

English edition

Legislation

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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EC) No 343/2002
of 25 February 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 26 February 2002.

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

Done at Brussels, 25 February 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 25 February 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	137,7	
	204	129,7	
	212	167,8	
	624	203,0	
	999	159,6	
0707 00 05	052	178,8	
	068	130,1	
	220	175,4	
	624	237,7	
	628	171,8	
0709 10 00	999	178,8	
	220	223,0	
	999	223,0	
0709 90 70	052	166,2	
	204	75,0	
	999	120,6	
0805 10 10, 0805 10 30, 0805 10 50	052	51,4	
	204	49,6	
	212	54,6	
	220	48,9	
	508	22,3	
	600	63,2	
	624	76,3	
	999	52,3	
0805 20 10	204	84,9	
	999	84,9	
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	052	61,5	
	204	77,5	
	220	59,3	
	464	114,9	
	600	112,5	
	624	85,8	
	662	33,9	
	999	77,9	
	0805 50 10	052	54,8
		600	67,6
999		61,2	
0808 10 20, 0808 10 50, 0808 10 90	060	40,7	
	388	126,2	
	400	118,9	
	404	93,2	
	508	97,5	
	528	92,7	
	720	123,8	
	728	130,0	
	999	102,9	
	0808 20 50	388	101,0
		400	105,9
512		82,0	
528		94,5	
720		116,9	
	999	100,1	

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

COMMISSION REGULATION (EC) No 344/2002
of 25 February 2002
on the supply of cereals as food aid

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1292/96 of 27 June 1996 on food-aid policy and food-aid management and special operations in support of food security ⁽¹⁾, as modified by Regulation (EC) No 1726/2001 of the European Parliament and of the Council ⁽²⁾, and in particular Article 24(1)(b) thereof,

Whereas:

- (1) The abovementioned Regulation lays down the list of countries and organisations eligible for Community aid and specifies the general criteria on the transport of food aid beyond the fob stage.
- (2) Following the taking of a number of decisions on the allocation of food aid, the Commission has allocated cereals to certain beneficiaries.
- (3) It is necessary to make these supplies in accordance with the rules laid down by Commission Regulation (EC) No 2519/97 of 16 December 1997 laying down general rules for the mobilisation of products to be supplied

under Council Regulation (EC) No 1292/96 as Community food aid ⁽³⁾. It is necessary to specify the time limits and conditions of supply to determine the resultant costs,

HAS ADOPTED THIS REGULATION:

Article 1

Cereals shall be mobilised in the Community, as Community food aid for supply to the recipient listed in the Annex, in accordance with Regulation (EC) No 2519/97 and under the conditions set out in the Annex.

The tenderer is deemed to have noted and accepted all the general and specific conditions applicable. Any other condition or reservation included in his tender is deemed unwritten.

Article 2

This Regulation shall enter into force on the 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, 25 February 2002.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 166, 5.7.1996, p. 1.

⁽²⁾ OJ L 234, 1.9.2001, p. 10.

⁽³⁾ OJ L 346, 17.12.1997, p. 23.

ANNEX

LOT A

1. **Action No:** 157/01
2. **Beneficiary** ⁽²⁾: Eritrea
3. **Beneficiary's representative:** Eritrean Relief and Refugees Commission, Asmara, Eritrea.
Mr Ibrahim Said, Director-General of Relief and Logistics; tel. (291-1) 18 22 22; fax 18 29 70
4. **Country of destination:** Eritrea
5. **Product to be mobilised:** common wheat
6. **Total quantity (tonnes net):** 16 000
7. **Number of lots:** 1 in 3 parts (A1: 10 969 tonnes; A2: 2 405 tonnes; A3: 2 626 tonnes)
8. **Characteristics and quality of the product** ⁽³⁾ ⁽⁵⁾: see OJ C 312, 31.10.2000, p. 1 (A.1)
9. **Packaging** ⁽⁷⁾: see OJ C 267, 13.9.1996, p. 1 (1.0 A 1.c, 2.c and B.3)
10. **Labelling or marking** ⁽⁶⁾: see OJ C 114, 29.4.1991, p. 1 (II.A(3))
 - Language to be used for the markings: English
 - Supplementary markings: —
11. **Method of mobilisation of the product:** the Community market
12. **Specified delivery stage** ⁽⁸⁾: free at destination
13. **Alternative delivery stage:** free at port of shipment — fob stowed
14. a) **Port of shipment:** —
b) **Loading address:** —
15. **Port of landing:** —
16. **Place of destination:** ERRC warehouse: Keren (A1); Massawa (A2); Assab (A3)
 - port or warehouse of transit: Massawa (A1)
 - overland transport route: —
17. **Period or deadline of supply at the specified stage:**
 - first deadline: 19.5.2002
 - second deadline: 2.6.2002
18. **Period or deadline of supply at the alternative stage:**
 - first deadline: 25.3 to 7.4.2002
 - second deadline: 8 to 21.4.2002
19. **Deadline for the submission of tenders (at 12 noon, Brussels time):**
 - first deadline: 12.3.2002
 - second deadline: 26.3.2002
20. **Amount of tendering guarantee:** EUR 5 per tonne
21. **Address for submission of tenders and tendering guarantees** ⁽¹⁾: M. Vestergaard, Commission européenne, Bureau: L130 7/46, B-1049 Brussels; Telex: 25670 AGREC B; fax (32-2) 296 70 03/296 70 04
22. **Export refund** ⁽⁴⁾: Refund applicable on 20.2.2002, fixed by Commission Regulation (EC) No 200/2002 (OJ L 31, 1.2.2002, p. 69).

LOT B

1. **Action No:** 167/01
2. **Beneficiary** ⁽²⁾: World Food Programme (WFP), Via Cesare Giulio Viola 68, I-00148 Roma; tel. (39-06) 65 13 2988; fax 65 13 2844/3; telex: 626675 WFP I
3. **Beneficiary's representative:** to be designated by the beneficiary
4. **Country of destination:** North Korea
5. **Product to be mobilised:** common wheat
6. **Total quantity (tonnes net):** 9 000
7. **Number of lots:** 1
8. **Characteristics and quality of the product** ⁽³⁾ ⁽⁵⁾: see OJ C 312, 31.10.2000, p. 1(A.1)
9. **Packaging** ⁽⁷⁾: see OJ C 267, 13.9.1996, p. 1 (1.0 A 1.c, 2.c and B.3)
10. **Labelling or marking** ⁽⁶⁾: see OJ C 114, 29.4.1991, p. 1 (II.A(3))
 - Language to be used for the markings: English
 - Supplementary markings: —
11. **Method of mobilisation of the product:** the Community market
12. **Specified delivery stage** ⁽⁸⁾: free at port of landing — landed
13. **Alternative delivery stage:** free at port of shipment — fob stowed
14. a) **Port of shipment:** —
b) **Loading address:** —
15. **Port of landing:** Nampo
16. **Place of destination:**
 - port or warehouse of transit: —
 - overland transport route: —
17. **Period or deadline of supply at the specified stage:**
 - first deadline: 26.5.2002
 - second deadline: 9.6.2002
18. **Period or deadline of supply at the alternative stage:**
 - first deadline: 25.3 to 7.4.2002
 - second deadline: 8 to 21.4.2002
19. **Deadline for the submission of tenders (at 12 noon, Brussels time):**
 - first deadline: 12.3.2002
 - second deadline: 26.3.2002
20. **Amount of tendering guarantee:** EUR 5 per tonne
21. **Address for submission of tenders and tendering guarantees** ⁽¹⁾: M. Vestergaard, Commission européenne, Bureau: L130 7/46, B-1049 Brussels; Telex: 25670 AGREC B; fax (32-2) 296 70 03/296 70 04
22. **Export refund** ⁽⁴⁾: refund applicable on 20.2.2002, fixed by Commission Regulation (EC) No 200/2002 (OJ L 31, 1.2.2002, p. 69)

LOT C

1. **Action Nos:** 151/01 (C1); 152/01 (C2)
2. **Beneficiary** ⁽²⁾: World Food Programme (WFP), Via Cesare Giulio Viola 68, I-00148 Roma; tel. (39-06) 65 13 2988; fax 65 13 2844/3; telex: 626675 WFP I
3. **Beneficiary's representative:** to be designated by the beneficiary
4. **Country of destination:** Angola
5. **Product to be mobilized:** maize
6. **Total quantity (tonnes net):** 17 000
7. **Number of lots:** 1 in 2 parts (C1: 8 500 tonnes; C2: 8 500 tonnes)
8. **Characteristics and quality of the product** ⁽³⁾ ⁽⁵⁾: see OJ C 312, 31.10.2000, p. 1(A.4)
9. **Packaging** ⁽⁷⁾: see OJ C 267, 13.9.1996, p. 1 (1.0 A 1.c, 2.c and B.3)
10. **Labelling or marking** ⁽⁶⁾: see OJ C 114, 29.4.1991, p. 1 (II.A(3))
 - Language to be used for the markings: Portuguese
 - Supplementary markings: —
11. **Method of mobilisation of the product:** the Community market
12. **Specified delivery stage** ⁽⁸⁾: free at port of landing — landed
13. **Alternative delivery stage:** free at port of shipment — fob stowed
14. a) **Port of shipment:** —
b) **Loading address:** —
15. **Port of landing:** Luanda (C1); Lobito (C2)
16. **Place of destination:**
 - port or warehouse of transit: —
 - overland transport route: —
17. **Period or deadline of supply at the specified stage:**
 - first deadline: 12.5.2002
 - second deadline: 26.5.2002
18. **Period or deadline of supply at the alternative stage:**
 - first deadline: 25.3 to 7.4.2002
 - second deadline: 8 to 21.4.2002
19. **Deadline for the submission of tenders (at 12 noon, Brussels time):**
 - first deadline: 12.3.2002
 - second deadline: 26.3.2002
20. **Amount of tendering guarantee:** EUR 5 per tonne
21. **Address for submission of tenders and tendering guarantees** ⁽¹⁾: M. Vestergaard, Commission européenne, Bureau: L130 7/46, B-1049 Brussels; Telex: 25670 AGREC B; fax (32-2) 296 70 03/296 70 04
22. **Export refund** ⁽⁴⁾: refund applicable on 20.2.2002, fixed by Commission Regulation (EC) No 200/2002 (OJ L 31, 1.2.2002, p. 69)

LOT D

1. **Action Nos:** 186/00 (D1); 187/00 (D2)
2. **Beneficiary** ⁽²⁾: EuronAid, PO Box 12, 2501 CA Den Haag, Nederland; tel. (31-70) 33 05 757; fax 36 41 701; telex 30960 EURON NL
3. **Beneficiary's representative:** to be designated by the beneficiary
4. **Country of destination:** Madagascar
5. **Product to be mobilized:** milled rice (product code 1006 30 92 9900, 1006 30 94 9900, 1006 30 96 9900, 1006 30 98 9900)
6. **Total quantity (tonnes net):** 306
7. **Number of lots:** 1 in 2 parts (D1: 160 tonnes; D2: 146 tonnes)
8. **Characteristics and quality of the product** ⁽³⁾ ⁽⁵⁾: see OJ C 312, 31.10.2000, p. 1(A.7)
9. **Packaging** ⁽⁷⁾ ⁽⁹⁾: see OJ C 267, 13.9.1996, p. 1 (1.0 A 1.c, 2.c and B.6)
10. **Labelling or marking** ⁽⁶⁾: see OJ C 114, 29.4.1991, p. 1 (IIA(3))
 - Language to be used for the markings: French
 - Supplementary markings: —
11. **Method of mobilisation of the product:** the Community market
12. **Specified delivery stage** ⁽¹⁰⁾: free at port of shipment
13. **Alternative delivery stage:** —
14. a) **Port of shipment:** —
b) **Loading address:** —
15. **Port of landing:** —
16. **Place of destination:**
 - port or warehouse of transit: —
 - overland transport route: —
17. **Period or deadline of supply at the specified stage:**
 - first deadline: 1 to 21.4.2002
 - second deadline: 15.4 to 5.5.2002
18. **Period or deadline of supply at the alternative stage:**
 - first deadline: —
 - second deadline: —
19. **Deadline for the submission of tenders (at 12 noon, Brussels time):**
 - first deadline: 12.3.2002
 - second deadline: 26.3.2002
20. **Amount of tendering guarantee:** EUR 5 per tonne
21. **Address for submission of tenders and tendering guarantees** ⁽¹⁾: M. Vestergaard, Commission européenne, Bureau: L130 7/46, B-1049 Brussels; Telex: 25670 AGREC B; fax (32-2) 296 70 03/296 70 04
22. **Export refund** ⁽⁴⁾: refund applicable on 20.2.2002, fixed by Commission Regulation (EC) No 200/2002 (OJ L 31, 1.2.2002, p. 69)

LOT E

1. **Action No:** 190/00
2. **Beneficiary** ⁽²⁾: EuronAid, PO Box 12, 2501 CA Den Haag, Nederland; tel. (31-70) 33 05 757; fax 36 41 701; telex 30960 EURON NL
3. **Beneficiary's representative:** to be designated by the beneficiary
4. **Country of destination:** Madagascar
5. **Product to be mobilized:** common wheat flour
6. **Total quantity (tonnes net):** 100
7. **Number of lots:** 1
8. **Characteristics and quality of the product** ⁽³⁾ ⁽⁵⁾: see OJ C 312, 31.10.2000, p. 1(A.10)
9. **Packaging** ⁽⁷⁾ ⁽⁹⁾: see OJ C 267, 13.9.1996, p. 1 (2.1 A 1.a, 2.a and B.4)
10. **Labelling or marking** ⁽⁶⁾: see OJ C 114, 29.4.1991, p. 1 (II.B.(3))
 - Language to be used for the markings: French
 - Supplementary markings: —
11. **Method of mobilisation of the product:** the Community market
12. **Specified delivery stage** ⁽¹⁰⁾: free at port of shipment
13. **Alternative delivery stage:** —
14. a) **Port of shipment:** —
b) **Loading address:** —
15. **Port of landing:** —
16. **Place of destination:**
 - port or warehouse of transit: —
 - overland transport route: —
17. **Period or deadline of supply at the specified stage:**
 - first deadline: 1 to 21.4.2002
 - second deadline: 15.4 to 5.5.2002
18. **Period or deadline of supply at the alternative stage:**
 - first deadline: —
 - second deadline: —
19. **Deadline for the submission of tenders (at 12 noon, Brussels time):**
 - first deadline: 12.3.2002
 - second deadline: 26.3.2002
20. **Amount of tendering guarantee:** EUR 5 per tonne
21. **Address for submission of tenders and tendering guarantees** ⁽¹⁾: M. Vestergaard, Commission européenne, Bureau: L130 7/46, B-1049 Brussels; Telex: 25670 AGREC B; fax (32-2) 296 70 03/296 70 04
22. **Export refund** ⁽⁴⁾: refund applicable on 20.2.2002, fixed by Commission Regulation (EC) No 200/2002 (OJ L 31, 1.2.2002, p. 69)

Notes:

- (¹) Supplementary information: Torben Vestergaard (tel. (32-2) 299 30 50; fax (32-2) 296 20 05).
- (²) The supplier shall contact the beneficiary or its representative as soon as possible to establish which consignment documents are required.
- (³) The supplier shall deliver to the beneficiary a certificate from an official entity certifying that for the product to be delivered the standards applicable, relative to nuclear radiation, in the Member State concerned, have not been exceeded. The radioactivity certificate must indicate the caesium-134 and -137 and iodine-131 levels.
- (⁴) Commission Regulation (EC) No 2298/2001 (OJ L 308, 27.11.2001, p. 16), is applicable as regards the export refund. The date referred to in Article 2 of the said Regulation is that indicated in point 22 of this Annex.
- (⁵) The supplier shall supply to the beneficiary or its representative, on delivery, the following document:
— phytosanitary certificate.
- (⁶) Notwithstanding OJ C 114 of 29 April 1991, point II.A(3)(c) or II.B(3)(c) is replaced by the following: 'the words "European Community"'.
(⁷) Since the goods may be rebagged, the supplier must provide 2 % of empty bags of the same quality as those containing the goods, with the marking followed by a capital 'R'.
- (⁸) In addition to the provisions of Article 14(3) of the Regulation (EC) No 2519/97, vessels chartered shall not appear on any of the four most recent quaternary lists of detained vessels as published by the Paris Memorandum of Understanding on Port State Control (Council Directive 95/21/EC (OJ L 157, 7.7.1995, p. 1)).
- (⁹) Shipment to take place in 20-foot containers, condition FCL/FCL.
The supplier shall be responsible for the cost of making the container available in the stack position at the container terminal at the port of shipment. The beneficiary shall be responsible for all subsequent loading costs, including the cost of moving the containers from the container terminal.
The supplier has to submit to the beneficiary's agent a complete packing list of each container, specifying the number of bags belonging to each action number as specified in the invitation to tender.
The supplier has to seal each container with a numbered locktainer (Oneseal, Sysko Locktainer 180 or a similar high-security seal) the number of which is to be provided to the beneficiary's representative.
- (¹⁰) The tenderer's attention is drawn to the second subparagraph of Article 7(6) of Regulation (EC) No 2519/97.
-

COMMISSION REGULATION (EC) No 345/2002

of 25 February 2002

amending Regulation (EC) No 2461/1999 laying down detailed rules for the application of Council Regulation (EC) No 1251/1999 as regards the use of land set aside for the production of raw materials for the manufacture within the Community of products not primarily intended for human or animal consumption

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1251/1999 of 17 May 1999 establishing a support system for producers of certain arable crops ⁽¹⁾, as last amended by Regulation (EC) No 1038/2001 ⁽²⁾, and in particular Article 9 thereof,

Whereas:

- (1) Article 3(4) of Commission Regulation (EC) No 2461/1999 ⁽³⁾, as last amended by Regulation (EC) No 587/2001 ⁽⁴⁾, allows Member States to authorise farmers to process on their holdings the raw material harvested on land set aside. In this situation where the farmer is both the producer and the processor of that raw material, there is a higher risk of fraud. Specific additional measures are therefore needed to ensure closer monitoring of the use to which the raw material is put.
- (2) The third subparagraph of Article 3(4) of Regulation (EC) No 2461/1999 also requires denaturing of cereals and oilseeds harvested on certain areas set aside where they are to be used on the holding as heating fuel or to produce power or biofuel on the same holding. Denaturing is required to prevent these products from being used for human or animal consumption and makes it possible to dispense with further checks. After denaturing, as the by-products of manufacturing non-food products can no longer be used for human or animal consumption, particularly in the case of oilseeds, the profitability of oilseed crops grown on land set aside is accordingly reduced.
- (3) To remedy this problem, the Member States must be authorised to permit the oil obtained from oilseeds to be denatured, provided they introduce specific arrangements for checking, in particular, that the entire quantity harvested has been processed, that the processing security has been lodged and that denaturing has been carried out.
- (4) Article 9 of Regulation (EC) No 2461/1999 also requires the Member States to establish representative yields for certain raw materials each year, and to inform applicants

of those yields before 31 July, and before 31 August in the case of sunflower seeds. It is difficult to establish a representative yield for maize before 31 July, in view of the late sowing date and the difficult weather conditions in some Member States. The same date should therefore apply for maize as for sunflower seeds.

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 2461/1999 is hereby amended as follows:

1. Article 3(4) is replaced by the following:

- ‘4. Notwithstanding paragraphs 2 and 3, Member States may permit applicants:
- (a) to use all the cereals or all the oilseeds falling within CN codes 1201 00 90, ex 1205 00 90 and 1206 00 91 harvested on certain set-aside land:
 - (i) as fuel for heating their agricultural holding;
 - (ii) for the production on the holding of power or biofuels;
 - (b) to process into biogas falling within CN code 2711 29 00, on their holdings, all the raw material harvested on certain land set aside.

In the cases listed in the first subparagraph, applicants shall undertake, by way of a declaration in place of the contract referred to in Article 4, to use or process directly the raw material covered by the declaration.

In addition, applicants must have all the raw material harvested weighed by a body or an undertaking designated by the Member State and must keep separate accounts for the raw material used and the products and by-products resulting from its processing. However, where the entire plant is used, weighing may be replaced by volumetric measurement of the raw material.

Member States applying the first subparagraph shall introduce adequate checks to ensure that the raw material is used directly on the holding or is processed into biogas falling within CN code 2711 29 00.

⁽¹⁾ OJ L 160, 26.6.1999, p. 1.

⁽²⁾ OJ L 145, 31.5.2001, p. 16.

⁽³⁾ OJ L 299, 20.11.1999, p. 16.

⁽⁴⁾ OJ L 86, 27.3.2001, p. 15.

Furthermore, cereals and oilseeds used in accordance with point (a) must be denatured in accordance with the method laid down by the Member State. The Member States may, however, authorise the oil produced by processing oilseeds in accordance with point (a)(ii) to be denatured instead of the oilseeds themselves, provided that such denaturing takes place immediately after the seeds are processed into oil and that the use to which the seeds are put is checked. The measures provided for in the first, second, third and fourth subparagraphs and any amendments thereto shall be notified to the Commission before 30 November of the year preceding the harvest year to which these measures apply. In the case of the 2001/02 and 2002/03 marketing years, the measures shall be notified before 31 May 2001 and 31 March 2002, respectively.

Articles 4 to 21 shall apply *mutatis mutandis*.'

2. Article 9(2) is replaced by the following:

'2. In the case provided for in paragraph 1(b), Member States shall select the localities to be used to calculate

representative yields, which may, but need not necessarily, correspond to the regions set out in their regionalisation plans drawn up in accordance with Regulation (EC) No 1251/1999. Each year before the harvest, Member States shall inform the applicants concerned of those representative yields, doing so by:

- (a) 31 July at the latest in the case of raw materials that may be bought into intervention otherwise than under this scheme, with the exception of maize, rapeseed or colza seed as referred to in paragraph 1; and
- (b) 31 August at the latest in the case of maize and sunflower seeds as referred to in paragraph 1.'

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, 25 February 2002.

For the Commission

Franz FISCHLER

Member of the Commission

COMMISSION REGULATION (EC) No 346/2002
of 25 February 2002
opening crisis distillation as provided for in Article 30 of Council Regulation (EC) No 1493/1999
for table wine in Italy

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1493/1999 of 17 May 1999 on the common organisation of the market in wine ⁽¹⁾, as last amended by Regulation (EC) No 2585/2001 ⁽²⁾, and in particular Articles 30 and 33 thereof,

Whereas:

- (1) Article 30 of Regulation (EC) No 1493/1999 provides for the possibility of opening crisis distillation in the event of exceptional market disturbance due to major surpluses. Such measures may be limited to certain categories of wine and/or certain areas of production and may apply to quality wines psr at the request of the Member State.
- (2) By letter of 17 January 2002, the Italian Government requested that crisis distillation be opened for table wine produced in Italy. Further information was forwarded on 31 January 2002.
- (3) Production of table wine in Italy was high during the 1998/99, 1999/2000 and 2000/01 wine years (43,92 million hl, 45,2 million hl and 41,2 million hl respectively). The latest production estimates for the 2001/02 wine year put table wine production at 38,7 million hl.
- (4) Large stocks of table wine have built up. They stood at 18,3 million hl at the start of the 1998/99 wine year, climbed to 22,5 million hl in early 2000/01 and reached 24 million hl at 31 July 2001.
- (5) In addition to this factor there are changes in external trade. Imports of table wine have risen during the current wine year as a result of bumper harvests in certain other Member States.
- (6) This situation has had a negative impact on prices, which have fallen by about 11 % on average for red wine since the start of the 1999/2000 wine year and by 14 % for white wine. In addition, the price variation is very unevenly spread over the regions, and in some regions prices are below the average.
- (7) The crisis distillation measure decided during the 2000/01 wine year has definitely had a positive effect in terms of stabilising prices for a period, but it has proved insufficient when set against the large increase in stocks,

which are depressing the market and preventing a return to balance.

- (8) In order to reverse this negative trend in prices and sales, stocks of table wine should be reduced to a level that can be regarded as normal in terms of covering market requirements, and so deal with the difficult situation on the market. Stocks that have built up over the last two years must be reduced to a reasonable level, reflecting more normal consumption requirements.
- (9) Since the conditions laid down in Article 30(5) of Regulation (EC) No 1493/1999 are satisfied, a crisis distillation measure should be opened for a maximum of 4 million hl of table wine. The measure should apply for a limited period with a view to maximum effectiveness. No ceiling should be set on the quantity that individual producers can have distilled because stocks may vary substantially from one producer to another and they depend more on sales than on the individual producer's annual output.
- (10) The mechanism to be introduced is that provided for in Commission Regulation (EC) No 1623/2000 of 25 July 2000 laying down detailed rules for implementing Regulation (EC) No 1493/1999 on the common organisation of the market in wine with regard to market mechanisms ⁽³⁾, as last amended by Regulation (EC) No 2464/2001 ⁽⁴⁾. In addition to the Articles of that Regulation that refer to the distillation measure provided for in Article 30 of Regulation (EC) No 1493/1999, other provisions of Regulation (EC) No 1623/2000 apply, in particular those concerning the delivery of alcohol to intervention agencies and the payment of advances.
- (11) The price distillers must pay producers should be set at a level that permits the problems faced to be dealt with by allowing producers to take advantage of the possibility afforded by this measure. That price should not, however, be such that it adversely affects the application of distillation under Article 29 of Regulation (EC) No 1493/1999.
- (12) The product of crisis distillation must be raw or neutral alcohol only, for compulsory delivery to the intervention agency in order to avoid disturbing the market for potable alcohol, which is supplied largely by distillation under Article 29 of Regulation (EC) No 1493/1999.
- (13) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Wine,

⁽¹⁾ OJ L 179, 14.7.1999, p. 1.

⁽²⁾ OJ L 345, 29.12.2001, p. 10.

⁽³⁾ OJ L 194, 31.7.2000, p. 45.

⁽⁴⁾ OJ L 331, 15.12.2001, p. 25.

HAS ADOPTED THIS REGULATION:

Article 1

Crisis distillation as provided for in Article 30 of Regulation (EC) No 1493/1999 is hereby opened for a maximum of 4 million hectolitres of table wine in Italy.

Article 2

In addition to the provisions of Regulation (EC) No 1623/2000 referring to Article 30 of Regulation (EC) No 1493/1999, the following provisions of Regulation (EC) No 1623/2000 shall apply to the measure provided for herein:

- Article 62(5) as regards payment by the intervention agency of the price as referred to in Article 6(2) of this Regulation,
- Articles 66 and 67 as regards advances as provided for in Article 6(2) of this Regulation.

Article 3

Producers may conclude contracts as provided for in Article 65 of Regulation (EC) No 1623/2000 from 4 to 22 March 2002. Contracts shall be accompanied by proof that a security equal to EUR 5 per hectolitre has been lodged. Contracts may not be transferred.

Article 4

1. The Member State shall determine the rate of reduction to be applied to the above contracts where the overall quantity covered by contracts presented exceeds that laid down in Article 1.
2. The Member State shall take the administrative steps necessary to approve the above contracts by 10 May 2002 at the latest, shall specify the rate of reduction applied and the quantity of wine accepted per contract and shall stipulate that the producer may cancel the contract where the quantity to be distilled is reduced. The Member State shall notify the Commis-

sion before 31 May 2002 of the quantities of such wine covered by approved contracts.

3. The wine must be delivered to the distilleries by 31 July 2002 at the latest. The alcohol obtained must be delivered to the intervention agency by 31 December 2002 at the latest.
4. Securities shall be released in proportion to the quantities delivered where the producer provides proof of delivery to the distillery.
5. The security shall be forfeit where no delivery is made within the time limit laid down.
6. The Member State may limit the number of contracts that individual producers may conclude under this distillation measure.

Article 5

The minimum price paid for wine delivered for distillation under this Regulation shall be EUR 1,914/% vol/hl.

Article 6

1. Distillers shall deliver the product obtained from distillation to the intervention agency. That product shall be of an alcoholic strength of at least 92 % vol.
2. The price the intervention agency must pay distillers for raw alcohol delivered shall be EUR 2,2812/% vol/hl. Distillers may receive an advance of EUR 1,1222/% vol/hl on that amount. The advance shall in that case be deducted from the price actually paid.

Article 7

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

It shall apply from 4 March 2002.

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

Done at Brussels, 25 February 2002.

For the Commission
Franz FISCHLER
Member of the Commission

COMMISSION REGULATION (EC) No 347/2002
of 25 February 2002
opening crisis distillation as provided for in Article 30 of Council Regulation (EC) No 1493/1999
for table wine in France

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1493/1999 of 17 May 1999 on the common organisation of the market in wine ⁽¹⁾, as last amended by Regulation (EC) No 2585/2001 ⁽²⁾, and in particular Articles 30 and 33 thereof,

Whereas:

- (1) Article 30 of Regulation (EC) No 1493/1999 provides for the possibility of opening crisis distillation in the event of exceptional market disturbance due to major surpluses. Such measures may be limited to certain categories of wine and/or certain areas of production and may apply to quality wines *per se* at the request of the Member State.
- (2) By letter of 18 December 2001, the French Government requested that crisis distillation be opened for table wine produced in France. Further information was forwarded on 18 and 29 January 2002.
- (3) Production of table wine in France amounted to 21,1 million hl in 1998 and 25,2 million hl in 1999. It stood at 23,4 million hl in 2000 and the latest estimates for the current wine year put table wine production at 22 million hl.
- (4) Although the figures for production have declined since the bumper harvest of 1999/2000, stocks at the start of the wine year show a steep rise. Table wine stocks stood at 12,853 million hl in 1997 and 12,086 million hl in 1998. They amounted to 10,8 million hl at the start of the 1999/2000 wine year, 15,5 million hl at the start of 2000/01 and 17,7 million hl at the start of the current wine year. There has been very great variation in stocks, particularly in certain wine-growing areas, with table wine stocks rising by over 200 % since the beginning of 1999/2000.
- (5) This rise in stocks has had a negative impact on prices, especially those for red wine, which have fallen by around 24 % since the start of 1999/2000, a wine year which saw no major intervention measures.
- (6) Over the period 1996/97 to 1998/99 table wine consumption in France declined slightly from around 18,3 million hl to 17,9 million hl. From 1998/99 it fell first to 17,3 million hl and then dropped very sharply

to 15,5 million hl, according to the latest (provisional) figures for 2000/01.

- (7) The crisis distillation measures decided during the 2000/01 wine year have definitely had a positive effect in terms of stabilising prices for a period, but they have proved insufficient when set against the large increase in stocks, which are depressing the market and preventing a return to balance.
- (8) In order to reverse this negative trend in prices and sales, stocks of table wine should be reduced to a level that can be regarded as normal in terms of covering market requirements, and so deal with the difficult situation on the market. Stocks that have built up over the last two years must be reduced to a reasonable level, reflecting more normal consumption requirements.
- (9) Since the conditions laid down in Article 30(5) of Regulation (EC) No 1493/1999 are still satisfied, a crisis distillation measure should be opened for a maximum of 4 million hl of table wine in order to reduce stocks to an acceptable level. The measure should apply for a limited period with a view to maximum effectiveness. No ceiling should be set on the quantity that individual producers can have distilled because stocks may vary substantially from one producer to another and they depend more on sales than on the individual producer's annual output.
- (10) The mechanism to be introduced is that provided for in Commission Regulation (EC) No 1623/2000 of 25 July 2000 laying down detailed rules for implementing Regulation (EC) No 1493/1999 on the common organisation of the market in wine with regard to market mechanisms ⁽³⁾, as last amended by Regulation (EC) No 2464/2001 ⁽⁴⁾. In addition to the Articles of that Regulation that refer to the distillation measure provided for in Article 30 of Regulation (EC) No 1493/1999, other provisions of Regulation (EC) No 1623/2000 apply, in particular those concerning the delivery of alcohol to intervention agencies and the payment of advances.
- (11) The price distillers must pay producers should be set at a level that permits the problems faced to be dealt with by allowing producers to take advantage of the possibility afforded by this measure. That price should not, however, be such that it adversely affects the application of distillation under Article 29 of Regulation (EC) No 1493/1999.

⁽¹⁾ OJ L 179, 14.7.1999, p. 1.

⁽²⁾ OJ L 345, 29.12.2001, p. 10.

⁽³⁾ OJ L 194, 31.7.2000, p. 45.

⁽⁴⁾ OJ L 331, 15.12.2001, p. 25.

- (12) The product of crisis distillation must be raw or neutral alcohol only, for compulsory delivery to the intervention agency in order to avoid disturbing the market for potable alcohol, which is supplied largely by distillation under Article 29 of Regulation (EC) No 1493/1999.
- (13) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Wine,

HAS ADOPTED THIS REGULATION:

Article 1

Crisis distillation as provided for in Article 30 of Regulation (EC) No 1493/1999 is hereby opened for a maximum of 4 million hectolitres of table wine in France.

Article 2

In addition to the provisions of Regulation (EC) No 1623/2000 referring to Article 30 of Regulation (EC) No 1493/1999, the following provisions of Regulation (EC) No 1623/2000 shall apply to the measure provided for herein:

- Article 62(5) as regards payment by the intervention agency of the price as referred to in Article 6(2) of this Regulation,
- Articles 66 and 67 as regards advances as provided for in Article 6(2) of this Regulation.

Article 3

Producers may conclude contracts as provided for in Article 65 of Regulation (EC) No 1623/2000 from 1 to 29 March 2002. Contracts shall be accompanied by proof that a security equal to EUR 5 per hectolitre has been lodged. Contracts may not be transferred.

Article 4

1. The Member State shall determine the rate of reduction to be applied to the above contracts where the overall quantity covered by contracts presented exceeds that laid down in Article 1.

2. The Member State shall take the administrative steps necessary to approve the above contracts by 6 May 2002 at the latest, shall specify the rate of reduction applied and the quantity of wine accepted per contract and shall stipulate that the producer may cancel the contract where the quantity to be distilled is reduced. The Member State shall notify the Commission before 20 May 2002 of the quantities of such wine covered by approved contracts.

3. The wine must be delivered to the distilleries by 31 July 2002 at the latest. The alcohol obtained must be delivered to the intervention agency by 31 December 2002 at the latest.

4. Securities shall be released in proportion to the quantities delivered where the producer provides proof of delivery to the distillery.

5. The security shall be forfeit where no delivery is made within the time limit laid down.

6. The Member State may limit the number of contracts that individual producers may conclude under this distillation measure.

Article 5

The minimum price paid for wine delivered for distillation under this Regulation shall be EUR 1,914 % vol/hl.

Article 6

1. Distillers shall deliver the product obtained from distillation to the intervention agency. That product shall be of an alcoholic strength of at least 92 % vol.

2. The price the intervention agency must pay distillers for raw alcohol delivered shall be EUR 2,2812 % vol/hl. Distillers may receive an advance of EUR 1,1222 % vol/hl. on that amount. The advance shall in that case be deducted from the price actually paid.

Article 7

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 March 2002.

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

Done at Brussels, 25 February 2002.

For the Commission
Franz FISCHLER
Member of the Commission

COMMISSION REGULATION (EC) No 348/2002
of 25 February 2002

derogating from Regulation (EC) No 174/1999 laying down special detailed rules for the application of Council Regulation (EEC) No 804/68 as regards export licences and export refunds in the case of milk and milk products and from Regulation (EC) No 800/1999 laying down common detailed rules for the application of the system of export refunds on agricultural products

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⁾, and in particular Article 31(14) thereof,

Whereas:

- (1) Article 6 of Commission Regulation (EC) No 174/1999 ⁽³⁾, as last amended by Regulation (EC) No 156/2002 ⁽⁴⁾, determines the term of validity of export licences. Article 18(3) of Commission Regulation (EC) No 800/1999 ⁽⁵⁾, as last amended by Regulation (EC) No 2299/2001 ⁽⁶⁾, determines the rate of refund to be applied where the destination marked on the licence is not observed.
- (2) Negotiations are under way between the European Union and Estonia on the liberalisation of trade. These negotiations relate to concessions to apply from 1 July 2002. In order to avoid disrupting trade with Estonia and without prejudice to the application of the concessions on the planned date, the term of validity of the licences should be limited and the necessary measures should be taken to prevent licences issued for other third countries from being used for exports to Estonia after 30 June.

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

HAS ADOPTED THIS REGULATION:

Article 1

Notwithstanding Article 6 of Regulation (EC) No 174/1999, the term of validity of export licences with advance fixing of the refund and specifying Estonia as the destination shall expire on 30 June 2002 at the latest.

Article 2

Notwithstanding Article 18(3) of Regulation (EC) No 800/1999, no refund shall be payable on licences showing a destination other than Estonia in box 7 and used from 1 July 2002 for exports to Estonia.

Article 3

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

It shall apply to licences applied for from the date of its entry into force.

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

Done at Brussels, 25 February 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 20, 27.1.1999, p. 8.

⁽⁴⁾ OJ L 25, 29.1.2002, p. 24.

⁽⁵⁾ OJ L 102, 17.4.1999, p. 11.

⁽⁶⁾ OJ L 308, 27.11.2001, p. 19.

COMMISSION REGULATION (EC) No 349/2002

of 25 February 2002

amending Regulation (EC) No 896/2001 laying down detailed rules for applying Council Regulation (EEC) No 404/93 as regards the arrangements for importing bananas into the Community

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Following notifications from several Member States, that Annex should be amended.

Having regard to the Treaty establishing the European Community,

(4) This Regulation must enter into force immediately in view of the time limits laid down in Regulation (EC) No 896/2001.

Having regard to Council Regulation (EEC) No 404/93 of 13 February 1993 on the common organisation of the market in bananas ⁽¹⁾, as last amended by Regulation (EC) No 2587/2001 ⁽²⁾, and in particular Article 20 thereof,

(5) The Management Committee for Bananas has not delivered an opinion within the time limit set by its Chairman,

Whereas:

HAS ADOPTED THIS REGULATION:

(1) Commission Regulation (EC) No 896/2001 ⁽³⁾, as last amended by Regulation (EC) No 2351/2001 ⁽⁴⁾, lays down detailed rules for implementing Regulation (EEC) No 404/93, to apply from 1 July 2001, with a view to the management of the tariff import quotas provided for in Article 18(1) of the latter Regulation.

Article 1

Regulation (EC) No 896/2001 is hereby amended as follows:

(2) Article 18(1) of Regulation (EEC) No 404/93, as amended by Regulation (EC) No 2587/2001, amends the tariff import quotas from 1 January 2002. In particular it reduces tariff quota C by 100 000 tonnes and reserves access to it for products originating in the ACP countries. As a result of those amendments, it should be borne in mind that the structures of the trade in products originating in the ACP countries feature greater integration of the various commercial operations, which are carried out to a large extent by traditional operators as defined in Article 3(1) of Regulation (EC) No 896/2001. In order to ensure the continuity of import flows and at the same time to allocate non-traditional operators a share of tariff quota C that enables them to continue their activities in this trade and in order to foster sound competition, the allocation of tariff quota C among traditional and non-traditional operators should be adjusted and Article 2 of the abovementioned Regulation should be amended accordingly. The new allocation should correspond more closely to the operations actually carried out by each of the two categories of operators over the last three years.

1. Article 2 is replaced by the following:

'Article 2

1. Tariff quotas A and B as provided for in Article 18(1)(a) and (b) of Regulation (EEC) No 404/93 shall be made available as follows:

- (a) 83 % to traditional operators A/B as defined in Article 3(2) of this Regulation;
- (b) 17 % to non-traditional operators A/B as defined in Article 6 of this Regulation.

2. Tariff quota C as provided for in Article 18(1)(c) of Regulation (EEC) No 404/93 shall be made available as follows:

- (a) 89 % to traditional operators C as defined in Article 3(3) of this Regulation;
- (b) 11 % to non-traditional operators C as defined in Article 6 of this Regulation.'

2. The Annex is replaced by the Annex hereto.

Article 2

⁽¹⁾ OJ L 47, 25.2.1993, p. 1.

⁽²⁾ OJ L 345, 29.12.2001, p. 13.

⁽³⁾ OJ L 126, 8.5.2001, p. 6.

⁽⁴⁾ OJ L 315, 1.12.2001, p. 46.

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, 25 February 2002.

For the Commission
Franz FISCHLER
Member of the Commission

ANNEX

'ANNEX

The authorities of the Member States competent for compiling the lists of operators and of quantities marketed are as follows:

- BELGIUM
Bureau d'intervention et de restitution belge/Belgisch Interventie- en Restitutiebureau
Rue de Trèves, 82/Trierstraat 82
B-1040 Bruxelles/Brussel
- DENMARK
Ministeriet for Fødevarer, Landbrug og Fiskeri
Direktoratet for Fødevarer Erhverv; Eksportstøttekontoret
Kampmannsgade 3
DK-1780 København V
- GERMANY
Bundesanstalt für Landwirtschaft und Ernährung
Referat 322
Adickesallee, 40
D-60322 Frankfurt am Main
- GREECE
OPEKEPE (ex-GEDIDAGEP)
Dirección de Frutas y Hortalizas, Vino y Productos Industriales
241 Acharnon
GR-10446 Atenas
- SPAIN
Ministerio de Economía
Secretaría General de Comercio Exterior
Paseo de la Castellana, 162
E-28046 Madrid
- FRANCE
Office de développement de l'économie agricole des départements d'outre-mer (ODEADOM)
31, Quai de Grenelle
F-75738 Paris Cedex 15
- IRELAND
Department of Agriculture and Rural Development
Horticulture Division
Agriculture House (7W)
Kildare Street
Dublin 2
Ireland
- ITALY
Until 15 July 2001:
Ministero del Commercio con l'Estero
DG Politica Commerciale e Gestione Regime Scambi — Div. II
Viale Boston, 25
I-00144 Roma
From 16 July 2001:
Ministero delle Attività Produttive
DG Politica Commerciale e Gestione Regime Scambi — Div. II
Viale Boston, 25
I-00144 Roma
- LUXEMBOURG
Ministère de l'agriculture/Administration des services techniques de l'agriculture
Service de l'horticulture
16, Route d'Esch
Boîte postale 1904
L-1014 Luxembourg
- NETHERLANDS
Produktschap Tuinbouw
Louis Pasteurlaan 6
Postbus 280
2700 AG Zoetermeer
The Netherlands
- AUSTRIA
Bundesministerium für Land- und Forstwirtschaft, Umwelt und Wasserwirtschaft
Abteilung III 10 — Obst, Gemüse, Sonderkulturen
Stubenring 1
A-1012 Wien
- PORTUGAL
Until 31 December 2001:
Ministério da Economia
Direcção-Geral das Relações Económicas Internacionais
Direcção de Serviços de Licenciamento do Comércio Externo
Avenida da República, 79
P-1069 059 Lisboa
From 1 January 2002:
Ministério das Finanças
Direcção-Geral das Alfândegas e dos Impostos Especiais sobre o Consumo
Direcção de Serviços de Licenciamento
Rua Terreiro do Trigo — Edifício da Alfândega
P-1149 060 Lisboa
- FINLAND
Registration of operators
Maa- ja Metsätalousministeriö
Hallituskatu 3a, Helsinki
PL 30
FIN-00023 Valtioneuvosto
Licences issued by
Tullihallitus
Erottajankatu 2
PL 512
FIN-00101 Helsinki
- SWEDEN
Jordbruksverket
Vallgatan 8-10
S-551 82 Jönköping
- UNITED KINGDOM
Until 15 October 2001:
Intervention Board
External Trade Division
Lancaster House
Hampshire Court
Newcastle upon Tyne, NE99 1AW
United Kingdom
From 16 October 2001:
Rural Payments Agency
External Trade Division
Lancaster House
Hampshire Court
Newcastle upon Tyne, NE99 1AW
United Kingdom

COMMISSION REGULATION (EC) No 350/2002
of 25 February 2002
amending Regulation (EC) No 1092/2001 as regards in particular the marketing year for lemons
sent for processing

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2202/96 of 28 October 1996 introducing a Community aid scheme for producers of certain citrus fruits ⁽¹⁾, as last amended by Commission Regulation (EC) No 1933/2001 ⁽²⁾, and in particular Article 6 thereof,

Whereas:

- (1) In recent years the production and processing of Community lemons has moved from late spring and summer to autumn and winter as a result of changes in the varieties planted by traders. The marketing year for lemons laid down in Article 2 of Commission Regulation (EC) No 1092/2001 of 30 May 2001 laying down detailed rules for the application of Council Regulation (EC) No 2202/96 introducing a Community aid scheme for producers of certain citrus fruits ⁽³⁾ should therefore be amended, in order to adapt it to these new circumstances. The period covered by the marketing year should be the same as that for other citrus fruits, from 1 October to 30 September of the following year.
- (2) This amendment to the marketing year entails changes to other provisions of Regulation (EC) No 1092/2001, in particular the equivalent period, the dates for signing contracts and amendments thereto, the dates for submitting aid applications and making aid payments, and the dates on which notifications must be made.
- (3) To facilitate the transition between the old and new marketing year, transitional provisions should be adopted to extend the 2001/02 marketing year to cover the period 1 June to 30 September 2002.
- (4) These transitional provisions concern, in particular, the establishment of special amendments to contracts in force in 2001/02 to extend them until 30 September 2002, the dates for submitting aid applications and the granting of aid for the extension period, the amount of aid and the notifications to the Commission.
- (5) The amendment of the date of the marketing year for lemons makes it necessary to amend the equivalent period. For the purposes of calculating the aid for the 2002/03 marketing year, any overrun of the threshold for the 2001/02 marketing year is to be assessed on the

basis of the average quantities processed with aid during the three equivalent periods preceding the marketing year for which the aid must be fixed, extending from 1 April of one marketing year to 31 March of the next.

- (6) 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:

CHAPTER I

Amendments

Article 1

Regulation (EC) No 1092/2001 is hereby amended as follows:

1. Article 2 is amended as follows:

— paragraph 1 is replaced by the following:

‘1. The marketing years within the meaning of Article 6 of Regulation (EC) No 2202/96, hereinafter referred to as the “marketing years”, shall run from 1 October to 30 September for:

- sweet oranges,
- mandarins, clementines and satsumas,
- grapefruit and pomelos,
- lemons.’

— paragraph 3 is replaced by the following:

‘3. For a given marketing year, the “equivalent period” referred to in Article 5(2) of Regulation (EC) No 2202/96 shall run from 1 April of the previous marketing year to 31 March of the current year.’

2. Article 3(7) is replaced by the following:

‘7. In the case of multiannual contracts, the price referred to in paragraph 3(f) for each marketing year shall be established when the relevant contract is signed. However, the price applicable to a given marketing year may be revised, with the agreement of both parties, by written amendment to the contract before 1 November of the marketing year in question.’

3. Article 5 is amended as follows:

— paragraph 1 is replaced by the following:

‘1. Contracts shall be concluded no later than 1 November of the marketing year in question.’

⁽¹⁾ OJ L 297, 21.11.1996, p. 49.

⁽²⁾ OJ L 262, 2.10.2001, p. 6.

⁽³⁾ OJ L 150, 6.6.2001, p. 6.

— paragraph 3 is replaced by the following:

'3. In the case of multiannual contracts, the quantity initially laid down for each year, within the meaning of Article 3(3)(c), may be amended in writing with the agreement of both parties. The amendment shall include the identification number of the contract to which it relates. Amendments shall be concluded before 1 November of the marketing year in question. The quantity to be delivered each year as laid down in the amendment may not exceed 40 % of the quantity initially laid down in the contract for the given year.'

4. In Article 12(1), points (a) and (b) are replaced by the following:

'(a) for quantities accepted for processing during the first half of the marketing year, no later than 30 April;

(b) for quantities accepted for processing during the second half of the marketing year, with the exception of mandarins and clementines, no later than 31 October of the following marketing year;'

5. In Article 14(1), points (a) and (b) are replaced by the following:

'(a) for quantities accepted for processing during the first half of the marketing year, no later than 30 June;

(b) for quantities accepted for processing during the second half of the marketing year, with the exception of mandarins and clementines, no later than 31 December of the following marketing year.'

6. In Article 23(1), points (b) and (c) are replaced by the following:

'(b) the quantity of each product contracted for in the current marketing year, broken down by type of contract, no later than 15 December;

(c) the quantity of each product delivered for processing under Regulation (EC) No 2202/96 in the periods referred to in Article 2(3), no later than 1 August of the current marketing year.

In the case of clementines, this quantity shall be broken down into products delivered for processing into segments on the one hand and into juice on the other.'

CHAPTER II

Transitional provisions

Article 2

1. The 2001/02 marketing year for lemons shall be extended to cover the period 1 June to 30 September 2002.

2. The following provisions shall apply during the extension period referred to in paragraph 1:

(a) Producer organisations and processors may sign special amendments to multiannual contracts and contracts for a specific marketing year in force during the 2001/02 marketing year to fix the quantity and price of lemons to be delivered to the processing industry during the extension period provided for in paragraph 1. Each contract may be extended by a single special amendment.

This amendment must specify:

— the identification number of the contract to which it relates,

— the quantity of lemons to be delivered to the processing industry,

— the price to be paid to the producer organisation for the quantity referred to in the second indent.

These amendments shall be signed no later than 15 May 2002, and producer organisations signing such amendments shall forward a copy of each amendment to the body designated by the Member State in which their head office is situated and, if appropriate, to the body designated by the Member State where processing is to take place. These copies must reach the competent authorities no later than 27 May 2002.

Amendments to contracts for one marketing year may include quantities delivered by individual producers who have not previously concluded delivery agreements with a producers' organisation in accordance with Article 8(3) of Regulation (EC) No 1092/2001. In such cases, Article 8(1), (2), (3) and (4) of that Regulation shall apply; the deadline referred to in Article 8(4) of that Regulation is replaced by 10 May 2002.

(b) In the case of contracts for one marketing year, the quantity laid down in the special amendment referred to in (a) may be amended with the agreement of both parties by a second written amendment; the quantity provided for in this second amendment may not cover more than 20 % of the quantity fixed by the special amendment referred to in (a). The price fixed for this additional quantity must appear in this second amendment. It may differ from the price fixed in the special amendment referred to in (a).

The quantities delivered by the new members who have joined a producer organisation during the period laid down in paragraph 1 shall be included in this second amendment.

(c) The producer organisations and individual producers referred to in Article 8(2) of Regulation (EC) No 1092/2001 may sign special amendments to the agreements provided for in Article 8(3) of that Regulation, for the quantities to be delivered for processing during the extension period referred to in paragraph 1. These special amendments shall be signed no later than 10 May 2002, and a copy shall be sent by the producer organisation signing the contract to the body designated by the Member State in which their head office is situated no later than 27 May 2002.

3. The aid during the extension period referred to in paragraph 1 shall be the aid in force in the 2001/02 marketing year, as laid down by Commission Regulation (EC) No 1033/2001⁽¹⁾.

Producer organisations shall submit their aid applications, for the quantities accepted for processing during the extension period provided for in paragraph 1, to the body designated by the Member State in which their head office is situated no later than 31 October 2002.

The aid shall be paid to producer organisations no later than 31 December 2002.

4. Article 5(3) of Regulation (EC) No 1092/2001 shall not apply to lemons during the extension period referred to in paragraph 1.

5. Notwithstanding Articles 10(4) and 11(1) of Regulation (EC) No 1092/2001, the notifications to be made by the producer organisations and processors to the body designated by the Member State where the head office of the producer organisation is situated and, where applicable, the body designated by the Member State where processing is carried out, shall be made for each month and no later than the 10th day of the following month, during the extension period provided for in paragraph 1.

6. Notwithstanding Article 23(1)(c) of Regulation (EC) No 1092/2001, the notification to be sent by the Member States to the Commission shall concern the quantity of lemons delivered for processing under Regulation (EC) No 2202/96, during the period from 1 April to 31 March. This notification must be sent no later than 1 August 2002.

Article 3

Multiannual contracts for lemons shall be adapted, as regards the marketing years after the entry into force of this Regulation, to the new dates of the marketing year, by means of the amendment referred to in Article 5(3) of Regulation (EC) No 1092/2001.

Entry into force and application

Article 4

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

However, Articles 1 and 3 shall apply from 1 October 2002.

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

Done at Brussels, 25 February 2002.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 144, 30.5.2001, p. 19.

COMMISSION REGULATION (EC) No 351/2002
of 25 February 2002
amending Council Regulation (EC) No 3605/93 as regards references to ESA 95

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3605/93 of 22 November 1993 on the application of the Protocol on the excessive deficit procedure annexed to the Treaty establishing the European Community⁽¹⁾, as amended by Regulation (EC) No 475/2000⁽²⁾, and in particular Article 7 thereof,

Whereas:

- (1) The definitions of 'government', 'deficit' and 'investment' are laid down in the Protocol on the excessive deficit procedure annexed to the Treaty and in Regulation (EC) No 3605/93, by reference to the European system of national and regional accounts in the Community (hereinafter referred to as 'ESA 95') established by Council Regulation (EC) No 2223/96 of 25 June 1996 on the European system of national and regional accounts in the Community⁽³⁾, as last amended by Commission Regulation (EC) No 113/2002⁽⁴⁾.
- (2) Regulation (EC) No 2223/96 contains the reference framework of common standards, definitions, classifications and accounting rules for drawing up the accounts of the Member States for the statistical requirements of the European Community, in order to obtain comparable results between Member States.
- (3) Regulation (EC) No 2558/2001 of the European Parliament and of the Council of 3 December 2001 amending Council Regulation (EC) No 2223/96 as regards the

reclassification of settlements under swaps arrangements and under forward rate agreements⁽⁵⁾ has changed the classification of interest flows under swap contracts and forward rate agreements (FRAs) from income property to financial account while stating at the same time the need for a specific treatment of these flows for the data transmitted under the excessive deficit procedure.

- (4) Regulation (EC) No 3605/93, should therefore be amended accordingly.
- (5) In order to avoid confusion concerning the application of the new references to ESA 95, the measures provided for in this Regulation should apply with effect from 1 January 2002,

HAS ADOPTED THIS REGULATION:

Article 1

Article 1(3) of Regulation (EC) No 3605/93 is amended as follows:

1. the code 'B.9' is replaced by 'EDP B.9';
2. the code 'D.41' is replaced by 'EDP D.41'.

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 apply from 1 January 2002.

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

Done at Brussels, 25 February 2002.

For the Commission

Pedro SOLBES MIRA

Member of the Commission

⁽¹⁾ OJ L 332, 31.12.1993, p. 7.

⁽²⁾ OJ L 58, 3.3.2000, p. 1.

⁽³⁾ OJ L 310, 30.11.1996, p. 1.

⁽⁴⁾ OJ L 21, 24.1.2002, p. 3.

⁽⁵⁾ OJ L 344, 28.12.2001, p. 1.

COMMISSION REGULATION (EC) No 352/2002**of 25 February 2002****amending Regulation (EC) No 1121/2001 fixing the adjustment coefficients to be applied to each traditional operator's reference quantity under the tariff quotas for imports of bananas**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 404/93 of 13 February 1993 on the common organisation of the market in bananas ⁽¹⁾, as last amended by Regulation (EC) No 2587/2001 ⁽²⁾, and in particular Article 20 thereof,

Having regard to Commission Regulation (EC) No 896/2001 of 7 May 2001 laying down detailed rules for applying Council Regulation (EEC) No 404/93 as regards the arrangements for importing bananas into the Community ⁽³⁾, as last amended by Regulation (EC) No 349/2002 ⁽⁴⁾, and in particular Article 5(2) thereof,

Whereas:

- (1) Pursuant to Article 5(2) of Regulation (EC) No 896/2001, by Regulation (EC) No 1121/2001 ⁽⁵⁾, as last amended by Regulation (EC) No 2146/2001 ⁽⁶⁾, the Commission fixed an adjustment coefficient to be applied to the reference quantity of operators in the two categories of traditional operators in the light of the information received from the Member States on the sum of the reference quantities established for traditional operators A/B and C.
- (2) Following the changes in the quantities of tariff quotas B and C pursuant to Regulation (EC) No 2587/2001 and in the allocation of tariff quota C among traditional and non-traditional operators pursuant to Regulation (EC) No 349/2002, the adjustment coefficients to be applied to the reference quantities of traditional operators under tariff quotas A/B and C should be adapted.

(3) Regulation (EC) No 1121/2001 should be amended accordingly.

(4) This Regulation must enter into force immediately, having regard to the time limits laid down in Regulation (EC) No 896/2001.

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

HAS ADOPTED THIS REGULATION:

Article 1

Article 1 of Regulation (EC) No 1121/2001 is hereby replaced by the following:

'Article 1

For the tariff quotas A/B and C provided for in Article 18 of Regulation (EEC) No 404/93, the adjustment coefficient provided for in Article 5(2) of Regulation (EC) No 896/2001 shall be:

— for each traditional operator A/B:	1,12108,
— for each traditional operator C:	0,93147.

By 28 February 2002 at the latest the competent authorities of the Member States shall notify the operators concerned of their reference quantities as adjusted pursuant to this Article.'

Article 2

This Regulation shall enter into force on 26 February 2002.

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

Done at Brussels, 25 February 2002.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 47, 25.2.1993, p. 1.

⁽²⁾ OJ L 345, 29.12.2001, p. 13.

⁽³⁾ OJ L 126, 8.5.2001, p. 6.

⁽⁴⁾ See page 17 of this Official Journal.

⁽⁵⁾ OJ L 153, 8.6.2001, p. 12.

⁽⁶⁾ OJ L 288, 1.11.2001, p. 21.

COMMISSION REGULATION (EC) No 353/2002

of 25 February 2002

fixing certain indicative quantities and individual ceilings for the issuing of licences for importing bananas into the Community under the tariff quotas for the second quarter of 2002

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 404/93 of 13 February 1993 on the common organisation of the market in bananas ⁽¹⁾, as last amended by Regulation (EC) No 2587/2001 ⁽²⁾, and in particular Article 20 thereof,

Whereas:

(1) Article 14(1) of Commission Regulation (EC) No 896/2001 of 7 May 2001 laying down detailed rules for applying Council Regulation (EEC) No 404/93 as regards the arrangements for importing bananas into the Community ⁽³⁾, as last amended by Regulation (EC) No 349/2002 ⁽⁴⁾, provides for the possibility of fixing an indicative quantity, expressed as the same percentage of quantities available under each of the tariff quotas, for the purposes of issuing import licences for the first three quarters of the year.

(2) The data relating, on the one hand, to the quantities of bananas marketed in the Community in 2001, and in particular actual imports, especially during the second quarter, and, on the other hand, to the outlook for supply and consumption on the Community market in the same quarter of 2002 call for the fixing of indicative quantities for quotas A, B and C that ensure satisfactory supply to the Community as a whole and continuity of trade flows between the production and marketing sectors.

(3) On the basis of the same data, the ceiling on the quantities for which individual operators can submit licence applications in respect of the second quarter of 2002 should be fixed for the purposes of Article 14(2) of Regulation (EC) No 896/2001.

(4) The quantities fixed must also take account of the tariff quota quantities provided for in Article 18 of Regulation (EEC) No 404/93, as amended by Regulation (EC) No 2587/2001, and of the allocation of tariff quota C between traditional and non-traditional operators as determined by Article 2(2) of Regulation (EC) No 896/2001, as amended by Regulation (EC) No 349/2002.

(5) Within tariff quota C, the indicative quantity and the maximum per operator should be fixed at a satisfactory level that enables operators to adapt to the reduced quantity of the tariff quota and to the new allocation among the categories of operators and to take account of the amounts fixed as a precaution for the first quarter in Commission Regulation (EC) No 2294/2001 ⁽⁵⁾. In order to prevent disturbance of import flows, provision should be made, at the specific request of the operator, for licences to be issued forthwith on submission of the application.

(6) Since this Regulation must apply before the beginning of the period for the submission of licence applications in respect of the second quarter of 2002, it should enter into force immediately.

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

HAS ADOPTED THIS REGULATION:

Article 1

The indicative quantity provided for in Article 14(1) of Regulation (EC) No 896/2001 for banana imports under the tariff quotas provided for in Article 18 of Regulation (EEC) No 404/93 shall be equal to the following for the second quarter of 2002:

- 29 % of the quantities available for traditional and non-traditional operators under tariff quotas A and B,
- 28 % of the quantities available for traditional operators under tariff quota C,
- 41 % of the quantities available for non-traditional operators under tariff quota C.

Article 2

The quantity referred to in Article 14(2) of Regulation (EC) No 896/2001 that may be authorised for banana imports under the tariff quotas provided for in Article 18 of Regulation (EEC) No 404/93 shall be equal to the following for the second quarter of 2002:

- 29 % of the reference quantity established pursuant to Articles 4 and 5 of Regulation (EC) No 896/2001 for traditional operators under tariff quotas A and B,

⁽¹⁾ OJ L 47, 25.2.1993, p. 1.

⁽²⁾ OJ L 345, 29.12.2001, p. 13.

⁽³⁾ OJ L 126, 8.5.2001, p. 6.

⁽⁴⁾ See page 17 of this Official Journal.

⁽⁵⁾ OJ L 308, 27.11.2001, p. 5.

- 29 % of the quantity determined and notified pursuant to Article 9(3) of Regulation (EC) No 896/2001 for non-traditional operators under tariff quotas A and B,
- 28 % of the reference quantity established pursuant to Articles 4 and 5 of Regulation (EC) No 896/2001 for traditional operators under tariff quota C,
- 41 % of the quantity determined and notified pursuant to Article 9(3) of Regulation (EC) No 896/2001 for non-traditional operators under tariff quota C.

Article 3

On presentation of a request to the competent national authorities bearing a specific reference to this Article and notwithstanding Article 18(1) of Regulation (EC) No 896/2001, non-

traditional operators C shall be issued forthwith with import licences for quantities not exceeding the limits fixed in Article 2 of this Regulation.

The term of validity of such licences shall be determined in accordance with Article 18(2) of Regulation (EC) No 896/2001.

The licences issued accordingly and used in March shall be attributed to the second quarter of 2002.

Article 4

This Regulation shall enter into force on 26 February 2002.

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

Done at Brussels, 25 February 2002.

For the Commission
Franz FISCHLER
Member of the Commission

COMMISSION REGULATION (EC) No 354/2002

of 25 February 2002

amending Regulation (EC) No 2228/2001 fixing, for 2002, the reduction percentages to be applied to applications for an allocation by non-traditional operators under the tariff quotas for imports of bananas

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 404/93 of 13 February 1993 on the common organisation of the market in bananas ⁽¹⁾, as last amended by Regulation (EC) No 2587/2001 ⁽²⁾, and in particular Article 20 thereof,

Having regard to Commission Regulation (EC) No 896/2001 of 7 May 2001 laying down detailed rules for applying Council Regulation (EEC) No 404/93 as regards the arrangements for importing bananas into the Community ⁽³⁾, as last amended by Regulation (EC) No 349/2002 ⁽⁴⁾, and in particular Article 9(2) thereof,

Whereas:

- (1) Pursuant to Article 9(2) of Regulation (EC) No 896/2001, by Regulation (EC) No 2228/2001 ⁽⁵⁾ the Commission fixed a reduction percentage to apply for 2002 to applications for allocations from non-traditional operators A/B and C, in the light of the Member States' notifications of the sum of allocations applied for by non-traditional operators A/B and C. Those provisions were adopted without prejudice to any measures that could be adopted subsequently by the Council or the Commission and cannot be invoked by operators as grounds for legitimate expectations.
- (2) Following the changes in tariff quotas B and C pursuant to Regulation (EC) No 2587/2001 and in the allocation of tariff quota C among traditional and non-traditional operators pursuant to Regulation (EC) No 349/2002, the percentage reduction to apply to the allocations requested by non-traditional operators under tariff quotas A/B and C should be adjusted.

- (3) Regulation (EC) No 2228/2001 should be amended accordingly.
- (4) This Regulation must enter into force immediately, having regard to the time limits laid down in Regulation (EC) No 896/2001.
- (5) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Bananas,

HAS ADOPTED THIS REGULATION:

Article 1

Article 1 of Regulation (EC) No 2228/2001 is hereby replaced by the following:

'Article 1

For the tariff quotas A/B and C provided for in Article 18 of Regulation (EEC) No 404/93, pursuant to Article 9(2) of Regulation (EC) No 896/2001, the allocation to be granted to each non-traditional operator shall be the following percentage of the allocation applied for:

— for each non-traditional operator A/B:	3,96028 %,
— for each non-traditional operator C:	21,20740 %.

By 28 February 2002 at the latest the competent authorities of the Member States shall notify the operators concerned of the quantities allocated to them pursuant to this Article.'

Article 3

This Regulation shall enter into force on 26 February 2002.

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

Done at Brussels, 25 February 2002.

For the Commission
Franz FISCHLER
Member of the Commission

⁽¹⁾ OJ L 47, 25.2.1993, p. 1.

⁽²⁾ OJ L 345, 29.12.2001, p. 13.

⁽³⁾ OJ L 126, 8.5.2001, p. 6.

⁽⁴⁾ See page 17 of this Official Journal.

⁽⁵⁾ OJ L 301, 17.11.2001, p. 10.

COMMISSION REGULATION (EC) No 355/2002
of 25 February 2002
fixing the production refund for olive oil used in the manufacture of certain preserved foods

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organisation of the market in oils and fats ⁽¹⁾, as last amended by Regulation (EC) No 1513/2001 ⁽²⁾, and in particular Article 20a thereof,

Whereas:

- (1) Article 20a of Regulation No 136/66/EEC provides for the granting of a production refund for olive oil used in the preserving industry. Under paragraph 6 of that Article, and without prejudice to paragraph 3 thereof, the Commission shall fix this refund every two months.
- (2) By virtue of Article 20a(2) of the abovementioned Regulation, the production refund must be fixed on the basis of the gap between prices on the world market and on the Community market, taking account of the import

charge applicable to olive oil falling within CN subheading 1509 90 00 and the factors used for fixing the export refunds for those olive oils during the reference period. It is appropriate to take as a reference period the two-month period preceding the beginning of the term of validity of the production refund.

- (3) The application of the above criteria results in the refund being fixed as shown below,

HAS ADOPTED THIS REGULATION:

Article 1

For the months of March and April 2002, the amount of the production refund referred to in Article 20a(2) of Regulation No 136/66/EEC shall be EUR 44,00/100 kg.

Article 2

This Regulation shall enter into force on 1 March 2002.

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

Done at Brussels, 25 February 2002.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 72, 30.9.1966, p. 3025/66.

⁽²⁾ OJ L 201, 26.7.2001, p. 4.

COMMISSION DIRECTIVE 2002/18/EC**of 22 February 2002****amending Annex I to Council Directive 91/414/EEC concerning the placing of plant-protection products on the market to include isoproturon as an active substance**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 91/414/EEC of 15 July 1991 concerning the placing of plant-protection products on the market ⁽¹⁾, as last amended by Commission Directive 2001/103/EC ⁽²⁾, and in particular Article 6(1) thereof,

Whereas:

- (1) Commission Regulation (EEC) No 3600/92 of 11 December 1992 laying down the detailed rules for the implementation of the first stage of the programme of work referred to in Article 8(2) of Council Directive 91/414/EEC concerning the placing of plant-protection products on the market ⁽³⁾, as last amended by Regulation (EC) No 2266/2000 ⁽⁴⁾, provides for the adoption of a list of active substances of plant-protection products to be assessed, with a view to their possible inclusion in Annex I to Directive 91/414/EEC. That list is contained in Commission Regulation (EC) No 933/94 of 27 April 1994 laying down the active substances of plant-protection products and designating the rapporteur Member State for the implementation of Commission Regulation (EEC) No 3600/92 ⁽⁵⁾, as last amended by Regulation (EC) No 2230/95 ⁽⁶⁾, and includes isoproturon.
- (2) For isoproturon the effects on human health and the environment have been assessed in accordance with the provisions laid down in Regulation (EEC) No 3600/92 for a range of uses proposed by the notifiers. Under Regulation (EC) No 933/94, Germany was designated as rapporteur Member State. The rapporteur Member State submitted the relevant assessment reports and recommendations to the Commission on 30 July 1999 in accordance with Article 7(1)(c) of Regulation (EEC) No 3600/92.
- (3) This assessment report has been reviewed by the Member States and the Commission within the Standing Committee on Plant Health. The review was finalised on 7 December 2001 in the format of the Commission review report for isoproturon.
- (4) The review did not reveal any open questions or concerns, which would have required a consultation of the Scientific Committee on Plants.
- (5) It has appeared from the various examinations made that plant-protection products containing the active substance concerned may be expected to satisfy, in general, the requirements laid down in Article 5(1)(a) and (b) of Directive 91/414/EEC, in particular with regard to the uses which were examined and detailed in the Commission review report. It is therefore appropriate to include the active substance concerned in Annex I to that Directive, in order to ensure that in all Member States the authorisations of plant-protection products containing the active substances concerned can be granted in accordance with the provisions of Directive 91/414/EEC.
- (6) A period should be specified following the inclusion of isoproturon in Annex I to Directive 91/414/EEC, during which Member States must grant, vary or withdraw, as appropriate, the authorisations of the plant-protection products containing this active substance. In particular, plant-protection products should not be authorised unless account is taken of the conditions associated with the inclusion of the active substance in Annex I and the uniform principles laid down in the Directive on the basis of a dossier satisfying the prescribed data requirements.

⁽¹⁾ OJ L 230, 19.8.1991, p. 1.

⁽²⁾ OJ L 313, 30.11.2001, p. 37.

⁽³⁾ OJ L 366, 15.12.1992, p. 10.

⁽⁴⁾ OJ L 259, 13.10.2000, p. 27.

⁽⁵⁾ OJ L 107, 28.4.1994, p. 8.

⁽⁶⁾ OJ L 225, 22.9.1995, p. 1.

- (7) The Commission review report is required for the proper implementation by the Member States, of several sections of the uniform principles laid down in Directive 91/414/EEC. It is, therefore, appropriate to provide that the finalised review report, except for confidential information, is kept available or made available by the Member States for consultation by any interested parties. If the review report has to be updated to take account of technical and scientific developments, the conditions for the inclusion of the substance concerned in Annex I to Directive 91/414/EEC should also be amended in accordance with that Directive.
- (8) A reasonable period must be provided for before an active substance is included in Annex I in order to permit Member States and the interested parties to prepare themselves to meet the new requirements which will result from the inclusion. Moreover, after inclusion, a reasonable period is necessary to permit Member States to implement the provisions of Directive 91/414/EEC on plant-protection products containing isoproturon. In particular, Member States must, within that period, review existing authorisations and, where appropriate, grant new authorisations in accordance with the provisions of Directive 91/414/EEC. A longer period should be provided for the submission and assessment of the complete dossier of each plant-protection product in accordance with the uniform principles laid down in Directive 91/414/EEC. For plant-protection products containing several active substances, the complete evaluation on the basis of the uniform principles can only be carried out when all the active substances concerned have been included in Annex I to Directive 91/414/EEC.
- (9) The measures provided for in this Directive are in accordance with the opinion of the Standing Committee on Plant Health,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Annex I to Directive 91/414/EEC is amended as set out in the Annex to this Directive.

Article 2

Member States shall keep available the review report for isoproturon, except for confidential information within the meaning of Article 14 of Directive 91/414/EEC, for consultation by any interested parties or shall make it available to them on specific request.

Article 3

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive, by 30 June 2003 at the latest. They shall forthwith inform the Commission thereof.

In particular they shall, in accordance with Directive 91/414/EEC, where necessary, amend or withdraw existing authorisations for plant-protection products containing isoproturon as active substance by that date.

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

2. With regard to evaluation and decision-making pursuant to the uniform principles provided for in Annex VI to Directive 91/414/EEC, on the basis of a dossier satisfying the requirements of Annex III thereto, the deadline for amending or withdrawing authorisations for plant-protection products containing isoproturon as the only active substance shall be 1 January 2007.

3. For plant-protection products containing isoproturon together with another active substance which is in Annex I to Directive 91/414/EEC, the period for amending or withdrawing authorisations shall expire four years after the entry into force of the Directive which amended Annex I to Directive 91/414/EEC so as to add the last of those substances to it.

Article 4

This Directive shall enter into force on 1 January 2003.

Article 5

This Directive is addressed to the Member States.

Done at Brussels, 22 February 2002.

For the Commission

David BYRNE

Member of the Commission

ANNEX

The following entries shall be added at the end of the table in Annex I to Directive 91/414/EC:

No	Common name, identification numbers	IUPAC name	Purity ⁽¹⁾	Entry into force	Expiration of inclusion	Specific provisions
'28	Isoproturon CAS No 34123-59-6 CIPAC No 336	3-(4-isopropylphenyl)-1,1-dimethylurea	970 g/kg	1 January 2003	31 December 2012	<p>Only uses as herbicide may be authorised</p> <p>For the implementation of the uniform principles of Annex VI, the conclusions of the review report on isoproturon, and in particular Appendices I and II thereto, as finalised in the Standing Committee on Plant Health on 7 December 2001 shall be taken into account. In this overall assessment Member States:</p> <ul style="list-style-type: none"> — must pay particular attention to the protection of the groundwater, when the active substance is applied in regions with vulnerable soil and/or climatic conditions or at use rates higher than those described in the review report and must apply risk mitigation measures, where appropriate, — must pay particular attention to the protection of aquatic organisms and must ensure that the conditions of authorisation include, where appropriate, risk mitigation measures

⁽¹⁾ Further details on identity and specification of active substance are provided in the review report.'

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 18 February 2002

authorising France to extend the application of a reduced rate of excise duty on 'traditional' rum produced in its overseas departments

(2002/166/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 299(2) thereof,

Having regard to the proposal from the Commission ⁽¹⁾,

Having regard to the opinion of the European Parliament ⁽²⁾,

Whereas:

- (1) By a Council Decision of 30 October 1995, France was authorised to apply to traditional rum produced in its overseas departments (OD) a rate of excise duty lower than the full rate of excise duty applicable to ethyl alcohol.
- (2) That Decision was taken pending the effects of the existing measures taken to improve the competitiveness of the cane-sugar-rum sector in those departments, and also to take account of the consequences of the abolition of tariff quotas on imports of rum originating in the ACP States. It expires on 31 December 2002.
- (3) In its memorandum regarding the measures concerning the outermost regions to be implemented under Article 299(2) of the Treaty, France indicates that it is essential to maintain the tax arrangements applicable to traditional rum marketed in mainland France.
- (4) Account being taken of the sugar common market organisation review in 2001 and the dismantling in 2003 of the customs protection for spirits, the Community and national measures taken to improve the competitiveness of the cane-sugar-rum sector in the OD still do not in themselves make it possible to reach the level of competitiveness which would enable France to adapt the taxation of traditional rum produced in its overseas departments.
- (5) Given the small scale of the local market, the OD distilleries can keep up their activities only by retaining their share of the market in mainland France, this being the main outlet for their rum production (over 50 % of the total). The trend on the Community market shows that competition from non-Community rum has caused a considerable drop in the volume of OD rum sold on the Community market. On a market with 28 % growth (average for the period 1986 to 1999), the ACP

⁽¹⁾ OJ C 270 E, 25.9.2001, p. 148.

⁽²⁾ Opinion delivered on 7 February 2001 (not yet published in the Official Journal).

countries' share rose by 64,3 %, and that of third countries by 64,5 %; over the same period, the OD share dropped by 22,4 %. In 1999, the market shares of rum sold on the Community market were the following: 64,7 % (or 346 084 hl of pure alcohol) for rum from the ACP countries, 15,5 % (or 82 706 hl of pure alcohol) for rum from other third countries and 19,8 % (or 105 950 hl of pure alcohol, including 85 000 hl of pure alcohol for mainland France) for OD rum. The inability to compete on the Community market, which is mainly the result of higher marketing prices, is due to the difference between the cost price of rum produced in the OD and of rum produced outside Community territory. In the case of OD rum, attention is drawn to the purchase cost of sugar cane on the local market (four to six times higher than the prices applicable outside Community territory) and the cost of labour (three to three and a half times higher than in third countries). In future this inability to compete will be further accentuated by the need to include in the cost price of rum the costs resulting from bringing rum production units in the OD into line with environmental standards, in accordance with Community legislation. Consequently, it is only the mainland France market, in which OD rum qualifies for special tax arrangements that offset the competitive disadvantage resulting from its higher cost price, which has made it possible to safeguard rum-producing activities in the OD.

- (6) In view of the size of the turnover and the number of jobs involved, it is essential to maintain the cane-sugar-rum sector in the OD in order to ensure those departments' economic and social balance. In the three departments most affected, i.e. Réunion, Guadeloupe and Martinique, the sector produces an annual turnover of more than EUR 228 673 526 and provides some 40 000 jobs, including 22 000 direct jobs.
- (7) It is therefore necessary and justified for France to maintain, by way of derogation from Article 90 of the Treaty, a reduced rate of excise duty on 'traditional' rum produced in its OD in order to avoid endangering their development.
- (8) In order not to undermine the single market, the quantities of rum originating in the OD which may qualify for this measure may not, as before, exceed a level corresponding to traditional trade flows recorded in the last few years.
- (9) In view of the need to create a climate of legal certainty for traders in the cane-sugar-rum sector and given the time it takes to amortise equipment and buildings, the derogation should be granted for seven years.
- (10) The granting of such a derogation must, however, be subject to the condition that a mid-term report is produced so that the Commission can assess whether the reasons which justify the granting of the tax derogation still exist.
- (11) This Decision is not to prejudice the possible application of Articles 87 and 88 of the Treaty,

HAS ADOPTED THIS DECISION:

Article 1

By way of derogation from Article 90 of the Treaty, France is hereby authorised to extend the application in its mainland territory to 'traditional' rum produced in its OD of a rate of excise duty lower than the full rate on alcohol laid down in Article 3 of Council Directive 92/84/EEC of 19 October 1992 on the approximation of the rates of excise duty on alcohol and alcoholic beverages ⁽¹⁾.

⁽¹⁾ OJ L 316, 31.10.1992, p. 29.

Article 2

The derogation referred to in Article 1 shall be confined to rum as defined in Article 1(4)(a) of Council Regulation (EEC) No 1576/89 of 29 May 1989 laying down general rules on the definition, description and presentation of spirit drinks ⁽¹⁾ and produced in the OD from sugar cane harvested in the place of manufacture, having a content of volatile substances other than ethyl and methyl alcohol equal to, or more than, 225 grams per hectolitre of pure alcohol and an alcoholic strength by volume of 40 % vol or more.

Article 3

1. The reduced rate of excise duty applicable to the product referred to in Article 2 shall be confined to an annual quota of 90 000 hl of pure alcohol.
2. The reduced rate may be lower than the minimum rate of excise duty on alcohol set by Directive 92/84/EEC, but may not be more than 50 % lower than the standard national excise duty on alcohol.

Article 4

By 30 June 2006, France shall send the Commission a report to enable it to assess whether the reasons which justified the granting of the reduced rate still exist.

Article 5

This Decision shall apply from 1 January 2003 to 31 December 2009.

Article 6

This Decision is addressed to the French Republic.

Done at Brussels, 18 February 2002.

For the Council

The President

J. PIQUÉ I CAMPS

⁽¹⁾ OJ L 160, 12.6.1989, p. 1. Regulation as last amended by Regulation (EC) No 3378/94 (OJ L 366, 31.12.1994, p. 1).

COUNCIL DECISION

of 18 February 2002

authorising Portugal to apply a reduced rate of excise duty in the autonomous region of Madeira on locally produced and consumed rum and liqueurs and in the autonomous region of the Azores on locally produced and consumed liqueurs and eaux-de-vie

(2002/167/EC)

THE COUNCIL OF THE EUROPEAN UNION,

locally produced spirits in Madeira and the Azores total approximately 360 000 litres per annum and provide 130 direct jobs, including 70 on a seasonal basis.

Having regard to the Treaty establishing the European Community, and in particular Article 299(2) thereof,

(2) The application by Portugal, by way of derogation from Article 90 of the Treaty, of a reduction of the excise duty rate in the autonomous region of Madeira on locally produced and consumed rum and liqueurs, and in the autonomous region of the Azores on locally produced and consumed liqueurs and eaux-de-vie, is therefore necessary and justified in order to avoid endangering the development of those regions.

Having regard to the proposal from the Commission ⁽¹⁾,

Having regard to the opinion of the European Parliament ⁽²⁾,

(3) Taking into account the importance of giving local economic operators the fiscal security they need to develop their commercial activities as against the need to set a time limit on tax derogations, the derogation should be granted for a period of seven years.

Whereas:

(1) In its requests dated 15 June 2000 and 28 February 2001 concerning the measures to implement Article 299(2) of the Treaty relating to the outermost regions, Portugal stated that the application of a reduced rate of excise duty in Madeira, on locally produced and consumed rums and liqueurs, and in the Azores, on locally produced and consumed liqueurs and eaux-de-vie, was considered essential for the survival of the local industry producing and marketing the beverages in question. Given the high cost of those activities arising mainly from geographical factors (small firms producing limited quantities, remoteness, fragmented terrain and tight local markets) only a reduction of the tax on rum, liqueurs and eaux-de-vie produced on the islands and sold almost exclusively on their local markets can enable the products to continue competing against similar spirits imported or supplied from other parts of the Community and thus ensure the survival of the industry. To redress the competitive balance, a reduction of the tax should therefore be introduced to help offset the competitive disadvantage which spirits produced in the autonomous regions of Madeira and the Azores face as a result of the higher production and marketing costs there. Analysis of the figures for the price of spirits sold in the regions concerned suggests that a reduction in the rate of excise duty of about 75 % of the normal national rate applied in Portugal on ethyl alcohol would help align the price of spirits produced in Madeira and the Azores on that of similar spirits imported or supplied from other parts of the Community. Such a measure should help the current industry to survive or even expand. Current sales of

(4) However, the granting of a seven-year derogation should be subject to the condition that a mid-term report is produced so that the Commission can assess whether the reasons which justify the granting of the tax derogation still exist.

(5) This Decision shall not prejudice the possible application of Articles 87 and 88 of the Treaty,

HAS ADOPTED THIS DECISION:

Article 1

By way of derogation from Article 90 of the Treaty, Portugal is hereby authorised to apply a rate of excise duty lower than the full rate on alcohol laid down in Article 3 of Council Directive 92/84/EEC of 19 October 1992 on the approximation of the rates of excise duty on alcohol and alcoholic beverages ⁽³⁾ in the autonomous region of Madeira, to locally produced and consumed rum and liqueurs, and in the autonomous region of the Azores, to locally produced and consumed liqueurs and eaux-de-vie.

⁽¹⁾ OJ C 304 E, 30.10.2001, p. 210.

⁽²⁾ Opinion delivered on 7 February 2002 (not yet published in the Official Journal).

⁽³⁾ OJ L 316, 31.10.1992, p. 29.

Article 2

The derogation referred to in Article 1 shall be confined:

1. in Madeira

- (a) to rum as defined in Article 1(4)(a) of Council Regulation (EEC) No 1576/89 of 29 May 1989 laying down general rules on the definition, description and presentation of spirit drinks ⁽¹⁾ having the geographical designation 'Rum da Madeira' referred to in Article 5(3) and Annex II(1) of that Regulation,
- (b) to liqueurs as defined in Article 1(4)(r) of Regulation (EEC) No 1576/89 produced from regional fruit or plants;

2. in the Azores

- (a) to liqueurs as defined in Article 1(4)(r) of Regulation (EEC) No 1576/89 produced from regional fruit or raw materials,
- (b) to eau-de-vie made from wine or grape marc having the characteristics and qualities defined in Article 1(4)(d) and (f) of Regulation (EEC) No 1576/89.

Article 3

The reduced rate of excise duty applicable to the products referred to in Article 1 may be lower than the minimum rate of excise duty on alcohol set by Directive 92/84/EEC, but may not

be more than 75 % lower than the standard national excise duty on alcohol.

Article 4

By 31 December 2005 at the latest, Portugal shall send the Commission a report to enable it to assess whether the reasons which justified the granting of the reduced rate still exist.

Article 5

This Decision shall apply from 1 January 2002 until 31 December 2008.

Article 6

This Decision is addressed to the Portuguese Republic.

Done at Brussels, 18 February 2002.

For the Council

The President

J. PIQUÉ I CAMPS

⁽¹⁾ OJ L 160, 12.6.1989, p. 1. Regulation as last amended by Regulation (EC) No 3378/94 (OJ L 366, 31.12.1994, p. 1).

Information relating to the entry into force of the Agreement for scientific and technological cooperation between the European Community and the Argentine Republic ⁽¹⁾

The exchange of instruments of notification of completion of the procedures necessary for the entry into force of the Agreement for scientific and technological cooperation between the European Community and the Argentine Republic, signed in Brussels on 20 September 1999, having taken place on 28 May 2001, that Agreement entered into force on 28 May 2001 in accordance with Article 11 thereof.

⁽¹⁾ OJ L 6, 11.1.2000, p. 32.

Information relating to the entry into force of the Additional Protocol fixing the provisions applicable to trade in certain fish and fishery products to the Agreement establishing an association between the European Economic Community and the Republic of Cyprus ⁽¹⁾

The exchange of instruments of notification of completion of the procedures necessary for the entry into force of the Additional Protocol fixing the provisions applicable to trade in certain fish and fishery products to the Agreement establishing an association between the European Economic Community and the Republic of Cyprus, signed in Brussels on 12 December 2001, having taken place on 12 December 2001, that Protocol entered into force on 1 January 2002 in accordance with Article 5 thereof.

⁽¹⁾ OJ L 5, 9.1.2002, p. 14.

Information relating to the entry into force of the Additional Protocol fixing the provisions applicable to trade in certain fish and fishery products to the Agreement establishing an association between the European Economic Community and Malta ⁽¹⁾

The exchange of instruments of notification of completion of the procedures necessary for the entry into force of the Additional Protocol fixing the provisions applicable to trade in certain fish and fishery products to the Agreement establishing an association between the European Economic Community and Malta, signed in Brussels on 19 December 2001, having taken place on 19 December 2001, that Protocol entered into force on 1 January 2002 in accordance with Article 5 thereof.

⁽¹⁾ OJ L 5, 9.1.2002, p. 11.

Information relating to the entry into force of the Framework Agreement between the European Community and the Republic of Malta on the general principles for the participation of the Republic of Malta in Community programmes ⁽¹⁾

The exchange of instruments of notification of completion of the procedures necessary for the entry into force of the Framework Agreement between the European Community and the Republic of Malta on the general principles for the participation of the Republic of Malta in Community programmes, signed in Brussels on 19 December 2001, having taken place on 19 December 2001, that Agreement entered into force on 19 December 2001 in accordance with Article 9 thereof.

⁽¹⁾ OJ L 17, 19.1.2002, p. 56.

CORRIGENDA

Corrigendum to Council Regulation (EC) No 747/2001 of 9 April 2001 providing for the management of Community tariff quotas and of reference quantities for products eligible for preferences by virtue of agreements with certain Mediterranean countries and repealing Regulations (EC) No 1981/94 and (EC) No 934/95

(Official Journal of the European Communities L 109 of 19 April 2001)

(This Corrigendum cancels and replaces the item with regard to page 25, Annex XI 'Cyprus' Part A of the Corrigendum in the *Official Journal of the European Communities* L 33 of 2 February 2002, page 39)

On page 25, Annex XI 'Cyprus', Part A, Order No 09.1413, fourth column:

for: 'Dried grapes, immediate containers of a net capacity not exceeding 15 kg',

read: 'Dried grapes, in immediate containers of a net capacity not exceeding 15 kg'.
