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Legislation

Contents

Acts adopted pursuant to Title V of the Treaty on European Union

2002/210/CFSP:

- ★ **Council Joint Action of 11 March 2002 on the European Union Police Mission** 1

2002/211/CFSP:

- ★ **Council Joint Action of 11 March 2002 on the appointment of the EU Special Representative in Bosnia and Herzegovina** 7

2002/212/CFSP:

- ★ **Council Decision of 11 March 2002 concerning the appointment of the Head of Mission/Police Commissioner of the European Union Police Mission (EUPM)** 8

I *Acts whose publication is obligatory*

Commission Regulation (EC) No 446/2002 of 12 March 2002 establishing the standard import values for determining the entry price of certain fruit and vegetables 9

Commission Regulation (EC) No 447/2002 of 12 March 2002 fixing representative prices in the poultrymeat and egg sectors and for egg albumin, and amending Regulation (EC) No 1484/95 11

Commission Regulation (EC) No 448/2002 of 12 March 2002 amending representative prices and additional duties for the import of certain products in the sugar sector 13

Commission Regulation (EC) No 449/2002 of 12 March 2002 on import licences in respect of beef and veal products originating in Botswana, Kenya, Madagascar, Swaziland, Zimbabwe and Namibia 15

1

(Continued overleaf)

EN

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

The titles of all other acts are printed in bold type and preceded by an asterisk.

II Acts whose publication is not obligatory

Commission

2002/213/ECSC:

- * **Commission Decision of 28 November 2001 on the State aid which Germany is planning to implement for EKO Stahl GmbH ⁽¹⁾ (notified under document number C(2001) 3732)** 17

2002/214/EC:

- * **Commission Recommendation of 12 March 2002 on the coordinated inspection programmes in the field of animal nutrition for the year 2002 in accordance with Council Directive 95/53/EC (notified under document number C(2002) 546)** 20
-

Corrigenda

- * **Corrigendum to Council Decision 2002/40/EC of 6 December 2001 on the conclusion of the Agreement in the form of an Exchange of Letters concerning the provisional application of the Protocol establishing the fishing opportunities and the compensation provided for in the Agreement between the European Economic Community and the Government of the Republic of Guinea-Bissau on fishing off the coast of Guinea-Bissau for the period 16 June 2001 to 15 June 2006 (OJ L 19 of 22.1.2002)** 23

⁽¹⁾ Text with EEA relevance

(Acts adopted pursuant to Title V of the Treaty on European Union)

COUNCIL JOINT ACTION
of 11 March 2002
on the European Union Police Mission

(2002/210/CFSP)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union and, in particular, Article 14 thereof,

Whereas:

- (1) On 18 February 2002, the Council announced the readiness of the European Union to ensure, by 1 January 2003, the follow-on to the United Nations International Police Task Force (IPTF) in Bosnia and Herzegovina (BiH).
- (2) In line with the general objectives of Annex 11 of the Dayton/Paris Agreement, the European Union Police Mission (EUPM) should establish sustainable policing arrangements under BiH ownership in accordance with best European and international practice, and thereby raising current BiH police standards. The EUPM, entrusted with the necessary authority to monitor, mentor and inspect, should achieve its goals by the end of 2005.
- (3) In its conclusions of 18 February 2002 the Council also decided that in order to ensure a successful follow-up to the UN IPTF, the Union's aim should be a broad approach with activities addressing the whole range of Rule of Law aspects, including institution building programmes and police activities which should be mutually supportive and reinforcing. The EUPM, supported by the Community's institution building programmes under the CARDS Regulation, should contribute to the overall peace implementation in Bosnia and Herzegovina as well as to the achievements of the Union's overall policy in the region, notably the Stabilisation and Association Process.
- (4) The Union should continue to coordinate with the UN and to consult with relevant organisations, in particular NATO and the OSCE.
- (5) Following the Peace Implementation Council Steering Board acceptance on 28 February 2002 of the Union offer concerning EUPM, the UN Security Council Resolution 1396 (2002) on 5 March 2002 welcoming the Union's readiness to ensure the follow-on to the IPTF.
- (6) On 4 March 2002, the authorities of Bosnia and Herzegovina invited the Union to assume responsibility for the follow-on to the United Nations police mission. An agreement will need to be concluded to this end between the authorities of Bosnia and Herzegovina and the Union.
- (7) In order to prepare the EUPM a Planning Team should be established.
- (8) On 18 February 2002, the Council expressed its willingness to appoint the next High Representative in BiH as the EU Special Representative in BiH (EUSR).
- (9) The Political and Security Committee should exercise political control of and provide strategic direction to the EUPM and should be informed on a regular basis on all aspects of the mission, including through briefings by the EUSR and the Head of Mission/Police Commissioner as necessary.
- (10) Acknowledging the valuable contributions other States have made to IPTF, non-EU States are invited to contribute to an EUPM in BiH. In the first instance non-EU European NATO members and other States which are candidates for accession to the Union as well as other non-EU OSCE Member States, currently providing staff to IPTF are invited to contribute to the EUPM.
- (11) On 18 February 2002, the Council agreed the financing of the EUPM as set out in Annex IV of its Conclusions.
- (12) Article 14(1) of the Treaty on European Union calls for the indication of a financial reference amount for the whole period of implementation of the Joint Action. The indication of amounts to be financed by the Community budget illustrates the will of the legislative authority and is subject to the availability of commitment appropriations during the respective budget year,

HAS ADOPTED THIS JOINT ACTION:

Article 4

Head of Mission/Police Commissioner

Article 1

Mission

1. The European Union hereby establishes a European Union Police Mission (EUPM) in order to ensure the follow-on to the United Nations International Police Task Force (IPTF) in Bosnia and Herzegovina (BiH) as from 1 January 2003. Before that date and in order to prepare the EUPM a Planning Team shall be established not later than 1 April 2002 and shall be operational until 31 December 2002.

2. The EUPM shall operate in accordance with the objectives and other provisions as contained in the mission statement set out in the Annex hereto.

Article 2

Planning

1. The Planning Team shall comprise a Police Head of Mission/Head of the Planning Team and the necessary staff to deal with functions ensuing from the needs of the mission.

2. The General Secretariat of the Council shall draw up the Concept of Operations (CONOPS) with the assistance of the Police Head of Mission/Head of the Planning Team. The Planning Team shall subsequently draw up the Operation Plan (OPLAN) and develop all technical instruments necessary to execute the EUPM. The Council shall approve the CONOPS and the OPLAN.

3. The Planning Team shall work in close cooperation with the IPTF.

4. As from 1 January 2003, the Police Head of Mission/Head of the Planning Team will become Head of Mission/Police Commissioner as set out in Article 4.

Article 3

Structures

The EUPM shall in principle be structured as follows:

(a) main headquarters in Sarajevo, composed of the Head of the Mission/Police Commissioner and staff as defined in the OPLAN. Part of this staff shall consist of a variable number of Liaison Officers to work with other international organisations on the ground. Such officers shall be deployed by the Head of the EUPM as necessary;

(b) an initial total of 24 monitoring units co-located within the various Bosnia and Herzegovina Police structures at medium-high level, including within Entities, Public Security Centres, Cantons, State Intelligence Protection Agency, State Border Services and within the Brcko district.

1. The Council, upon a proposal by the Secretary-General, High Representative for the Common Foreign and Security Policy (SG/HR), shall appoint a Head of Mission/Police Commissioner. The Head of Mission/Police Commissioner shall exercise operational command over the EUPM and assume the day-to-day management of the EUPM operations.

2. The Head of Mission/Police Commissioner shall be recruited on a contractual basis.

3. All police officers remain under full command of the appropriate national authority. National authorities will transfer Operational Command (OPCOM) to the Head of the EUPM.

4. The Head of Mission/Police Commissioner shall be responsible for disciplinary control over the personnel. For seconded personnel, disciplinary action shall be exercised by the national or Union authority concerned.

Article 5

Staff

1. The numbers and competence of the EUPM staff shall be consistent with the objectives and structure set out in Article 3 and in the mission statement set out at Annex.

2. Police officers shall be seconded by Member States. The minimum period of secondment should be one year. Each Member State shall bear the costs related to the police officers seconded by it, including salaries, allowances and travel expenses to and from BiH.

3. International civilian staff and local staff shall be recruited on a contractual basis by the EUPM as required.

4. Member States or Community institutions may also second international civilian staff if required for a minimum period of one year. Each Member State or Community institution shall bear the costs related to any of the staff seconded by it, including salaries, allowances and travel expenses to and from BiH.

Article 6

Position of the Special Representative in the unified chain of command

The position in the unified chain of command of the European Union Special Representative (EUSR), appointed by a separate Council Joint Action, is set out in Article 7.

Article 7

Chain of command

The structure of the EUPM as part of the broader Union Rule of Law follow-up in BiH shall have a unified chain of command, as a crisis management operation.

Without prejudice to the relevant provisions of the Dayton/Paris Agreement and its annexes:

- the EUSR shall report to the Council through the SG/HR,
- the Political and Security Committee shall provide the political control and strategic direction,
- the Head of Mission/Police Commissioner shall lead the EUPM and assume its day-to-day management,
- the Head of Mission/Police Commissioner shall report to the SG/HR through the EUSR,
- the SG/HR shall give guidance to the Head of Mission/Police Commissioner through the EUSR.

Article 8

Participation of Third States

1. Without prejudice to the decision-making autonomy of the Union and the single institutional framework of the Union, non-EU European NATO members and other States which are candidates for accession to the European Union as well as other non-EU OSCE Member States, currently providing staff to IPTF, are invited to contribute to the EUPM on the basis that they bear the cost of sending the police officers and/or the international civilian staff seconded by them, including salaries, allowances and travel expenses to and from BiH, and contribute to the running costs of the EUPM as appropriate.

2. Third States making significant contributions to the EUPM shall have the same rights and obligations in terms of day-to-day management of the operation as EU Member States taking part in the operation.

3. Detailed arrangements regarding the participation of Third States shall be subject to agreements pursuant to Article 24 of the Treaty on European Union.

Article 9

Financial arrangements

1. The costs for the implementation of this Joint Action shall be:

- (a) EUR 14 million for start-up costs (including equipment and the Planning Team) for 2002, to be financed out of the Community budget;
- (b) up to EUR 38 million for yearly running costs for the years 2003 to 2005, divided as follows:
 - (i) up to EUR 17 million for per diem depending on the daily rate set and EUR 1 million for travel costs, which pursuant to Article 5(2) shall be charged on a costs 'lie where they fall' basis;

- (ii) the remainder of EUR 20 million (EUR 11 million for operational running costs, EUR 4 million for local staff, EUR 5 million for international civilian staff) to be financed in common out of the Community budget.

The final budget for the years 2003 to 2005 shall be decided by the Council on an annual basis.

2. In the event that financing of the costs referred to in paragraph 1(b)(ii) on the basis of the Community budget is not sufficient, the Council shall decide, in accordance with the provisions of the Treaty on European Union, how to cover any remaining gap, which shall consist of common costs.

3. As regards expenditure financed out of the Community budget, the following shall apply:

- (a) expenditure shall be managed in accordance with the Community rules and procedures applicable to the budget. Procurement shall be undertaken in accordance with appropriate procedures necessary to execute the EUPM, notably with regard to time constraints and to allow nationals of third States to tender for contracts;
- (b) the Head of the Planning Team/Police Commissioner shall report fully to, and be supervised by, the Commission on the activities undertaken in the framework of his contract.

4. The financial arrangements shall respect the operational requirements of EUPM, including compatibility of equipment and interoperability of its teams.

Article 10

Community action

1. The Council notes the intention of the Commission to direct its action towards achieving the objectives of this Joint Action, where appropriate, by relevant Community measures.

2. The Council also notes that coordination arrangements in Brussels and Sarajevo are required.

Article 11

Status of staff of EUPM

1. The status of EUPM staff in BiH, including where appropriate the privileges, immunities and further guarantees necessary for the completion and smooth functioning of the EUPM shall be agreed in accordance with the procedure laid down in Article 24 of the Treaty on European Union.

2. The State or Community institution having seconded a staff member shall be responsible for answering any claims linked to the secondment, from or concerning the staff member. The State or Community institution in question shall be responsible for bringing any action against the secondee.

Article 12

Entry into force and duration

This Joint Action shall enter into force on the date of its adoption.

It shall apply until 31 December 2005.

Article 13

Publication

This Joint Action shall be published in the Official Journal.

Done at Brussels, 11 March 2002.

For the Council

The President

J. PIQUÉ I CAMPS

ANNEX

MISSION STATEMENT FOR EUPM

The following outlines the Mission Statement for the EUPM that will follow-on UN IPTF as a part of the Union overall support to the Rule of Law sector in BiH.

I. Political/Strategic level

1. The mission statement of the EUPM includes:
2. The EUPM, supported by the Commission's institution building programmes, should, as part of a broader rule of law approach, aim, in line with the general objectives of Annex 11 of the Dayton Agreement, to establish sustainable policing arrangements under BiH ownership in accordance with best European and international practice, and thereby raising current BiH police standards. To do so, this three-year EUPM should be entrusted with the necessary authority and concentrate on the following goals:
 - to preserve, through continuity with the achievements of the IPTF mission, the existing levels of institutional and personal proficiency;
 - to enhance, through monitoring, mentoring and inspecting, police managerial and operational capacities; to this end, to focus on delegation of power and quality-oriented management principles as well as improving operational planning capacity based on analysis;
 - to strengthen professionalism at high level within the ministries as well as at senior police officers levels through advisory and inspection functions;
 - and to monitor the exercise of appropriate political control over the police.
3. The mission will not include executive powers or the deployment of an armed component.

II. Objectives at operational level

4. The EUPM, entrusted with the necessary authority to monitor, mentor and inspect, and working as an integral part of the broader rule of law approach, should achieve the goals set out above by the end of 2005, by ensuring that the BiH police services will:
 - act in a professional manner and in accordance with relevant legislation and regulations;
 - be free of political interference, and led by an apolitical, qualified and accountable personnel;
 - possess the integrity, knowledge and means to perform their duties in a transparent and objective manner;
 - at ministries and senior police officers level adopt a professional culture based on a fair, transparent and accountable internal management system including the exercise of internal controls and disciplinary procedures of the highest standard;
 - ensure management practices be carried out through fair and impartial personnel policies for recruitment, training, specialisation, promotion, and discipline;
 - be based on a transparent structure that takes into consideration the multiple ethnic composition of the society and that can deal satisfactorily with gender related issues;
 - effectively manage personnel and resources within an affordable and appropriate institutional framework;
 - standardise data recording and analysis systems to facilitate information sharing for operational planning and investigations, with a view to promoting a BiH-wide crime statistics system;
 - develop police cooperation among all BiH police forces, including at inter-entity, inter-canton levels (building up of structures for coordination, exchange of information and confidence building);
 - undertake criminal investigations of corruption cases regardless of political implications;
 - be capable of investigating and countering the full range of criminal activities, including organised crime and terrorism with a State level capability forming an effective part of the administration of justice, cooperating closely with the prosecution and operating within a reformed criminal justice system;
 - develop, in close cooperation with the Multinational Stabilisation Force (SFOR), specialised information sharing in support of the state level capability and other appropriate authorities;
 - possess capacity to respond to public disorder in accordance with modern police standards and without political or ethnic bias;
 - enter into constructive cooperation with police services of neighbouring States (SAP States) and EU Member States.

III. Methodology

5. It should be noted that the effectiveness of a EUPM pursuing a management approach will directly depend on the expertise of the personnel and ability to retain continuity and institutional memory. For this purpose, it is strongly recommended that qualified personnel is identified and each seconded for a minimum of one year.
 6. In order to achieve the abovementioned objectives by the end of 2005, the EUPM should:
 - co-locate the international police alongside Commanders at the various Entities, Public Security Centres (PSCs), Cantons, Brcko district, State Intelligence Protection Agency (SIPA) and State Border Service (SBS) at medium and senior levels of the BiH Police;
 - be able to remove from offices non compliant officers, through a recommendation by the EU police Commissioner to the High Representative;
 - coordinate with the Office of the High Representative in the furtherance of the International Community overall objectives in the field of the rule of the law, as well as with other organisations within the international community, as appropriate;
 - liaise with SFOR on public security issues including for ensuring SFOR support *in extremis*.
-

COUNCIL JOINT ACTION
of 11 March 2002
on the appointment of the EU Special Representative in Bosnia and Herzegovina

(2002/211/CFSP)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union and, in particular, Article 14 and Article 18(5) thereof,
Whereas:

- (1) On 18 February 2002, the Council expressed its willingness to appoint as the EU Special Representative in Bosnia and Herzegovina the next High Representative in Bosnia and Herzegovina. In doing so, the EU conveyed a clear message that the future of Bosnia and Herzegovina lies in integration into European structures, building on stabilisation and association process.
- (2) On 28 February 2002 the Peace Implementation Council Steering Board took note of the EU's intention to appoint the next High Representative as the EU Special Representative in Bosnia and Herzegovina.
- (3) On 11 March 2002, the Council adopted Joint Action 2002/210/CFSP on the European Union Police Mission ⁽¹⁾, Article 6 of which states that the Council should appoint an EU Special Representative in Bosnia and Herzegovina,

HAS ADOPTED THIS JOINT ACTION:

Article 1

Lord Ashdown is hereby appointed as the European Union Special Representative (EUSR) in Bosnia and Herzegovina.

Article 2

1. The role of the EUSR shall not in any way prejudice the mandate of the High Representative in Bosnia and Herzegovina, including his coordinating role with regard to the activities of all civilian organisations and agencies as set out in the Dayton/Paris Peace Agreement and subsequent Peace Implementation Council conclusions and declarations.
2. He shall maintain an overview of the whole range of activities in the field of the Rule of Law and in that context provide advice to the Secretary-General/High Representative (SG/HR) and the Commission as necessary.
3. As part of his wider responsibilities, the EUSR shall have authority to give direction, as necessary, to the Head of Mission/Police Commissioner of the EU Police Mission.

Article 3

The EUSR shall report to the Council through the SG/HR.

Article 4

This Joint Action shall enter into force on 3 June 2002.

Article 5

This Joint Action shall be published in the Official Journal.

Done at Brussels, 11 March 2002.

For the Council
The President
J. PIQUÉ I CAMPS

⁽¹⁾ See page 1 of this Official Journal.

COUNCIL DECISION
of 11 March 2002
concerning the appointment of the Head of Mission/Police Commissioner of the European Union
Police Mission (EUPM)

(2002/212/CFSP)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union and in particular Article 23(2) thereof,

Having regard to Joint Action 2002/210/CFSP of 11 March 2002 on the European Union Police Mission ⁽¹⁾, and in particular Article 4 thereof,

Whereas:

- (1) Article 4 of Joint Action 2002/210/CFSP provides that the Council, upon a proposal by the Secretary-General/High Representative, should appoint a Head of Mission/Police Commissioner.
- (2) The Secretary-General/High Representative has proposed the appointment of Police Commander Sven Christian FREDERIKSEN,

HAS DECIDED AS FOLLOWS:

Article 1

Mr Sven Christian FREDERIKSEN is hereby appointed Head of Mission/Police Commissioner of the EUPM as from 1 January 2003. Until that date, he shall act as the Police Head of Mission/Head of the Planning Team.

Article 2

This Decision shall take effect on the day of its adoption.

It shall apply until 31 December 2005.

Article 3

This Decision shall be published in the Official Journal.

Done at Brussels, 11 March 2002.

For the Council
The President
J. PIQUÉ I CAMPS

⁽¹⁾ See page 1 of this Official Journal.

I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EC) No 446/2002
of 12 March 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 13 March 2002.

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

Done at Brussels, 12 March 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 12 March 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	184,8	
	204	169,4	
	212	169,4	
	624	226,0	
	999	187,4	
0707 00 05	052	170,8	
	068	109,7	
	204	64,5	
	220	196,3	
	999	135,3	
0709 90 70	052	137,1	
	204	75,4	
	999	106,3	
0805 10 10, 0805 10 30, 0805 10 50	052	58,5	
	204	48,7	
	212	47,3	
	220	45,4	
	600	63,2	
	624	77,9	
	999	56,8	
	0805 50 10	052	40,6
	600	54,4	
	999	47,5	
0808 10 20, 0808 10 50, 0808 10 90	060	40,7	
	388	110,6	
	400	121,2	
	404	96,5	
	508	86,1	
	512	91,1	
	528	96,7	
	720	120,1	
	728	133,7	
	999	99,6	
	0808 20 50	388	74,8
		400	115,6
512		80,4	
528		75,7	
720		66,2	
999		82,5	

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

COMMISSION REGULATION (EC) No 447/2002
of 12 March 2002
fixing representative prices in the poultrymeat and egg sectors and for egg albumin, and amending
Regulation (EC) No 1484/95

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2771/75 of 29 October 1975 on the common organisation of the market in eggs ⁽¹⁾, as last amended by Commission Regulation (EC) No 1516/96 ⁽²⁾, and in particular Article 5(4) thereof,

Having regard to Council Regulation (EEC) No 2777/75 of 29 October 1975 on the common organisation of the market in poultrymeat ⁽³⁾, as last amended by Commission Regulation (EC) No 2916/95 ⁽⁴⁾, and in particular Article 5(4) thereof,

Having regard to Council Regulation (EEC) No 2783/75 of 29 October 1975 on the common system of trade for ovalbumin and lactalbumin ⁽⁵⁾, as last amended by Regulation (EC) No 2916/95, and in particular Article 3(4) thereof,

Whereas:

- (1) Commission Regulation (EC) No 1484/95 ⁽⁶⁾, as last amended by Regulation (EC) No 317/2002 ⁽⁷⁾, fixes detailed rules for implementing the system of additional import duties and fixes representative prices in the poultrymeat and egg sectors and for egg albumin.

(2) It results from regular monitoring of the information providing the basis for the verification of the import prices in the poultrymeat and egg sectors and for egg albumin that the representative prices for imports of certain products should be amended taking into account variations of prices according to origin. Therefore, representative prices should be published.

(3) It is necessary to apply this amendment as soon as possible, given the situation on the market.

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

HAS ADOPTED THIS REGULATION:

Article 1

Annex I to Regulation (EC) No 1484/95 is hereby replaced by the Annex hereto.

Article 2

This Regulation shall enter into force on 13 March 2002.

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

Done at Brussels, 12 March 2002.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 282, 1.11.1975, p. 49.

⁽²⁾ OJ L 189, 30.7.1996, p. 99.

⁽³⁾ OJ L 282, 1.11.1975, p. 77.

⁽⁴⁾ OJ L 305, 19.12.1995, p. 49.

⁽⁵⁾ OJ L 282, 1.11.1975, p. 104.

⁽⁶⁾ OJ L 145, 29.6.1995, p. 47.

⁽⁷⁾ OJ L 50, 21.2.2002, p. 51.

ANNEX

**to the Commission Regulation of 12 March 2002 fixing representative prices in the poultrymeat and egg sectors
and for egg albumin, and amending Regulation (EC) No 1484/95**

ANNEX I

CN code	Description	Representative price (EUR/100 kg)	Security referred to in Article 3(3) (EUR/100 kg)	Origin (!)
0207 12 90	Chickens, plucked and drawn, without heads and feet and without necks, hearts, livers and gizzards, known as "65 % chickens", or otherwise presented, frozen	102,5	5	01
0207 14 10	Boneless cuts of fowl of the species <i>Gallus domesticus</i> , frozen	191,1	35	01
		198,4	31	02
		183,7	38	03
		272,4	8	04
		258,3	13	05
0207 14 60	Chicken legs and cuts thereof, frozen	109,5	10	01
0207 14 70	Other cuts of chicken, frozen	234,3	15	01
0207 25 10	Turkeys, plucked and drawn, without heads and feet but with necks, hearts, livers and gizzards, known as "80 %" turkeys	153,1	2	01
0207 27 10	Boneless cuts of turkeys, frozen	251,0	14	01
1602 32 11	Preparations of uncooked fowl of the species <i>Gallus domesticus</i>	190,7	29	01
		195,7	27	02

(!) Origin of imports:

- 01 Brazil
- 02 Thailand
- 03 China
- 04 Argentina
- 05 Chile.

COMMISSION REGULATION (EC) No 448/2002
of 12 March 2002
amending representative prices and additional duties for the import of certain products in the
sugar sector

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

Whereas:

- (1) The amounts of the representative prices and additional duties applicable to the import of white sugar, raw sugar and certain syrups are fixed by Commission Regulation

(EC) No 1309/2001 ⁽⁴⁾, as last amended by Regulation (EC) No 259/2002 ⁽⁵⁾.

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 13 March 2002.

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

Done at Brussels, 12 March 2002.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 178, 30.6.2001, p. 1.

⁽²⁾ OJ L 141, 24.6.1995, p. 16.

⁽³⁾ OJ L 85, 20.3.1998, p. 5.

⁽⁴⁾ OJ L 177, 30.6.2001, p. 21.

⁽⁵⁾ OJ L 41, 13.2.2002, p. 18.

ANNEX

to the Commission Regulation of 12 March 2002 amending representative prices and the amounts of additional duties applicable to imports of white sugar, raw sugar and products covered by CN code 1702 90 99

(EUR)

CN code	Amount of representative prices per 100 kg net of product concerned	Amount of additional duty per 100 kg net of product concerned
1701 11 10 ⁽¹⁾	19,79	6,41
1701 11 90 ⁽¹⁾	19,79	12,09
1701 12 10 ⁽¹⁾	19,79	6,22
1701 12 90 ⁽¹⁾	19,79	11,58
1701 91 00 ⁽²⁾	27,69	11,39
1701 99 10 ⁽²⁾	27,69	6,87
1701 99 90 ⁽²⁾	27,69	6,87
1702 90 99 ⁽³⁾	0,28	0,37

⁽¹⁾ For the standard quality as defined in Annex I, point II to Council Regulation (EC) No 1260/2001 (OJ L 178, 30.6.2001, p. 1).

⁽²⁾ For the standard quality as defined in Annex I, point I to Council Regulation (EC) No 1260/2001 (OJ L 178, 30.6.2001, p. 1).

⁽³⁾ By 1 % sucrose content.

**COMMISSION REGULATION (EC) No 449/2002
of 12 March 2002**

on import licences in respect of beef and veal products originating in Botswana, Kenya, Madagascar, Swaziland, Zimbabwe and Namibia

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Having regard to Commission Regulation (EC) No 1918/98 of 9 September 1998 laying down detailed rules for the application in the beef and veal sector of Council Regulation (EC) No 1706/98 on the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States and repealing Regulation (EC) No 589/96 ⁽²⁾, and in particular Article 4 thereof,

Whereas:

(1) Article 1 of Regulation (EC) No 1918/98 provides for the possibility of issuing import licences for beef and veal products. However, imports must take place within the limits of the quantities specified for each of these exporting non-member countries.

(2) The applications for import licences submitted between 1 and 10 March 2002, expressed in terms of boned meat, in accordance with Regulation (EC) No 1918/98, do not exceed, in respect of products originating from Botswana, Kenya, Madagascar, Swaziland, Zimbabwe and Namibia, the quantities available from those States. It is therefore possible to issue import licences in respect of the quantities applied for.

(3) The quantities in respect of which licences may be applied for from 1 April 2002 should be fixed within the scope of the total quantity of 52 100 tonnes.

(4) This Regulation is without prejudice to Council Directive 72/462/EEC of 12 December 1972 on health and veterinary inspection problems upon importation of bovine, ovine and caprine animals and swine, fresh meat or meat products from third countries ⁽³⁾, as last amended by Regulation (EC) No 1452/2001 ⁽⁴⁾,

HAS ADOPTED THIS REGULATION:

Article 1

The following Member States shall issue on 21 March 2002 import licences for beef and veal products, expressed as boned meat, originating in certain African, Caribbean and Pacific States, in respect of the following quantities and countries of origin:

Germany:

— 50 tonnes originating in Namibia.

United Kingdom:

— 200 tonnes originating in Namibia,
— 50 tonnes originating in Swaziland.

Article 2

Licence applications may be submitted, pursuant to Article 3(2) of Regulation (EC) No 1918/98, during the first 10 days of April 2002 for the following quantities of boned beef and veal:

Botswana:	17 416 tonnes,
Kenya:	142 tonnes,
Madagascar:	7 579 tonnes,
Swaziland:	3 223 tonnes,
Zimbabwe:	9 100 tonnes,
Namibia:	11 600 tonnes.

Article 3

This Regulation shall enter into force on 21 March 2002.

⁽¹⁾ OJ L 215, 1.8.1998, p. 12.

⁽²⁾ OJ L 250, 10.9.1998, p. 16.

⁽³⁾ OJ L 302, 31.12.1972, p. 28.

⁽⁴⁾ OJ L 198, 21.7.2001, p. 11.

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

Done at Brussels, 12 March 2002.

For the Commission
Franz FISCHLER
Member of the Commission

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 28 November 2001

on the State aid which Germany is planning to implement for EKO Stahl GmbH

(notified under document number C(2001) 3732)

(Only the German version is authentic)

(Text with EEA relevance)

(2002/213/ECSC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Coal and Steel Community,

Having regard to the Agreement on the European Economic Area, and in particular Article 62(1)(a) thereof, read in conjunction with Protocol 14,

Having regard to Commission Decision No 2496/96/ECSC of 18 December 1996 establishing Community rules for State aid to the steel industry ⁽¹⁾, and in particular Article 6(5),

Having called on interested parties to submit their comments pursuant to the abovementioned Decision ⁽²⁾ and having regard to those comments,

Whereas:

I. PROCEDURE

- (1) By letter dated 5 October 2000, Germany notified the Commission of its intention to grant aid to EKO Stahl GmbH (hereinafter EKO Stahl) to help finance an R&D project.
- (2) By letter dated 2 March 2001, the Commission informed Germany that it had decided to initiate the procedure laid down in Article 6(5) of Commission Decision No 2496/96/ECSC (hereinafter the steel aid code) in respect of the aid.
- (3) The Commission Decision to initiate the procedure was published in the *Official Journal of the European Communi-*

ties ⁽³⁾. The Commission invited interested parties to submit their comments on the aid.

- (4) Germany presented its comments on the Commission Decision by letter dated 27 April 2001. The Commission received comments from the United Kingdom by letter dated 5 July 2001 and forwarded them to Germany by letter dated 1 August 2001. Germany gave its response by letter dated 23 August 2001.

II. DETAILED DESCRIPTION OF THE AID

- (5) The aid notified for EKO Stahl was to be used to finance the company's participation in the project 'Methods and instruments to create, stabilise and evaluate permanent adaptability: personnel and know-how'. This is a joint project carried out with eight other partners, mainly active in the field of human resources and information technology. The costs for EKO Stahl amount to EUR 665 007 and the notified aid to EUR 399 004. The proposed aid intensity is thus 60 %, corresponding to 50 % for industrial research plus a regional bonus of ten percentage points because EKO Stahl is located in an Article 87(3)(a) region. The costs comprise personnel, travelling and administrative expenses. The project is to run from July 2000 to March 2003.
- (6) The overall project is described as a sociological research project designed to develop methods and instruments for stabilising the long-term adaptability of workers. One element of this project is 'personnel and know-how', the area where EKO Stahl would be more directly involved and where methods and instruments are to be developed that enable staff and management to achieve a given level of adaptability and to build on it as new developments occur.

⁽¹⁾ OJ L 338, 28.12.1996, p. 42.

⁽²⁾ OJ C 166, 9.6.2001, p. 2.

⁽³⁾ See footnote 2.

(7) The German authorities also informed the Commission that the EKO Stahl project would be carried out in three stages based on the timetable for the overall joint project. The first stage would be a planning stage for devising methods for assessing permanent adaptability. The second stage would be a development stage during which instruments would be adapted, developed further and tested. The third stage would be a so-called control stage for disseminating and implementing the findings.

(8) The German authorities also informed the Commission that the incentive effect of the aid resides in the fact that EKO Stahl has no direct interest in the project and therefore would not participate in it without aid.

(9) When initiating the procedure, the Commission raised doubts as to whether the notified participation of EKO Stahl in the overall project constituted research within the meaning of the R&D framework⁽⁴⁾. It indeed doubted that EKO Stahl would carry out any research within the context of the project as its participation seemed to correspond solely to acting as a 'testing ground' for the research of the other participants.

(10) The Commission also raised doubts as to the compatibility of the aid if the EKO Stahl project were to be assessed under the R&D framework. No clear definition of the tasks that would have to be performed by its workers was given that would justify the level of aid at the different research stages. The reason put forward for the incentive effect was also called into question as it can be taken to mean that, as the Commission originally suspected, EKO Stahl is not itself actually carrying out any research.

III. COMMENTS FROM INTERESTED PARTIES

(11) The United Kingdom sent in comments on the proposed project and shared the view expressed by the Commission in its decision to initiate the procedure, namely that such a project clearly cannot rank as R&D within the meaning of the R&D framework.

IV. COMMENTS FROM GERMANY

(12) In its own comments and in its reply to the comments by the United Kingdom, Germany reaffirms its initial position that EKO Stahl's participation in the project constitutes research within the meaning of the R&D framework. It also confirms that, in its view, the entire project constitutes industrial research and that the proposed level of aid is accordingly justified. It further

states that the project meets the criteria for eligibility under European Parliament and Council Decision No 182/1999/EC concerning the fifth framework programme of the European Community for research, technological development and demonstration activities (1998-2002)⁽⁵⁾, hereinafter the 'Fifth Community R&D Programme'.

V. ASSESSMENT OF THE AID

(13) EKO Stahl GmbH is an undertaking within the meaning of Article 80 of the ECSC Treaty. Aid to it is therefore subject to the steel aid code, which provides for the possibility of aid to steel undertakings for R&D activities. Aid projects must be notified individually and their compatibility should be assessed under the R&D framework.

(14) Annex I to the R&D framework gives a definition of R&D in its different stages. It also states that the framework is intended to cover R&D aid linked directly to the subsequent production and marketing of new products, processes or services. In Section 5, the R&D framework sets the aid intensities for the different stages of the research, which generally vary from 50 % for industrial research to 25 % for pre-competitive development activities. In Section 6, it requires that the aid should serve as an incentive for firms to undertake R&D activities in addition to their normal day-to-day activities and states that particular attention must be exercised in the case of large firms.

(15) Germany claims that the EKO Stahl project meets the criteria laid down for a Community R&D project. There is indeed a project under the Fifth Community R&D Framework Programme which has similarities with the overall project in which EKO Stahl would participate and for which a call for tenders was recently launched. Participation by an industrial company in this Community project, whilst not excluded, will be assessed on the basis of the merits of the R&D activities to be carried out by that company, as it would be for all applicants, whether institutes or universities. Similarly, in the present case, the aid to EKO Stahl is assessed on the basis of its own research contribution, just as it would be if the company were to carry out this or any other project alone. The fact that the company has stated that it is participating in an overall research project with other partners does not dispense with the need to demonstrate that its contribution constitutes research.

⁽⁴⁾ OJ C 45, 17.2.1996, p. 5.

⁽⁵⁾ OJ L 26, 1.2.1999, p. 1.

- (16) Germany reiterates its position that the EKO Stahl project constitutes industrial research within the meaning of the R&D framework. However, it does not explain what this research activity is. Apart from merely claiming that the company will engage in significant research activities in the area of methodologies and instruments for shaping, stabilising and evaluating adaptability, there is no concrete information on the active role which the company itself will play in the research. No definition or description of the tasks to be performed by the company is given. The doubt raised by the Commission on initiating the procedure that EKO Stahl will serve merely as a 'testing ground' for the other participants in the project is therefore maintained.

VI. CONCLUSION

- (17) Accordingly, the Commission concludes that EKO Stahl's activities, for which aid was notified, do not constitute research within the meaning of the R&D framework. The project is not therefore eligible for aid under that framework. The other points raised during the procedure, such as the stage of research and the corresponding aid intensity as well as the incentive effect of the aid, do not therefore need to be examined. The aid notified by Germany for EKO Stahl is therefore incompatible with the steel aid code, with the common market and with the functioning of the EEA Agreement,

HAS ADOPTED THIS DECISION:

Article 1

The State aid which Germany is planning to implement for EKO Stahl GmbH, amounting to EUR 399 004, is incompatible with the common market and with the functioning of the EEA Agreement.

The aid may accordingly not be implemented.

Article 2

Germany shall inform the Commission, within two months of notification of this Decision, of the measures taken to comply with it.

Article 3

This Decision is addressed to the Federal Republic of Germany.

Done at Brussels, 28 November 2001.

For the Commission

Mario MONTI

Member of the Commission

COMMISSION RECOMMENDATION**of 12 March 2002****on the coordinated inspection programmes in the field of animal nutrition for the year 2002 in accordance with Council Directive 95/53/EC***(notified under document number C(2002) 546)*

(2002/214/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 95/53/EC of 25 October 1995 fixing the principles governing the organisation of official inspections in the field of animal nutrition ⁽¹⁾, as last amended by Directive 2001/46/EC of the European Parliament and of the Council ⁽²⁾, and in particular Article 22(3) thereof,

Whereas:

- (1) The overall summary report on inspection activities carried out in the field of animal nutrition based on the information provided by the Member States concerning the implementation of the inspection programmes for 2000 does not allow definitive conclusions to be drawn. However, some issues have been identified as worthy of a coordinated programme to be carried out in 2002. In particular, reference is made to the need to monitor food safety related contamination of feedingstuffs.
- (2) Member States' inspection services have identified a higher risk of dioxin contamination in trace elements and mineral feedingstuffs.
- (3) They also identified a higher risk of contamination by heavy metals such as lead, cadmium, and mercury and by arsenic in trace elements and mineral feedingstuffs.
- (4) Mycotoxin contamination of feedingstuffs, in particular by aflatoxin B1, deoxinivalenol (DON), zearalenone (ZEA) and ochratoxin A (OTA), requires special attention in view of the development of the legislation concerning feed contaminants.
- (5) Each of these matters should therefore be subject to coordinated inspection in 2002.
- (6) Ensuring that the feed chain is not contaminated by agents of transmissible spongiform encephalopathies requires effective controls. Member States should therefore be invited to give priority to inspections verifying compliance with the restrictions on the use of materials of animal origin in feed materials.
- (7) The measures set out in this recommendation are in accordance with the opinion of the Standing Committee for Feedingstuffs,

HEREBY RECOMMENDS:

1. Member States should carry out a coordinated inspection programme during 2002 to check the frequency of occurrence and concentrations of contaminants in animal nutrition as specified in Annex I.
2. In reporting the results of the inspection programmes, figures on the products concerned should be provided detailing the amounts of national production and imports from third countries in the format set out in Annex II.
3. Data on production and imports should be provided even when samples have not been taken and tested. When laboratory testing is carried out, the methods used and their respective specificity and sensitivity should be mentioned. The criteria used in deciding upon the compliance of tests should be reported.

⁽¹⁾ OJ L 265, 8.11.1995, p. 17.⁽²⁾ OJ L 234, 1.9.2001, p. 55.

4. Without prejudice to Articles 3 to 13 and 15 of Directive 95/53/EC, Member States should undertake during 2002 a coordinated inspection programme to determine whether the restrictions on the production and use of feed materials of animal origin have been complied with. The results of this inspection programme should be communicated to the Commission using the format set out in Annex III.
5. Member States should include the results of the coordinated inspection programmes as a specific chapter in the report on the annual control activities which must be submitted before 1 April 2003 under Article 22(2) of Directive 95/53/EC.

Done at Brussels, 12 March 2002.

For the Commission

David BYRNE

Member of the Commission

ANNEX I

1. The Member States' coordinated inspection programme should cover the following contaminants:
 - (a) dioxins (PCDD/F);
 - (b) lead, cadmium, mercury and arsenic;
 - (c) mycotoxins (aflatoxin, deoxinivalenol, ochratoxin A, zearalenone).
2. It should cover occurrence and concentration of the contaminants referred to in point 1 in the following products used in animal nutrition:
 - (a) trace elements, including, in particular, zinc oxide, copper oxide, manganese and zinc sulphate;
 - (b) minerals, including in particular magnesium oxide and phosphates;
 - (c) feed materials;
 - (d) compound feedingstuffs (by means of random monitoring).

ANNEX II

Data for each specified product tested in the coordinated inspection programme

Specified product	National production (tonnes) (where available)	Number of batches sampled	Imported from third countries (tonnes) (where available)	Number of batches sampled

ANNEX III

Summary of checks concerning feeding restrictions for feeds of animal origin

Specified product	Breakdown of checks carried out on	Breakdown of breaches not requiring laboratory testing	Number of samples taken and tested	Number of samples considered non-compliant
	Imports			
	Storage			
	Production (i.e. rendering plants)			
	Feedmills			
	Farms holding ruminants			
	Farms holding non-ruminants			

CORRIGENDA

Corrigendum to Council Decision 2002/40/EC of 6 December 2001 on the conclusion of the Agreement in the form of an Exchange of Letters concerning the provisional application of the Protocol establishing the fishing opportunities and the compensation provided for in the Agreement between the European Economic Community and the Government of the Republic of Guinea-Bissau on fishing off the coast of Guinea-Bissau for the period 16 June 2001 to 15 June 2006

(Official Journal of the European Communities L 19 of 22 January 2002)

In the contents on the second page of the cover, in the title of the Decision on page 32 and in the closing formula on page 33:

for: '6 December 2001',

read: '10 December 2001'.

On page 33, President's signature:

for: 'I. DURANT',

read: 'F.-X. DE DONNEA'.
