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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EC) No 545/2002

of 18 March 2002

extending the financing of quality and marketing improvement plans for certain nuts and locust beans approved under Title IIa of Regulation (EEC) No 1035/72 and providing for a specific aid for hazelnuts

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 37 thereof,

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

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

Having regard to the opinion of the Economic and Social Committee ⁽³⁾,

Whereas:

- (1) Title IIa of Council Regulation (EEC) No 1035/72 of 18 May 1972 on the common organisation of the market in fruit and vegetables ⁽⁴⁾, provides for various specific measures to make good the inadequacy of production and marketing facilities for certain nuts and locust beans. Aid is provided to producer organisations which have received specific recognition and which have submitted a plan approved by the competent authority for improving the quality and the marketing of their produce.
- (2) The specific aid granted towards the drawing up and implementation of the quality and marketing improvement plan as specified in Article 14(d)(2) of Regulation (EEC) No 1035/72 is restricted to a period of 10 years to allow a shift of financial responsibility on to the producers.
- (3) Regulation (EEC) No 1035/72 was repealed by Council Regulation (EC) No 2200/96 of 28 October 1996 on the common organisation of the market in fruit and vegetables ⁽⁵⁾. However, as specified by Article 53 of Regulation (EC) No 2200/96, any rights acquired by producer organisations in application of Title IIa of Regulation (EEC) No 1035/72 are to be maintained until exhausted.

(4) A number of plans expired in 2000, having completed their tenth year. These plans became eligible for an eleventh year of aid under Council Regulation (EC) No 558/2001 of 19 March 2001 extending for a period of up to one year the financing of certain quality and marketing improvement plans approved under Title IIa of Regulation (EC) No 1035/72 ⁽⁶⁾.

(5) A number of additional plans expired in 2001, having completed the tenth year.

(6) In accordance with Regulation (EC) No 2200/96, the Commission forwarded to the Council a report on the state of implementation of Regulation (EC) No 2200/96. This report includes a description of the results of the specific measures for nuts and locust beans carried out under Title IIa of Regulation (EEC) No 1035/72 but does not put forward final proposals for a permanent support framework for the sector.

(7) In recognition of the important environmental role played by the nut sector in protection against erosion, fire prevention and preservation of indigenous genetic material, and of its important social role in keeping people on the land and thus furthering preservation of the countryside, it is appropriate, for the year 2001, to grant to those producer organisations whose improvement plans expire in 2001, and who continue to fulfil the recognition criteria, continued financing of their plans within the 2002 budget. This should include those producer organisations whose original improvement plans expired in 2000 and which were extended under Regulation (EC) No 558/2001.

(8) Eligible areas should be able to include those areas within a plan, which have been approved in 1990 or 1991, and subsequently included in, or transferred to, another plan through merger or acquisition of producer organisations.

⁽¹⁾ OJ C 51 E, 26.2.2002, p. 380.

⁽²⁾ Opinion delivered on 19 February 2002 (not yet published in the Official Journal).

⁽³⁾ Opinion delivered on 20 February 2002 (not yet published in the Official Journal).

⁽⁴⁾ OJ L 118, 20.5.1972, p. 1. Regulation as last amended by Commission Regulation (EC) No 1363/95 (OJ L 132, 16.6.1995, p. 1).

⁽⁵⁾ OJ L 297, 21.11.1996, p. 1. Regulation as last amended by Commission Regulation (EC) No 911/2001 (OJ L 129, 11.5.2001, p. 3).

⁽⁶⁾ OJ L 84, 23.3.2001, p. 1.

- (9) Only aid applications in respect of work carried out until 15 June 2002 should qualify for financing. Plans for which the end of the tenth year was after 15 June 2000 were only entitled to an eleventh year of Community support until 15 June 2001 under Regulation (EC) No 558/2001. For the purpose of continuity, these plans should be entitled to Community support for the period between 15 June 2001 and 31 December 2001.
- (10) In order to simplify administrative procedures, aid should be limited to a maximum of those areas for which an aid application was made in the final year of the plan.
- (11) The period of up to one year is not sufficient to complete work of grubbing operations followed by replanting and/or varietal reconversion as referred to in Article 2(1) of Council Regulation (EEC) No 790/89 of 20 March 1989 fixing the level of additional flat-rate aid for the formation of producers' organisations and the maximum amount applied to aid for quality and marketing improvement in the nut and locust bean growing sector ⁽¹⁾. The maximum aid per hectare therefore should be paid in respect of other operations as specified in Article 2(2) of that Regulation with a maximum Community contribution of 75 %.
- (12) The implementing rules of Commission Regulation (EEC) No 2159/89 of 18 July 1989 laying down detailed rules for applying the specific measures for nuts and locust beans as provided for in Title IIa of Council Regulation (EEC) No 1035/72 ⁽²⁾ should apply for the period of the continued payment of aid.
- (13) In order to deal with the economic situation in the hazelnut sector, flat-rate aid should be granted for hazelnuts harvested in the 2001/2002 marketing year, for those producer organisations not eligible for an extension to improvement plans under this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

Recognised producer organisations engaged in the production and marketing of nuts and/or locust beans and receiving aid pursuant to Title IIa of Regulation (EEC) No 1035/72, whose quality and marketing improvement plans were approved in 1990 or 1991, or which contain areas approved in 1990 or 1991, may request the continuation of that aid for these areas for a further period of up to one year subject to the rules laid down in Articles 2 and 3 of this Regulation.

⁽¹⁾ OJ L 85, 30.3.1989, p. 6. Regulation as last amended by Commission Regulation (EC) No 1825/97 (OJ L 260, 23.9.1997, p. 9).

⁽²⁾ OJ L 207, 19.7.1989, p. 19. Regulation as last amended by Commission Regulation (EC) No 94/2002 (OJ L 17, 19.1.2002, p. 20).

For that period producer organisations shall continue to implement the plan as approved for the final year.

For the purposes of this Regulation, the final year of the plan shall mean the tenth year for areas approved in 1991, and the eleventh year for areas approved in 1990 and extended under the provisions of Regulation (EC) No 558/2001.

Article 2

The aid shall:

- be paid in regard to, and limited to, those areas for which an aid application has been submitted in respect of the final year of the plan;
- be limited to a maximum of EUR 241,50 per hectare, of which the maximum Community participation shall be 75 %;
- apply for a period of up to one year immediately following the expiry of the final year of the plan, up to a latest date of 15 June 2002.

Plans extended pursuant to Regulation (EC) No 558/2001, for which the starting date of the final year is after 15 June 2000, shall be entitled to Community support for the period between 15 June 2001 and the end of the final year.

Article 3

Regulation (EEC) No 2159/89 shall apply *mutatis mutandis* to plans for which aid is paid pursuant to Article 1.

Where necessary, additional implementing measures shall be adopted in accordance with the procedure laid down in Article 46 of Regulation (EC) No 2200/96.

Article 4

Article 55 of Regulation (EC) No 2200/96 shall be replaced by the following:

'Article 55

For hazelnuts harvested during the 2001/2002 marketing year, aid of EUR 15/100 kg shall be granted to producer organisations, recognised pursuant to Regulation (EEC) No 1035/72 or to this Regulation, which implement a quality improvement plan within the meaning of Article 14d of Regulation (EEC) No 1035/72 or an operational programme within the meaning of Article 15, and do not benefit from the aid provided for in Articles 1 and 2 of Regulation (EC) No 545/2002.'

Article 5

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

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

Done at Brussels, 18 March 2002.

For the Council
The President
M. ARIAS CAÑETE

**COUNCIL REGULATION (EC) No 546/2002
of 25 March 2002**

**fixing the premiums and guarantee thresholds for leaf tobacco by variety group and Member State
for the 2002, 2003 and 2004 harvests and amending Regulation (EEC) No 2075/92**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Articles 36 and 37 thereof,

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

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

Having regard to the opinion of the Economic and Social Committee ⁽³⁾,

Whereas:

- (1) Article 4 of Regulation (EEC) No 2075/92 of 30 June 1992 on the common organisation of the market in raw tobacco ⁽⁴⁾ provides for the fixing of the amount of the premium and the supplementary amounts for each tobacco harvest, taking particular account of past and foreseeable possibilities for the disposal of the various types of tobacco, under normal conditions of competition. The premiums should therefore be fixed and linked to the guarantee thresholds fixed for 2002, 2003 and 2004.
- (2) In accordance with the second paragraph of Article 8 and Article 9(2) of Regulation (EEC) No 2075/92, the guarantee thresholds for each variety group and Member States should be fixed for the 2002, 2003 and 2004 harvests, taking particular account of market conditions and socio-economic and agronomic conditions in the production areas concerned. The threshold levels should be set in good time so that the producers can plan their production for the harvests in question.
- (3) Article 6(5) of Council Regulation (EEC) No 2075/92 allows the Member States to apply a cultivation contract auction scheme. Under the provisions currently in force, if this scheme is applied it must cover all the groups of tobacco varieties produced in a Member State. The system has not yet been applied because the Member States believe that auctioning is warranted only for certain variety groups and only for contracts of producer groups which manifest an interest. With a view to encouraging auctions as a way of increasing the commercial price of raw tobacco, more flexible provisions should be introduced so that the Member States

can restrict this mechanism to certain variety groups only and to producer groups which wish to participate.

- (4) The national quota reserves created under Article 9(5) of Regulation (EEC) No 2075/92 have failed to achieve the conversion or farm-restructuring objectives for which they were created. Application at national level, in particular the criteria laid down by the Member States for redistributing the reserves and the small amounts involved in their establishment, has proved inadequate for achieving the desired effect. Furthermore, the administrative arrangements for managing the national reserves have created an excess workload and have excessively complicated the management of the quotas, resulting in serious delays in their distribution. However the possibility should remain open for Member States which wish to do so to have recourse to this system where they consider it to be useful.
- (5) The Treaty requires that a high level of human health protection be ensured in the definition and implementation of all Community policies and activities. In the framework of the strategy for sustainable development in the European Union, the economic, social and environmental consequences of every policy must be taken into account. In the raw tobacco producing regions, it is consequently advisable to implement actions aimed at developing new sources of income and economic activity for the growers. In order to achieve this goal, it is proposed that the activities of the Community Tobacco Fund should be amended and agronomic research should be replaced by a measure to support specific initiatives allowing tobacco growers to switch from tobacco into other crops and economic activities creating employment.
- (6) It is also advisable to increase the deduction used to finance the Fund to 3 % in 2003 in order to strengthen the budgetary means available for financing information measures on the harmful effects of tobacco consumption and initiatives to convert production. This latter measure, which is a new priority, could be implemented nationally as part of specific conversion measures and would accompany and develop synergies with the quota buy-back programme. For the 2004 harvest, if necessary, the deduction could be increased up to 5 % according to the use of the Fund's appropriations, on the basis of a report drawn up by the Commission.
- (7) Regulation (EEC) No 2075/92 should therefore be amended,

⁽¹⁾ OJ C 51 E, 26.2.2002, p. 382.

⁽²⁾ Opinion delivered on 14 March 2002 (not yet published in the Official Journal).

⁽³⁾ Opinion delivered on 20 February 2002 (not yet published in the Official Journal).

⁽⁴⁾ OJ L 215, 30.7.1992, p. 70. Regulation as last amended by Regulation (EC) No 1336/2000 (OJ L 154, 27.6.2000, p. 2).

HAS ADOPTED THIS REGULATION:

Article 1

For the 2002, 2003 and 2004 harvests, the premium amounts for each of the groups of raw tobacco and the supplementary amounts referred to in Article 3 of Regulation (EEC) No 2075/92 shall be as shown in Annex I to this Regulation.

Article 2

For the 2002, 2003 and 2004 harvests, the guarantee thresholds referred to in Articles 8 and 9 of Regulation (EEC) No 2075/92 by variety group and by Member State shall be as shown in Annex II to this Regulation.

Article 3

Regulation (EEC) No 2075/92 is amended as follows:

1. Article 6(5) shall be replaced by the following:

'5. The Member State may, if its structures makes it appropriate, apply to the producer groups which wish to participate in it a cultivation contract auction scheme as referred to in paragraph 1 for a particular variety group where it is concluded before the date on which delivery of the tobacco commences.'

2. Article 9(5) shall be replaced by the following:

'5. Producer Member States shall be entitled to create a national quota reserve, the rules of operation of which shall be adopted in accordance with the procedure laid down in Article 23.'

3. Article 13 shall be replaced by the following:

'Article 13

1. A Community Tobacco Fund (hereinafter "Fund") shall be set up, financed by a deduction of:

- 2 % of the premium for the 2002 harvest,
- 3 % of the premium for the 2003 harvest,

The Commission shall submit before 31 December 2003 a report on the use of the appropriations from the Fund, which could be accompanied, if necessary, by a proposal for the percentage of the deduction for the Fund to be increased by up to 5 % for the 2004 harvest.

2. The Fund shall finance action in the following areas:

- (a) improving public awareness of the harmful effects of all forms of tobacco consumption, in particular through information and education, support for the collection of data to establish tobacco consumption patterns and to conduct epidemiological studies on nicotineism in the Community, and a study on preventing nicotineism;
- (b) as part of the programme referred to in Article 14(1), specific measures to help tobacco growers to switch to other crops or other economic activities that create employment and studies of the possibilities for tobacco growers to do so.'

Article 4

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

It shall apply from the 2002 harvest.

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

Done at Brussels, 25 March 2002.

For the Council

The President

A. M. BIRULÉS Y BERTRÁN

ANNEX I

PREMIUMS FOR LEAF TOBACCO FROM THE 2002, 2003 AND 2004 HARVESTS

	I Flue-cured	II Light air-cured	III Dark air-cured	IV Fire-cured	V Sun-cured	VI Basma	VII Katerini	VIII Kaba Koulak
EUR/kg	2,98062	2,38423	2,38423	2,62199	2,14581	4,12957	3,50395	2,50377

SUPPLEMENTARY AMOUNTS

Varieties	EUR/kg
Badischer Geudertheimer, Pereg, Korso	0,5509
Badischer Burley E and its hybrids	0,8822
Virgin D and its hybrids, Virginia and its hybrids	0,5039
Paraguay and its hybrids, Dragon vert and its hybrids, Philippin, Petit Grammont (Flobecq), Semois, Appel terre	0,4112

ANNEX II

GUARANTEE THRESHOLDS FOR THE 2002 HARVEST (tonnes)

(tonnes)

Member State	I Flue-cured	II Light air-cured	III Dark air-cured	IV Fire-cured	V Sun-cured	Other			Total
						VI Basmas	VII Katerini	VIII K. Koulak	
Italy	49 002	49 436	16 256	6 255	9 157		498		130 604
Greece	35 781	12 276			7 192	27 114	24 014	16 696	123 073
Spain	29 472	5 748	6 622	30					41 872
Portugal	4 981	1 066							6 047
France	10 650	9 602	5 359						25 611
Germany	4 800	2 683	3 868						11 351
Belgium		154	1 455						1 609
Austria	30	442	99						571
	134 716	81 407	33 659	6 285	16 349	27 114	24 512	16 696	340 738

GUARANTEE THRESHOLDS FOR THE 2003 AND 2004 HARVESTS (tonnes)

(tonnes)

Member State	I Flue-cured	II Light air-cured	III Dark air-cured	IV Fire-cured	V Sun-cured	Other			Total
						VI Basmas	VII Katerini	VIII K. Koulak	
Italy	48 263	47 689	15 682	6 255	8 833		498		127 220
Greece	35 242	11 842			6 938	27 114	24 014	16 696	121 846
Spain	29 028	5 545	6 388	30					40 991
Portugal	4 906	1 028							5 934
France	10 490	9 262	5 170						24 922
Germany	4 728	2 588	3 731						11 047
Belgium		149	1 404						1 553
Austria	29	426	96						551
	132 686	78 529	32 471	6 285	15 771	27 114	24 512	16 696	334 064

COMMISSION REGULATION (EC) No 547/2002
of 27 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 28 March 2002.

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

Done at Brussels, 27 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 27 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 (!)	Standard import value	
0702 00 00	052	201,0	
	204	149,9	
	212	185,6	
	624	212,2	
	999	187,2	
0707 00 05	052	146,9	
	204	27,7	
	999	87,3	
0709 90 70	052	138,9	
	204	41,0	
	999	90,0	
0805 10 10, 0805 10 30, 0805 10 50	052	58,4	
	204	54,3	
	212	53,4	
	220	43,9	
	421	29,6	
	624	82,0	
	999	53,6	
0805 50 10	052	52,2	
	600	50,2	
	999	51,2	
0808 10 20, 0808 10 50, 0808 10 90	060	38,2	
	388	102,4	
	400	120,2	
	404	97,5	
	508	76,3	
	512	84,0	
	524	92,0	
	528	82,9	
	720	116,7	
	804	123,3	
	999	93,3	
	0808 20 50	204	92,8
		388	91,7
400		83,8	
512		70,9	
528		67,9	
999		81,4	

(!) 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 548/2002
of 27 March 2002
fixing the import duties in the cereals sector

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organisation of the market in cereals ⁽¹⁾, as last amended by Regulation (EC) No 1666/2000 ⁽²⁾,

Having regard to Commission Regulation (EC) No 1249/96 of 28 June 1996 laying down detailed rules for the application of Council Regulation (EEC) No 1766/92 as regards import duties in the cereals sector ⁽³⁾, as last amended by Regulation (EC) No 2104/2001 ⁽⁴⁾, and in particular Article 2(1) thereof,

Whereas:

- (1) Article 10 of Regulation (EEC) No 1766/92 provides that the rates of duty in the Common Customs Tariff are to be charged on import of the products referred to in Article 1 of that Regulation. However, in the case of the products referred to in paragraph 2 of that Article, the import duty is to be equal to the intervention price valid for such products on importation and increased by 55 %, minus the cif import price applicable to the consignment in question. However, that duty may not exceed the rate of duty in the Common Customs Tariff.
- (2) Pursuant to Article 10(3) of Regulation (EEC) No 1766/92, the cif import prices are calculated on the basis of the representative prices for the product in question on the world market.

- (3) Regulation (EC) No 1249/96 lays down detailed rules for the application of Council Regulation (EEC) No 1766/92 as regards import duties in the cereals sector.
- (4) The import duties are applicable until new duties are fixed and enter into force. They also remain in force in cases where no quotation is available for the reference exchange referred to in Annex II to Regulation (EC) No 1249/96 during the two weeks preceding the next periodical fixing.
- (5) In order to allow the import duty system to function normally, the representative market rates recorded during a reference period should be used for calculating the duties.
- (6) Application of Regulation (EC) No 1249/96 results in import duties being fixed as set out in the Annex to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The import duties in the cereals sector referred to in Article 10(2) of Regulation (EEC) No 1766/92 shall be those fixed in Annex I to this Regulation on the basis of the information given in Annex II.

Article 2

This Regulation shall enter into force on 1 April 2002.

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

Done at Brussels, 27 March 2002.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 193, 29.7.2000, p. 1.

⁽³⁾ OJ L 161, 29.6.1996, p. 125.

⁽⁴⁾ OJ L 283, 27.10.2001, p. 8.

ANNEX I

Import duties for the products covered by Article 10(2) of Regulation (EEC) No 1766/92

CN code	Description	Import duty ⁽²⁾ (EUR/tonne)
1001 10 00	Durum wheat high quality	0,00
	medium quality ⁽¹⁾	0,00
1001 90 91	Common wheat seed	0,00
1001 90 99	Common high quality wheat other than for sowing ⁽³⁾	0,00
	medium quality	2,96
	low quality	9,69
1002 00 00	Rye	0,00
1003 00 10	Barley, seed	0,00
1003 00 90	Barley, other ⁽⁴⁾	0,00
1005 10 90	Maize seed other than hybrid	40,91
1005 90 00	Maize other than seed ⁽⁵⁾	40,91
1007 00 90	Grain sorghum other than hybrids for sowing	0,00

⁽¹⁾ In the case of durum wheat not meeting the minimum quality requirements for durum wheat of medium quality, referred to in Annex I to Regulation (EC) No 1249/96, the duty applicable is that fixed for low-quality common wheat.

⁽²⁾ For goods arriving in the Community via the Atlantic Ocean or via the Suez Canal (Article 2(4) of Regulation (EC) No 1249/96), the importer may benefit from a reduction in the duty of:

— EUR 3 per tonne, where the port of unloading is on the Mediterranean Sea, or

— EUR 2 per tonne, where the port of unloading is in Ireland, the United Kingdom, Denmark, Sweden, Finland or the Atlantic coasts of the Iberian peninsula.

⁽³⁾ The importer may benefit from a flat-rate reduction of EUR 14 per tonne, where the conditions laid down in Article 2(5) of Regulation (EC) No 1249/96 are met.

⁽⁴⁾ The importer may benefit from a flat-rate reduction of EUR 8 per tonne, where the conditions laid down in Article 2(5) of Regulation (EC) No 1249/96 are met.

⁽⁵⁾ The importer may benefit from a flat-rate reduction of EUR 24 per tonne, where the conditions laid down in Article 2(5) of Regulation (EC) No 1249/96 are met.

ANNEX II

Factors for calculating duties

(period from 15 March 2002 to 26 March 2002)

1. Averages over the two-week period preceding the day of fixing:

Exchange quotations	Minneapolis	Kansas City	Chicago	Chicago	Minneapolis	Minneapolis	Minneapolis
Product (% proteins at 12 % humidity)	HRS2. 14 %	HRW2. 11,5 %	SRW2	YC3	HAD2	Medium quality (*)	US barley 2
Quotation (EUR/t)	124,40	118,59	117,63	91,87	222,32 (**)	212,32 (**)	152,53 (***)
Gulf premium (EUR/t)	42,38	24,81	19,04	13,58	—	—	—
Great Lakes premium (EUR/t)	—	—	—	—	—	—	—

(*) A discount of 10 EUR/t (Article 4(1) of Regulation (EC) No 1249/96).

(**) Fob Gulf.

(***) Fob USA.

2. Freight/cost: Gulf of Mexico–Rotterdam: 19,32 EUR/t; Great Lakes–Rotterdam: 30,97 EUR/t.

3. Subsidy within the meaning of the third paragraph of Article 4(2) of Regulation (EC) No 1249/96: 0,00 EUR/t (HRW2)
0,00 EUR/t (SRW2).

**COMMISSION REGULATION (EC) No 549/2002
of 27 March 2002**

**opening an invitation to tender for the resale on the internal market of 342,92 tonnes of rice held
by the Italian intervention agency**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Community,

Article 1

The Italian intervention agency shall open, on the conditions laid down in Regulation (EEC) No 75/91, an invitation to tender for the resale on the internal market of a lot of 342,92 tonnes of paddy rice held by that agency.

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organisation of the market in rice ⁽¹⁾, as last amended by Commission Regulation (EC) No 411/2002 ⁽²⁾, and in particular the final indent of Article 8(b) thereof,

Article 2

Notwithstanding Article 3(2) of Regulation (EEC) No 75/91, tenders must relate to the entire lot.

Whereas:

Article 3

(1) Commission Regulation (EC) No 492/2001 ⁽³⁾ opened an invitation to tender for the resale on the internal market of approximately 2 752 tonnes of paddy rice held by the Italian intervention agency. The quantity consisted of five lots. Lot No 4, of 627,92 tonnes, was placed on sale at a minimum price of EUR 267 per tonne. Part of that lot, totalling 342,92 tonnes, is still in stock and has now seriously deteriorated. It should therefore be placed on sale again on suitable terms.

1. The closing date for the initial submission of tenders shall be 10 April 2002, for the final submission of tenders it shall be 24 April 2002.

(2) The sale should be carried out in accordance with Commission Regulation (EEC) No 75/91 of 11 January 1991 laying down the procedures and conditions for the disposal of paddy rice held by intervention agencies ⁽⁴⁾.

2. Tenders must be submitted to the Italian intervention agency:

Ente nazionale risi
Piazza Pio XI — 1
I-20123 Milano
Telephone: (02) 885 51 11
Fax: (02) 86 13 72

(3) Given the specific characteristics of the rice, which has deteriorated due to natural disasters and is now seriously degraded, in accordance with Article 2(3)(b) of Commission Regulation (EEC) No 3597/90 of 12 December 1990 on the accounting rules for intervention measures involving the buying in, storage and sale of agricultural products by intervention agencies ⁽⁵⁾, as last amended by Regulation (EC) No 1392/97 ⁽⁶⁾, no minimum price should be fixed for that lot and it should be awarded to the highest bidder.

3. The rice is stored at the following warehouse:

Corso Dante, 24 - Balzola (AL), bins 67, 76 and 86.

Article 4

The lot shall be awarded to the highest bidder with no minimum price requirement.

Article 5

By Tuesday of the week following the closing date for the submission of tenders, the Italian intervention agency shall inform the Commission whether the lot has been sold and, if so, at what price.

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

Article 6

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

⁽¹⁾ OJ L 329, 30.12.1995, p. 18.

⁽²⁾ OJ L 62, 5.3.2002, p. 27.

⁽³⁾ OJ L 71, 13.3.2001, p. 5.

⁽⁴⁾ OJ L 9, 12.1.1991, p. 15.

⁽⁵⁾ OJ L 350, 14.12.1990, p. 43.

⁽⁶⁾ OJ L 190, 19.7.1997, p. 22.

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

Done at Brussels, 27 March 2002.

For the Commission
Franz FISCHLER
Member of the Commission

**COMMISSION REGULATION (EC) No 550/2002
of 27 March 2002**

determining the extent to which the applications for import licences submitted in March 2002 for cheese originating in South Africa under a tariff quota opened by Regulation (EC) No 2535/2001 can be accepted

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Having regard to Commission Regulation (EC) No 2535/2001 of 14 December 2001 laying down detailed rules for applying Council Regulation (EC) No 1255/1999 as regards the import arrangements for milk and milk products and opening tariff quotas ⁽³⁾, and in particular Article 16(1) thereof,

Whereas:

- (1) Commission Regulation (EC) No 381/2002 of 28 February 2002 derogating from Regulation (EC) No 2535/2001 as regards import licence applications for

cheese from South Africa ⁽⁴⁾ reopens the period for lodging those applications.

- (2) The quantities covered by applications lodged in March 2002 for the products covered by quota No 09.4151 referred to in Annex I(E) to Regulation (EC) No 2535/2001 do not exceed the quantities available. All the applications lodged should therefore be accepted,

HAS ADOPTED THIS REGULATION:

Article 1

Import licence applications lodged pursuant to Regulation (EC) No 381/2002 for the products covered by quota No 09.4151 referred to in Annex I(E) to Regulation (EC) No 2535/2001 shall be accepted for the quantities requested.

Article 2

This Regulation shall enter into force on 28 March 2002.

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

Done at Brussels, 27 March 2002.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 160, 26.6.1999, p. 48.

⁽²⁾ OJ L 79, 22.3.2002, p. 15.

⁽³⁾ OJ L 341, 22.12.2001, p. 29.

⁽⁴⁾ OJ L 60, 1.3.2002, p. 28.

COMMISSION REGULATION (EC) No 551/2002
of 27 March 2002
establishing unit values for the determination of the customs value of certain perishable goods

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

Whereas:

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 29 March 2002.

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

Done at Brussels, 27 March 2002.

For the Commission

Erkki LIIKANEN

Member of the Commission

⁽¹⁾ OJ L 302, 19.10.1992, p. 1.

⁽²⁾ OJ L 311, 12.12.2000, p. 17.

⁽³⁾ OJ L 253, 11.10.1993, p. 1.

⁽⁴⁾ OJ L 141, 28.5.2001, p. 1.

ANNEX

Code	Description	Amount of unit values per 100 kg			
	Species, varieties, CN code	EUR	DKK	SEK	GBP
1.10	New potatoes 0701 90 50	46,77	347,70	421,77	28,85
1.30	Onions (other than seed) 0703 10 19	44,19	328,50	398,48	27,26
1.40	Garlic 0703 20 00	168,01	1 248,99	1 515,05	103,65
1.50	Leeks ex 0703 90 00	59,84	444,81	539,56	36,91
1.60	Cauliflowers 0704 10 00	55,28	410,95	498,49	34,10
1.80	White cabbages and red cabbages 0704 90 10	60,85	452,35	548,71	37,54
1.90	Sprouting broccoli or calabrese (<i>Brassica oleracea</i> L. <i>convar. botrytis</i> (L.) <i>Alef</i> var. <i>italica</i> Plenck) ex 0704 90 90	61,43	456,66	553,95	37,90
1.100	Chinese cabbage ex 0704 90 90	56,49	419,94	509,40	34,85
1.110	Cabbage lettuce (head lettuce) 0705 11 00	90,36	671,73	814,82	55,74
1.130	Carrots ex 0706 10 00	68,43	508,70	617,07	42,21
1.140	Radishes ex 0706 90 90	119,36	887,31	1 076,33	73,63
1.160	Peas (<i>Pisum sativum</i>) 0708 10 00	302,93	2 251,93	2 731,65	186,88
1.170	Beans:				
1.170.1	Beans (<i>Vigna</i> spp., <i>Phaseolus</i> spp.) ex 0708 20 00	199,81	1 485,36	1 801,77	123,26
1.170.2	Beans (<i>Phaseolus</i> spp., <i>vulgaris</i> var. <i>Compressus</i> Savi) ex 0708 20 00	202,62	1 506,26	1 827,13	125,00
1.180	Broad beans ex 0708 90 00	157,74	1 172,62	1 422,42	97,31
1.190	Globe artichokes 0709 10 00	—	—	—	—
1.200	Asparagus:				
1.200.1	— green ex 0709 20 00	576,75	4 287,50	5 200,84	355,80
1.200.2	— other ex 0709 20 00	456,12	3 390,75	4 113,06	281,38
1.210	Aubergines (eggplants) 0709 30 00	139,24	1 035,10	1 255,60	85,90

Code	Description	Amount of unit values per 100 kg			
	Species, varieties, CN code	EUR	DKK	SEK	GBP
1.220	Ribbed celery (<i>Apium graveolens</i> L., var. <i>dulce</i> (Mill.) Pers.) ex 0709 40 00	95,13	707,19	857,83	58,69
1.230	Chantarelles 0709 51 30	744,83	5 536,99	6 716,50	459,49
1.240	Sweet peppers 0709 60 10	157,57	1 171,37	1 420,91	97,21
1.270	Sweet potatoes, whole, fresh (intended for human consumption) 0714 20 10	76,13	565,97	686,53	46,97
2.10	Chestnuts (<i>Castanea</i> spp.), fresh ex 0802 40 00	176,48	1 311,93	1 591,41	108,87
2.30	Pineapples, fresh ex 0804 30 00	81,86	608,52	738,15	50,50
2.40	Avocados, fresh ex 0804 40 00	122,41	909,99	1 103,84	75,52
2.50	Guavas and mangoes, fresh ex 0804 50 00	106,18	789,35	957,51	65,50
2.60	Sweet oranges, fresh:				
2.60.1	— Sanguines and semi-sanguines 0805 10 10	—	—	—	—
2.60.2	— Navels, navelines, navelates, salustianas, vernas, Valencia lates, Maltese, shamoutis, ovalis, trovita and hamlins 0805 10 30	—	—	—	—
2.60.3	— Others 0805 10 50	—	—	—	—
2.70	Mandarins (including tangerines and satsumas), fresh; clementines, wilkins and similar citrus hybrids, fresh:				
2.70.1	— Clementines ex 0805 20 10	131,81	979,86	1 188,60	81,31
2.70.2	— Monreales and satsumas ex 0805 20 30	109,74	815,80	989,58	67,70
2.70.3	— Mandarines and wilkins ex 0805 20 50	70,77	526,12	638,20	43,66
2.70.4	— Tangerines and others ex 0805 20 70 ex 0805 20 90	101,79	756,70	917,90	62,79
2.85	Limes (<i>Citrus aurantifolia</i> , <i>Citrus latifolia</i>), fresh ex 0805 30 90 ex 0805 90 00	104,95	780,19	946,39	64,74
2.90	Grapefruit, fresh:				
2.90.1	— white ex 0805 40 00	58,39	434,08	526,55	36,02
2.90.2	— pink ex 0805 40 00	61,52	457,34	554,76	37,95

Code	Description	Amount of unit values per 100 kg			
	Species, varieties, CN code	EUR	DKK	SEK	GBP
2.100	Table grapes 0806 10 10	159,17	1 183,27	1 435,34	98,19
2.110	Water melons 0807 11 00	72,41	538,29	652,96	44,67
2.120	Melons (other than water melons):				
2.120.1	— Amarillo, cuper, honey dew (including cantalene), ontentiente, piel de sapo (including verde liso), rochet, tendral, futuro ex 0807 19 00	104,58	777,46	943,07	64,52
2.120.2	— Other ex 0807 19 00	177,68	1 320,84	1 602,21	109,61
2.140	Pears				
2.140.1	Pears — nashi (<i>Pyrus pyrifolia</i>), Pears — Ya (<i>Pyrus bretschneideri</i>) ex 0808 20 50	—	—	—	—
2.140.2	Other ex 0808 20 50	—	—	—	—
2.150	Apricots ex 0809 10 00	529,94	3 939,52	4 778,73	326,92
2.160	Cherries 0809 20 95 0809 20 05	576,44	4 285,20	5 198,05	355,61
2.170	Peaches 0809 30 90	313,02	2 326,93	2 822,63	193,10
2.180	Nectarines ex 0809 30 10	190,70	1 417,63	1 719,61	117,64
2.190	Plums 0809 40 05	136,42	1 014,15	1 230,18	84,16
2.200	Strawberries 0810 10 00	148,66	1 105,10	1 340,51	91,71
2.205	Raspberries 0810 20 10	848,90	6 310,64	7 654,96	523,69
2.210	Fruit of the species <i>Vaccinium myrtillus</i> 0810 40 30	614,33	4 566,87	5 539,72	378,98
2.220	Kiwi fruit (<i>Actinidia chinensis</i> Planch.) 0810 50 00	127,40	947,08	1 148,83	78,59
2.230	Pomegranates ex 0810 90 85	359,71	2 674,05	3 243,68	221,91
2.240	Khakis (including sharon fruit) ex 0810 90 85	178,47	1 326,74	1 609,37	110,10
2.250	Lychees ex 0810 90 30	160,51	1 193,19	1 447,37	99,02

**COMMISSION REGULATION (EC) No 552/2002
of 27 March 2002**

**fixing the rates of refunds applicable to certain products from the sugar sector exported in the
form of goods not covered by Annex I to the Treaty**

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 market in sugar ⁽¹⁾, and in particular Article 27(5)(a) and (15),

Whereas:

- (1) Article 27(1) and (2) of Regulation (EEC) No 1260/2001 provides that the differences between the prices in international trade for the products listed in Article 1(1)(a), (c), (d), (f), (g) and (h) of that Regulation and prices within the Community may be covered by an export refund where these products are exported in the form of goods listed in the Annex to that Regulation. Commission Regulation (EC) No 1520/2000 of 13 July 2000 laying down common implementing rules for granting export refunds on certain agricultural products exported in the form of goods not covered by Annex I to the Treaty and the criteria for fixing the amount of such refunds ⁽²⁾, as last amended by Regulation (EC) No 1563/2001 ⁽³⁾, specifies the products for which a rate of refund should be fixed, to be applied where these products are exported in the form of goods listed in Annex I to Regulation (EC) No 1260/2001.
- (2) In accordance with Article 4(1) of Regulation (EC) No 1520/2000, the rate of the refund per 100 kilograms for each of the basic products in question must be fixed for each month.
- (3) Article 27(3) of Regulation (EC) No 1260/2001 and Article 11 of the Agreement on Agriculture concluded under the Uruguay Round lay down that the export refund for a product contained in a good may not

exceed the refund applicable to that product when exported without further processing.

- (4) The refunds fixed under this Regulation may be fixed in advance as the market situation over the next few months cannot be established at the moment.
- (5) The commitments entered into with regard to refunds which may be granted for the export of agricultural products contained in goods not covered by Annex I to the Treaty may be jeopardized by the fixing in advance of high refund rates. It is therefore necessary to take precautionary measures in such situations without, however, preventing the conclusion of long-term contracts. The fixing of a specific refund rate for the advance fixing of refunds is a measure which enables these various objectives to be met.
- (6) It is necessary to ensure continuity of strict management taking account of expenditure forecasts and funds available in the budget.
- (7) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Sugar,

HAS ADOPTED THIS REGULATION:

Article 1

The rates of the refunds applicable to the basic products appearing in Annex A to Regulation (EC) No 1520/2000 and listed in Article 1(1) and (2) of Regulation (EC) No 1260/2001, exported in the form of goods listed in Annex V to Regulation (EC) No 1260/2001, are fixed as shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 April 2002.

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

Done at Brussels, 27 March 2002.

For the Commission

Erkki LIIKANEN

Member of the Commission

⁽¹⁾ OJ L 178, 30.6.2001, p. 1.

⁽²⁾ OJ L 177, 15.7.2000, p. 1.

⁽³⁾ OJ L 208, 1.8.2001, p. 8.

ANNEX

to the Commission Regulation of 27 March 2002 fixing the rates of the refunds applicable to certain products in the sugar sector exported in the form of goods not covered by Annex I to the Treaty

Product	Rate of refund in EUR/100 kg	
	In case of advance fixing of refunds	Other
White sugar:	41,08	41,08

COMMISSION REGULATION (EC) No 553/2002**of 27 March 2002****fixing the rates of the refunds applicable to certain milk products exported in the form of goods not covered by Annex I to the Treaty**

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 15 May 1999 on the common organisation of the market in milk and milk products ⁽¹⁾, as last amended by Commission Regulation (EC) No 509/2002 ⁽²⁾, and in particular Article 31(3) thereof,

Whereas:

(1) Article 31(1) of Regulation (EC) No 1255/1999 provides that the difference between prices in international trade for the products listed in Article 1 (a), (b), (c), (d), (e), and (g) of that Regulation and prices within the Community may be covered by an export refund. Whereas Commission Regulation (EC) No 1520/2000 of 13 July 2000 laying down common implementing rules for granting export refunds on certain agricultural products exported in the form of goods not covered by Annex I to the Treaty, and criteria for fixing the amount of such refunds ⁽³⁾, as last amended by Regulation (EC) No 1563/2001 ⁽⁴⁾, specifies the products for which a rate of refund should be fixed, to be applied where these products are exported in the form of goods listed in the Annex to Regulation (EC) No 1255/1999.

(2) In accordance with the first subparagraph of Article 4 (1) of Regulation (EC) No 1520/2000, the rate of the refund per 100 kilograms for each of the basic products in question must be fixed for each month.

(3) Article 4(3) of Regulation (EC) No 1520/2000 provides that, when the rate of the refund is being fixed, account should be taken, where necessary, of production refunds, aids or other measures having equivalent effect applicable in all Member States in accordance with the Regulation on the common organisation of the market in the product in question to the basic products listed in Annex A to that Regulation or to assimilated products.

(4) Article 11(1) of Regulation (EC) No 1255/1999 provides for the payment of aid for Community-produced skimmed milk processed into casein if such milk and the casein manufactured from it fulfil certain conditions.

(5) Commission Regulation (EC) No 2571/97 of 15 December 1997 on the sale of butter at reduced prices and the granting of aid for cream, butter and concentrated butter for use in the manufacture of pastry products, ice-cream and other foodstuffs ⁽⁵⁾, as last amended by Regulation (EC) No 635/2000 ⁽⁶⁾, lays down that butter and cream at reduced prices should be made available to industries which manufacture certain goods.

(6) It is necessary to ensure continuity of strict management taking account of expenditure forecasts and funds available in the budget.

(7) 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

1. The rates of the refunds applicable to the basic products appearing in Annex A to Regulation (EC) No 1520/2000 and listed in Article 1 of Regulation (EC) No 1255/1999, exported in the form of goods listed in the Annex to Regulation (EC) No 1255/1999, are hereby fixed as shown in the Annex to this Regulation.

2. No rates of refund are fixed for any of the products referred to in the preceding paragraph which are not listed in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 1 April 2002.

⁽¹⁾ OJ L 160, 26.6.1999, p. 48.

⁽²⁾ OJ L 79, 22.3.2002, p. 15.

⁽³⁾ OJ L 177, 15.7.2000, p. 1.

⁽⁴⁾ OJ L 208, 1.8.2001, p. 8.

⁽⁵⁾ OJ L 350, 20.12.1997, p. 3.

⁽⁶⁾ OJ L 76, 25.3.2000, p. 9.

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

Done at Brussels, 27 March 2002.

For the Commission
Erkki LIIKANEN
Member of the Commission

ANNEX

to the Commission Regulation of 27 March 2002 fixing the rates of the refunds applicable to certain milk products exported in the form of goods not covered by Annex I to the Treaty

(EUR/100 kg)

CN code	Description	Rate of refund
ex 0402 10 19	Powdered milk, in granules or other solid forms, not containing added sugar or other sweetening matter, with a fat content not exceeding 1,5 % by weight (PG 2):	
	(a) On exportation of goods of CN code 3501	—
	(b) On exportation of other goods	50,00
ex 0402 21 19	Powdered milk, in granules or other solid forms, not containing added sugar or other sweetening matter, with a fat content of 26 % by weight (PG 3):	
	(a) Where goods incorporating, in the form of products assimilated to PG 3, reduced-price butter or cream obtained pursuant to Regulation (EC) No 2571/97 are exported	65,54
	(b) On exportation of other goods	91,50
ex 0405 10	Butter, with a fat content by weight of 82 % (PG 6):	
	(a) Where goods containing reduced-price butter or cream which have been manufactured in accordance with the conditions provided for in Regulation (EC) No 2571/97 are exported	90,00
	(b) On exportation of goods of CN code 2106 90 98 containing 40 % or more by weight of milk fat	182,25
	(c) On exportation of other goods	175,00

COMMISSION REGULATION (EC) No 554/2002
of 27 March 2002
fixing the export refunds on milk and milk 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 Commission Regulation (EC) No 509/2002 ⁽²⁾, and in particular Article 31(3) thereof,

Whereas:

(1) Article 31 of Regulation (EC) No 1255/1999 provides that the difference between prices in international trade for the products listed in Article 1 of that Regulation and prices for those products within the Community may be covered by an export refund within the limits resulting from agreements concluded in accordance with Article 300 of the Treaty.

(2) Regulation (EC) No 1255/1999 provides that when the refunds on the products listed in Article 1 of the above-mentioned Regulation, exported in the natural state, are being fixed, account must be taken of:

- the existing situation and the future trend with regard to prices and availabilities of milk and milk products on the Community market and prices for milk and milk products in international trade,
- marketing costs and the most favourable transport charges from Community markets to ports or other points of export in the Community, as well as costs incurred in placing the goods on the market of the country of destination,
- the aims of the common organisation of the market in milk and milk products which are to ensure equilibrium and the natural development of prices and trade on this market,
- the limits resulting from agreements concluded in accordance with Article 300 of the Treaty, and
- the need to avoid disturbances on the Community market, and
- the economic aspect of the proposed exports.

(3) Article 31(5) of Regulation (EC) No 1255/1999 provides that when prices within the Community are being determined account should be taken of the ruling prices which are most favourable for exportation, and that

when prices in international trade are being determined particular account should be taken of:

- (a) prices ruling on third country markets;
- (b) the most favourable prices in third countries of destination for third country imports;
- (c) producer prices recorded in exporting third countries, account being taken, where appropriate, of subsidies granted by those countries; and
- (d) free-at-Community-frontier offer prices.

(4) Article 31(3) of Regulation (EC) No 1255/1999 provides that the world market situation or the specific requirements of certain markets may make it necessary to vary the refund on the products listed in Article 1 of the abovementioned Regulation according to destination.

(5) Article 31(3) of Regulation (EC) No 1255/1999 provides that the list of products on which export refunds are granted and the amount of such refunds should be fixed at least once every four weeks; the amount of the refund may, however, remain at the same level for more than four weeks.

(6) In accordance with Article 16 of Commission Regulation (EC) No 174/1999 of 26 January 1999 on specific detailed rules for the application of Council Regulation (EC) No 804/68 as regards export licences and export refunds on milk and milk products ⁽³⁾, as last amended by Regulation (EC) No 156/2002 ⁽⁴⁾, the refund granted for milk products containing added sugar is equal to the sum of the two components; one is intended to take account of the quantity of milk products and is calculated by multiplying the basic amount by the milk products content in the product concerned; the other is intended to take account of the quantity of added sucrose and is calculated by multiplying the sucrose content of the entire product by the basic amount of the refund valid on the day of exportation for the products listed in Article 1(1)(d) of Council Regulation (EC) No 1260/2001 of 19 June 2001 on the common organisation of the markets in the sugar sector ⁽⁵⁾, however, this second component is applied only if the added sucrose has been produced using sugar beet or cane harvested in the Community.

⁽¹⁾ OJ L 160, 26.6.1999, p. 48.

⁽²⁾ OJ L 79, 22.3.2002, p. 15.

⁽³⁾ OJ L 20, 27.1.1999, p. 8.

⁽⁴⁾ OJ L 25, 29.1.2002, p. 24.

⁽⁵⁾ OJ L 178, 30.6.2001, p. 1.

- (7) Commission Regulation (EEC) No 896/84 ⁽¹⁾, as last amended by Regulation (EEC) No 222/88 ⁽²⁾, laid down additional provisions concerning the granting of refunds on the change from one milk year to another; those provisions provide for the possibility of varying refunds according to the date of manufacture of the products.
- (8) For the calculation of the refund for processed cheese provision must be made where casein or caseinates are added for that quantity not to be taken into account.
- (9) It follows from applying the rules set out above to the present situation on the market in milk and in particular to quotations or prices for milk products within the Community and on the world market that the refund should be as set out in the Annex to this Regulation.
- (10) 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

The export refunds referred to in Article 31 of Regulation (EC) No 1255/1999 on products exported in the natural state shall be as set out in the Annex.

Article 2

This Regulation shall enter into force on 28 March 2002.

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

Done at Brussels, 27 March 2002.

For the Commission
Franz FISCHLER
Member of the Commission

⁽¹⁾ OJ L 91, 1.4.1984, p. 71.

⁽²⁾ OJ L 28, 1.2.1988, p. 1.

ANNEX

to the Commission Regulation of 27 March 2002 fixing the export refunds on milk and milk products

Product code	Destination	Unit of measurement	Amount of refund	Product code	Destination	Unit of measurement	Amount of refund
0401 10 10 9000	970	EUR/100 kg	2,048	0402 29 91 9000	A02	EUR/kg	0,9211
0401 10 90 9000	970	EUR/100 kg	2,048	0402 29 99 9100	A02	EUR/kg	0,9211
0401 20 11 9100	970	EUR/100 kg	2,048	0402 29 99 9500	A02	EUR/kg	1,0019
0401 20 11 9500	970	EUR/100 kg	3,165	0402 91 11 9370	A02	EUR/100 kg	5,670
0401 20 19 9100	970	EUR/100 kg	2,048	0402 91 19 9370	A02	EUR/100 kg	5,670
0401 20 19 9500	970	EUR/100 kg	3,165	0402 91 31 9300	A02	EUR/100 kg	6,715
0401 20 91 9000	970	EUR/100 kg	4,005	0402 91 39 9300	A02	EUR/100 kg	6,715
0401 20 99 9000	970	EUR/100 kg	4,005	0402 91 99 9000	A02	EUR/100 kg	36,61
0401 30 11 9400	970	EUR/100 kg	9,240	0402 99 11 9350	A02	EUR/kg	0,1445
0401 30 11 9700	970	EUR/100 kg	13,88	0402 99 19 9350	A02	EUR/kg	0,1445
0401 30 19 9700	970	EUR/100 kg	13,88	0402 99 31 9150	A02	EUR/kg	0,1513
0401 30 31 9100	A02	EUR/100 kg	33,72	0402 99 31 9300	A02	EUR/kg	0,2191
0401 30 31 9400	A02	EUR/100 kg	52,67	0402 99 31 9500	A02	EUR/kg	0,3775
0401 30 31 9700	A02	EUR/100 kg	58,08	0402 99 39 9150	A02	EUR/kg	0,1513
0401 30 39 9100	A02	EUR/100 kg	33,72	0403 90 11 9000	A02	EUR/100 kg	49,30
0401 30 39 9400	A02	EUR/100 kg	52,67	0403 90 13 9200	A02	EUR/100 kg	49,30
0401 30 39 9700	A02	EUR/100 kg	58,08	0403 90 13 9300	A02	EUR/100 kg	80,04
0401 30 91 9100	A02	EUR/100 kg	66,19	0403 90 13 9500	A02	EUR/100 kg	84,18
0401 30 91 9500	A02	EUR/100 kg	97,28	0403 90 13 9900	A02	EUR/100 kg	90,68
0401 30 99 9100	A02	EUR/100 kg	66,19	0403 90 19 9000	A02	EUR/100 kg	91,16
0401 30 99 9500	A02	EUR/100 kg	97,28	0403 90 33 9400	A02	EUR/kg	0,8004
0402 10 11 9000	A02	EUR/100 kg	50,00	0403 90 33 9900	A02	EUR/kg	0,9068
0402 10 19 9000	A02	EUR/100 kg	50,00	0403 90 51 9100	970	EUR/100 kg	2,048
0402 10 91 9000	A02	EUR/kg	0,5000	0403 90 59 9170	970	EUR/100 kg	13,88
0402 10 99 9000	A02	EUR/kg	0,5000	0403 90 59 9310	A02	EUR/100 kg	33,72
0402 21 11 9200	A02	EUR/100 kg	50,00	0403 90 59 9340	A02	EUR/100 kg	52,10
0402 21 11 9300	A02	EUR/100 kg	80,52	0403 90 59 9370	A02	EUR/100 kg	52,10
0402 21 11 9500	A02	EUR/100 kg	85,00	0403 90 59 9510	A02	EUR/100 kg	52,10
0402 21 11 9900	A02	EUR/100 kg	91,50	0404 90 21 9120	A02	EUR/100 kg	42,65
0402 21 17 9000	A02	EUR/100 kg	50,00	0404 90 21 9160	A02	EUR/100 kg	50,00
0402 21 19 9300	A02	EUR/100 kg	80,52	0404 90 23 9120	A02	EUR/100 kg	50,00
0402 21 19 9500	A02	EUR/100 kg	85,00	0404 90 23 9130	A02	EUR/100 kg	80,52
0402 21 19 9900	A02	EUR/100 kg	91,50	0404 90 23 9140	A02	EUR/100 kg	85,00
0402 21 91 9100	A02	EUR/100 kg	92,11	0404 90 23 9150	A02	EUR/100 kg	91,50
0402 21 91 9200	A02	EUR/100 kg	92,86	0404 90 29 9110	A02	EUR/100 kg	92,16
0402 21 91 9350	A02	EUR/100 kg	93,76	0404 90 29 9115	A02	EUR/100 kg	92,85
0402 21 91 9500	A02	EUR/100 kg	102,59	0404 90 29 9125	A02	EUR/100 kg	93,81
0402 21 99 9100	A02	EUR/100 kg	92,11	0404 90 29 9140	A02	EUR/100 kg	102,64
0402 21 99 9200	A02	EUR/100 kg	92,86	0404 90 81 9100	A02	EUR/kg	0,5000
0402 21 99 9300	A02	EUR/100 kg	93,76	0404 90 83 9110	A02	EUR/kg	0,5000
0402 21 99 9400	A02	EUR/100 kg	100,19	0404 90 83 9130	A02	EUR/kg	0,8052
0402 21 99 9500	A02	EUR/100 kg	102,59	0404 90 83 9150	A02	EUR/kg	0,8500
0402 21 99 9600	A02	EUR/100 kg	111,29	0404 90 83 9170	A02	EUR/kg	0,9150
0402 21 99 9700	A02	EUR/100 kg	116,11	0404 90 83 9936	A02	EUR/kg	0,1445
0402 21 99 9900	A02	EUR/100 kg	121,79	0405 10 11 9500	L05	EUR/100 kg	170,73
0402 29 15 9200	A02	EUR/kg	0,5000	0405 10 11 9700	L05	EUR/100 kg	175,00
0402 29 15 9300	A02	EUR/kg	0,8054	0405 10 19 9500	L05	EUR/100 kg	170,73
0402 29 15 9500	A02	EUR/kg	0,8502	0405 10 19 9700	L05	EUR/100 kg	175,00
0402 29 15 9900	A02	EUR/kg	0,9150	0405 10 30 9100	L05	EUR/100 kg	170,73
0402 29 19 9300	A02	EUR/kg	0,8054	0405 10 30 9300	L05	EUR/100 kg	175,00
0402 29 19 9500	A02	EUR/kg	0,8502	0405 10 30 9700	L05	EUR/100 kg	175,00
0402 29 19 9900	A02	EUR/kg	0,9150	0405 10 50 9300	L05	EUR/100 kg	175,00

Product code	Destination	Unit of measurement	Amount of refund	Product code	Destination	Unit of measurement	Amount of refund
0405 10 50 9500	L05	EUR/100 kg	170,73	0406 10 20 9850	L03	EUR/100 kg	—
0405 10 50 9700	L05	EUR/100 kg	175,00		A24	EUR/100 kg	27,09
0405 10 90 9000	L05	EUR/100 kg	181,41		L04	EUR/100 kg	27,09
0405 20 90 9500	L05	EUR/100 kg	160,07		400	EUR/100 kg	—
0405 20 90 9700	L05	EUR/100 kg	166,47		A01	EUR/100 kg	27,09
0405 90 10 9000	L05	EUR/100 kg	222,36	0406 10 20 9870	A00	EUR/100 kg	—
0405 90 90 9000	L05	EUR/100 kg	175,00	0406 10 20 9900	A00	EUR/100 kg	—
0406 10 20 9100	A00	EUR/100 kg	—	0406 20 90 9100	A00	EUR/100 kg	—
0406 10 20 9230	L03	EUR/100 kg	—	0406 20 90 9913	L03	EUR/100 kg	—
	A24	EUR/100 kg	32,03		A24	EUR/100 kg	49,95
	L04	EUR/100 kg	32,03		L04	EUR/100 kg	49,95
	400	EUR/100 kg	—		400	EUR/100 kg	20,23
	A01	EUR/100 kg	32,03		A01	EUR/100 kg	49,95
0406 10 20 9290	L03	EUR/100 kg	—	0406 20 90 9915	L03	EUR/100 kg	—
	A24	EUR/100 kg	29,79		A24	EUR/100 kg	65,93
	L04	EUR/100 kg	29,79		L04	EUR/100 kg	65,93
	400	EUR/100 kg	—		400	EUR/100 kg	26,95
	A01	EUR/100 kg	29,79		A01	EUR/100 kg	65,93
0406 10 20 9300	L03	EUR/100 kg	—	0406 20 90 9917	L03	EUR/100 kg	—
	A24	EUR/100 kg	13,08		A24	EUR/100 kg	70,05
	L04	EUR/100 kg	13,08		L04	EUR/100 kg	70,05
	400	EUR/100 kg	—		400	EUR/100 kg	28,65
	A01	EUR/100 kg	13,08		A01	EUR/100 kg	70,05
0406 10 20 9610	L03	EUR/100 kg	—	0406 20 90 9919	L03	EUR/100 kg	—
	A24	EUR/100 kg	43,44		A24	EUR/100 kg	78,29
	L04	EUR/100 kg	43,44		L04	EUR/100 kg	78,29
	400	EUR/100 kg	—		400	EUR/100 kg	31,96
	A01	EUR/100 kg	43,44		A01	EUR/100 kg	78,29
0406 10 20 9620	L03	EUR/100 kg	—	0406 20 90 9990	A00	EUR/100 kg	—
	A24	EUR/100 kg	44,06	0406 30 31 9710	L03	EUR/100 kg	—
	L04	EUR/100 kg	44,06		A24	EUR/100 kg	12,33
	400	EUR/100 kg	—		L04	EUR/100 kg	6,58
	A01	EUR/100 kg	44,06		400	EUR/100 kg	—
0406 10 20 9630	L03	EUR/100 kg	—		A01	EUR/100 kg	12,33
	A24	EUR/100 kg	49,18	0406 30 31 9730	L03	EUR/100 kg	—
	L04	EUR/100 kg	49,18		A24	EUR/100 kg	18,09
	400	EUR/100 kg	—		L04	EUR/100 kg	9,64
	A01	EUR/100 kg	49,18		400	EUR/100 kg	—
0406 10 20 9640	L03	EUR/100 kg	—		A01	EUR/100 kg	18,09
	A24	EUR/100 kg	72,28	0406 30 31 9910	L03	EUR/100 kg	—
	L04	EUR/100 kg	72,28		A24	EUR/100 kg	12,33
	400	EUR/100 kg	—		L04	EUR/100 kg	6,58
	A01	EUR/100 kg	72,28		400	EUR/100 kg	—
0406 10 20 9650	L03	EUR/100 kg	—		A01	EUR/100 kg	12,33
	A24	EUR/100 kg	60,23	0406 30 31 9930	L03	EUR/100 kg	—
	L04	EUR/100 kg	60,23		A24	EUR/100 kg	18,09
	400	EUR/100 kg	—		L04	EUR/100 kg	9,64
	A01	EUR/100 kg	60,23		400	EUR/100 kg	—
0406 10 20 9660	A00	EUR/100 kg	—		A01	EUR/100 kg	18,09
0406 10 20 9830	L03	EUR/100 kg	—	0406 30 31 9950	L03	EUR/100 kg	—
	A24	EUR/100 kg	22,34		A24	EUR/100 kg	26,31
	L04	EUR/100 kg	22,34		L04	EUR/100 kg	14,03
	400	EUR/100 kg	—		400	EUR/100 kg	—
	A01	EUR/100 kg	22,34		A01	EUR/100 kg	26,31

Product code	Destination	Unit of measurement	Amount of refund	Product code	Destination	Unit of measurement	Amount of refund
0406 30 39 9500	L03	EUR/100 kg	—	0406 90 23 9900	400	EUR/100 kg	28,48
	A24	EUR/100 kg	18,09		A01	EUR/100 kg	99,91
	L04	EUR/100 kg	9,64		L03	EUR/100 kg	—
	400	EUR/100 kg	—		A24	EUR/100 kg	88,33
	A01	EUR/100 kg	18,09		L04	EUR/100 kg	76,81
0406 30 39 9700	L03	EUR/100 kg	—	0406 90 25 9900	400	EUR/100 kg	—
	A24	EUR/100 kg	26,31		A01	EUR/100 kg	88,33
	L04	EUR/100 kg	14,03		L03	EUR/100 kg	—
	400	EUR/100 kg	—		A24	EUR/100 kg	87,38
	A01	EUR/100 kg	26,31		L04	EUR/100 kg	76,30
0406 30 39 9930	L03	EUR/100 kg	—	0406 90 27 9900	400	EUR/100 kg	—
	A24	EUR/100 kg	26,31		A01	EUR/100 kg	87,38
	L04	EUR/100 kg	14,03		L03	EUR/100 kg	—
	400	EUR/100 kg	—		A24	EUR/100 kg	79,14
	A01	EUR/100 kg	26,31		L04	EUR/100 kg	69,11
0406 30 39 9950	L03	EUR/100 kg	—	0406 90 31 9119	400	EUR/100 kg	—
	A24	EUR/100 kg	29,75		A01	EUR/100 kg	79,14
	L04	EUR/100 kg	15,87		L03	EUR/100 kg	—
	400	EUR/100 kg	—		A24	EUR/100 kg	72,85
	A01	EUR/100 kg	29,75		L04	EUR/100 kg	63,51
0406 30 90 9000	L03	EUR/100 kg	—	0406 90 33 9119	400	EUR/100 kg	16,32
	A24	EUR/100 kg	31,21		A01	EUR/100 kg	72,85
	L04	EUR/100 kg	16,64		L03	EUR/100 kg	—
	400	EUR/100 kg	—		A24	EUR/100 kg	72,85
	A01	EUR/100 kg	31,21		L04	EUR/100 kg	63,51
0406 40 50 9000	L03	EUR/100 kg	—	0406 90 33 9919	400	EUR/100 kg	16,32
	A24	EUR/100 kg	76,50		A01	EUR/100 kg	72,85
	L04	EUR/100 kg	76,50		L03	EUR/100 kg	—
	400	EUR/100 kg	—		A24	EUR/100 kg	66,81
	A01	EUR/100 kg	76,50		L04	EUR/100 kg	58,05
0406 40 90 9000	L03	EUR/100 kg	—	0406 90 33 9951	400	EUR/100 kg	—
	A24	EUR/100 kg	78,56		A01	EUR/100 kg	66,81
	L04	EUR/100 kg	78,56		L03	EUR/100 kg	—
	400	EUR/100 kg	—		A24	EUR/100 kg	66,86
	A01	EUR/100 kg	78,56		L04	EUR/100 kg	58,63
0406 90 13 9000	L03	EUR/100 kg	—	0406 90 35 9190	400	EUR/100 kg	—
	A24	EUR/100 kg	98,91		A01	EUR/100 kg	66,86
	L04	EUR/100 kg	86,38		L03	EUR/100 kg	—
	400	EUR/100 kg	38,51		A24	EUR/100 kg	103,33
	A01	EUR/100 kg	98,91		L04	EUR/100 kg	89,85
0406 90 15 9100	L03	EUR/100 kg	—	0406 90 35 9990	400	EUR/100 kg	39,27
	A24	EUR/100 kg	102,21		A01	EUR/100 kg	103,33
	L04	EUR/100 kg	89,26		L03	EUR/100 kg	—
	400	EUR/100 kg	39,70		A24	EUR/100 kg	103,33
	A01	EUR/100 kg	102,21		L04	EUR/100 kg	89,85
0406 90 17 9100	L03	EUR/100 kg	—	0406 90 37 9000	400	EUR/100 kg	25,67
	A24	EUR/100 kg	102,21		A01	EUR/100 kg	103,33
	L04	EUR/100 kg	89,26		L03	EUR/100 kg	—
	400	EUR/100 kg	39,70		A24	EUR/100 kg	98,91
	A01	EUR/100 kg	102,21		L04	EUR/100 kg	86,38
0406 90 21 9900	L03	EUR/100 kg	—		400	EUR/100 kg	38,51
	A24	EUR/100 kg	99,91		A01	EUR/100 kg	98,91
	L04	EUR/100 kg	87,47				

Product code	Destination	Unit of measurement	Amount of refund	Product code	Destination	Unit of measurement	Amount of refund	
0406 90 61 9000	L03	EUR/100 kg	—	0406 90 78 9500	A24	EUR/100 kg	90,08	
	A24	EUR/100 kg	110,19		L04	EUR/100 kg	78,86	
	L04	EUR/100 kg	95,20		400	EUR/100 kg	—	
	400	EUR/100 kg	36,55		A01	EUR/100 kg	90,08	
	A01	EUR/100 kg	110,19		L03	EUR/100 kg	—	
0406 90 63 9100	L03	EUR/100 kg	—	0406 90 79 9900	A24	EUR/100 kg	88,70	
	A24	EUR/100 kg	109,27		L04	EUR/100 kg	78,12	
	L04	EUR/100 kg	94,70		400	EUR/100 kg	—	
	400	EUR/100 kg	40,89		A01	EUR/100 kg	88,70	
	A01	EUR/100 kg	109,27		L03	EUR/100 kg	—	
0406 90 63 9900	L03	EUR/100 kg	—	0406 90 81 9900	A24	EUR/100 kg	73,33	
	A24	EUR/100 kg	105,55		L04	EUR/100 kg	63,77	
	L04	EUR/100 kg	91,04		400	EUR/100 kg	—	
	400	EUR/100 kg	31,28		A01	EUR/100 kg	73,33	
	A01	EUR/100 kg	105,55		L03	EUR/100 kg	—	
0406 90 69 9100	A00	EUR/100 kg	—	0406 90 85 9930	A24	EUR/100 kg	92,33	
0406 90 69 9910	L03	EUR/100 kg	—		L04	EUR/100 kg	80,62	
	A24	EUR/100 kg	105,55		400	EUR/100 kg	30,43	
	L04	EUR/100 kg	91,04		A01	EUR/100 kg	92,33	
	400	EUR/100 kg	31,28		L03	EUR/100 kg	—	
	A01	EUR/100 kg	105,55	A24	EUR/100 kg	100,22		
0406 90 73 9900	L03	EUR/100 kg	—	0406 90 85 9970	L04	EUR/100 kg	87,07	
	A24	EUR/100 kg	90,87		400	EUR/100 kg	37,91	
	L04	EUR/100 kg	79,29		A01	EUR/100 kg	100,22	
	400	EUR/100 kg	33,66		L03	EUR/100 kg	—	
	A01	EUR/100 kg	90,87		A24	EUR/100 kg	91,86	
0406 90 75 9900	L03	EUR/100 kg	—	0406 90 85 9999	L04	EUR/100 kg	79,82	
	A24	EUR/100 kg	91,86		400	EUR/100 kg	33,17	
	L04	EUR/100 kg	79,82		A01	EUR/100 kg	91,86	
	400	EUR/100 kg	14,20		A00	EUR/100 kg	—	
	A01	EUR/100 kg	91,86		0406 90 86 9100	A00	EUR/100 kg	—
0406 90 76 9300	L03	EUR/100 kg	—	0406 90 86 9200		L03	EUR/100 kg	—
	A24	EUR/100 kg	82,43			A24	EUR/100 kg	86,90
	L04	EUR/100 kg	71,98			L04	EUR/100 kg	73,24
	400	EUR/100 kg	—			400	EUR/100 kg	17,68
	A01	EUR/100 kg	82,43		A01	EUR/100 kg	86,90	
0406 90 76 9400	L03	EUR/100 kg	—	0406 90 86 9300	L03	EUR/100 kg	—	
	A24	EUR/100 kg	92,33		A24	EUR/100 kg	87,82	
	L04	EUR/100 kg	80,62		L04	EUR/100 kg	74,30	
	400	EUR/100 kg	14,79		400	EUR/100 kg	19,38	
	A01	EUR/100 kg	92,33		A01	EUR/100 kg	87,82	
0406 90 76 9500	L03	EUR/100 kg	—	0406 90 86 9400	L03	EUR/100 kg	—	
	A24	EUR/100 kg	87,08		A24	EUR/100 kg	92,33	
	L04	EUR/100 kg	76,70		L04	EUR/100 kg	78,94	
	400	EUR/100 kg	14,79		400	EUR/100 kg	21,93	
	A01	EUR/100 kg	87,08		A01	EUR/100 kg	92,33	
0406 90 78 9100	L03	EUR/100 kg	—	0406 90 86 9900	L03	EUR/100 kg	—	
	A24	EUR/100 kg	86,92		A24	EUR/100 kg	100,22	
	L04	EUR/100 kg	74,38		L04	EUR/100 kg	87,07	
	400	EUR/100 kg	—		400	EUR/100 kg	25,67	
	A01	EUR/100 kg	86,92		A01	EUR/100 kg	100,22	
0406 90 78 9300	L03	EUR/100 kg	—					

Product code	Destination	Unit of measurement	Amount of refund	Product code	Destination	Unit of measurement	Amount of refund
0406 90 87 9100	A00	EUR/100 kg	—		400	EUR/100 kg	—
0406 90 87 9200	L03	EUR/100 kg	—		A01	EUR/100 kg	38,79
	A24	EUR/100 kg	72,41	0406 90 87 9973	L03	EUR/100 kg	—
	L04	EUR/100 kg	61,04		A24	EUR/100 kg	89,03
	400	EUR/100 kg	15,81		L04	EUR/100 kg	77,74
	A01	EUR/100 kg	72,41		400	EUR/100 kg	15,39
0406 90 87 9300	L03	EUR/100 kg	—		A01	EUR/100 kg	89,03
	A24	EUR/100 kg	80,66	0406 90 87 9974	L03	EUR/100 kg	—
	L04	EUR/100 kg	68,23		A24	EUR/100 kg	96,21
	400	EUR/100 kg	17,85		L04	EUR/100 kg	84,37
	A01	EUR/100 kg	80,66		400	EUR/100 kg	15,39
0406 90 87 9400	L03	EUR/100 kg	—		A01	EUR/100 kg	96,21
	A24	EUR/100 kg	81,88	0406 90 87 9975	L03	EUR/100 kg	—
	L04	EUR/100 kg	70,01		A24	EUR/100 kg	97,28
	400	EUR/100 kg	19,55		L04	EUR/100 kg	86,06
	A01	EUR/100 kg	81,88		400	EUR/100 kg	20,40
0406 90 87 9951	L03	EUR/100 kg	—		A01	EUR/100 kg	97,28
	A24	EUR/100 kg	90,68	0406 90 87 9979	L03	EUR/100 kg	—
	L04	EUR/100 kg	79,18		A24	EUR/100 kg	88,33
	400	EUR/100 kg	27,03		L04	EUR/100 kg	76,81
	A01	EUR/100 kg	90,68		400	EUR/100 kg	15,39
0406 90 87 9971	L03	EUR/100 kg	—		A01	EUR/100 kg	88,33
	A24	EUR/100 kg	90,68	0406 90 88 9100	A00	EUR/100 kg	—
	L04	EUR/100 kg	79,18	0406 90 88 9300	L03	EUR/100 kg	—
	400	EUR/100 kg	21,93		A24	EUR/100 kg	70,98
	A01	EUR/100 kg	90,68		L04	EUR/100 kg	60,27
0406 90 87 9972	A24	EUR/100 kg	38,79		400	EUR/100 kg	19,38
	L03	EUR/100 kg	—		A01	EUR/100 kg	70,98
	L04	EUR/100 kg	33,73				

NB: The product codes and the 'A' series destination codes are set out in Commission Regulation (EEC) No 3846/87 (OJ L 366, 24.12.1987, p. 1), as amended.

The numeric destination codes are set out in Commission Regulation (EC) No 2020/2001 (OJ L 273, 16.10.2001, p. 6).

The other destinations are defined as follows:

L03 Ceuta, Melilla, Iceland, Norway, Switzerland, Liechtenstein, Andorra, Gibraltar, Holy See (often referred to as Vatican City), Malta, Turkey, Estonia, Latvia, Lithuania, Poland, Czech Republic, Slovakia, Hungary, Romania, Bulgaria, Canada, Cyprus, Australia and New Zealand,

L04 Albania, Slovenia, Croatia, Bosnia and Herzegovina, Yugoslavia and the Former Yugoslav Republic of Macedonia,

L05 all destinations except Poland and the United States of America.

970 includes the exports referred to in Articles 36(1)(a) and (c) and 44(1)(a) and (b) of Commission Regulation (EC) No 800/1999 (OJ L 102, 17.4.1999, p. 11) and exports under contracts with armed forces stationed on the territory of a Member State which do not come under its flag.

**COMMISSION REGULATION (EC) No 555/2002
of 27 March 2002**

**fixing the maximum purchasing price for butter for the 47th invitation to tender carried out under
the standing invitation to tender governed by Regulation (EC) No 2771/1999**

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 Commission Regulation (EC) No 509/2002 ⁽²⁾, and in particular Article 10 thereof,

Whereas:

- (1) Article 13 of Commission Regulation (EC) No 2771/1999 of 16 December 1999 laying down detailed rules for the application of Council Regulation (EC) No 1255/1999 as regards intervention on the market in butter and cream ⁽³⁾, as last amended by Regulation (EC) No 1614/2001 ⁽⁴⁾, provides that, in the light of the tenders received for each invitation to tender, a maximum buying-in price is to be fixed in relation to the intervention price applicable and that it may also be decided not to proceed with the invitation to tender.

- (2) As a result of the tenders received, the maximum buying-in price should be fixed as set out below.

- (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

For the 47th invitation to tender issued under Regulation (EC) No 2771/1999, for which tenders had to be submitted not later than 26 March 2002, the maximum buying-in price is fixed at 295,38 EUR/100 kg.

Article 2

This Regulation shall enter into force on 28 March 2002.

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

Done at Brussels, 27 March 2002.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 160, 26.6.1999, p. 48.

⁽²⁾ OJ L 79, 22.3.2002, p. 15.

⁽³⁾ OJ L 333, 24.12.1999, p. 11.

⁽⁴⁾ OJ L 214, 8.8.2001, p. 20.

COMMISSION REGULATION (EC) No 556/2002
of 27 March 2002

fixing the maximum aid for concentrated butter for the 266th special invitation to tender opened under the standing invitation to tender provided for in Regulation (EEC) No 429/90

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 Commission Regulation (EC) No 509/2002 ⁽²⁾, and in particular Article 10 thereof,

Whereas:

- (1) In accordance with Commission Regulation (EEC) No 429/90 of 20 February 1990 on the granting by invitation to tender of an aid for concentrated butter intended for direct consumption in the Community ⁽³⁾, as last amended by Regulation (EC) No 124/1999 ⁽⁴⁾, the intervention agencies are opening a standing invitation to tender for the granting of aid for concentrated butter; Article 6 of that Regulation provides that in the light of the tenders received in response to each special invitation to tender, a maximum amount of aid is to be fixed for concentrated butter with a minimum fat content of 96 % or a decision is to be taken to make no award; the end-use security must be fixed accordingly.

- (2) In the light of the tenders received, the maximum aid should be fixed at the level specified below and the end-use security determined accordingly.
- (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

For the 266th special invitation to tender under the standing invitation to tender opened by Regulation (EEC) No 429/90, the maximum aid and the amount of the end-use security shall be as follows:

- | | |
|---------------------|-----------------|
| — maximum aid: | EUR 105/100 kg, |
| — end-use security: | EUR 116/100 kg. |

Article 2

This Regulation shall enter into force on 28 March 2002.

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

Done at Brussels, 27 March 2002.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 160, 26.6.1999, p. 48.

⁽²⁾ OJ L 79, 22.3.2002, p. 15.

⁽³⁾ OJ L 45, 21.2.1990, p. 8.

⁽⁴⁾ OJ L 16, 21.1.1999, p. 19.

**COMMISSION REGULATION (EC) No 557/2002
of 27 March 2002**

fixing the minimum selling prices for butter and the maximum aid for cream, butter and concentrated butter for the 94th individual invitation to tender under the standing invitation to tender provided for in Regulation (EC) No 2571/97

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 Commission Regulation (EC) No 509/2002 ⁽²⁾, and in particular Article 10 thereof,

Whereas:

- (1) The intervention agencies are, pursuant to Commission Regulation (EC) No 2571/97 of 15 December 1997 on the sale of butter at reduced prices and the granting of aid for cream, butter and concentrated butter for use in the manufacture of pastry products, ice-cream and other foodstuffs ⁽³⁾, as last amended by Regulation (EC) No 635/2000 ⁽⁴⁾, to sell by invitation to tender certain quantities of butter that they hold and to grant aid for cream, butter and concentrated butter. Article 18 of that Regulation stipulates that in the light of the tenders received in response to each individual invitation to tender a minimum selling price shall be fixed for butter and maximum aid shall be fixed for cream, butter and concentrated butter. It is further stipulated that the price

or aid may vary according to the intended use of the butter, its fat content and the incorporation procedure, and that a decision may also be taken to make no award in response to the tenders submitted. The amount(s) of the processing securities must be fixed accordingly.

- (2) 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

The minimum selling prices and the maximum aid and processing securities applying for the 94th individual invitation to tender, under the standing invitation to tender provided for in Regulation (EC) No 2571/97, shall be fixed as indicated in the Annex hereto.

Article 2

This Regulation shall enter into force on 28 March 2002.

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

Done at Brussels, 27 March 2002.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 160, 26.6.1999, p. 48.

⁽²⁾ OJ L 79, 22.3.2002, p. 15.

⁽³⁾ OJ L 350, 20.12.1997, p. 3.

⁽⁴⁾ OJ L 76, 25.3.2000, p. 9.

ANNEX

to the Commission Regulation of 27 March 2002 fixing the minimum selling prices for butter and the maximum aid for cream, butter and concentrated butter for the 94th individual invitation to tender under the standing invitation to tender provided for in Regulation (EC) No 2571/97

(EUR/100 kg)

Formula			A		B	
Incorporation procedure			With tracers	Without tracers	With tracers	Without tracers
Minimum selling price	Butter \geq 82 %	Unaltered	—	—	—	—
		Concentrated	—	—	—	—
Processing security		Unaltered	—	—	—	—
		Concentrated	—	—	—	—
Maximum aid	Butter \geq 82 %		85	81	—	81
	Butter < 82 %		—	79	—	—
	Concentrated butter		105	101	105	101
	Cream		—	—	36	34
Processing security	Butter		94	—	—	—
	Concentrated butter		116	—	116	—
	Cream		—	—	40	—

COMMISSION REGULATION (EC) No 558/2002
of 27 March 2002
fixing the export refunds on pigmeat

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2759/75 of 29 October 1975 on the common organisation of the market in pigmeat⁽¹⁾, as last amended by Regulation (EC) No 1365/2000⁽²⁾, and in particular the second paragraph of Article 13(3) thereof,

Whereas:

(1) Article 13 of Regulation (EEC) No 2759/75 provides that the difference between prices on the world market for the products listed in Article 1(1) of that Regulation and prices for these products within the Community may be covered by an export refund.

(2) It follows from applying these rules and criteria to the present situation on the market in pigmeat that the refund should be fixed as set out below.

(3) In the case of products falling within CN code 0210 19 81, the refund should be limited to an amount which takes account of the qualitative characteristics of each of the products falling within these codes and of the foreseeable trend of production costs on the world market. It is important that the Community should continue to take part in international trade in the case of certain typical Italian products falling within CN code 0210 19 81.

(4) Because of the conditions of competition in certain third countries, which are traditionally importers of products falling within CN codes 1601 00 and 1602, the refund for these products should be fixed so as to take this situation into account. Steps should be taken to ensure

that the refund is granted only for the net weight of the edible substances, to the exclusion of the net weight of the bones possibly contained in the said preparations.

(5) Article 13 of Regulation (EEC) No 2759/75 provides that the world market situation or the specific requirements of certain markets may make it necessary to vary the refund on the products listed in Article 1(1) of Regulation (EEC) No 2759/75 according to destination.

(6) The refunds should be fixed taking account of the amendments to the refund nomenclature established by Commission Regulation (EEC) No 3846/87⁽³⁾, as last amended by Regulation (EC) No 488/2002⁽⁴⁾.

(7) Refunds should be granted only on products that are allowed to circulate freely within the Community. Therefore, to be eligible for a refund, products should be required to bear the health mark laid down in Council Directive 64/433/EEC⁽⁵⁾, as last amended by Directive 95/23/EC⁽⁶⁾, Council Directive 94/65/EC⁽⁷⁾ and Council Directive 77/99/EEC⁽⁸⁾, as last amended by Directive 97/76/EC⁽⁹⁾.

(8) The Management Committee for Pigmeat has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

Article 1

The list of products on which the export refund specified in Article 13 of Regulation (EEC) No 2759/75 is granted and the amount of the refund shall be as set out in the Annex hereto.

The products concerned must comply with the relevant provisions on health marks laid down in:

- Chapter XI of Annex I to Directive 64/433/EEC,
- Chapter VI of Annex I to Directive 94/65/EC,
- Chapter VI of Annex B to Directive 77/99/EEC.

Article 2

This Regulation shall enter into force on 28 March 2002.

⁽³⁾ OJ L 366, 24.12.1987, p. 1.

⁽⁴⁾ OJ L 76, 19.3.2002, p. 11.

⁽⁵⁾ OJ 121, 29.7.1964, p. 2012/64.

⁽⁶⁾ OJ L 243, 11.10.1995, p. 7.

⁽⁷⁾ OJ L 368, 31.12.1994, p. 10.

⁽⁸⁾ OJ L 26, 31.1.1977, p. 85.

⁽⁹⁾ OJ L 10, 16.1.1998, p. 25.

⁽¹⁾ OJ L 282, 1.11.1975, p. 1.

⁽²⁾ OJ L 156, 29.6.2000, p. 5.

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

Done at Brussels, 27 March 2002.

For the Commission
Franz FISCHLER
Member of the Commission

ANNEX

to the Commission Regulation of 27 March 2002 fixing the export refunds on pigmeat

Product code	Destination	Unit of measurement	Amount of refund
0210 11 31 9110	P05	EUR/100 kg	56,00
0210 11 31 9910	P05	EUR/100 kg	56,00
0210 19 81 9100	P05	EUR/100 kg	59,00
0210 19 81 9300	P05	EUR/100 kg	47,00
1601 00 91 9120	P05	EUR/100 kg	17,00
1601 00 99 9110	P05	EUR/100 kg	13,00
1602 41 10 9210	P05	EUR/100 kg	25,00
1602 42 10 9210	P05	EUR/100 kg	20,00
1602 49 19 9120	P05	EUR/100 kg	0,00

NB: The product codes and the 'A' series destination codes are set out in Commission Regulation (EEC) No 3846/87 (OJ L 366, 24.12.1987, p. 1) as amended.

The numeric destination codes are set out in Commission Regulation (EC) No 2020/2001 (OJ L 273, 16.10.2001, p. 6).

The other destinations are defined as follows:

P05 All destinations except the Czech Republic, the Slovak Republic, Hungary, Poland, Bulgaria, Latvia, Estonia, Lithuania.

COMMISSION REGULATION (EC) No 559/2002
of 27 March 2002
fixing the import duties in the rice sector

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organisation of the market in rice ⁽¹⁾, as last amended by Regulation (EC) No 411/2002 ⁽²⁾,

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

Whereas:

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 1 April 2002.

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

Done at Brussels, 27 March 2002.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 329, 30.12.1995, p. 18.

⁽²⁾ OJ L 62, 5.3.2002, p. 27.

⁽³⁾ OJ L 189, 30.7.1996, p. 71.

⁽⁴⁾ OJ L 351, 29.12.1998, p. 25.

ANNEX I

Import duties on rice and broken rice

(EUR/t)

CN code	Duties ⁽¹⁾				
	Third countries (except ACP and Bangladesh) ⁽²⁾	ACP ⁽¹⁾ ⁽²⁾ ⁽³⁾	Bangladesh ⁽⁴⁾	Basmati India and Pakistan ⁽⁵⁾	Egypt ⁽⁶⁾
1006 10 21	(7)	69,51	101,16		158,25
1006 10 23	(7)	69,51	101,16		158,25
1006 10 25	(7)	69,51	101,16		158,25
1006 10 27	(7)	69,51	101,16		158,25
1006 10 92	(7)	69,51	101,16		158,25
1006 10 94	(7)	69,51	101,16		158,25
1006 10 96	(7)	69,51	101,16		158,25
1006 10 98	(7)	69,51	101,16		158,25
1006 20 11	255,63	85,13	123,48		191,72
1006 20 13	255,63	85,13	123,48		191,72
1006 20 15	255,63	85,13	123,48		191,72
1006 20 17	264,00	88,06	127,66	14,00	198,00
1006 20 92	255,63	85,13	123,48		191,72
1006 20 94	255,63	85,13	123,48		191,72
1006 20 96	255,63	85,13	123,48		191,72
1006 20 98	264,00	88,06	127,66	14,00	198,00
1006 30 21	(7)	133,21	193,09		312,00
1006 30 23	(7)	133,21	193,09		312,00
1006 30 25	(7)	133,21	193,09		312,00
1006 30 27	(7)	133,21	193,09		312,00
1006 30 42	(7)	133,21	193,09		312,00
1006 30 44	(7)	133,21	193,09		312,00
1006 30 46	(7)	133,21	193,09		312,00
1006 30 48	(7)	133,21	193,09		312,00
1006 30 61	(7)	133,21	193,09		312,00
1006 30 63	(7)	133,21	193,09		312,00
1006 30 65	(7)	133,21	193,09		312,00
1006 30 67	(7)	133,21	193,09		312,00
1006 30 92	(7)	133,21	193,09		312,00
1006 30 94	(7)	133,21	193,09		312,00
1006 30 96	(7)	133,21	193,09		312,00
1006 30 98	(7)	133,21	193,09		312,00
1006 40 00	(7)	41,18	(7)		96,00

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

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

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

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

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

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

⁽⁷⁾ Duties fixed in the Common Customs Tariff.

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

ANNEX II

Calculation of import duties for rice

	Paddy	Indica rice		Japonica rice		Broken rice
		Husked	Milled	Husked	Milled	
1. Import duty (EUR/tonne)	(¹)	264,00	416,00	255,63	416,00	(¹)
2. Elements of calculation:						
(a) Arag cif price (EUR/tonne)	—	250,52	259,75	309,03	299,28	—
(b) fob price (EUR/tonne)	—	—	—	274,69	264,94	—
(c) Sea freight (EUR/tonne)	—	—	—	34,34	34,34	—
(d) Source	—	USDA and operators	USDA and operators	Operators	Operators	—

(¹) Duties fixed in the Common Customs Tariff.

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 28 February 2002

on the conclusion of an agreement on co-operation and customs union between the European Economic Community and the Republic of San Marino and of the Protocol thereto following the enlargement which took effect on 1 January 1995

(2002/245/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Articles 133 and 308, in conjunction with the second sentence of Article 300(2) and the first subparagraph of Article 300(3) thereof,

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

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

Whereas:

- (1) The Agreement on co-operation and customs union between the European Economic Community and the Republic of San Marino, hereinafter referred to as the 'Agreement', was signed in Brussels on 16 December 1991 and has been ratified by the 12 Member States who were signatories thereto at the time.
- (2) An Interim Agreement on Trade and Customs Union was concluded between the European Economic Community and the Republic of San Marino pending the Agreement's entry into force ⁽³⁾.
- (3) Austria, Finland and Sweden have joined the European Union and must, in accordance with the Treaty of Accession, accede to the Agreement.
- (4) Their accession requires no amendment to the Agreement other than the preparation of authentic texts in the Finnish and Swedish languages.

- (5) This being so, given the special situation of San Marino and in furtherance of the Community's external economic relations, the Agreement should enter into force in so far as it concerns the Community and the 12 signatory Member States.
- (6) The Council, acting on behalf of the Community, should at the same time approve a Protocol to the Agreement consequent upon the accession of the Republic of Austria, the Republic of Finland and the Kingdom of Sweden to the European Union (hereinafter referred to as the 'Protocol').
- (7) In the case of Austria, Finland and Sweden, the Agreement and the Protocol thereto and, in that of the other 12 Member States, the Protocol, will enter into force after notification has been given that the relevant procedures have been completed,

HAS DECIDED AS FOLLOWS:

Article 1

The Agreement on co-operation and customs union between the European Economic Community and the Republic of San Marino, signed in Brussels on 16 December 1991, including the declarations forming part thereof, is hereby approved on behalf of the Community.

The texts of the Agreement and the declarations are annexed to this Decision.

The President of the Council shall, on behalf of the Community, give the notification provided for in Article 30 of the Agreement.

⁽¹⁾ OJ C 302, 22.11.1991, p. 10 and

OJ C 124, 21.4.1997, p. 1.

⁽²⁾ OJ C 241, 21.9.1992, p. 169 and

OJ C 328, 26.10.1998, p. 218.

⁽³⁾ OJ L 359, 9.12.1992, p. 13.

Article 2

The Protocol to the Agreement on Cooperation and Customs Union between the European Economic Community and the Republic of San Marino consequent upon the accession of the Republic of Austria, the Republic of Finland and the Kingdom of Sweden to the European Union is hereby approved on behalf of the Community.

The text of the Protocol is annexed to this Decision.

The President of the Council shall, on behalf of the Community, give the notification provided for in Article 3 of the Protocol.

Done at Brussels, 28 February 2002.

For the Council

The President

A. ACEBES PANIAGUA

AGREEMENT**on Cooperation and Customs Union between the European Economic Community and the Republic of San Marino**

HIS MAJESTY THE KING OF THE BELGIANS,
 HER MAJESTY THE QUEEN OF DENMARK,
 THE PRESIDENT OF THE FEDERAL REPUBLIC OF GERMANY,
 THE PRESIDENT OF THE HELLENIC REPUBLIC,
 HIS MAJESTY THE KING OF SPAIN,
 THE PRESIDENT OF THE FRENCH REPUBLIC,
 THE PRESIDENT OF IRELAND,
 THE PRESIDENT OF THE ITALIAN REPUBLIC,
 HIS ROYAL HIGHNESS THE GRAND DUKE OF LUXEMBOURG,
 HER MAJESTY THE QUEEN OF THE NETHERLANDS,
 THE PRESIDENT OF THE PORTUGUESE REPUBLIC,
 HER MAJESTY THE QUEEN OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND,
 whose States are Contracting Parties to the Treaty establishing the European Economic Community, and
 THE COUNCIL OF THE EUROPEAN COMMUNITIES,
 of the one part, and
 THE REPUBLIC OF SAN MARINO,
 of the other part,

RESOLVED to consolidate and extend the extend the existing close relations between the European Economic Community and the Republic of San Marino,

CONSIDERING THAT existing links between the two Parties, particularly in the commercial, economic, social and cultural sectors, should be strengthened by establishing cooperation between San Marino and the European Economic Community in respect of all matters of common interest,

CONSIDERING THAT, owing to the situation of San Marino and its present status within the customs territory of the Community, a customs union should be established between the Republic of San Marino and the European Economic Community,

HAVE AGREED AS FOLLOWS:

*Article 1**Article 3*

The purpose of this Agreement between the European Economic Community and the Republic of San Marino is to establish a customs union between the two Parties and promote comprehensive cooperation between them with the aim of contributing to the social and economic development of the Republic of San Marino and strengthening relations between the Parties.

TITLE I

CUSTOMS UNION*Article 2*

A customs union is hereby established between the European Economic Community and the Republic of San Marino for products covered by Chapters 1 to 97 of the Common Customs Tariff, except products falling within the scope of the Treaty establishing the European Coal and Steel Community.

1. The provisions of this Title shall apply to:
 - (a) goods produced in the Community or in the Republic of San Marino, including those obtained wholly or in part from products which come from third countries and are in free circulation in the Community or in San Marino;
 - (b) goods which come from third countries and are in free circulation in the Community or in the Republic of San Marino.
2. Products coming from third countries shall be considered to be in free circulation in the Community or in the Republic of San Marino if the import formalities have been complied with and any customs duties or charges having equivalent effect which are payable have been levied, and there has been no total or partial drawback of such duties or charges in respect of the said products.

Article 4

The provisions of this Title shall also apply to goods obtained or produced in the Community or in the Republic of San Marino in the manufacture of which were used products coming from third countries and not in free circulation either in the Community or in San Marino. These provisions shall, however, apply to those goods only if the exporting Contracting Party levies the customs duties laid down in the Community for third country products used in their manufacture.

Article 5

1. The Contracting Parties shall refrain from introducing between themselves any new customs duties on imports or exports or charges having equivalent effect.

2. The Republic of San Marino also undertakes not to adjust duties referred to in paragraph 1 as applied to imports from the Community on 1 January 1991, without prejudice to existing commitments between San Marino and Italy pursuant to the Exchange of Letters of 21 December 1972.

Article 6

1. Trade between the Community and the Republic of San Marino shall be exempt from all import and export duties and charges having equivalent effect, subject to the provisions of paragraphs 2 and 3.

2. In order that the charges having equivalent effect currently applied to imports from the Community may be abolished on 1 January 1996, the Republic of San Marino undertakes to introduce, within six months of the entry into force of this Agreement, a supplementary tax corresponding to that currently levied on imported goods, to be chargeable on domestic products intended for home consumption. The supplementary tax will apply in full on the above date. It shall be applicable as a countervailing measure and shall be calculated on the added value of domestic products at rates equal to those applied to imported goods of a similar kind.

3. (a) On the entry into force of the Agreement, the Community, with the exception of the Kingdom of Spain and the Portuguese Republic, shall admit imports from the Republic of San Marino exempt from customs duty.

(b) From the entry into force of the Agreement, the Kingdom of Spain and the Portuguese Republic shall apply the same customs duties in respect of the Republic of San Marino as they apply in respect of the Community as constituted on 31 December 1985.

4. In trade in agricultural products between the Community and San Marino, the Republic of San Marino undertakes to adopt Community veterinary, plant health and quality regula-

tions where necessary for the proper functioning of the Agreement.

Article 7

1. From the entry into force of the Agreement the Republic of San Marino shall apply in respect of countries not members of the Community:

- the Common Customs Tariff,
- laws, regulations and administrative provisions applicable to customs matters in the Community and necessary for the proper functioning of the customs union,
- the common commercial policy of the Community,
- Community regulations on trade in agricultural products covered by Annex II to the Treaty establishing the European Economic Community, with the exception of refunds and compensatory amounts accorded for exports,
- Community veterinary, plant health and quality regulations where necessary for the proper functioning of the Agreement.

The provisions referred to in this paragraph shall be those applicable at the time in the Community.

2. The provisions referred to in the second to fifth indents of paragraph 1 shall be determined in greater detail by the Cooperation Committee.

3. By way of derogation from the first indent of paragraph 1, publications, works of art, scientific or teaching materials and medical supplies or equipment offered to the Government of the Republic of San Marino, insignia, medals, stamps, printed matter and other similar objects or paper destined for use by the Government shall be exempt from customs duties.

Article 8

1. (a) Over a period of five years from the entry into force of the Agreement, and beyond that period if no agreement can be reached in accordance with 1(b), the Republic of San Marino shall authorise the Community, acting on behalf of, and for, San Marino, to carry out customs clearance formalities, in particular release for free circulation of products sent from third countries to San Marino. Such formalities will be effected by Community customs offices.

(b) At the end of this period, and under Article 26, the Republic of San Marino may exercise its right to carry out customs clearance formalities, following agreement of the Contracting Parties.

2. Where import duties are payable on goods pursuant to paragraph 1, these duties shall be levied on behalf of the Republic of San Marino. San Marino shall undertake not to refund these sums directly or indirectly to the parties concerned, subject to the provisions of paragraph 4.

3. The Cooperation Committee shall decide on:
- (a) possible changes to the list of the customs offices competent to clear the goods referred to in paragraph 1 and the procedure for forwarding the said goods to the Republic of San Marino;
 - (b) the arrangements for assigning to the San Marino Exchequer the amounts collected in accordance with paragraph 2, and the percentage to be deducted by the European Economic Community to cover administrative costs in accordance with the relevant regulations in force within the Community;
 - (c) any other arrangements necessary for the proper implementation of this Article.
4. The taxes and levies on imports of agricultural products may be used by San Marino for aiding production or exports. San Marino undertakes, however, not to accord higher export refunds or compensatory amounts than those accorded by the European Economic Community for exports to third countries.

Article 9

Quantitative restrictions on imports and exports and all measures having equivalent effect between the Community and the Republic of San Marino shall be prohibited from the entry into force of the Agreement.

Article 10

The Agreement shall not preclude prohibitions or restrictions on imports, exports or goods in transit justified on grounds of public morality, public policy or public security, the protection of health and life of humans, animals or plants, the protection of national treasures possessing artistic, historic or archaeological value, the protection of industrial or commercial property, or controls relating to gold and silver. Such prohibitions or restrictions shall not, however, constitute a means of arbitrary discrimination or a disguised restriction on trade between the Contracting Parties.

Article 11

The Contracting Parties shall refrain from any domestic tax measure or practice leading directly or indirectly to discrimination between the products of one Contracting Party and similar products from the other Contracting Party.

Products sent to the territory of one of the Contracting Parties shall not be eligible for a refund of domestic charges which is higher than the charges which have been levied directly or indirectly.

Article 12

1. If serious disturbances arise in any sector of the economy of one of the Contracting Parties, the Contracting Party concerned may take the necessary safeguard measures in accordance with the procedures, and subject to the conditions, of the paragraphs below.

2. In the case referred to in paragraph 1, before taking the measures provided for therein or, in the cases covered by paragraph 3, as soon as possible, the Contracting Party in

question shall provide the Cooperation Committee with all relevant information required for a detailed examination of the situation with a view to seeking a solution acceptable to the Contracting Parties. At the request of the other Contracting Party, consultations shall take place within the Cooperation Committee before the Contracting Party concerned takes appropriate measures.

3. Where exceptional circumstances require immediate action making prior examination impossible, the Contracting Party concerned may apply forthwith such precautionary measures as are strictly necessary to remedy the situation.

4. In the selection of measures, priority must be given to those which least disturb the functioning of the Agreement. Such measures must not exceed the limits of what is strictly necessary to counteract the difficulties that have arisen.

The safeguard measures must be notified immediately to the Cooperation Committee, which shall hold regular consultations on them, particularly with a view to their abolition as soon as circumstances permit.

Article 13

1. In addition to the cooperation provided for in Article 23(8), the administrative authorities of the Contracting Parties responsible for implementing the provisions of this Agreement shall assist each other in other cases so as to ensure compliance with the provisions.

2. Procedures for the application of paragraph 1 shall be laid down by the Cooperation Committee.

TITLE II

COOPERATION

Article 14

The Community and the Republic of San Marino shall institute cooperation with the aim of strengthening existing links between them on as broad a basis as possible for the mutual benefit of the Parties, taking account of their respective powers. Cooperation shall focus on the priority areas referred to in Articles 15 to 18 of this Title.

Article 15

The Contracting Parties undertake to encourage the growth and diversification of the industrial and services sectors of the economy of San Marino, focusing their cooperation activities on small and medium-sized enterprises.

Article 16

The Contracting Parties undertake to cooperate on matters relating to environmental protection and improvement with the aim of resolving the problems caused by contamination of water, soil and air, by erosion and by deforestation. They will pay special attention to the problems of pollution in the Adriatic Sea.

Article 17

In accordance with their respective laws, the Contracting Parties shall support cooperation in the tourism sector through operations such as the exchange of officials and experts on tourism, exchanges of information and tourist statistics, and training in hotel management and administration. In this context, the Contracting Parties shall pay particular attention to the promotion of out-of-season tourism in San Marino.

Article 18

The Contracting Parties agree to undertake joint operations in communications, information and cultural matters to strengthen existing links between them.

Such operations may take the following forms:

- exchanges of information on subjects of mutual interest in the fields of culture and information,
- events of a cultural nature,
- cultural exchanges,
- academic exchanges.

Article 19

The Contracting Parties may enlarge the scope of this Agreement by mutual consent in order to supplement the areas of cooperation through agreements on specific sectors or activities.

TITLE III

SOCIAL PROVISIONS*Article 20*

The treatment accorded by each Member State to workers of San Marino nationality employed in its territory shall be free from any discrimination based on nationality in relation to its own nationals as regards working conditions or remuneration.

The Republic of San Marino shall accord the same treatment to workers who are nationals of a Member State and employed in its territory.

Article 21

1. Subject to the provisions of the following paragraphs, workers of San Marino nationality and any members of their families living with them shall enjoy, in the field of social security, treatment free from discrimination based on nationality in relation to nationals of Member States in which they are employed.

2. All periods of insurance, employment or residence completed by such workers in the various Member States shall be added together for the purpose of pensions and annuities in respect of old age, death and invalidity, and also for the purpose of medical care for the workers and for members of their families resident in the Community.

3. The workers in question shall receive family allowances for members of their families who are resident in the Community.

4. The workers in question shall be able to transfer freely to San Marino, at the rates applied by virtue of the law of the debtor Member State or States, any pensions or annuities in respect of disability, old age, death, industrial accident or occupational disease.

5. The Republic of San Marino shall accord to workers who are nationals of a Member State and employed in its territory, and to members of their families, treatment similar to that specified in paragraphs 1, 3 and 4.

Article 22

1. Before the end of the first year following the entry into force of this Agreement, the Cooperation Committee shall adopt provisions to implement the principles set out in Article 21.

2. The Cooperation Committee shall adopt detailed rules for administrative cooperation providing the necessary management and control guarantees for the application of the provisions referred to in paragraph 1.

3. The provisions adopted by the Cooperation Committee shall not affect the rights or obligations arising from bilateral agreements between San Marino and Member States of the Community where those agreements provide for more favourable treatment of nationals of San Marino or the Member States.

TITLE IV

GENERAL AND FINAL PROVISIONS*Article 23*

1. A Cooperation Committee is hereby set up with responsibility for administering the Agreement and ensuring that it is properly implemented. To that end it shall formulate recommendations. It shall take decisions in the cases provided for in the Agreement. The decisions shall be executed by the Contracting Parties in accordance with their own regulations.

2. With a view to the proper implementation of the Agreement, the Contracting Parties shall carry out exchanges of information and, at the request of either Party, shall consult together in the Cooperation Committee.

3. The Cooperation Committee shall draw up its own rules of procedure.

4. The Cooperation Committee shall be composed, on the one hand, of representatives of the Commission, assisted by delegates of the Member States and, on the other, of representatives of the Republic of San Marino.

5. The Cooperation Committee shall take decisions by common accord.

6. The Cooperation Committee shall be chaired by each of the Contracting Parties in turn in accordance with the arrangements to be established in its Rules of Procedure.

7. The Cooperation Committee shall meet at the request of either of the Contracting Parties, to be lodged at least one month before the date of the intended meeting. Where the Committee is convened under Article 12, it shall meet within eight working days of the date on which the date is lodged.

8. In accordance with the procedure laid down in paragraph 1, the Cooperation Committee shall establish methods of administrative cooperation for the purposes of applying Articles 3 and 4, taking as a basis the methods adopted by the Community in respect of trade between the Member States.

Article 24

1. Any disputes arising between the Contracting Parties over the interpretation of the Agreement shall be put before the Cooperation Committee.

2. If the Cooperation Committee does not succeed in settling the dispute at its next meeting, each Party may notify the other of the designation of an arbitrator; the other Party shall then be required to designate a second arbitrator within two months.

The Cooperation Committee shall designate a third arbitrator.

The arbitrators' decisions shall be taken by majority vote.

Each Party in the dispute shall be required to take the measures needed to ensure the application of the arbitrators' decision.

Article 25

In trade covered by the Agreement:

- the arrangements applied by the Republic of San Marino in respect of the Community may not give rise to any discrimination between the Member States, their nationals, or their companies,
- the arrangements applied by the Community in respect of San Marino may not give rise to any discrimination between San Marino nationals or companies.

Article 26

This Agreement is concluded for an unlimited duration. Within no more than five years of its entry into force, the two Parties shall begin consultations to examine the results of its application and, if necessary, open negotiations on its amendment in the light of that examination.

Article 27

Either Contracting Party may denounce this Agreement by notifying the other Contracting Party in writing. In that case, the Agreement shall cease to have effect six months after the date of such notification.

Article 28

This Agreement replaces provisions of agreements concluded between Member States of the Community and the Republic of San Marino that conflict with it, or which are identical.

Article 29

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

Article 30

This Agreement will be approved by the Contracting Parties in accordance with their own procedures.

This Agreement shall enter into force on the first day of the second month following notification that the procedures referred to in the first subparagraph have been complied with.

Article 31

The Annex to this Agreement shall form an integral part thereof.

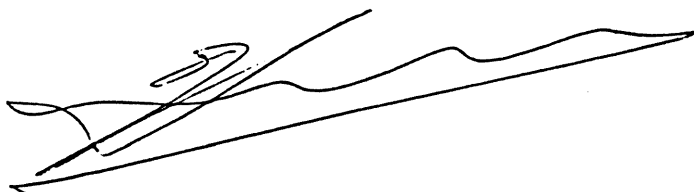
Article 32

This Agreement is drawn up in two originals in the Danish, Dutch, English, French, German, Greek, Italian, Portuguese and Spanish languages, each text being equally authentic.

Hecho en Bruselas, el dieciséis de diciembre de mil novecientos noventa y uno.
Udfærdiget i Bruxelles, den sekstende december nitten hundrede og enoghalvfems.
Geschehen zu Brüssel am sechzehnten Dezember neunzehnhunderteinundneunzig.
Έγινε στις Βρυξέλλες, στις δέκα έξι Δεκεμβρίου χίλια εννιακόσια ενενήντα ένα.
Done at Brussels on the sixteenth day of December in the year one thousand nine hundred and ninety-one.
Fait à Bruxelles, le seize décembre mil neuf cent quatre-vingt-onze.
Fatto a Bruxelles, addì sedici dicembre millenovecentonovantuno.
Gedaan te Brussel, de zestiende december negentienhonderd eenennegentig.
Feito em Bruxelas, em dezasseis de Dezembro de mil novecentos e noventa e um.

Pour Sa Majesté le Roi des Belges

Voor Zijne Majesteit de Koning der Belgen



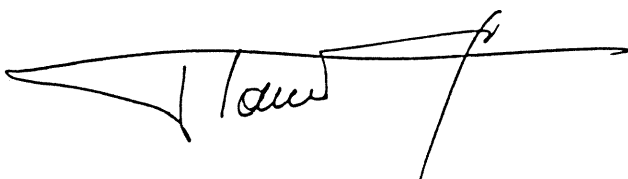
For Hendes Majestæt Danmarks Dronning



Für den Präsidenten der Bundesrepublik Deutschland



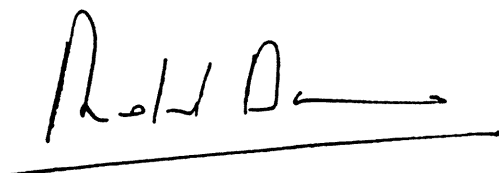
Για τον Πρόεδρο της Ελληνικής Δημοκρατίας



Por Su Majestad el Rey de España



Pour le Président de la République française

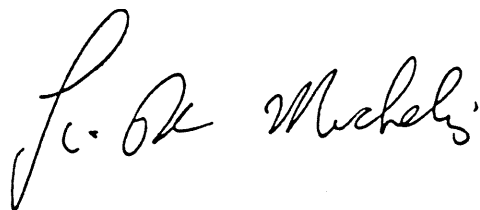


For the President of Ireland

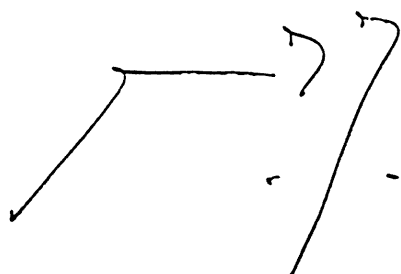
Thar ceann Uachtarán na hÉireann



Per il presidente della Repubblica italiana



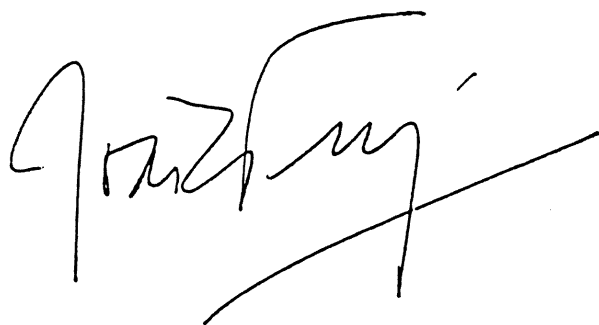
Pour Son Altesse Royale le Grand-Duc de Luxembourg



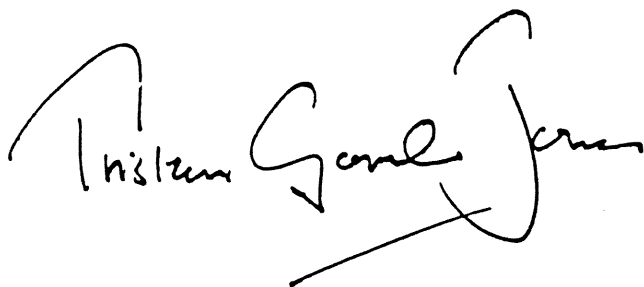
Voor Hare Majesteit de Koningin der Nederlanden



Pelo Presidente da República Portuguesa



For Her Majesty the Queen of the United Kingdom of Great Britain and Northern Ireland



Por el Consejo de las Comunidades Europeas

For Rådet for De Europæiske Fællesskaber

Für den Rat der Europäischen Gemeinschaften

Για το Συμβούλιο των Ευρωπαϊκών Κοινοτήτων

For the Council of the European Communities

Pour le Conseil des Communautés européennes

Per il Consiglio delle Comunità europee

Voor de Raad van de Europese Gemeenschappen

Pelo Conselho das Comunidades Europeias



Per la Repubblica di San Marino



ANNEX

List of customs offices referred to in Article 8(1)(a)

Livorno
Ravenna
Rimini
Trieste

DECLARATION BY THE COMMUNITY

Where the scale of trade flows so warrants, the Community is prepared to negotiate on behalf of, and for, the Republic of San Marino with countries with which it has concluded preferential agreements for an appropriate form of recognition of equivalent treatment for products originating in San Marino and products originating in the Community.

DECLARATION BY THE COMMUNITY**on transport**

At an appropriate moment and in the light, notably, of progress made in drawing up a Community transport policy, the Community will look into the issue of San Marino's access to the market for international transport of passengers and goods by road.

DECLARATION BY THE COMMUNITY**on the Erasmus programme**

The Community will examine with a positive ear San Marino's wish to participate, when the time is ripe, in the Erasmus programme for exchanges of students and teachers.

DECLARATION BY THE COMMUNITY**on certain subjects which may be raised in the Cooperation Committee**

The Community is ready to examine, within the framework of its powers and the Cooperation Committee, any problems that may arise between San Marino and the Community in the fields of, in particular:

- trade in services,
- intellectual, industrial and commercial property rights,
- recognition of qualifications,
- assessment of products' conformity with technical regulations.

DECLARATION BY THE MEMBER STATES**concerning the minutes of the negotiations**

Each Member State will look favourably on requests made by San Marino concerning authorisations for the transport of passengers or freight by road.

PROTOCOL**to the Agreement on Cooperation and Customs Union between the European Economic Community and the Republic of San Marino consequent upon the accession of the Republic of Austria, the Republic of Finland and the Kingdom of Sweden to the European Union**

HIS MAJESTY THE KING OF THE BELGIANS,
HER MAJESTY THE QUEEN OF DENMARK,
THE PRESIDENT OF THE FEDERAL REPUBLIC OF GERMANY,
THE PRESIDENT OF THE HELLENIC REPUBLIC,
HIS MAJESTY THE KING OF SPAIN,
THE PRESIDENT OF THE FRENCH REPUBLIC,
THE PRESIDENT OF IRELAND,
THE PRESIDENT OF THE ITALIAN REPUBLIC,
HIS ROYAL HIGHNESS THE GRAND DUKE OF LUXEMBOURG,
HER MAJESTY THE QUEEN OF THE NETHERLANDS,
THE FEDERAL PRESIDENT OF THE REPUBLIC OF AUSTRIA,
THE PRESIDENT OF THE PORTUGUESE REPUBLIC,
THE PRESIDENT OF THE REPUBLIC OF FINLAND,
THE GOVERNMENT OF THE KINGDOM OF SWEDEN,
HER MAJESTY THE QUEEN OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND,
Contracting Parties to the Treaty establishing the European Community, and
THE COUNCIL OF THE EUROPEAN UNION,
of the on part, and
THE GOVERNMENT OF THE REPUBLIC OF SAN MARINO,
of the other part,

HAVING REGARD TO the Agreement on Cooperation and Customs Union between the European Economic Community and the Republic of San Marino signed in Brussels on 16 December 1991, hereinafter referred to as the 'Agreement',
WHEREAS the Republic of Austria, the Republic of Finland and the Kingdom of Sweden acceded to the European Union on 1 January 1995,

HAVE AGREED AS FOLLOWS:

Article 1

The Republic of Austria, the Republic of Finland and the Kingdom of Sweden hereby become Contracting Parties to the Agreement.

Article 2

The Finnish and Swedish texts of the Agreement shall be authentic in the same manner as the original texts and are annexed to this Protocol.

Article 3

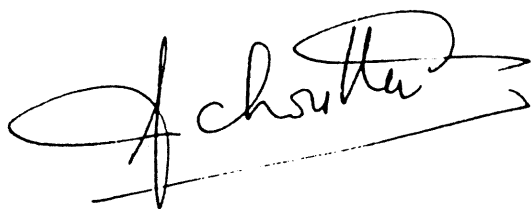
This Protocol shall be approved by the Contracting Parties in accordance with their own procedures. It shall enter into force on the first day of the first month following notification by the Contracting Parties that they have completed those procedures.

Article 4

This Protocol shall be drawn up in duplicate in the Danish, Dutch, English, Finnish, French, German, Greek, Italian, Portuguese, Spanish and Swedish languages, each text being equally authentic.

Hecho en Bruselas, el treinta de octubre de mil novecientos noventa y siete.
Udfærdiget i Bruxelles, den tredivte oktober nitten hundrede og syvoghalvfems.
Geschehen zu Brüssel am dreißigsten Oktober neunzehnhundertsiebenundneunzig.
Έγινε στις Βρυξέλλες, στις τριάντα Οκτωβρίου χίλια εννιακόσια ενενήντα επτά.
Done at Brussels on the thirtieth day of October in the year one thousand nine hundred and ninety-seven.
Fait à Bruxelles, le trente octobre mil neuf cent quatre-vingt-dix-sept.
Fatto a Bruxelles, addì trenta ottobre millenovecentonovantasette.
Gedaan te Brussel, de dertigste oktober negentienhonderd zevenennegentig.
Feito em Bruxelas, em trinta de Outubro de mil novecentos e noventa e sete.
Tehty Brysselissä kolmantenakymmenentenä päivänä lokakuuta vuonna tuhatyhdeksänsataayhdeksänkymmentäseitsemän.
Som skedde i Bryssel den trettionde oktober nittonhundra nittiosju.

Pour le Royaume de Belgique
Voor het Koninkrijk België
Für das Königreich Belgien



Cette signature engage également la Communauté française, la Communauté flamande, la Communauté germanophone, la Région wallonne, la Région flamande et la Région de Bruxelles-Capitale.

Deze handtekening verbindt eveneens de Vlaamse Gemeenschap, de Franse Gemeenschap, de Duitstalige Gemeenschap, het Vlaamse Gewest, het Waalse Gewest en het Brusselse Hoofdstedelijke Gewest.

Diese Unterschrift bindet zugleich die Deutschsprachige Gemeinschaft, die Flämische Gemeinschaft, die Französische Gemeinschaft, die Wallonische Region, die Flämische Region und die Region Brüssel-Hauptstadt.

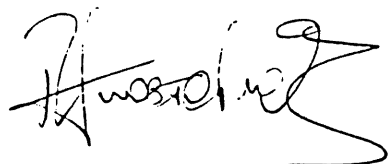
På Kongeriget Danmarks vegne



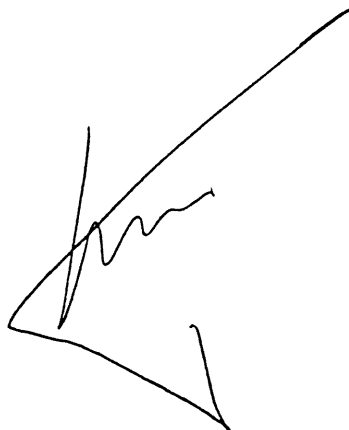
Für die Bundesrepublik Deutschland



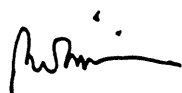
Για την Ελληνική Δημοκρατία



Por el Reino de España

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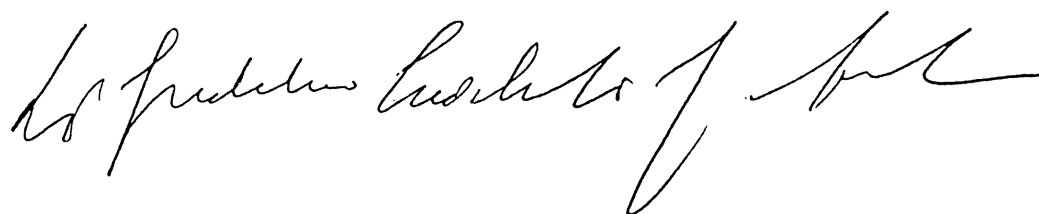
Pour la République française

A handwritten signature in black ink, appearing to be a cursive name.

Thar ceann na hÉireann
For Ireland

A handwritten signature in black ink, featuring a large, prominent initial 'P' followed by a long, sweeping horizontal stroke.

Per la Repubblica italiana

A handwritten signature in black ink, written in a cursive style with multiple loops and a long tail.

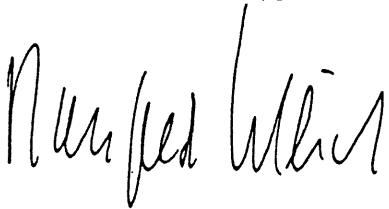
Pour le Grand-Duché de Luxembourg

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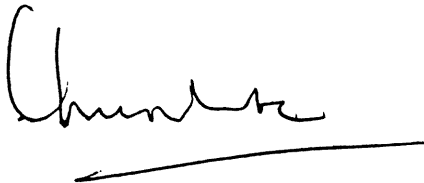
Voor het Koninkrijk der Nederlanden



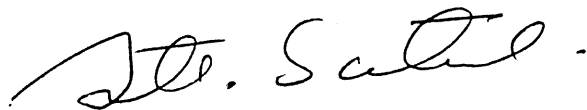
Für die Republik Österreich



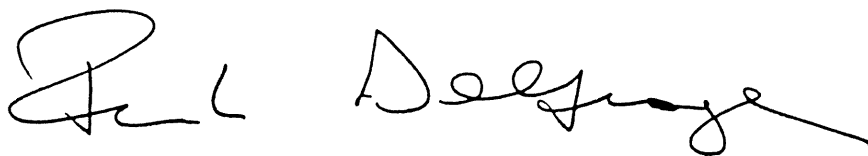
Pela República Portuguesa



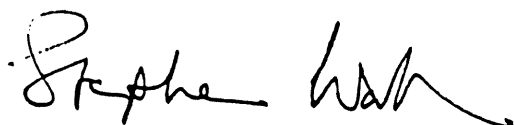
Suomen tasavallan puolesta
För Republiken Finland



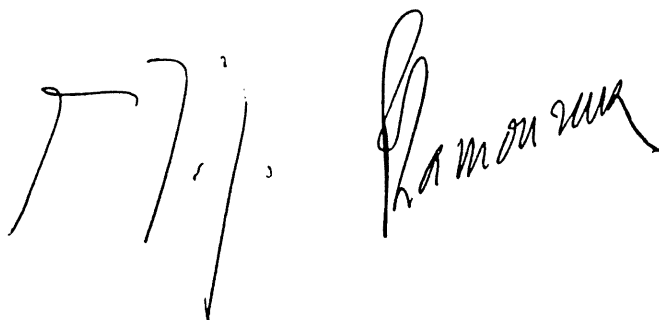
För Konungariket Sverige



For the United Kingdom of Great Britain and Northern Ireland



Por la Comunidad Europea
For Det Europæiske Fællesskab
Für die Europäische Gemeinschaft
Για την Ευρωπαϊκή Κοινότητα
For the European Community
Pour la Communauté européenne
Per la Comunità europea
Voor de Europese Gemeenschap
Pela Comunidade Europeia
Euroopan yhteisön puolesta
På Europeiska gemenskapens vägnar

A handwritten signature in black ink, appearing to read 'Romano Prodi', written in a cursive style.

Per la Repubblica di San Marino

A handwritten signature in black ink, appearing to read 'Roberto Calvi', written in a cursive style.

FINAL ACT

The plenipotentiaries of:

THE KINGDOM OF BELGIUM,

THE KINGDOM OF DENMARK,

THE FEDERAL REPUBLIC OF GERMANY,

THE HELLENIC REPUBLIC,

THE KINGDOM OF SPAIN,

THE FRENCH REPUBLIC,

IRELAND,

THE ITALIAN REPUBLIC,

THE GRAND DUCHY OF LUXEMBOURG,

THE KINGDOM OF THE NETHERLANDS,

THE REPUBLIC OF AUSTRIA,

THE PORTUGUESE REPUBLIC,

THE REPUBLIC OF FINLAND,

THE KINGDOM OF SWEDEN,

THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND,

Contracting Parties to the Treaty establishing the European Community,

hereinafter referred to as the 'Member States', and

of the EUROPEAN COMMUNITY

of the one part

and the Plenipotentiary of the REPUBLIC OF SAN MARINO

hereinafter referred to as 'San Marino'

of the other part,

meeting at Brussels, this thirtieth day of October in the year one thousand nine hundred and ninety-seven for the signature of the Protocol to the Agreement on Cooperation and Customs Union between the European Economic Community and the Republic of San Marino consequent upon the accession of the Republic of Austria, the Republic of Finland and the Kingdom of Sweden to the European Union have adopted the said Protocol.

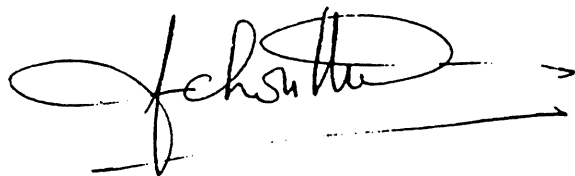
The Plenipotentiaries of the Member States of the European Community and the Plenipotentiary of San Marino have adopted the Joint Declaration annexed to this Final Act.

Hecho en Bruselas, el treinta de octubre de mil novecientos noventa y siete.
Udfærdiget i Bruxelles, den tredivte oktober nitten hundrede og syvoghalvfems.
Geschehen zu Brüssel am dreißigsten Oktober neunzehnhundertsiebenundneunzig.
Έγινε στις Βρυξέλλες, στις τριάντα Οκτωβρίου χίλια εννιακόσια ενενήντα επτά.
Done at Brussels on the thirtieth day of October in the year one thousand nine hundred and ninety-seven.
Fait à Bruxelles, le trente octobre mil neuf cent quatre-vingt-dix-sept.
Fatto a Bruxelles, addì trenta ottobre millenovecentonovantasette.
Gedaan te Brussel, de dertigste oktober negentienhonderd zevenennegentig.
Feito em Bruxelas, em trinta de Outubro de mil novecentos e noventa e sete.
Tehty Brysselissä kolmantenakymmenentenä päivänä lokakuuta vuonna tuhatyhdeksänsataayhdeksänkymmentäseitsemän.
Som skedde i Bryssel den trettionde oktober nittonhundranittiosju.

Pour le Royaume de Belgique

Voor het Koninkrijk België

Für das Königreich Belgien



Cette signature engage également la Communauté française, la Communauté flamande, la Communauté germanophone, la Région wallonne, la Région flamande et la Région de Bruxelles-Capitale.

Deze handtekening verbindt eveneens de Vlaamse Gemeenschap, de Franse Gemeenschap, de Duitstalige Gemeenschap, het Vlaamse Gewest, het Waalse Gewest en het Brussels Hoofdstedelijke Gewest.

Diese Unterschrift bindet zugleich die Deutschsprachige Gemeinschaft, die Flämische Gemeinschaft, die Französische Gemeinschaft, die Wallonische Region, die Flämische Region und die Region Brüssel-Hauptstadt.

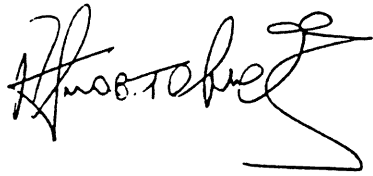
På Kongeriget Danmarks vegne



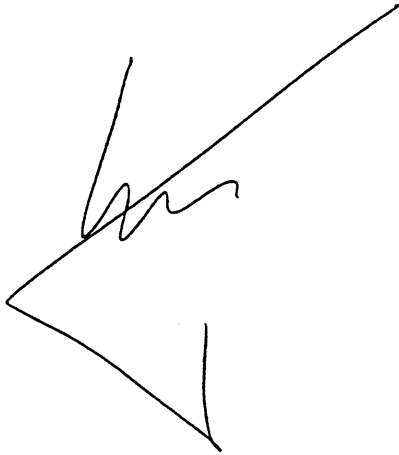
Für die Bundesrepublik Deutschland



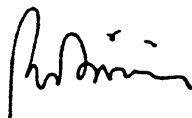
Για την Ελληνική Δημοκρατία



Por el Reino de España




Pour la République française



Thar ceann na hÉireann
For Ireland



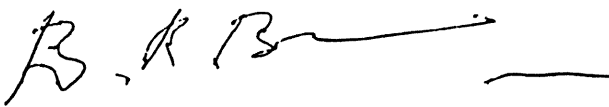
Per la Repubblica italiana



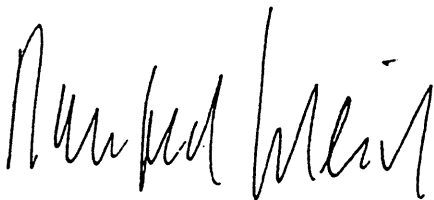
Pour le Grand-Duché de Luxembourg



Voor het Koninkrijk der Nederlanden



Für die Republik Österreich



Pela República Portuguesa



Suomen tasavallan puolesta

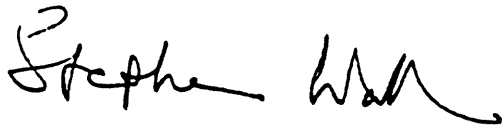
För Republiken Finland



För Konungariket Sverige



For the United Kingdom of Great Britain and Northern Ireland



Por la Comunidad Europea

For Det Europæiske Fællesskab

Für die Europäische Gemeinschaft

Για την Ευρωπαϊκή Κοινότητα

For the European Community

Pour la Communauté européenne

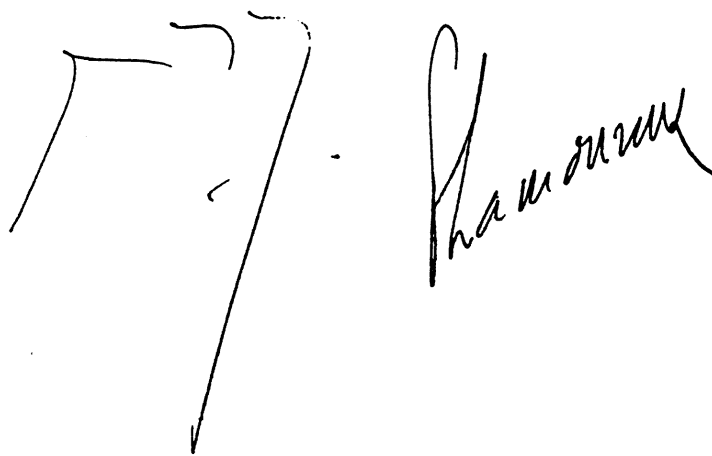
Per la Comunità europea

Voor de Europese Gemeenschap

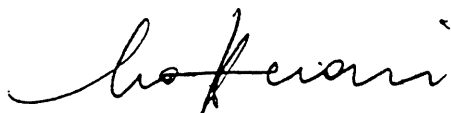
Pela Comunidade Europeia

Euroopan yhteisön puolesta

På Europeiska gemenskapens vägnar



Per la Repubblica di San Marino



JOINT DECLARATION

The Council of the European Union and the Representatives of the Governments of the Member States, meeting within the Council, and the Republic of San Marino note that the Agreement on Cooperation and Customs Union between the European Economic Community and the Republic of San Marino of 16 December 1991 was signed before the most recent enlargement of the European Union and that, as a result, it was necessary to negotiate a Protocol of Adaptation, to enable the Agreement to be extended to the new Member States, which has been signed today. Pending the entry into force of this Protocol, the European Community and its Member States and the Republic of San Marino will apply it provisionally or definitively, as from the first day of the first month following the date on which the European Community and its Member States, of the one part, and the Republic of San Marino, of the other part, have notified each other that the necessary internal procedures have been completed. The Council and the Member States will take the necessary measures to ensure that the aforesaid Agreement on Cooperation and Customs Union enters into force at the same time.

Information relating to the entry into force of the Agreement on customs union and cooperation between the European Economic Community and the Republic of San Marino and of the Protocol to the Agreement on cooperation and customs union between the European Economic Community and the Republic of San Marino consequent upon the accession of the Republic of Austria, the Republic of Finland and the Kingdom of Sweden to the European Union

The exchange of instruments of notification of completion of the procedures necessary for the entry into force of the Agreement on customs union and cooperation between the European Economic Community and the Republic of San Marino signed in Brussels on 16 December 1991, having taken place on 28 February 2002, and of the Protocol to the Agreement on cooperation and customs union between the European Economic Community and the Republic of San Marino consequent upon the accession of the Republic of Austria, the Republic of Finland and the Kingdom of Sweden to the European Union signed in Brussels on 30 October 1997, having taken place on 1 March 2002, this Agreement and this Protocol will enter into force on 1 April 2002 in accordance with Article 30 of the Agreement and Article 3 of the Protocol thereof.

COMMISSION

COMMISSION DECISION

of 27 March 2002

amending Decisions 2001/730/EC and 2001/854/EC on the Community's financial contribution to the Member States' TSE monitoring programmes for 2002

(notified under document number C(2002) 1266)

(2002/246/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Decision 90/424/EEC of 26 June 1990 on expenditure in the veterinary field ⁽¹⁾, as last amended by Decision 2001/572/EC ⁽²⁾, and in particular Article 24(5) and (6) thereof,

Whereas:

- (1) Commission Decision 2001/730/EC ⁽³⁾ establishes the list of programmes for the monitoring of TSE qualifying for a financial contribution from the Community in 2002, as well as the proposed rate and amount of the contribution for each programme. All Member States' BSE and scrapie monitoring programmes are included in that list.
- (2) Commission Decision 2001/854/EC ⁽⁴⁾ approved the TSE monitoring programmes presented for 2002 by the Member States.
- (3) The Scientific Steering Committee (SSC) in its opinion of 18 and 19 October 2001 on the safety of small ruminant products should BSE in small ruminants become probable/confirmed recommended that a survey on the incidence of TSEs in small ruminants should urgently be carried out with the available rapid tests using a statistically sound sample design and size.
- (4) In response to this recommendation, Regulation (EC) No 999/2001 of the European Parliament and of the Council of 22 May 2001 laying down rules for the prevention, control and eradication of certain transmissible spongiform encephalopathies ⁽⁵⁾, as last amended by Commission Regulation (EC) No 270/2002 ⁽⁶⁾, sets out a new programme for the monitoring

of scrapie in ovine and caprine animals to apply from 1 April 2002. Under the new monitoring programme, the numbers of healthy slaughter and dead-on-farm animals to be tested are substantially increased.

- (5) Regulation (EC) No 999/2001 also removes certain derogations formerly afforded to Austria and Finland from the requirements to test certain target groups of animals, following the confirmation of the first BSE cases in those Member States. Austria and Finland have both requested an increase in the funding allocated to them for TSE monitoring under Decisions 2001/730/EC and 2001/854/EC.
- (6) In view of the expanded TSE monitoring programme introduced by Regulation (EC) No 999/2001, it is necessary to revise the maximum amount of financial participation by the Community for each programme, as set out in Decisions 2001/730/EC and 2001/854/EC.
- (7) The estimates of the maximum amount of Community financing allocated to each programme may have to be adjusted during the implementation of the programmes in order to take account of the actual needs of each Member State. The review should however be carried out without increasing the total amount of contribution by the Community.
- (8) The computerised monthly report on progress of the programmes and costs incurred as laid down in the Annex to Decision 2001/854/EC should be adapted to reflect the latest amendments to Annex III to Regulation (EC) No 999/2001, made by Regulation (EC) No 270/2002, which abolishes the derogatory sampling regime previously established for Member States with a small ovine and caprine population.
- (9) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

⁽¹⁾ OJ L 224, 18.9.1990, p. 19.

⁽²⁾ OJ L 203, 28.7.2001, p. 16.

⁽³⁾ OJ L 274, 17.10.2001, p. 20.

⁽⁴⁾ OJ L 318, 4.12.2001, p. 54.

⁽⁵⁾ OJ L 147, 31.5.2001, p. 1.

⁽⁶⁾ OJ L 45, 15.2.2002, p. 4.

HAS ADOPTED THIS DECISION:

Article 1

The Annex to Decision 2001/730/EC is amended as set out in Annex I to this Decision.

Article 2

Decision 2001/854/EC is amended as follows:

1. In Article 1(2) 'EUR 4 850 000' is replaced by 'EUR 4 887 000'.
2. In Article 2(2) 'EUR 2 860 000' is replaced by 'EUR 2 892 000'.
3. In Article 3(2) 'EUR 20 710 000' is replaced by 'EUR 21 077 000'.
4. In Article 4(2) 'EUR 1 300 000' is replaced by 'EUR 1 851 000'.
5. In Article 5(2) 'EUR 10 700 000' is replaced by 'EUR 11 240 000'.
6. In Article 6(2) 'EUR 34 900 000' is replaced by 'EUR 35 361 000'.
7. In Article 7(2) 'EUR 10 630 000' is replaced by 'EUR 11 136 000'.
8. In Article 8(2) 'EUR 10 850 000' is replaced by 'EUR 11 379 000'.
9. In Article 10(2) 'EUR 5 800 000' is replaced by 'EUR 6 104 000'.
10. In Article 11(2) 'EUR 1 640 000' is replaced by 'EUR 3 325 000'.
11. In Article 12(2) 'EUR 2 750 000' is replaced by 'EUR 2 874 000'.
12. In Article 13(2) 'EUR 500 000' is replaced by 'EUR 1 329 000'.
13. In Article 14(2) 'EUR 600 000' is replaced by 'EUR 651 000'.
14. In Article 15(2) 'EUR 5 560 000' is replaced by 'EUR 6 100 000'.

15. Article 16 is replaced by the following:

'Article 16

The financial participation by the Community for the programmes approved in Articles 1 to 15 shall be at the rate of 100 % of the cost (VAT excluded) of the test-kits up to a maximum of 15 EUR per test-kit for tests carried out

— between 1 January and 31 March 2002 in animals referred to in Annex III, Chapter A, Part I, points 2, 3 and 4 and Part II, points 2, 3 and 4 of Regulation (EC) No 999/2001,

— between 1 April and 31 December 2002 in animals referred to in Annex III, Chapter A, Part I, points 2, 3 and 4 and Part II, points 2 and 3 of Regulation (EC) No 999/2001,

and up to the maximum amounts of money specified in this Decision individually for each programme.'

16. In Article 17, the existing unnumbered paragraph becomes paragraph 1 and the following paragraph 2 is added:

'2. The maximum amounts of financial participation by the Community for each monitoring programme may be reviewed in the light of the reports referred to in paragraph 1(b) and (c). However, the total contribution by the Community shall not exceed EUR 120 556 000.'

17. The Annex is amended as set out in Annex II to this Decision.

Article 3

The present Decision shall apply from 1 April 2002.

Article 4

This Decision is addressed to the Member States.

Done at Brussels, 27 March 2002.

For the Commission

David BYRNE

Member of the Commission

ANNEX I

The Annex to Decision 2001/730/EC is replaced by the following:

'ANNEX

List of programmes for the monitoring of TSE

Maximum amount of the Community financial contribution

Disease	Member State	Rate-purchase of test-kits	Maximum amount (in EUR)
TSE	Belgium	100 %	4 887 000
	Denmark	100 %	2 892 000
	Germany	100 %	21 077 000
	Greece	100 %	1 851 000
	Spain	100 %	11 240 000
	France	100 %	35 361 000
	Ireland	100 %	11 136 000
	Italy	100 %	11 379 000
	Luxembourg	100 %	350 000
	Netherlands	100 %	6 104 000
	Austria	100 %	3 325 000
	Portugal	100 %	2 874 000
	Finland	100 %	1 329 000
	Sweden	100 %	651 000
	United Kingdom	100 %	6 100 000
TOTAL			120 556 000'

ANNEX II

The Annex to Decision 2001/854/EC is replaced by the following:

'ANNEX

Region (2)	BSE				Scrapie											
	Number of tests	Unit cost per test-kit	Total cost	Tests on animals referred to in Annex III, Chapter A, Part I, points 2.1, 3 and 4.1 to Regulation (EC) No 999/2001	Number of tests	Unit cost per test-kit	Total cost	Tests on animals referred to in Annex III, Chapter A, Part II, point 2 to Regulation (EC) No 999/2001	Number of tests	Unit cost per test-kit	Total cost	Tests on animals referred to in Annex III, Chapter A, Part II, point 3 to Regulation (EC) No 999/2001	Number of tests	Unit cost per test-kit	Total cost	Tests on animals referred to in Annex III, Chapter A, Part II, point 4 to Regulation (EC) No 999/2001 (1)
Total																

(1) For tests performed up to 31 March 2002 only.
 (2) Data per region only necessary in the final report.

COMMISSION DECISION

of 27 March 2002

suspending the placing on the market and import of jelly confectionery containing the food additive E 425 konjac

(notified under document number C(2002) 1283)

(Text with EEA relevance)

(2002/247/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety ⁽¹⁾, and in particular Article 53(1) thereof,

Whereas:

- (1) Under Article 53(1) of Regulation (EC) No 178/2002 the Commission can suspend the placing on the market or use of a food that is likely to constitute a serious risk to human health, when such risk cannot be contained satisfactorily by means of measures taken by the Member States concerned.
- (2) Directive 95/2/EC of the European Parliament and of the Council of 20 February 1995 on food additives other than colours and sweeteners ⁽²⁾ authorises in its Annex IV the use of the food additive E 425 konjac in foodstuffs under certain conditions.
- (3) Several Member States and third countries have taken measures to temporarily prohibit the placing on the market of jelly mini-cups containing E 425 konjac because they have caused the death of several children in third countries through choking. The Commission has been informed of these measures.
- (4) Some manufacturers of jelly mini-cups recognise the risk to human health by affixing a warning on the food package, highlighting the risk for children and elderly.
- (5) The Commission has examined the information given by the Member States together with the Standing Committee on the Food Chain and Animal Health.
- (6) On the basis of the information provided by the Member States who adopted measures at national level, it can be concluded that jelly mini-cups containing E 425 konjac constitute a life-threatening risk. In addition to their shape and size, the chemical and physical

properties of konjac are the cause for jelly mini-cups to constitute a serious risk to human health.

- (7) In the present case, warning through labelling is not sufficient to protect human health, especially with regard to children.
- (8) Community-wide measures are necessary to provide adequate protection of human health, due to the disparity of the measures taken by some Member States and the fact that other Member States have not taken any measures at all.
- (9) It is necessary to suspend the placing on the market of jelly mini-cups containing konjac and the use of konjac in jelly mini-cups and imports of jelly mini-cups containing konjac in order to protect human health. In addition, any other jelly confectionery containing konjac and the use of konjac in any such products should be suspended, as they may present the same risk as jelly mini-cups.
- (10) The Commission will propose to the European Parliament and to the Council an amendment to Directive 95/2/EC on food additives other than colours and sweeteners in order to modify the authorisation for the use of E 425 konjac in line with this Decision.
- (11) The Commission will examine whether there is a need to take further action to address the risk of choking that may exist from the general use of gelling agents in jelly confectionery, and will come forward, if necessary, with appropriate proposals.
- (12) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS DECISION:

Article 1

1. The placing on the market of jelly confectionery, including jelly mini-cups, containing E 425: Konjac: (i) Konjac gum (ii) Konjac glucomannane is suspended.

⁽¹⁾ OJ L 31, 1.2.2002, p. 1.

⁽²⁾ OJ L 61, 18.3.1995, p. 1.

2. The use of E 425: Konjac: (i) Konjac gum (ii) Konjac glucomannane in jelly confectionery, including jelly mini-cups, is suspended.
3. The import of jelly confectionery, including jelly mini-cups, containing E 425: Konjac: (i) Konjac gum (ii) Konjac glucomannane is suspended.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 27 March 2002.

For the Commission

David BYRNE

Member of the Commission

COMMISSION DECISION

of 27 March 2002

amending Council Decision 2000/766/EC and Commission Decision 2001/9/EC with regard to transmissible spongiform encephalopathies and the feeding of animal proteins

(notified under document number C(2002) 1277)

(Text with EEA relevance)

(2002/248/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 89/662/EEC of 11 December 1989 concerning veterinary checks in intra-Community trade with a view to the completion of the internal market ⁽¹⁾, as last amended by Directive 92/118/EEC ⁽²⁾, and in particular Article 9(4) thereof,

Having regard to Council Directive 90/425/EEC of 26 June 1990 concerning veterinary and zoo-technical checks applicable in intra-Community trade in certain live animals and products with a view to the completion of the internal market ⁽³⁾, as last amended by Directive 92/118/EC, and in particular Article 10(4) thereof,

Having regard to Council Directive 97/78/EC of 18 December 1997 laying down the principles governing the organisation of veterinary checks on products entering the Community from third countries ⁽⁴⁾, and in particular Article 22 thereof,

Whereas:

(1) Council Decision 2000/766/EC of 4 December 2000 concerning certain protection measures with regard to transmissible spongiform encephalopathies and the feeding of animal protein ⁽⁵⁾, prohibits the feeding of processed animal proteins to certain farmed animals. This prohibition does not apply to certain processed animal proteins subject to conditions, which have been established by Commission Decision 2001/9/EC ⁽⁶⁾, as amended by Decision 2001/165/EC ⁽⁷⁾.

(2) Regulation (EC) No 999/2001 of the European Parliament and of the Council of 22 May 2001 laying down rules for the prevention, control and eradication of certain transmissible spongiform encephalopathies ⁽⁸⁾, prohibits the feeding of mammalian proteins, processed as well as unprocessed, to ruminants. The application of

the relevant provision was postponed by Commission Regulation (EC) No 270/2002 ⁽⁹⁾.

- (3) The ban on feeding processed animal protein to certain farmed animals in Decision 2000/766/EC should be extended to the feeding of any animal protein to ruminants, as a matter of coherence and to avoid any risk of BSE transmission. Certain animal proteins, which use is neither considered to pose a risk of BSE nor to hamper controls, should continue to be allowed.
- (4) Eggs and egg products are not considered to present a risk of transmissible spongiform encephalopathies, therefore the feeding of eggs and egg products to farmed animals should be allowed.
- (5) As regards the feeding of animals other than ruminants, the rules on the production of fishmeal should be clarified in relation to establishments which produce both fish and fishery products for human consumption, and fishmeal for animal feeding.
- (6) Therefore, Decisions 2000/766/EC and 2001/9/EC should be amended accordingly.
- (7) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS DECISION:

Article 1

Article 2 of Decision 2000/766/EC is amended as follows:

1. Paragraph 1 is replaced by the following:

‘1. Member States shall prohibit the feeding of:

- (a) proteins derived from animals to ruminants;
- (b) processed animal proteins to farmed animals which are kept, fattened or bred for the production of food.’

⁽¹⁾ OJ L 395, 30.12.1989, p. 13.⁽²⁾ OJ L 62, 15.3.1993, p. 49.⁽³⁾ OJ L 224, 18.8.1990, p. 29.⁽⁴⁾ OJ L 24, 30.1.1998, p. 9.⁽⁵⁾ OJ L 306, 7.12.2000, p. 32.⁽⁶⁾ OJ L 2, 5.1.2001, p. 32.⁽⁷⁾ OJ L 58, 28.2.2001, p. 43.⁽⁸⁾ OJ L 147, 31.5.2001, p. 1.⁽⁹⁾ OJ L 45, 15.2.2002, p. 4.

2. In paragraph 2, the last indent is replaced by the following:

‘— milk and milk products, and eggs and egg products.’

Article 2

In Annex I to Decision 2001/9/EC, point 1 is replaced by the following:

‘1. Fishmeal shall be produced in processing plants dedicated only to the production of fish derived products, which shall be approved for this purpose by the competent authority in accordance with Article 5(2) of Council Directive 90/667/EEC.’

Article 3

This Decision shall apply from 1 April 2002.

Article 4

This Decision is addressed to the Member States.

Done at Brussels, 27 March 2002.

For the Commission

David BYRNE

Member of the Commission

COMMISSION DECISION**of 27 March 2002****concerning certain protective measures with regard to certain fishery and aquaculture products intended for human consumption and imported from Myanmar***(notified under document number C(2002) 1302)***(Text with EEA relevance)**

(2002/249/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

implementing the mutual information requirement laid down in Directive 97/78/EC.

Having regard to the Treaty establishing the European Community,

(6) This Decision will be reviewed in the light of the guarantees offered by the competent authorities of Myanmar and on the basis of the results of the tests carried out by the Member States.

Having regard to Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety ⁽¹⁾, and in particular Article 53(1) thereof,

(7) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

Having regard to Council Directive 97/78/EC of 18 December 1997 laying down the principles governing the organisation of veterinary checks on products entering the Community from third countries ⁽²⁾, and in particular Article 22(1) thereof,

HAS ADOPTED THIS DECISION:

Article 1

Whereas:

This Decision shall apply to shrimps imported from Myanmar.

(1) As regards, in particular, food, Article 53(1)(b)(iii) of Regulation (EC) No 17/2002 provides for the adoption of any appropriate interim measure where it is evident that food imported from a third country is likely to constitute a serious risk to human health, animal health or the environment.

Article 2

(2) In accordance with Directive 97/78/EC, the necessary measures must be adopted as regards the import of certain products from third countries where anything likely to constitute a serious danger for animal or human health appears or develops.

1. Member States shall, using appropriate sampling plans and detection methods, subject each consignment of shrimps imported from Myanmar to a chemical test in order to ensure that the products concerned do not present a danger to human health. This test must be carried out, in particular, with a view to detecting the presence of chloramphenicol.

(3) The presence of chloramphenicol has been detected in shrimps intended for human consumption and imported from Myanmar.

2. Member States shall immediately inform the Commission of the results of the test referred in paragraph 1, making use of the Rapid Alert System for Food set up by Regulation (EC) No 178/2002.

Article 3

(4) Since the presence of this substance presents a potential risk for human health, all consignments of shrimps imported from Myanmar should be sampled and analysed in order to demonstrate their wholesomeness.

Member States shall not authorise the importation into their territory or the consignment to another Member State of the products referred to in Article 1 unless the results of the tests referred to in Article 2 are favourable.

(5) Regulation (EC) No 178/2002 has set up the Rapid Alert System for Food and recourse to it is appropriate for

Article 4⁽¹⁾ OJ L 31, 1.2.2002, p. 1.⁽²⁾ OJ L 24, 30.1.1998, p. 9.

All expenditure incurred in applying this Decision shall be charged to the consignor, the consignee or their agent.

Article 5

Member States shall amend the measures they apply to imports in order to bring them into line with this Decision. They shall immediately inform the Commission thereof.

Article 6

This Decision shall be reviewed on the basis of the guarantees provided by the competent authorities of Myanmar and of the results of the tests referred to in Article 2.

Article 7

This Decision is addressed to the Member States.

Done at Brussels, 27 March 2002.

For the Commission

David BYRNE

Member of the Commission

COMMISSION DECISION

of 27 March 2002

concerning the extension of the protective measures provided by Decision 2001/699/EC, with regard to the fishery and aquaculture products imported from Vietnam

(notified under document number C(2002) 1303)

(Text with EEA relevance)

(2002/250/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety ⁽¹⁾, and in particular Article 53(1) thereof,

Having regard to Council Directive 97/78/EC of 18 December 1997 laying down the principles governing the organisation of veterinary checks on products entering the Community from third countries ⁽²⁾, and in particular Article 22(1) thereof,

Whereas:

- (1) Under Regulation (EC) No 178/2002 it is provided that the Commission shall adopt the appropriated measures where it is evident that food imported from a third country is likely to constitute a serious risk to human health, animal health or the environment.
- (2) Under Directive 97/78/EC the necessary measures must be adopted as regards the import of certain products from third countries where any cause likely to constitute a serious risk to animal or human health appears or is spreading.
- (3) Following the detection of chloramphenicol in certain aquaculture and fishery products imported from Vietnam, the Commission adopted Decision 2001/699/EC, concerning certain protective measures with regard to certain fishery and aquaculture products intended for human consumption and originating in China and Vietnam ⁽³⁾.
- (4) Following the application of controls provided by Decision 2001/699/EC the presence of nitrofurans has been detected in shrimps imported from Vietnam and intended for human consumption.
- (5) Since the presence of nitrofurans on foods presents a potential risk for human health the controls checks provided by Decision 2001/699/EC shall be extended to

detect the presence of this substance, or his metabolites, to all consignments of shrimps imported from Vietnam.

- (6) Regulation (EC) No 178/2002 has set up the Rapid Alert System for Food, and recourse to it is appropriate for implementing the mutual information requirement laid down in Directive 97/78/EC.
- (7) This Decision shall be reviewed in the light of information and guarantees provided by the competent authorities of Vietnam and on the basis of the results of the test carried out by Member States.
- (8) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS DECISION:

Article 1

This Decision shall apply to shrimps imported from Vietnam and intended for human consumption.

Article 2

1. Member States shall, using appropriate sampling plans and detection methods, subject each consignments of shrimps imported from Vietnam to a chemical test in order to ensure that the products concerned do not present a hazard to human health. This test must be carried out, in particular, with a view to detect the presence of nitrofurans or its metabolites.

2. Member States shall inform immediately the Commission of the results of the test referred in paragraph 1, making use of the Rapid Alert System for Food, set up by Regulation (EC) No 178/2002.

Article 3

Member States shall not authorise the importation into their territory or the consignment to another Member State of the products referred to in Article 1 unless the results of the checks referred to in Article 2 are favourable.

Article 4

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

⁽¹⁾ OJ L 31, 1.2.2002, p. 1.

⁽²⁾ OJ L 24, 30.1.1998, p. 9.

⁽³⁾ OJ L 251, 20.9.2001, p. 11.

Article 5

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

Article 6

This Decision shall be reviewed on the basis of the guarantees provided by the Vietnamese competent authorities and on the basis of the results of the tests referred to in Article 2.

Article 7

This Decision is addressed to the Member States.

Done at Brussels, 27 March 2002.

For the Commission

David BYRNE

Member of the Commission

COMMISSION DECISION

of 27 March 2002

concerning certain protective measures with regard to poultrymeat and certain fishery and aquaculture products intended for human consumption and imported from Thailand

(notified under document number C(2002) 1319)

(Text with EEA relevance)

(2002/251/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety ⁽¹⁾, and in particular Article 53(1) thereof,

Having regard to Council Directive 97/78/EC of 18 December 1997 laying down the principles governing the organisation of veterinary checks on products entering the Community from third countries ⁽²⁾, and in particular Article 22(1) thereof,

Whereas:

- (1) As regards, in particular, food, Article 53(1)(b)(iii) of Regulation (EC) No 17/2002 provides for the adoption of any appropriate interim measure where it is evident that food imported from a third country is likely to constitute a serious risk to human health, animal health or the environment.
- (2) In accordance with Directive 97/78/EC, the necessary measures must be adopted as regards the import of certain products from third countries where anything likely to constitute a serious danger for animal or human health appears or develops.
- (3) The presence of nitrofurans has been detected in poultrymeat and shrimps intended for human consumption and imported from Thailand.
- (4) Since the presence of this substance presents a potential risk for human health, all consignments of poultrymeat and shrimps imported from Thailand should be sampled and analysed in order to demonstrate their wholesomeness.
- (5) Regulation (EC) No 178/2002 has set up the Rapid Alert System for Food and recourse to it is appropriate for implementing the mutual information requirement laid down in Directive 97/78/EC.

(6) This Decision will be reviewed in the light of the guarantees offered by the competent Thai authorities and on the basis of the results of the tests carried out by the Member States.

(7) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS DECISION:

Article 1

This Decision shall apply to poultrymeat and shrimps imported from Thailand.

Article 2

1. Member States shall, using appropriate sampling plans and detection methods, subject each consignment of poultrymeat and each consignment of shrimps imported from Thailand to a chemical test in order to ensure that the products concerned do not present a danger to human health. This test must be carried out, in particular, with a view to detecting the presence of antimicrobial substances and in particular nitrofurans and their metabolites.

2. Member States shall immediately inform the Commission of the results of the test referred in paragraph 1, making use of the Rapid Alert System for Food set up by Regulation (EC) No 178/2002.

Article 3

Member States shall not authorise the importation into their territory or the consignment to another Member State of the products referred to in Article 1 unless the results of the tests referred to in Article 2 are favourable.

Article 4

All expenditure incurred in applying this Decision shall be charged to the consignor, the consignee or their agent.

⁽¹⁾ OJ L 31, 1.2.2002, p. 1.

⁽²⁾ OJ L 24, 30.1.1998, p. 9.

Article 5

Member States shall amend the measures they apply to imports in order to bring them into line with this Decision. They shall immediately inform the Commission thereof.

Article 6

This Decision shall be reviewed on the basis of the guarantees provided by the competent Thai authorities and of the results of the tests referred to in Article 2.

Article 7

This Decision is addressed to the Member States.

Done at Brussels, 27 March 2002.

For the Commission

David BYRNE

Member of the Commission
