0095
09.4613	0,2029

4. Hungary

Quota number	Allocation coefficient
09.4731	0,0197
09.4733	0,6514

5. Romania

Quota number	Allocation coefficient
09.4758	0,8270

6. Bulgaria

Quota number	Allocation coefficient
09.4660	1,0000

7. Estonia

Quota number	Allocation coefficient
09.4578	0,0355
09.4546	0,0329
09.4579	—
09.4580	1,0000
09.4547	0,0088
09.4581	0,0124
09.4582	0,0178

8. Latvia

Quota number	Allocation coefficient
09.4549	1,0000
09.4550	—
09.4551	0,0088
09.4552	0,0094

9. Lithuania

Quota number	Allocation coefficient
09.4554	0,0404
09.4567	1,0000
09.4556	0,0089
09.4557	0,0096

10. Slovenia

Quota number	Allocation coefficient
09.4086	1,0000
09.4087	—
09.4088	0,3237

ANNEX I. C

Quota number	Allocation coefficient
09.4026	—
09.4027	—

ANNEX I. D

Quota number	Allocation coefficient
09.4101	1,0000

ANNEX I. E

Quota number	Allocation coefficient
09.4151	1,0000

COMMISSION REGULATION (EC) No 172/2002
of 30 January 2002
on the issue of system B export licences in the fruit and vegetables sector

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 1961/2001 of 8 October 2001 on detailed rules for implementing Council Regulation (EC) No 2200/96 as regards export refunds on fruit and vegetables ⁽¹⁾, and in particular Article 6(6) thereof,

Whereas:

- (1) Commission Regulation (EC) No 2427/2001 ⁽²⁾ fixes the indicative quantities for system B export licences other than those sought in the context of food aid.
- (2) In the light of the information available to the Commission today, there is a risk that the indicative quantities laid down for the current export period for tomatoes will shortly be exceeded. This overrun will prejudice the

proper working of the export refund scheme in the fruit and vegetables sector.

- (3) To avoid this situation, applications for system B licences for tomatoes exported after 30 January 2002 should be rejected until the end of the current export period,

HAS ADOPTED THIS REGULATION:

Article 1

Applications for system B export licences for tomatoes submitted pursuant to Article 1 of Regulation (EC) No 2427/2001, export declarations for which are accepted after 30 January 2002 and before 15 March 2002, are hereby rejected.

Article 2

This Regulation shall enter into force on 31 January 2002.

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

Done at Brussels, 30 January 2002.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 268, 9.10.2001, p. 8.

⁽²⁾ OJ L 328, 13.12.2001, p. 22.

COMMISSION REGULATION (EC) No 173/2002
of 30 January 2002
on the issuing of system B export licences for 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 2190/96 of 14 November 1996 on detailed rules for implementing Council Regulation (EC) No 2200/96 as regards export refunds on fruit and vegetables ⁽¹⁾, as last amended by Regulation (EC) No 298/2000 ⁽²⁾, and in particular Article 5(6) thereof,

Whereas:

- (1) Commission Regulation (EC) No 2102/2001 ⁽³⁾ fixed the indicative quantities laid down for the issue of export licences other than those requested in the context of food aid.
- (2) In the light of information now available to the Commission, the indicative quantities have been exceeded in the case of tomatoes, oranges, lemons and table grapes.
- (3) Those overruns are without prejudice to compliance with the limits resulting from the agreements concluded in accordance with Article 300 of the Treaty. The rate of

refund for all products covered by licences applied for under system B from 16 November 2001 to 14 January 2002 should be the indicative rate,

HAS ADOPTED THIS REGULATION:

Article 1

The percentages for the issuing of system B export licences, as referred to in Article 5 of Regulation (EC) No 2190/96, and applied for between 16 November 2001 and 14 January 2002, by which the quantities applied for and the rates of refund applicable must be multiplied, are as fixed in the Annex hereto.

The above subparagraph does not apply to licences applied for in connection with food-aid operations as provided for in Article 10(4) of the Agreement on Agriculture concluded during the Uruguay Round of multilateral trade negotiations.

Article 2

This Regulation shall enter into force on 31 January 2002.

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

Done at Brussels, 30 January 2002.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 292, 15.11.1996, p. 12.

⁽²⁾ OJ L 34, 9.2.2000, p. 16.

⁽³⁾ OJ L 283, 27.10.2001, p. 3.

ANNEX

to the Commission Regulation of 30 January 2002 on the issuing of system B export licences for fruit and vegetables

Percentages for the issuing of licences and rates of refund applicable to system B licences applied for between 16 November 2001 and 14 January 2002

Product	Percentage for the issuing of licences	Rate of refund (EUR/t net)
Tomatoes	100 %	20,0
Oranges	100 %	45,0
Lemons	100 %	35,0
Table grapes	100 %	23,0
Apples	100 %	20,0

COMMISSION REGULATION (EC) No 174/2002**of 30 January 2002****amending Regulation (EC) No 2603/97 laying down the detailed implementing rules for imports of rice originating in the ACP countries or the overseas countries and territories (OCT)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Decision 2001/822/EC of 27 November 2001 on the association of the overseas countries and territories with the European Community ('Overseas Association Decision') ⁽¹⁾, and in particular Article 6(5) of Annex III thereto,

Having regard to Council Regulation (EEC) No 1706/98 of 20 July 1998 on the arrangements applicable to agricultural products and goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States (ACP States) and repealing Regulation (EEC) No 715/90 ⁽²⁾, and in particular Article 30(1) thereof,

Whereas:

- (1) On 27 November 2001, the Council adopted the 'Overseas Association Decision'. Under Article 6(5) of Annex III thereto, cumulation of origin is permitted within an overall annual quota of 160 000 tonnes expressed as husked-rice equivalent, which includes the tariff quota for rice originating in the ACP States under the Cotonou Agreement. An initial issue of import licences for 35 000 tonnes is made to the overseas countries and territories each year, within which quantity import licences for 10 000 tonnes are issued to the least-developed OCTs.
- (2) Management of this cumulative system required the adoption of detailed implementing rules for imports of rice originating in the ACP countries or the overseas countries and territories in Commission Regulation (EC) No 2603/97 ⁽³⁾, as last amended by Regulation (EC) No 2371/1999 ⁽⁴⁾.
- (3) In the light of the experience gained, the arrangements for calculating the import rights under Regulation (EC) No 1706/98 should be specified.
- (4) The issue of import licences should be staggered over several specific periods during the year with a view to better market management. Licences not used by the least-developed OCTs should be made available to the Netherlands Antilles and Aruba, while continuing to allow for carry-overs from one tranche to another during the year.
- (5) Licences should be introduced for these products and the detailed rules for their issue should be laid down so

that the necessary import controls of the quantities provided for in that Decision can be undertaken.

- (6) In the case of rice originating in the overseas countries and territories, the import licences should be valid until the end of the year in which they are issued.
- (7) 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

Regulation (EC) No 2603/97 is amended as follows:

1. Article 1 is replaced by the following:

'Article 1

This Regulation lays down the detailed implementing rules for imports of rice originating in the ACP States or in the overseas countries and territories (OCT) pursuant to Article 6(5) of Annex III to Council Decision 2001/822/EC (*).

(*) OJ L 314, 30.11.2001, p. 1.'

2. Article 4 is replaced by the following:

'Article 4

For the purposes of applying Article 13(1) of Council Regulation (EC) No 1706/98 (*), the amounts of the customs duties shall be fixed by the Commission in accordance with the procedure laid down in Article 4 of Commission Regulation (EC) No 1503/96 (**) on the detailed rules for the application of Council Regulation (EC) No 3072/95 (***) with regard to import duties on rice.

(*) OJ L 215, 1.8.1998, p. 12.

(**) OJ L 189, 30.7.1996, p. 71.

(***) OJ L 329, 30.12.1995, p. 18.'

3. The following paragraph is added to Article 5:

'6. Article 6 of Commission Regulation (EC) No 1162/95 (*) notwithstanding and pursuant to Article 23(2) of Commission Regulation (EC) No 1291/2000 (**), the import licences for husked, milled or semi-milled rice and for broken rice shall be valid from the actual day of issue to the end of the third month that follows. Their validity may not extend beyond 31 December of their year of issue, however.

(*) OJ L 117, 24.5.1995, p. 2.

(**) OJ L 152, 24.6.2000, p. 1.'

⁽¹⁾ OJ L 314, 30.11.2001, p. 1.

⁽²⁾ OJ L 215, 1.8.1998, p. 12.

⁽³⁾ OJ L 351, 16.12.1997, p. 22.

⁽⁴⁾ OJ L 328, 22.12.1999, p. 39.

4. Title II is replaced by the following:

TITLE II

Imports of rice with cumulative ACT/OCT origin.'

5. Article 6 is replaced by the following:

'Article 6

1. Licences for imports exempt from customs duties shall be issued each year under the following tranches, expressed as husked rice equivalent:

	(tonnes)	
	Netherlands Antilles and Aruba	Least-developed OCTs listed in Annex I.B to Decision 2001/ 822/EC
January	8 334	3 334
May	8 333	3 333
September	8 333	3 333

Quantities relating to stages in the processing of rice other than husking shall be converted using the conversion rates laid down in Article 1 of Commission Regulation No 467/67/EEC (*).

2. Applications for import licences must be accompanied by the original export licence, drawn up in accordance with Annex I and issued by the bodies competent to issue EUR.1 certificates.

3. Quantities not covered by import licences for any given tranche shall be carried over to the following one.

Quantities not covered by import licences issued under the September tranche may be applied for under an additional tranche in October, in accordance with Article 8(1).

4. In the case of the additional tranche in October, if the licence applications submitted for imports with cumulative ACP/least-developed OCT origin account for less than the quantities available, the balance may be used to meet applications for imports from the Netherlands Antilles and Aruba.

5. Article 6 of Regulation (EC) No 1162/95 notwithstanding and pursuant to Article 23(2) of Regulation (EC) No 1291/2000, import licences for husked, wholly milled or semi-milled rice and for broken rice shall be valid from the actual day of issue to 31 December of the year of issue.

(*) OJ 204, 24.8.1967, p. 1.'

6. The following subparagraph is added to Article 8(1):
'For 2002, applications for the first tranche provided for in Article 6(1) shall be lodged in the first ten working days of February.'

7. Article 9(1) is replaced by the following:

'1. Within two working days of the closing date for the submission of licence applications, the Member States shall notify the Commission, by telex or fax and in accordance with Annex II to this Regulation, of the quantities covered by import licence applications, broken down by eight-digit CN code, by tranche and by country of origin, the number of the licence applied for and the name and address of the applicant.'

8. Article 11(4) is deleted.

9. The first indent of the first paragraph of Article 12 is replaced by the following:

'— within two working days of their issue, of the quantities, broken down by eight-digit CN code and by country of origin, covered by the import licences issued, the date of issue, the number of the export licence, where appropriate, the number of the import licence issued and the name and address of the holder.'

10. The Annex to Regulation (EC) No 2603/97 is replaced by the Annexes to this Regulation.

Article 2

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

It shall apply from 1 February 2002.

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

Done at Brussels, 30 January 2002.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX

ANNEX I

Model export licence as referred to in Article 6(2) of Regulation (EC) No 2603/97

1. Exporter (name, full address, country)	ORIGINAL	2. No	
	3. Quota year		
4. Importer (name, full address, country) (optional)	EXPORT LICENCE RICE		
5. Place and date of loading — means of transport (optional)	6. Country of origin	7. Country of destination	
	8. Additional details		
9. Description of goods	10. CN code (8 digits)	11. Quantity (tonnes) (net weight)	
12. CERTIFICATION BY THE COMPETENT AUTHORITY I, the undersigned, certify that, in the case of the country referred to in box 13, the total quantity of rice for which export licences have been issued under Regulation (EC) No 2603/97 for the year indicated in box 3, including the quantity in this export licence, is less than the maximum quantity authorised by Article 6(5) of Annex III to Decision 2001/822/EC.			
13. Competent authority (name, full address, country)	At on		
	<div style="display: flex; justify-content: space-between;"> (Signature) (Stamp) </div>		

ANNEX II

RICE — REGULATION (EC) No 2603/97

Application for an import licence ⁽¹⁾
 Issue of an import licence ⁽¹⁾
 Release into free circulation ⁽¹⁾

To: DG Agri-C2
 Fax: (32-2) 296 60 21

Sender:

Date	Export licence number ^(*)	Import licence number	Tranche ^(**) — OCT (Article 6) — ACP (Article 2(1)) — ACP broken rice (Article 3) — ACP + OCT (Article 7)	CN code	Quantity (tonnes)	Country of origin	Name and address of applicant/holder

^(*) Applicable to imports under Article 6(2).
^(**) Please state to which of the four options the application/issue/release into free circulation relates.*

⁽¹⁾ Delete as appropriate.

COMMISSION REGULATION (EC) No 175/2002**of 30 January 2002****setting an aid supplement for tomatoes for processing for the 2001/02 marketing year and the aid for the 2002/03 marketing year under Council Regulation (EC) No 2201/96**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2201/96 of 28 October 1996 on the common organisation of the markets in processed fruit and vegetable products ⁽¹⁾, as last amended by Regulation (EC) No 1239/2001 ⁽²⁾, and in particular Article 6(1) thereof,

Whereas:

- (1) Article 2(3) of Commission Regulation (EC) No 449/2001 of 2 March 2001 laying down detailed rules for applying Council Regulation (EC) No 2201/96 as regards the aid scheme for products processed from fruit and vegetables ⁽³⁾, as amended by Regulation (EC) No 1343/2001 ⁽⁴⁾, stipulates in particular that the Commission is to publish the amount of aid for tomatoes after verification of compliance with the thresholds fixed in Annex III to Regulation (EC) No 2201/96.
- (2) The quantity of tomatoes covered by aid applications for the 2001/02 marketing year as notified by the Member States in accordance with Article 23(2)(a) of Regulation (EC) No 449/2001 is above the Community threshold.
- (3) Article 5(3)(a) of Regulation (EC) No 2201/96 lays down that for the 2001/02 marketing year the aid fixed in Article 4(2) of that Regulation is to be reduced to EUR 31,36/tonne and that a supplement is to be paid after the end of the marketing year in the Member States that have not exceeded their threshold by more than 10 %. Point (b) of that Article lays down that for the 2002/03 marketing year, the overrun of the processing threshold is to be calculated on the basis of the quantity supplied for processing with aid during the 2001/02 marketing year.
- (4) Spain has had recourse to Article 5(4) of Regulation (EC) No 2201/96 for the 2001/02 marketing year and has informed the Commission of the quantities of the two sub-thresholds concerned in accordance with Article 23(1) of Regulation (EC) No 449/2001.
- (5) The aid to be applied for the 2001/02 and 2002/03 marketing years in the Member States that have not exceeded their threshold is the amount fixed in Article 4(2) of Regulation (EC) No 2201/96 and the supplement to be paid for the 2001/02 marketing year bridges the

difference between that amount and the amount referred to in the second indent of Article 5(3)(a) of that Regulation.

- (6) In the other Member States, the aid to be applied for the 2001/02 and 2002/03 marketing years is the amount fixed in Article 4(2) of Regulation (EC) No 2201/96 reduced by the threshold overruns, or by the sub-threshold overruns in the case of Spain, following the distribution, in accordance with and the third subparagraph of Article 5(2) and the third subparagraph of Article 5(4) of that Regulation, of the quantities or sub-quantities still available and the supplement to be paid for the 2001/02 marketing year bridges the difference between that amount and the amount of aid referred to in the second indent of Article 5(3)(a) of that Regulation.
- (7) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Processed Fruit and Vegetables,

HAS ADOPTED THIS REGULATION:

Article 1

1. For the 2001/02 marketing year the aid supplement referred to in the second indent of Article 5(3)(a) of Regulation (EC) No 2201/96 shall be:

- EUR 3,14/tonne in Greece, France and Portugal,
- EUR 2,70/tonne in Italy,
- EUR 3,14/tonne in Spain for tomatoes intended for processing into whole peeled tomatoes,
- EUR 0,10/tonne in Spain for tomatoes intended for processing into other tomato products.

2. For the 2002/03 marketing year the aid referred to in Article 2 of the said Regulation shall be:

- EUR 34,50/tonne in Greece, France and Portugal,
- EUR 34,06/tonne in Italy,
- EUR 34,50/tonne in Spain for tomatoes intended for processing into whole peeled tomatoes,
- EUR 31,46/tonne in Spain for tomatoes intended for processing into other tomato products.

Article 2

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

⁽¹⁾ OJ L 297, 21.11.1996, p. 29.

⁽²⁾ OJ L 171, 26.6.2001, p. 1.

⁽³⁾ OJ L 64, 6.3.2001, p. 16.

⁽⁴⁾ OJ L 181, 4.7.2001, p. 16.

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

Done at Brussels, 30 January 2002.

For the Commission
Franz FISCHLER
Member of the Commission

COMMISSION REGULATION (EC) No 176/2002**of 30 January 2002****on the suspension and opening of tariff quotas applicable to the importation into the European Community of certain processed agricultural products originating in Lithuania and amending Regulation (EC) No 1477/2000**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3448/93 of 6 December 1993 laying down the trade arrangements applicable to certain goods resulting from the processing of agricultural products ⁽¹⁾, as last amended by Regulation (EC) No 2580/2000 ⁽²⁾, and in particular Article 7(2) thereof,

Having regard to Council Decision 98/677/EC of 18 May 1998 on the conclusion of a Protocol adjusting trade aspects of the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republic of Lithuania, of the other part, to take account of the accession of the Republic of Austria, the Republic of Finland and the Kingdom of Sweden to the European Union and the outcome of the Uruguay Round negotiations on agriculture, including improvements to the existing preferential arrangements ⁽³⁾, and in particular Article 2 thereof,

Whereas:

- (1) Commission Regulation (EC) No 119/2002 ⁽⁴⁾ opened, for the year 2002, the tariff quotas applicable to Community imports of products originating in Lithuania.
- (2) Commission Regulation (EC) No 1477/2000 ⁽⁵⁾, as last amended by Regulation (EC) No 2106/2001 ⁽⁶⁾, lays down the reduced agricultural components and additional duties applicable from 1 July 2000 to the importation into the Community of goods covered by Regulation (EC) No 3448/93 under Europe Agreements.
- (3) Decision No 5/2001 of the EU-Lithuania Association Council amended Protocol 2 to the Europe Agreement. The said Decision amends the volume of tariff quotas and the system for calculating the reduced agricultural components and additional duties. It shall enter into force on 1 February 2002.
- (4) As a result, it is appropriate to suspend the application of quotas opened by Regulation (EC) No 119/2002 and to open the new annual quotas provided for in Annex I to Protocol 2. As these annual quotas cannot be opened before 1 February 2002, it is appropriate to reduce

them, for the year 2002, in proportion to the period which has already elapsed. At the same time, it is appropriate to abolish the reduced agricultural components and additional duties laid down by Regulation (EC) No 1477/2000.

- (5) Commission Regulation (EEC) No 2454/93 of 2 July 1993 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code ⁽⁷⁾, as last amended by Regulation (EC) No 993/2001 ⁽⁸⁾, codified the management of tariff quotas intended to be used in the chronological order of the dates of acceptance of declarations for release for free circulation.
- (6) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for horizontal questions concerning trade in processed agricultural products not listed in Annex I,

HAS ADOPTED THIS REGULATION:

Article 1

The application of tariff quotas opened by the Annex to Regulation (EC) No 119/2002 is suspended as from 1 February 2002.

Article 2

The Community tariff quotas for goods originating in Lithuania, set out in the Annex to this Regulation, shall be opened annually from 1 January to 31 December. For the year 2002, they shall be opened from 1 February to 31 December 2002.

Article 3

The Community tariff quotas referred to in Article 2 shall be managed by the Commission in accordance with the provisions of Articles 308a to 308c of Regulation (EEC) No 2454/93.

Article 4

Regulation (EC) No 1477/2000 shall be amended as follows:

1. the seventh paragraph of Article 2 is deleted;
2. Annexes XV and XVI are deleted.

⁽¹⁾ OJ L 318, 20.12.1993, p. 18.

⁽²⁾ OJ L 298, 25.11.2000, p. 5.

⁽³⁾ OJ L 321, 30.11.1998, p. 1.

⁽⁴⁾ OJ L 21, 24.1.2002, p. 19.

⁽⁵⁾ OJ L 171, 11.7.2000, p. 44.

⁽⁶⁾ OJ L 283, 27.10.2001, p. 12.

⁽⁷⁾ OJ L 253, 11.10.1993, p. 1.

⁽⁸⁾ OJ L 141, 28.5.2001, p. 1.

Article 5

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

It shall apply from 1 February 2002.

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

Done at Brussels, 30 January 2002.

For the Commission

Erkki LIIKANEN

Member of the Commission

ANNEX

Preferential tariff quotas for Community imports of goods originating in Lithuania

Order No	CN code	Description	Quota volume, per annum (tonnes)			Rate of duty applicable within the limits of the quota
			2002	2003	2004	
(1)	(2)	(3)	(4)	(5)	(6)	(7)
09.6549	0403 10 51 to 0403 10 99	Yogurt, flavoured or containing added fruit, nuts or cocoa	1 009	1 200	1 300	Exemption
09.6501	1704 90 71 1704 90 75	Boiled sweets, whether or not filled Caramels	565	672	728	
09.6503	1806 90	Chocolate and other food preparations containing cocoa falling within CN codes 1806 90 11 to 1806 90 90	706	840	910	
09.6534	2402 20 90	Cigarettes containing tobacco but not containing cloves	101	120	130	

COMMISSION REGULATION (EC) No 177/2002
of 30 January 2002
fixing the import duties in the rice sector

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⁾,

Having regard to Commission Regulation (EC) No 1503/96 of 29 July 1996 laying down detailed rules for the application of Council Regulation (EC) No 3072/95 as regards import duties in the rice sector ⁽³⁾, as last amended by Regulation (EC) No 2831/98 ⁽⁴⁾, and in particular Article 4(1) thereof,

Whereas:

- (1) Article 11 of Regulation (EC) No 3072/95 provides that the rates of duty in the Common Customs Tariff are to be charged on import of the products referred to in Article 1 of that Regulation. However, in the case of the products referred to in paragraph 2 of that Article, the import duty is to be equal to the intervention price valid for such products on importation and increased by a certain percentage according to whether it is husked or milled rice, minus the cif import price provided that duty does not exceed the rate of the Common Customs Tariff duties.
- (2) Pursuant to Article 12(3) of Regulation (EC) No 3072/95, the cif import prices are calculated on the basis of the representative prices for the product in question on the world market or on the Community import market for the product.

- (3) Regulation (EC) No 1503/96 lays down detailed rules for the application of Regulation (EC) No 3072/95 as regards import duties in the rice sector.
- (4) The import duties are applicable until new duties are fixed and enter into force. They also remain in force in cases where no quotation is available from the source referred to in Article 5 of Regulation (EC) No 1503/96 during the two weeks preceding the next periodical fixing.
- (5) In order to allow the import duty system to function normally, the market rates recorded during a reference period should be used for calculating the duties.
- (6) Application of Regulation (EC) No 1503/96 results in import duties being fixed as set out in the Annexes to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The import duties in the rice sector referred to in Article 11(1) and (2) of Regulation (EC) No 3072/95 shall be those fixed in Annex I to this Regulation on the basis of the information given in Annex II.

Article 2

This Regulation shall enter into force on 31 January 2002.

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

Done at Brussels, 30 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 189, 30.7.1996, p. 71.

⁽⁴⁾ OJ L 351, 29.12.1998, p. 25.

ANNEX I

Import duties on rice and broken rice

(EUR/t)

CN code	Duties ⁽¹⁾				
	Third countries (except ACP and Bangladesh) ⁽²⁾	ACP ⁽¹⁾ ⁽²⁾ ⁽³⁾	Bangladesh ⁽⁴⁾	Basmati India and Pakistan ⁽⁵⁾	Egypt ⁽⁶⁾
1006 10 21	(7)	69,51	101,16		158,25
1006 10 23	(7)	69,51	101,16		158,25
1006 10 25	(7)	69,51	101,16		158,25
1006 10 27	(7)	69,51	101,16		158,25
1006 10 92	(7)	69,51	101,16		158,25
1006 10 94	(7)	69,51	101,16		158,25
1006 10 96	(7)	69,51	101,16		158,25
1006 10 98	(7)	69,51	101,16		158,25
1006 20 11	247,82	82,40	119,57		185,87
1006 20 13	247,82	82,40	119,57		185,87
1006 20 15	247,82	82,40	119,57		185,87
1006 20 17	264,00	88,06	127,66	14,00	198,00
1006 20 92	247,82	82,40	119,57		185,87
1006 20 94	247,82	82,40	119,57		185,87
1006 20 96	247,82	82,40	119,57		185,87
1006 20 98	264,00	88,06	127,66	14,00	198,00
1006 30 21	(7)	133,21	193,09		312,00
1006 30 23	(7)	133,21	193,09		312,00
1006 30 25	(7)	133,21	193,09		312,00
1006 30 27	(7)	133,21	193,09		312,00
1006 30 42	(7)	133,21	193,09		312,00
1006 30 44	(7)	133,21	193,09		312,00
1006 30 46	(7)	133,21	193,09		312,00
1006 30 48	(7)	133,21	193,09		312,00
1006 30 61	(7)	133,21	193,09		312,00
1006 30 63	(7)	133,21	193,09		312,00
1006 30 65	(7)	133,21	193,09		312,00
1006 30 67	(7)	133,21	193,09		312,00
1006 30 92	(7)	133,21	193,09		312,00
1006 30 94	(7)	133,21	193,09		312,00
1006 30 96	(7)	133,21	193,09		312,00
1006 30 98	(7)	133,21	193,09		312,00
1006 40 00	(7)	41,18	(7)		96,00

⁽¹⁾ The duty on imports of rice originating in the ACP States is applicable, under the arrangements laid down in Council Regulation (EC) No 1706/98 (OJ L 215, 1.8.1998, p. 12) and amended Commission Regulation (EC) No 2603/97 (OJ L 351, 23.12.1997, p. 22).

⁽²⁾ In accordance with Regulation (EC) No 1706/98, the duties are not applied to products originating in the African, Caribbean and Pacific States and imported directly into the overseas department of Réunion.

⁽³⁾ The import levy on rice entering the overseas department of Réunion is specified in Article 11(3) of Regulation (EC) No 3072/95.

⁽⁴⁾ The duty on imports of rice not including broken rice (CN code 1006 40 00), originating in Bangladesh is applicable under the arrangements laid down in Council Regulation (EEC) No 3491/90 (OJ L 337, 4.12.1990, p. 1) and amended Commission Regulation (EEC) No 862/91 (OJ L 88, 9.4.1991, p. 7).

⁽⁵⁾ No import duty applies to products originating in the OCT pursuant to Article 101(1) of amended Council Decision 91/482/EEC (OJ L 263, 19.9.1991, p. 1).

⁽⁶⁾ For husked rice of the Basmati variety originating in India and Pakistan, a reduction of EUR/t 250 applies (Article 4a of amended Regulation (EC) No 1503/96).

⁽⁷⁾ Duties fixed in the Common Customs Tariff.

⁽⁸⁾ The duty on imports of rice originating in and coming from Egypt is applicable under the arrangements laid down in Council Regulation (EC) No 2184/96 (OJ L 292, 15.11.1996, p. 1) and Commission Regulation (EC) No 196/97 (OJ L 31, 1.2.1997, p. 53).

ANNEX II

Calculation of import duties for rice

	Paddy	Indica rice		Japonica rice		Broken rice
		Husked	Milled	Husked	Milled	
1. Import duty (EUR/tonne)	(¹)	264,00	416,00	247,82	416,00	(¹)
2. Elements of calculation:						
(a) Arag cif price (EUR/tonne)	—	264,24	—	313,08	303,20	—
(b) fob price (EUR/tonne)	—	—	—	278,29	268,41	—
(c) Sea freight (EUR/tonne)	—	—	—	34,79	34,79	—
(d) Source	—	USDA and operators	USDA and operators	Operators	Operators	—

(¹) Duties fixed in the Common Customs Tariff.

COMMISSION DIRECTIVE 2002/4/EC
of 30 January 2002
on the registration of establishments keeping laying hens, covered by Council Directive
1999/74/EC

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 1999/74/EC of 19 July 1999 laying down minimum standards for the protection of laying hens ⁽¹⁾, and in particular Article 7 thereof,

Whereas:

- (1) Directive 1999/74/EC lays down specific requirements for the protection of laying hens in various systems of farming and allow the Member States to choose the most appropriate system or systems.
- (2) Article 7 of Directive 1999/74/EC requires that every establishment covered by the scope of that Directive shall be registered by the competent authority of the Member State and given a distinguishing number, which will be the medium for tracing eggs placed on the market for human consumption.
- (3) Council Regulation (EEC) No 1907/90 of 26 June 1990 on certain marketing standards for eggs ⁽²⁾, as last amended by Regulation (EC) No 5/2001 ⁽³⁾, makes it compulsory to stamp eggs with a code designating the producer's distinguishing number and permitting the farming method to be identified.
- (4) The farming methods are defined by Commission Regulation (EEC) No 1274/91 of 15 May 1991 introducing detailed rules for implementing Regulation (EEC) No 1907/90 on certain marketing standards for eggs ⁽⁴⁾, as last amended by Regulation (EC) No 1651/2001 ⁽⁵⁾, and also by Council Regulation (EEC) No 2092/91 of 24 June 1991 on organic production of agricultural products and indications referring thereto on agricultural products and foodstuffs ⁽⁶⁾, as last amended by Commission Regulation (EC) No 2491/2001 ⁽⁷⁾, as far as organic production is concerned.
- (5) A registration of the establishments under distinguishing numbers is a condition for tracing eggs placed on the market for human consumption.

- (6) The measures provided for in this Directive are in accordance with the opinion of the Standing Veterinary Committee,

HAS ADOPTED THIS DIRECTIVE:

Article 1

1. Member States shall:
 - (a) establish a system for registering every production site (hereafter: establishment) covered by the scope of Directive 1999/74/EC, allocating a distinguishing number to it, in conformity with the Annex to this Directive;
 - (b) ensure that for each such establishment at least the information set out in point 1 of the Annex is supplied to the competent authority of the Member State, by a date determined by the Member State; this date shall be such as to allow sufficient time for registration of those establishments in accordance with point (c);
 - (c) ensure that each establishment for which the required information is supplied by the date determined pursuant to point (b) is registered and allocated a distinguishing number by 31 May 2003.
2. Member States shall provide that, from 1 June 2003
 - (a) no establishment for which the information required pursuant to paragraph 1(b) has not been supplied by the date determined there may continue to be used; and
 - (b) no new establishment is brought into use prior to completion of registration and receipt of the distinguishing number.
3. Member States shall ensure that the register of establishments established pursuant to paragraph 1 is accessible to the competent authority of the Member State for the purpose of tracing eggs put on the market for human consumption.
4. Member States shall ensure that changes concerning registered data are notified to the competent authority without delay and that the register is updated immediately when such information is received.

Article 2

Member States shall bring into force the laws, regulations and administrative provisions to comply with this Directive by 31 March 2003. They shall forthwith communicate to the Commission the text of those provisions.

⁽¹⁾ OJ L 203, 3.8.1999, p. 53.

⁽²⁾ OJ L 173, 6.7.1990, p. 5.

⁽³⁾ OJ L 2, 5.1.2001, p. 1.

⁽⁴⁾ OJ L 121, 16.5.1991, p. 11.

⁽⁵⁾ OJ L 220, 15.8.2001, p. 5.

⁽⁶⁾ OJ L 198, 22.7.1991, p. 1.

⁽⁷⁾ OJ L 337, 20.12.2001, p. 9.

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

Article 3

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

Article 4

This Directive is addressed to the Member States.

Done at Brussels, 30 January 2002.

For the Commission

David BYRNE

Member of the Commission

ANNEX

The definitions in Article 2 of Directive 1999/74/EC shall apply where necessary.

1. DATA REQUIRED FOR REGISTRATION

For each establishment at least the following data shall be registered:

- establishment:
 - name of the establishment,
 - address,
- natural person responsible for the laying hens (hereafter 'keeper'):
 - name,
 - address,
 - registration number(s) of other establishment(s) covered by the scope of Directive 1999/74/EC run or owned by the keeper,
- owner of the establishment, if different from the keeper:
 - name,
 - address,
 - registration number(s) of other establishment(s) covered by the scope of Directive 1999/74/EC owned or run by the owner,
- further information on the establishment:
 - farming method(s) according to the definitions referred to under point 2.1,
 - maximum capacity of the establishment in number of birds present at one time; if different farming methods are used additionally the maximum number of birds present at one time per farming method.

2. DISTINGUISHING NUMBER

The distinguishing number shall be composed of a digit indicating the farming method determined in accordance with point 2.1 followed by the code of the Member State according to point 2.2 and an identification number defined by the Member State in which the establishment is located.

2.1. Code for the farming method

The farming methods as defined in Regulation (EEC) No 1274/91 as amended used in the establishment shall be indicated by the following code:

- 1 Free range
- 2 Barn
- 3 Cages

The farming method used in establishments producing under the conditions specified in Regulation (EEC) No 2092/91 shall be indicated by:

- 0 Organic production

2.2. Code for the Member State of registration

- AT Austria
- BE Belgium
- DE Germany
- DK Denmark
- ES Spain
- FI Finland
- FR France
- GR Greece
- IE Ireland
- IT Italy
- LU Luxembourg
- NL Netherlands
- PT Portugal
- SE Sweden
- UK United Kingdom

2.3. Identification of the establishment

Each Member State shall implement a system to attribute a unique number to each establishment to be registered, which may also be used for purposes other than for this Directive, provided that the identification of the establishment is ensured.

Member States can add further characters to the identification number, as for the identification of single flocks kept in separated buildings of an establishment.

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 30 January 2002

amending Decision 93/402/EEC concerning animal health conditions and veterinary certification for imports of fresh meat from South American countries and in particular as regards to Argentina

(notified under document number C(2002) 384)

(Text with EEA relevance)

(2002/68/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 72/462/EEC, of 12 December 1972, on health and veterinary inspection problems upon importation of bovine, ovine and caprine animals and swine, fresh meat or meat products from third countries ⁽¹⁾, as last amended by Regulation (EC) No 1452/2001 ⁽²⁾, and in particular Article 15 and Article 16(1) thereof,

Whereas:

- (1) The animal health conditions and veterinary certification for imports into the Community of fresh meat from Argentina, Brazil, Chile, Colombia, Paraguay and Uruguay are laid down by Commission Decision 93/402/EEC of 10 June 1993 concerning animal health conditions and veterinary certification for imports of fresh meat from South American countries ⁽³⁾, as last amended by Decision 2002/45/EC ⁽⁴⁾.
- (2) Since the adoption of Commission Decision 2002/45/EC an outbreak of foot and mouth disease has occurred in the region of Córdoba in Argentina and the veterinary authorities have suspended this province for importation of de-boned bovine meat into the Community.
- (3) In order to be consistent Community legislation must be amended in order to delete the province of Córdoba

from the list of provinces listed in the Annexes of Decision 93/402/EEC.

- (4) Decision 93/402/EEC should therefore be amended accordingly.
- (5) The measures provided for in this Decision are in accordance with the opinion of the Standing Veterinary Committee,

HAS ADOPTED THIS DECISION:

Article 1

Annexes I and II to Decision 93/402/EEC are replaced by the corresponding Annexes to this Decision.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 30 January 2002.

For the Commission

David BYRNE

Member of the Commission

⁽¹⁾ OJ L 302, 31.12.1972, p. 28.

⁽²⁾ OJ L 198, 21.7.2001, p. 11.

⁽³⁾ OJ L 179, 22.7.1993, p. 11.

⁽⁴⁾ OJ L 20, 23.1.2002, p. 7.

ANNEX

ANNEX I

Description of territories of South America established for animal health certification purposes

Country	Territory		Description of territory
	Code	Version	
Argentina	AR	01/2001	Whole country
	AR-1	02/2002	The Provinces of Buenos Aires, Catamarca, Chaco, Chubut, Corrientes, Entre Ríos, Formosa, Jujuy, La Rioja, Mendoza, Misiones, Neuquen, Rio Negro, Salta, San Juan, San Luis, Santa Cruz, Santa Fe, Tierra del Fuego and Tucuman
Brazil	BR	01/93	Whole country
	BR-1	02/2001	The States of: Rio Grande do Sul, Parana, Minas Gerais (except regional delegations of Oliveira, Passos, São Gonçalo de Sapucaí, Setelagoas and Bambuí), São Paulo, Espírito Santo, Mato Grosso do Sul (except for the municipalities of Sonora, Aquidauana, Bodoquena, Bonito, Caracol, Coxim, Jardim, Ladario, Miranda, Pedro Gomes, Porto Murquinho, Rio Negro, Rio Verde of Mato Grosso and Corumbá), Santa Catarina, Goiás and the regional units of Cuiabá (except for the municipalities of San Antonio de Leverger, Nossa Senhora do Livramento, Pocone and Barão de Melgaço), Cáceres (except for the municipality of Cáceres), Lucas do Rio Verde, Rondonópolis (except for the municipality of Itiquira), Barra do Garças and Barra do Bugres in Mato Grosso
Chile	CL	01/93	Whole country
Colombia	CO	01/93	Whole country
	CO-1	01/93	The zone included within the following borderlines: from the point where the Murri River flows into the Atrato River, downstream along the Atrato River to where it flows into the Atlantic Ocean, from this point to the Panamanian border following the Atlantic coastline to Cabo Tiburon, from this point to the Pacific Ocean following the Colombian-Panamanian border: from this point to the mouth of the Valle River along the Pacific Coast and from this point along a straight line to the point where the Murri River flows into the Atrato River
	CO-2	01/93	The municipalities of Arboletas, Necoclí, San Pedro de Urabá, Turbo, Apartado, Chigorodo, Mutatá, Dabeiba, Uramita, Murindo, Riosucio (right bank of the Atrato river) and Frontino
	CO-3	01/93	The zone included within the following borderlines: from the mouth of the Sinu River on the Atlantic Ocean, upstream along the Sinu River to its head-waters of Alto Paramillo, from this point to Puerto Rey on the Atlantic Ocean, following the borderline between the Department of Antioquia and Córdoba, and from this point to the mouth of the Sinu River along the Atlantic Coast
Paraguay	PY	01/93	Whole country
Uruguay	UY	01/2001	Whole country'

Animal health guarantees requested on certification ⁽¹⁾

Country	Territory	Model certificate for fresh meat				Model certificate for offal								Model certificate for de-boned fresh meat (not to be used for offal)			
		Species				of bovine animals					of ovines			Species			
		Bovine	Ovine- caprine	Porcine	Soliped	HC	MP				PF	HC	PF	Bovine	Ovine- caprine	Porcine	Soliped
							1	2	3	4							
Argentina	AR	—	—	—	D	—	—	—	—	—	—	—	—	—	—	—	D
	AR-1	—	—	—	D	—	—	—	—	—	F ⁽⁷⁾	—	—	A ⁽⁶⁾	—	—	D
Brazil	BR	—	—	—	D	—	—	—	—	—	—	—	—	—	—	—	D
	BR-1	—	—	—	D	—	—	—	—	—	F ⁽⁵⁾	—	—	A ⁽⁵⁾	—	—	D
Chile	CL	B	B	H	D	B	B	B	B	B	B	B	B	A	C	H	D
Colombia	CO	—	—	—	D	—	—	—	—	—	—	—	—	—	—	—	D
	CO-1	—	—	—	D	—	—	—	—	—	—	—	—	A	—	—	D
	CO-2	—	—	—	D	—	—	—	—	—	—	—	—	—	—	—	D
	CO-3	—	—	—	D	—	—	—	—	—	—	—	—	A	—	—	D
Paraguay	PY	—	—	—	D	—	—	—	—	—	F	—	—	A	—	—	D
Uruguay	UY	B ⁽²⁾	B ⁽²⁾	—	D	B ⁽²⁾	B ⁽³⁾	B ⁽³⁾	B ⁽³⁾	B ⁽³⁾	F B ⁽³⁾	—	G B ⁽³⁾	A ⁽⁴⁾	C ⁽⁴⁾	—	D

⁽¹⁾ The letters (A, B, C, D, E, F, G and H) appearing on the table are referring to the models of animal health guarantees as described in Annex III part 2 of this Decision, to be applied for each product and origin in accordance with Article 2 of this Decision; a dash (—) indicates that imports are not authorised.

HC: Human consumption.

MP: Destined for heat-treated meat products industry:

1 = hearts.

2 = livers.

3 = masseter muscles.

4 = tongues.

PF: Destined for the pet food industry.

⁽²⁾ Only to be used for meat from animals slaughtered before 23 March 2001.

⁽³⁾ Only to be used for offal from animals slaughtered before 23 April 2001.

⁽⁴⁾ Only to be used for de-boned meat from animals slaughtered before 23 April 2001 and/or after 1 November 2001.

⁽⁵⁾ In the case of Rio Grande do Sul only to be used for de-boned meat or offal for pet food from animals slaughtered before 9 May 2001 and/or after 30 November 2001.

⁽⁶⁾ Only to be used for de-boned meat from bovine animals slaughtered after 31 January 2002.

⁽⁷⁾ Only to be used for de-boned meat or offal for petfood from bovine animals slaughtered after 31 January 2002.’

COMMISSION DECISION
of 30 January 2002
concerning certain protective measures with regard to the products of animal origin imported
from China

(notified under document number C(2002) 387)

(Text with EEA relevance)

(2002/69/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 97/78/EC of 18 December 1997 laying down the principles governing the organization of veterinary checks on products entering the Community from third countries ⁽¹⁾, and in particular Article 22(1) thereof,

Whereas:

- (1) Under Directive 97/78/EC the necessary measures must be adopted as regards the import of certain products from third countries where any cause likely to constitute a serious risk to animal or human health appears or is spreading.
- (2) Under Directive 95/53/EC fixing the principles governing the organisation of official inspections in the field of animal nutrition ⁽²⁾ the necessary measures must be adopted as regards the import of certain products from third countries and intended for animal nutrition, where any cause likely to constitute a serious danger to animal or human health appears or is spreading.
- (3) Under Council Directive 96/23/EC on measures to monitor certain substances and residues thereof in live animals and animal products and repealing Directives 85/358/EEC and 86/469/EEC and Decisions 89/187/EEC and 91/664/EEC ⁽³⁾, the production process of animals and primary products of animal origin shall be monitored for the purpose of detecting the presence of certain residues and substances in live animals, their excrements and body fluids and in tissue, animal products, animal feed and drinking water.
- (4) Following the detection of chloramphenicol in certain aquaculture and fishery products imported from China, the Commission adopted Decision 2001/699/EC, concerning certain protective measures with regard to certain fishery and aquaculture products intended for human consumption and originating in China and Vietnam ⁽⁴⁾.
- (5) Furthermore, an inspection visit to China carried out on the spot by Community experts has identified serious shortcomings as regards veterinary medicines regulation and the residue control system in live animals and animal products, which may lead to the presence of harmful residues, including chloramphenicol, in products intended for human or animal consumption, presenting a risk to their health.
- (6) The inspection visit has also revealed a severe non-observance by the Chinese competent authorities of the numerous commitments and guarantees they have provided to the Commission, as regard the control of residues and substances which may be a danger to public and animal health.
- (7) Therefore it is necessary to suspend the imports of products of animal origin from China intended for human or animal consumption. Nevertheless, a derogation should be provided for casings and fishery products except crustaceans, which are caught, frozen and packed in their final packaging at sea and landed directly on Community territory, such products not being concerned by the risk identified above.
- (8) Also, with a view to minimize negative trade effects in a manner proportionate to the management of the risk, this Decision authorizes the imports into the Community, during a period of 6 weeks, of consignments which have left China before the entry into force of this Decision, on condition that they are subjected to intensified monitoring and testing to ensure their safety.
- (9) This Decision shall be reviewed in the light of information provided by the competent authorities of China, any results from the increased monitoring and testing carried out by Member States on consignments arriving before 14 March 2002 and, if necessary, on the basis of the results of a new inspection visit carried out on the spot by Community experts.
- (10) The measures provided for in this Decision are in accordance with the opinion of the Standing Veterinary Committee,

⁽¹⁾ OJ L 24, 30.1.1998, p. 9.

⁽²⁾ OJ L 333, 29.12.2000, p. 81.

⁽³⁾ OJ L 125, 23.5.1996, p. 10.

⁽⁴⁾ OJ L 251, 20.1.2001, p. 11.

HAS ADOPTED THIS DECISION:

Article 1

This Decision shall apply to all products of animal origin imported from China and intended for human consumption or animal feed use.

Article 2

1. Member States shall prohibit the imports of products referred in Article 1.

2. By derogation to point 1, Member States shall authorize the imports of casings and fishery products, except crustaceans, which are caught, frozen and packaged in their final packaging at sea and landed directly on Community territory.

Article 3

1. By derogation to point 1 of Article 2, Member States shall authorise, until 14 March 2002, the imports of consignments of such products which have left China before 31 January 2002, when the monitoring provided for in paragraph 2 can demonstrate that these consignments do not constitute a risk for public health.

2. For this purpose, Member States shall extend the checks as laid down by Decision 2001/699/EC to all products of animal origin covered by paragraph 1 to other residues of veterinary drugs, pesticides, contaminants and prohibited substances.

Article 4

All expenditures incurred by the application of this Decision shall be charged to the consignor, the consignee or their agent.

Article 5

Member States shall modify the measures they apply to trade to bring them into line with this Decision. They shall immediately inform the Commission thereof.

Article 6

This Decision shall be reviewed on the basis of the information provided by the Chinese competent authorities, any results from the increased monitoring and testing carried out by Member States on consignments arriving before 14 March 2002 and, if necessary, on the results of an on the spot inspection visit by Community experts.

Article 7

This Decision is addressed to the Member States.

Done at Brussels, 30 January 2002.

For the Commission

David BYRNE

Member of the Commission

EUROPEAN ECONOMIC AREA

EFTA SURVEILLANCE AUTHORITY

EFTA SURVEILLANCE AUTHORITY DECISION

No 336/01/COL
of 15 November 2001

revising the guidelines on the application of the EEA State aid provisions to short-term export-credit insurance, and amending for the 30th time the Procedural and Substantive Rules in the Field of State Aid

THE EFTA SURVEILLANCE AUTHORITY,

Having regard to the Agreement on the European Economic Area ⁽¹⁾, in particular to Articles 61 to 63 thereof,

Having regard to the Agreement between the EFTA States on the establishment of a Surveillance Authority and a Court of Justice ⁽²⁾, in particular to Article 24 and Article 1 of Protocol 3 thereof,

Whereas, under Article 24 of the Surveillance and Court Agreement, the EFTA Surveillance Authority shall give effect to the provisions of the EEA Agreement concerning State aid;

Whereas, under Article 5(2)(b) of the Surveillance and Court Agreement, the EFTA Surveillance Authority shall issue notices or guidelines on matters dealt with in the EEA Agreement, if that Agreement or the Surveillance and Court Agreement expressly so provides or if the EFTA Surveillance Authority considers it necessary;

Recalling the Procedural and Substantive Rules in the Field of State Aid ⁽³⁾ adopted on 19 January 1994 by the EFTA Surveillance Authority (OJ L 231, 3.9.1994, EEA Supplement No 32), in particular the provisions contained in Chapter 17A (Short-term export-credit insurance) thereof;

Whereas, on 31 July 2001, the European Commission issued a Communication to Member States amending the Communication pursuant to Article 93(1) of the EC Treaty applying Articles 92 and 93 of the Treaty to short-term export-credit insurance (not yet published);

Whereas this Communication is also of relevance for the European Economic Area;

Whereas a uniform application of the EEA State aid rules is to be ensured throughout the European Economic Area;

Whereas, according to point II under the heading 'GENERAL' at the end of Annex XV to the EEA Agreement, the EFTA Surveillance Authority is to adopt, after consultation with the European Commission, acts corresponding to those adopted by the European Commission, in order to maintain equal conditions of competition;

Having consulted the European Commission;

Recalling that the EFTA Surveillance Authority has consulted the EFTA States in a multilateral meeting of 19 October 2001 on the subject,

⁽¹⁾ Hereinafter referred to as 'the EEA Agreement'.

⁽²⁾ Hereinafter referred to as 'the Surveillance and Court Agreement'.

⁽³⁾ Hereinafter referred to as 'the State aid guidelines'.

HAS ADOPTED THIS DECISION:

1. The State aid guidelines shall be amended by replacing the existing Chapter 17A.2(7), (8) and (10), Chapter 17A.4(10), first sentence in Chapter 17A.4(14) and Annex IX, by the text contained in Annex I to this Decision.
2. The Decision, including Annex I, shall be published in the EEA Section of and the EEA Supplement to the *Official Journal of the European Communities*.
3. The EFTA States shall be informed of this Decision by means of a letter, together with a copy of the Decision, including Annex I. The EFTA States shall be requested to signify their agreement within one month to the proposed appropriate measures as set out in the letter.
4. The European Commission shall be informed, in accordance with point (d) of Protocol 27 of the EEA Agreement, by means of a copy of this Decision, including Annex I.
5. The Decision shall be authentic in the English language.

Done at Brussels, 15 November 2001.

For the EFTA Surveillance Authority

The President

Knut ALMESTAD

ANNEX I

Amendments to Chapter 17A of the State aid Guidelines on short-term export-credit insurance

1. Chapter 17A.2(7) and (8) is replaced by the following:

(7) In view of the above, "marketable" risks are defined for the purposes of these rules as commercial and political risks on public and non-public debtors established in the countries listed in Annex IX to these guidelines. For such risks the maximum risk period (that is, manufacturing period plus credit period with normal Berne Union starting point and usual credit term) is less than two years.

(8) All other risks (that is, catastrophe ⁽¹⁾ risks and commercial and political risks on countries not listed in Annex IX) are considered not yet to be marketable.

⁽¹⁾ That is, war, revolution, natural disasters, nuclear accidents, and so forth, not so-called "commercial, catastrophe risks" (catastrophic accumulations of loss on individual buyers or countries) which may be covered by excess of loss reinsurance and are commercial risks.'

2. Chapter 17A.2(10) is replaced by the following:

(10) The capacity of the private reinsurance market varies. This means that the definition of marketable risks is not immutable and may change over time. The definition may, therefore, be reviewed, notably at the expiry of these guidelines on 31 December 2004. The Authority will consult the EFTA States and, if appropriate, other interested parties on such reviews. In so far as necessary, changes to the definition will have to take account of the scope of EEA legislation governing export-credit insurance, in order to avoid any conflict or legal uncertainty.'

3. In Chapter 17A.4(14) the first sentence is replaced by the following:

'These rules will apply from 1 June 1998 until the end of the year 2004.'

4. Annex IX is replaced by the following:

'ANNEX IX

**LIST OF MARKETABLE RISK COUNTRIES FOR THE PURPOSE OF APPLICATION OF THE RULES IN
CHAPTER 17A ON SHORT-TERM EXPORT-CREDIT INSURANCE**

Contracting Parties to the EEA Agreement

All the EU Member States and the EFTA Contracting Parties to the EEA Agreement

Countries which are members of the OECD

- Australia
 - Canada
 - Japan
 - New Zealand
 - Switzerland
 - United States of America'
-