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EN

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

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Council

2002/331/EC:

- ★ **Council Decision of 22 April 2002 on the signing, on behalf of the European Community, and provisional application of the Agreement in the form of an Exchange of Letters concerning the extension of the Protocol setting out the fishing opportunities and financial contribution provided for in the Agreement between the European Economic Community and the Government of the Revolutionary People's Republic of Guinea on fishing off the Guinean coast for the period 1 January 2002 to 31 December 2002** 27

Agreement in the form of an Exchange of Letters between the European Community and the Government of the Republic of Guinea concerning the extension of the Protocol setting out the fishing opportunities and financial contribution provided for in the Agreement between the European Economic Community and the Government of the Revolutionary People's Republic of Guinea on fishing off the Guinean coast for the period 1 January 2002 to 31 December 2002 29

2002/332/EC:

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- ★ **Commission Decision of 20 June 2001 declaring a concentration to be compatible with the common market and the functioning of the EEA Agreement (Case No COMP/M.2201 — MAN/Auwärter) ⁽¹⁾ (notified under document number C(2001) 1643)** 35

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2002/338/EC:

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⁽¹⁾ Text with EEA relevance

2002/339/EC:

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⁽¹⁾ Text with EEA relevance

I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EC) No 754/2002
of 2 May 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 3 May 2002.

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

Done at Brussels, 2 May 2002.

For the Commission
J. M. SILVA RODRÍGUEZ
Agriculture Director-General

⁽¹⁾ OJ L 337, 24.12.1994, p. 66.

⁽²⁾ OJ L 198, 15.7.1998, p. 4.

ANNEX

to the Commission Regulation of 2 May 2002 establishing the standard import values for determining the entry price of certain fruit and vegetables

(EUR/100 kg)

CN code	Third country code ⁽¹⁾	Standard import value
0702 00 00	052	172,8
	096	87,3
	204	95,4
	212	119,7
	999	118,8
0707 00 05	052	109,4
	220	166,9
	628	155,5
	999	143,9
0709 10 00	624	101,0
	999	101,0
0709 90 70	052	101,8
	999	101,8
0805 10 10, 0805 10 30, 0805 10 50	052	84,0
	204	47,9
	212	55,7
	220	88,7
	600	53,9
	624	78,2
	999	68,1
	999	57,2
0805 50 10	052	35,9
	388	58,7
	528	76,9
	999	57,2
0808 10 20, 0808 10 50, 0808 10 90	060	21,3
	388	89,8
	400	115,6
	404	114,2
	508	81,8
	512	84,9
	524	91,1
	528	84,9
	720	131,7
	804	109,8
	999	92,5

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

COMMISSION REGULATION (EC) No 755/2002
of 2 May 2002
amending Regulation (EC) No 2805/95 fixing the export refunds in the wine sector

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1493/1999 of 17 May 1999 on the common organisation of the market in wine ⁽¹⁾, as last amended by Regulation (EC) No 2585/2001 ⁽²⁾, and in particular Article 63(3) third indent,

Whereas:

- (1) Commission Regulation (EC) No 694/2002 ⁽³⁾ modified Regulation (EC) No 2805/95 ⁽⁴⁾ fixing the export refunds in the wine sector.
- (2) Examination has revealed an error in the Annex concerning product code 2204 21 83 9100.
The Regulation in question must be amended without delay,

HAS ADOPTED THIS REGULATION:

Article 1

In the Annex to Regulation (EC) No 694/2002, the amount of refund for product code 2204 21 83 9100 is replaced by the following:

Product code	Destination	Unit of measurement	Amount of refund
2204 21 83 9100	W02 and W03	EUR/hl	7,317

Article 2

This Regulation shall enter into force on 3 May 2002.

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

Done at Brussels, 2 May 2002.

For the Commission
 Franz FISCHLER
Member of the Commission

⁽¹⁾ OJ L 179, 14.7.1999, p. 1.
⁽²⁾ OJ L 345, 29.12.2001, p. 10.
⁽³⁾ OJ L 107, 24.4.2002, p. 6.
⁽⁴⁾ OJ L 291, 6.12.1995, p. 10.

COMMISSION REGULATION (EC) No 756/2002
of 2 May 2002
suspending the buying-in of butter in certain Member States

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⁾,

Having regard to 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⁾, and in particular Article 2 thereof,

Whereas:

(1) Article 2 of Regulation (EC) No 2771/1999 lays down that buying-in by invitation to tender is to be opened or suspended by the Commission in a Member State, as appropriate, once it is observed that, for two weeks in succession, the market price in that Member State is below or equal to or above 92 % of the intervention price.

(2) Commission Regulation (EC) No 724/2002 suspending the buying-in of butter in certain Member States ⁽⁵⁾ establishes the most recent list of Member States in which intervention is suspended. This list must be adjusted as a result of the market prices communicated by Belgium and Luxembourg under Article 8 of Regulation (EC) No 2771/1999. In the interests of clarity, the list in question should be replaced and Regulation (EC) No 724/2002 should be repealed,

HAS ADOPTED THIS REGULATION:

Article 1

Buying-in of butter by invitation to tender as provided for in Article 6(1) of Regulation (EC) No 1255/1999 is hereby suspended in Denmark, Greece, Austria and Sweden.

Article 2

Regulation (EC) No 724/2002 is hereby repealed.

Article 3

This Regulation shall enter into force on 3 May 2002.

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

Done at Brussels, 2 May 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.

⁽⁵⁾ OJ L 112, 27.4.2002, p. 8.

COMMISSION REGULATION (EC) No 757/2002**of 2 May 2002****correcting Regulation (EC) No 741/2002 fixing Community producer and import prices for carnations and roses with a view to the application of the arrangements governing imports of certain floricultural products originating in Cyprus, Israel, Jordan, Morocco and the West Bank and Gaza Strip**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 4088/87 of 21 December 1987 fixing conditions for the application of preferential customs duties on imports of certain flowers originating in Cyprus, Israel, Jordan, Morocco and the West Bank and Gaza Strip ⁽¹⁾, as last amended by Regulation (EC) No 1300/97 ⁽²⁾, and in particular Article 5(2)(a) thereof,

Whereas:

Following a correction made by a Member State the figure given for uniflorous (standard) carnations originating in

Morocco needs to be changed. The Annex to Commission Regulation (EC) No 741/2002 ⁽³⁾ must therefore be corrected,

HAS ADOPTED THIS REGULATION:

Article 1

The Annex to Regulation (EC) No 741/2002 is replaced by the Annex hereto.

Article 2

This Regulation shall enter into force on 3 May 2002.

It shall apply from 1 to 14 May 2002.

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

Done at Brussels, 2 May 2002.

For the Commission
J. M. SILVA RODRÍGUEZ
Agriculture Director-General

⁽¹⁾ OJ L 382, 31.12.1987, p. 22.⁽²⁾ OJ L 177, 5.7.1997, p. 1.⁽³⁾ OJ L 113, 30.4.2002, p. 19.

ANNEX

to the Commission Regulation of 2 May 2002 fixing Community producer and import prices for carnations and roses with a view to the application of the arrangements governing imports of certain floricultural products originating in Cyprus, Israel, Jordan, Morocco and the West Bank and the Gaza Strip

(EUR/100 pieces)

Period: from 1 to 14 May 2002

Community producer price	Uniflorous (bloom) carnations	Multiflorous (spray) carnations	Large-flowered roses	Small-flowered roses
	18,63	10,93	30,87	18,42
Community import prices	Uniflorous (bloom) carnations	Multiflorous (spray) carnations	Large-flowered roses	Small-flowered roses
Israel	8,36	—	12,15	12,99
Morocco	16,41	12,54	—	—
Cyprus	—	—	—	—
Jordan	—	—	—	—
West Bank and Gaza Strip	7,95	—	—	—

COMMISSION REGULATION (EC) No 758/2002**of 2 May 2002****re-establishing the preferential customs duty on imports of uniflorous (standard) carnations originating in Morocco**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 4088/87 of 21 December 1987 fixing conditions for the application of preferential customs duties on imports of certain flowers originating in Cyprus, Israel, Jordan and Morocco and the West Bank and the Gaza Strip ⁽¹⁾, as last amended by Regulation (EC) No 1300/97 ⁽²⁾, and in particular Article 5(2)(b) thereof,

Whereas:

(1) Regulation (EEC) No 4088/87 fixes conditions for the application of a preferential customs duty on large-flowered roses, small-flowered roses, uniflorous (bloom) carnations and multiflorous (spray) carnations within the limit of tariff quotas opened annually for imports of fresh cut flowers into the Community.

(2) Council Regulation (EC) No 747/2001 ⁽³⁾ opens and provides for the administration of Community tariff quotas for certain products originating in Cyprus, Egypt, Israel, Malta, Morocco, the West Bank and the Gaza Strip, Tunisia and Turkey, and provides detailed rules for extending and adapting these tariff quotas.

(3) Commission Regulation (EC) No 741/2002 ⁽⁴⁾, as amended by Regulation (EC) No 757/2002 ⁽⁵⁾, fixed Community producer and import prices for carnations and roses for application of the arrangements for importation from the countries in question.

(4) Commission Regulation (EEC) No 700/88 ⁽⁶⁾, as last amended by Regulation (EC) No 2062/97 ⁽⁷⁾, laid down detailed rules for the application of these arrangements.

(5) The preferential customs duty fixed for uniflorous (standard) carnations originating in Morocco by Regulation (EC) No 747/2001 was suspended by Commission Regulation (EC) No 742/2002 ⁽⁸⁾.

(6) On the basis of price recordings made as specified in Regulations (EEC) No 4088/87 and (EEC) No 700/88 it must be concluded that the requirement for reintroduction of the preferential customs duty laid down in Article 2(4) of Regulation (EEC) No 4088/87 is met for uniflorous (standard) carnations originating in Morocco. The preferential customs duty should be reintroduced.

(7) In between meetings of the Management Committee for Live Plants and Floriculture Products, the Commission must adopt such measures,

HAS ADOPTED THIS REGULATION:

Article 1

1. For imports of uniflorous (standard) carnations (CN code ex 0603 10 20) originating in Morocco the preferential customs duty set by Regulation (EC) No 747/2001 is reintroduced.

2. Regulation (EC) No 742/2002 is hereby repealed.

Article 2

This Regulation shall enter into force on 3 May 2002.

It shall apply from 1 May 2002.

⁽¹⁾ OJ L 382, 31.12.1987, p. 22.

⁽²⁾ OJ L 177, 5.7.1997, p. 1.

⁽³⁾ OJ L 109, 19.4.2001, p. 2.

⁽⁴⁾ OJ L 113, 30.4.2002, p. 19.

⁽⁵⁾ See page 5 of this Official Journal.

⁽⁶⁾ OJ L 72, 18.3.1988, p. 16.

⁽⁷⁾ OJ L 289, 22.10.1997, p. 1.

⁽⁸⁾ OJ L 113, 30.4.2002, p. 21.

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

Done at Brussels, 2 May 2002.

For the Commission
J. M. SILVA RODRÍGUEZ
Agriculture Director-General

COMMISSION REGULATION (EC) No 759/2002
of 2 May 2002
amending representative prices and additional duties for the import of certain products in the
sugar sector

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1260/2001 of 19 June 2001 on the common organisation of the markets in the sugar sector ⁽¹⁾, as amended by Commission Regulation (EC) No 680/2002 ⁽²⁾,

Having regard to Commission Regulation (EC) No 1423/95 of 23 June 1995 laying down detailed implementing rules for the import of products in the sugar sector other than molasses ⁽³⁾, as last amended by Regulation (EC) No 624/98 ⁽⁴⁾, and in particular the second subparagraph of Article 1(2), and Article 3(1) thereof,

Whereas:

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

(EC) No 1309/2001 ⁽⁵⁾, as last amended by Regulation (EC) No 740/2002 ⁽⁶⁾.

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 3 May 2002.

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

Done at Brussels, 2 May 2002.

For the Commission
J. M. SILVA RODRÍGUEZ
Agriculture Director-General

⁽¹⁾ OJ L 178, 30.6.2001, p. 1.

⁽²⁾ OJ L 104, 20.4.2002, p. 26.

⁽³⁾ OJ L 141, 24.6.1995, p. 16.

⁽⁴⁾ OJ L 85, 20.3.1998, p. 5.

⁽⁵⁾ OJ L 177, 30.6.2001, p. 21.

⁽⁶⁾ OJ L 113, 30.4.2002, p. 17.

ANNEX

to the Commission Regulation of 2 May 2002 amending representative prices and the amounts of additional duties applicable to imports of white sugar, raw sugar and products covered by CN code 1702 90 99

(EUR)

CN code	Amount of representative prices per 100 kg net of product concerned	Amount of additional duty per 100 kg net of product concerned
1701 11 10 ⁽¹⁾	16,52	8,08
1701 11 90 ⁽¹⁾	16,52	14,38
1701 12 10 ⁽¹⁾	16,52	7,85
1701 12 90 ⁽¹⁾	16,52	13,86
1701 91 00 ⁽²⁾	24,48	13,27
1701 99 10 ⁽²⁾	24,48	8,47
1701 99 90 ⁽²⁾	24,48	8,47
1702 90 99 ⁽³⁾	0,24	0,40

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

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

⁽³⁾ By 1 % sucrose content.

COMMISSION REGULATION (EC) No 760/2002
of 2 May 2002
amending 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 597/2002 ⁽⁴⁾, and in particular Article 2(1) thereof,

Whereas:

(1) The import duties in the cereals sector are fixed by Commission Regulation (EC) No 745/2002 ⁽⁵⁾.

(2) Article 2(1) of Regulation (EC) No 1249/96 provides that if during the period of application, the average import duty calculated differs by EUR 5 per tonne from the duty fixed, a corresponding adjustment is to be made. Such a difference has arisen. It is therefore necessary to adjust the import duties fixed in Regulation (EC) No 745/2002,

HAS ADOPTED THIS REGULATION:

Article 1

Annexes I and II to Regulation (EC) No 745/2002 are hereby replaced by Annexes I and II to this Regulation.

Article 2

This Regulation shall enter into force on 3 May 2002.

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

Done at Brussels, 2 May 2002.

For the Commission
J. M. SILVA RODRÍGUEZ
Agriculture Director-General

⁽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 91, 6.4.2002, p. 9.

⁽⁵⁾ OJ L 115, 1.5.2002, 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	15,73
	low quality	21,49
1002 00 00	Rye	25,73
1003 00 10	Barley, seed	25,73
1003 00 90	Barley, other ⁽⁴⁾	25,73
1005 10 90	Maize seed other than hybrid	50,62
1005 90 00	Maize other than seed ⁽⁵⁾	50,62
1007 00 90	Grain sorghum other than hybrids for sowing	25,73

⁽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 30 April 2002 to 13 May 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)	120,16	112,59	109,46	87,25	197,65 (**)	187,65 (**)	114,73 (**)
Gulf premium (EUR/t)	—	21,88	19,05	12,14	—	—	—
Great Lakes premium (EUR/t)	25,30	—	—	—	—	—	—

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

(**) Fob Duluth.

2. Freight/cost: Gulf of Mexico–Rotterdam: 16,93 EUR/t; Great Lakes–Rotterdam: 26,66 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 761/2002**of 2 May 2002****fixing, for April 2002, the specific exchange rate for the amount of the reimbursement of storage costs in the sugar sector**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2799/98 of 15 December 1998 establishing agrimonetary arrangements for the euro ⁽¹⁾,

Having regard to Commission Regulation (EEC) No 1713/93 of 30 June 1993 establishing special detailed rules for applying the agricultural conversion rate in the sugar sector ⁽²⁾, as last amended by Regulation (EC) No 1509/2001 ⁽³⁾, and in particular Article 1(3) thereof,

Whereas:

- (1) Article 1 of Commission Regulation (EC) No 1878/2001 of 26 September 2001 laying down transitional measures in connection with the compensation system for storage costs for sugar ⁽⁴⁾, lays down that Article 8 of Council Regulation (EC) No 2038/1999 of 13 September 1999 on the common organisation of the markets in the sugar sector ⁽⁵⁾, as amended by Commission Regulation (EC) No 1527/2000 ⁽⁶⁾, will continue to apply to sugars carried forward from the 2000/01 marketing year to the 2001/02 marketing year.
- (2) Article 1(2) of Regulation (EEC) No 1713/93 provides that the amount of the reimbursement of storage costs referred to in Article 8 of Regulation (EC) No 2038/1999 is to be converted into national currency using a specific agricultural conversion rate equal to the average, calculated *pro rata temporis*, of the agricultural conversion

rates applicable during the month of storage. That specific rate must be fixed each month for the previous month. However, in the case of the reimbursable amounts applying from 1 January 1999, as a result of the introduction of the agrimonetary arrangements for the euro from that date, the fixing of the conversion rate should be limited to the specific exchange rates prevailing between the euro and the national currencies of the Member States that have not adopted the single currency.

- (3) Application of these provisions will lead to the fixing, for April 2002, of the specific exchange rate for the amount of the reimbursement of storage costs in the various national currencies as indicated in the Annex to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The specific exchange rate to be used for converting the amount of the reimbursement of the storage costs referred to in Article 8 of Regulation (EC) No 2038/1999 into national currency for April 2002 shall be as indicated in the Annex hereto.

Article 2

This Regulation shall enter into force on 3 May 2002.

It shall apply with effect from 1 April 2002.

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

Done at Brussels, 2 May 2002.

For the Commission

J. M. SILVA RODRÍGUEZ

Agriculture Director-General

⁽¹⁾ OJ L 349, 24.12.1998, p. 1.

⁽²⁾ OJ L 159, 1.7.1993, p. 94.

⁽³⁾ OJ L 200, 25.7.2001, p. 19.

⁽⁴⁾ OJ L 258, 27.9.2001, p. 9.

⁽⁵⁾ OJ L 252, 25.9.1999, p. 1.

⁽⁶⁾ OJ L 175, 14.7.2000, p. 59.

ANNEX

to the Commission Regulation of 2 May 2002 fixing, for April 2002, the specific exchange rate for the amount of the reimbursement of storage costs in the sugar sector

Specific exchange rate		
EUR 1 =	7,43417	Danish kroner
	9,12375	Swedish kroner
	0,613897	Pound sterling

COMMISSION DIRECTIVE 2002/36/EC

of 29 April 2002

amending certain Annexes to Council Directive 2000/29/EC on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 2000/29/EC of 8 May 2000 on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community⁽¹⁾, as last amended by Commission Directive 2002/28/EC⁽²⁾, and in particular the second paragraph, subparagraphs (c) and (d) of Article 14, thereof,

Whereas:

- (1) Measures should be taken to protect the Community against *Anisogramma anomala* (Peck) E. Müller, *Anoplophora glabripennis* (Motschulsky) and *Naupactus leucoloma* Boheman, harmful organisms which have not hitherto been known to occur in the Community.
- (2) The current provisions against *Liriomyza bryoniae* (Kaltenbach) should be modified by restricting them to protected zones in Ireland and the United Kingdom (North Ireland) where it has been determined that this organism is not present.
- (3) The list of host plants of *Liriomyza huidobrensis* (Blanchard) and *Liriomyza trifolii* (Burgess) should be modified to take into account of the updated information on the relationship between these harmful organisms and their host plants.
- (4) Due to continued interceptions of *Bemisia tabaci* Genn., *Liriomyza sativae* (Blanchard), *Amauromyza maculosa* (Malloch), *Liriomyza huidobrensis* (Blanchard), *Liriomyza trifolii* (Burgess) and *Thrips palmi* Karny on commodities, the current provisions on protective measures against the introduction into and spread within the Community, with a view to ensuring more effective protection, should be improved.
- (5) These improved protective measures should include the use of a plant passport for plants or plant products originating in the Community and a phytosanitary certificate for plants or plant products originating in third countries.

- (6) The current provisions against beet necrotic yellow vein virus should be modified in order to reflect the conclusions of a Commission Working Group having assessed the phytosanitary risk associated with this harmful organism in the relevant protected zones recognised in the Community.
- (7) The current provisions against *Tilletia indica* Mitra should be modified to take into account of the updated information on the presence of this harmful organism in South Africa.
- (8) The incorrect listing of Malta and Cyprus as non-European countries should be rectified in Annex IV, Part A, Section I, point 34, and Annex V, Part B, Section I, point 7(b), to Directive 2000/29/EC.
- (9) The amendments are in accordance with the requests of the Member States concerned.
- (10) Therefore the relevant annexes to Directive 2000/29/EC should be amended accordingly.
- (11) The measures provided for in this Directive are in accordance with the opinion of the Standing Committee on Plant Health,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Annexes I, II, IV and V to Directive 2000/29/EC are hereby amended as indicated in the Annex to this Directive.

Article 2

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive on 1 April 2003. They shall forthwith inform the Commission thereof.

When Member States adopt these measures, these shall contain a reference to this Directive or shall be accompanied by such reference at the time of their official publication. The procedure for such reference shall be adopted by Member States.

2. The Member States shall immediately communicate to the Commission the main provisions of domestic law which they adopt in the field covered by this Directive. The Commission shall inform the other Member States thereof.

⁽¹⁾ OJ L 169, 10.7.2000, p. 1.

⁽²⁾ OJ L 77, 20.3.2002, p. 23.

Article 3

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

Done at Brussels, 29 April 2002.

For the Commission

David BYRNE

Member of the Commission

ANNEX

1. In Annex I, Part A, Section I(a), a new point is added after point 4:

'4.1. *Anoplophora glabripennis* (Motschulsky)'

2. In Annex I, Part A, Section I(a), a new point is added after point 16:

'16.1. *Naupactus leucoloma* Boheman'

3. In Annex I, Part A, Section II(a), points 4, 5 and 6 are deleted.

4. In Annex I, Part B(a), a new point is added after point 3:

'4. *Liriomyza bryoniae* (Kaltenbach)

| IRL and UK (Northern Ireland)'

5. In Annex II, Part A, Section I(c), the following point is added after point 1:

'1.1. *Anisogramma anomala* (Peck) E. Müller

| Plants of *Corylus* L., intended for planting, other than seeds, originating in Canada and the United States of America'

6. In Annex II, Part A, Section II(a), the following points are added after point 7:

'8. *Liriomyza huidobrensis* (Blanchard)

| Cut flowers, leafy vegetables of *Apium graveolens* L. and plants of herbaceous species, intended for planting, other than:

- bulbs,
- corms,
- plants of the family Gramineae,
- rhizomes,
- seeds

9. *Liriomyza trifolii* (Burgess)

| Cut flowers, leafy vegetables of *Apium graveolens* L. and plants of herbaceous species, intended for planting, other than:

- bulbs,
- corms,
- plants of the family Gramineae,
- rhizomes,
- seeds'

7. In Annex IV, Part A, Section I, a new point is added after point 11.2:

'11.3. Plants of *Corylus* L., intended for planting, other than seeds, originating in Canada and the United States of America

| Official statement that the plants have been grown in nurseries and:

(a) originate in an area, established in the country of export by the national plant protection service in that country, as being free from *Anisogramma anomala* (Peck) E. Müller, in accordance with relevant International Standards for Phytosanitary Measures, and which is mentioned on the certificates referred to in Articles 7 or 8 of this Directive under the rubric "Additional declaration",
or

(b) originate in a place of production, established in the country of export by the national plant protection service in that country, as being free from *Anisogramma anomala* (Peck) E. Müller on official inspections carried out at the place of production or its immediate vicinity since the beginning of the last three complete cycles of vegetation, in accordance with relevant International Standards for Phytosanitary Measures, and which is mentioned on the certificates referred to in Articles 7 or 8 of this Directive under the rubric "Additional declaration" and declared free from *Anisogramma anomala* (Peck) E. Müller'

8. In Annex IV, Part A, Section I, points 32.1, 32.2 and 32.3 are replaced by the following:

<p>32.1. Plants of herbaceous species, intended for planting, other than:</p> <ul style="list-style-type: none"> — bulbs, — corms, — plants of the family Gramineae, — rhizomes, — seeds, — tubers, <p>originating in third countries where <i>Liriomyza sativae</i> (Blanchard) and <i>Amauromyza maculosa</i> (Malloch) are known to occur</p>	<p>Without prejudice to the requirements applicable to the plants in Annex IV, Part A, Section I(27.1), (27.2), (28) and (29), where appropriate, official statement that the plants have been grown in nurseries and:</p> <p>(a) originate in an area, established in the country of export by the national plant protection service in that country, as being free from <i>Liriomyza sativae</i> (Blanchard) and <i>Amauromyza maculosa</i> (Malloch) in accordance with relevant International Standards for Phytosanitary Measures, and which is mentioned on the certificates referred to in Articles 7 or 8 of this Directive under the rubric "Additional declaration",</p> <p>or</p> <p>(b) originate in a place of production, established in the country of export by the national plant protection service in that country, as being free from <i>Liriomyza sativae</i> (Blanchard) and <i>Amauromyza maculosa</i> (Malloch) in accordance with relevant International Standards for Phytosanitary Measures, and which is mentioned on the certificates referred to in Articles 7 or 8 of this Directive under the rubric "Additional declaration", and declared free from <i>Liriomyza sativae</i> (Blanchard) and <i>Amauromyza maculosa</i> (Malloch) on official inspections carried out at least monthly during the three months prior to export,</p> <p>or</p> <p>(c) immediately prior to export, have been subjected to an appropriate treatment against <i>Liriomyza sativae</i> (Blanchard) and <i>Amauromyza maculosa</i> (Malloch) and have been officially inspected and found free from <i>Liriomyza sativae</i> (Blanchard) and <i>Amauromyza maculosa</i> (Malloch). Details of the treatment shall be mentioned on the certificates referred to in Articles 7 or 8 of this Directive</p>
<p>32.2. Cut flowers of <i>Dendranthema</i> (DC) Des. Moul., <i>Dianthus</i> L., <i>Gypsophila</i> L. and <i>Solidago</i> L., and leafy vegetables of <i>Apium graveolens</i> L. and <i>Ocimum</i> L.</p>	<p>Official statement that the cut flowers and the leafy vegetables:</p> <ul style="list-style-type: none"> — originate in a country free from <i>Liriomyza sativae</i> (Blanchard) and <i>Amauromyza maculosa</i> (Malloch), <p>or</p> <ul style="list-style-type: none"> — immediately prior to their export, have been officially inspected and found free from <i>Liriomyza sativae</i> (Blanchard) and <i>Amauromyza maculosa</i> (Malloch)
<p>32.3. Plants of herbaceous species, intended for planting, other than:</p> <ul style="list-style-type: none"> — bulbs, — corms, — plants of the family Gramineae, — rhizomes, — seeds, — tubers, <p>originating in third countries</p>	<p>Without prejudice to the requirements applicable to the plants in Annex IV, Part A, Section I(27.1), (27.2), (28), (29) and (32.1), official statement that:</p> <p>(a) the plants originate in an area known to be free from <i>Liriomyza huidobrensis</i> (Blanchard) and <i>Liriomyza trifolii</i> (Burgess),</p> <p>or</p> <p>(b) either no signs of <i>Liriomyza huidobrensis</i> (Blanchard) and <i>Liriomyza trifolii</i> (Burgess) have been observed at the place of production, on official inspections carried out at least monthly during the three months prior to harvesting,</p> <p>or</p> <p>(c) immediately prior to export, the plants have been officially inspected and found free from <i>Liriomyza huidobrensis</i> (Blanchard) and <i>Liriomyza trifolii</i> (Burgess) and have been subjected to an appropriate treatment against <i>Liriomyza huidobrensis</i> (Blanchard) and <i>Liriomyza trifolii</i> (Burgess)</p>

9. In Annex IV, Part A, Section I, point 34, the text in the left-hand column is replaced by the following:

'Soil and growing medium, attached to or associated with plants, consisting in whole or in part of soil or solid organic substances such as parts of plants, humus including peat or bark or consisting in part of any solid inorganic substance, intended to sustain the vitality of the plants, originating in:

- Cyprus, Malta, Turkey,
- Belarus, Estonia, Georgia, Latvia, Lithuania, Moldova, Russia, Ukraine,
- non-European countries, other than Algeria, Egypt, Israel, Libya, Morocco, Tunisia'

10. In Annex IV, Part A, Section I, points 36.1 and 36.2 are replaced by the following:

36.1. Plants, intended for planting, other than:

- bulbs,
- corms,
- rhizomes,
- seeds,
- tubers,

originating in third countries

Without prejudice to the requirements applicable to the plants in Annex IV, Part A, Section I(27.1), (27.2), (28), (29), (31), (32.1) and (32.3), official statement that the plants have been grown in nurseries and:

(a) originate in an area, established in the country of export by the national plant protection service in that country, as being free from *Thrips palmi* Karny in accordance with relevant International Standards for Phytosanitary Measures, and which is mentioned on the certificates referred to in Articles 7 or 8 of this Directive under the rubric "Additional declaration",

or

(b) originate in a place of production, established in the country of export by the national plant protection service in that country, as being free from *Thrips palmi* Karny in accordance with relevant International Standards for Phytosanitary Measures, and which is mentioned on the certificates referred to in Articles 7 or 8 of this Directive under the rubric "Additional declaration", and declared free from *Thrips palmi* Karny on official inspections carried out at least monthly during the three months prior to export,

or

(c) immediately prior to export, have been subjected to an appropriate treatment against *Thrips palmi* Karny and have been officially inspected and found free from *Thrips palmi* Karny. Details of the treatment shall be mentioned on the certificates referred to in Article 7 or 8 of this Directive

36.2. Cut flowers of Orchidaceae and fruits of *Momordica* L. and *Solanum melongena* L., originating in third countries

Official statement that the cut flowers and the fruits:

— originate in a country free from *Thrips palmi* Karny,

or

— immediately prior to their export, have been officially inspected and found free from *Thrips palmi* Karny.'

11. In Annex IV, Part A, Section I, point 40, the text in the right hand column is replaced by the following:

'Without prejudice to the provisions applicable to the plants listed in Annex III(A)(2), (3), (9), (15), (16), (17) and (18), Annex III(B)(1) and Annex IV(A)(l), (11.1), (11.2), (11.3), (12), (13.1), (13.2), (14), (15), (17), (18), (19.1), (19.2), (20), (22.1), (22.2), (23.1), (23.2), (24), (33), (36.1), (38.1), (38.2), (39) and (45.1) where appropriate, official statement that the plants are dormant and free from leaves'

12. In Annex IV, Part A, Section I, point 45 is replaced by the following:

45.1. Plants of herbaceous species and plants of *Ficus* L. and *Hibiscus* L., intended for planting, other than bulbs, corms, rhizomes, seeds and tubers, originating in non-European countries

Without prejudice to the requirements applicable to the plants in Annex IV, Part A, Section I(27.1), (27.2), (28), (29), (32.1), (32.3) and (36.1), official statement that the plants:

(a) originate in an area, established in the country of export by the national plant protection service in that country, as being free from *Bemisia tabaci* Genn. (non-European populations) in accordance with relevant International Standards for Phytosanitary Measures, and which is mentioned on the certificates referred to in Articles 7 or 8 of this Directive under the rubric "Additional declaration",

or

(b) originate in a place of production, established in the country of export by the national plant protection service in that country, as being free from *Bemisia tabaci* Genn. (non-European populations) in accordance with relevant International Standards for Phytosanitary Measures, and which is mentioned on the certificates referred to in Articles 7 or 8 of this Directive under the rubric "Additional declaration", and declared free from *Bemisia tabaci* Genn. (non-European populations) on official inspections carried out at least once each three weeks during the nine weeks prior to export,

or

45.2. Cut flowers of *Aster* spp., *Eryngium* L., *Gypsophila* L., *Hypericum* L., *Lisianthus* L., *Rosa* L., *Solidago* L., *Trachelium* L., and leafy vegetables of *Ocimum* L., originating in non-European countries

(c) in cases where *Bemisia tabaci* Genn. (non-European populations) has been found at the place of production, are held or produced in this place of production and have undergone an appropriate treatment to ensure freedom from *Bemisia tabaci* Genn. (non-European populations) and subsequently this place of production shall have been found free from *Bemisia tabaci* Genn. (non-European populations) as a consequence of the implementation of appropriate procedures aiming at eradicating *Bemisia tabaci* Genn. (non-European populations), in both official inspections carried out weekly during the nine weeks prior to export and in monitoring procedures throughout the said period. Details of the treatment shall be mentioned on the certificates referred to in Article 7 or 8 of this Directive

Official statement that the cut flowers and leafy vegetables:

- originate in a country free from *Bemisia tabaci* Genn. (non-European populations),
- or
- immediately prior to their export, have been officially inspected and found free from *Bemisia tabaci* Genn. (non-European populations)'

13. In Annex IV, Part A, Section I, point 45.1 is renumbered as 45.3.

14. In Annex IV, Part A, Section I, point 46, the reference to Annex IV(A)(I)(45.2) and (45.3) in the right hand column is added.

15. In Annex IV, Part A, Section I, points 53 and 54, 'South Africa' is inserted after 'Pakistan' in the left hand column.

16. In Annex IV, Part A, Section II, point 23 is replaced by the following:

'23. Plants of herbaceous species, intended for planting, other than:

- bulbs,
- corms,
- plants of the family Gramineae,
- rhizomes,
- seeds,
- tubers

Without prejudice to the requirements applicable to the plants in Annex IV, Part A, Section II(20), (21.1) or (21.2), official statement that:

- (a) the plants originate in an area known to be free from *Liriomyza huidobrensis* (Blanchard) and *Liriomyza trifolii* (Burgess),
- or
- (b) either no signs of *Liriomyza huidobrensis* (Blanchard) and *Liriomyza trifolii* (Burgess) have been observed at the place of production, on official inspections carried out at least monthly during the three months prior to harvesting,
- or
- (c) immediately prior to marketing, the plants have been officially inspected and found free from *Liriomyza huidobrensis* (Blanchard) and *Liriomyza trifolii* (Burgess) and have been subjected to an appropriate treatment against *Liriomyza huidobrensis* (Blanchard) and *Liriomyza trifolii* (Burgess)'

17. In Annex IV, Part B, point 20.2 is replaced by the following:

'20.2. Tubers of *Solanum tuberosum* L., other than those mentioned in Annex IV(B)(20.1)

- (a) The consignment or lot shall not contain more than 1 % by weight of soil,
- or
- (b) the tubers are intended for processing at premises with officially approved waste disposal facilities which ensures that there is no risk of spreading BNYVV

DK, F (Brittany), FI, IRL, P (Azores), S, UK (Northern Ireland)'

18. In Annex IV, Part B, point 22 is replaced by the following:

<p>22. Plants of <i>Allium porrum</i> L., <i>Apium</i> L., <i>Beta</i> L., other than those mentioned in Annex IV(B)(25) and those intended for animal fodder, <i>Brassica napus</i> L., <i>Brassica rapa</i> L., <i>Daucus</i> L., other than plants intended for planting</p>	<p>(a) The consignment or lot shall not contain more than 1 % by weight of soil, or (b) the plants are intended for processing at premises with officially approved waste disposal facilities which ensures that there is no risk of spreading BNYVV</p>	<p>DK, F (Brittany), IRL, P (Azores), FI, S, UK (Northern Ireland)</p>
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19. In Annex IV, Part B, point 24 is replaced by the following:

<p>24.1. Unrooted cuttings of <i>Euphorbia pulcherrima</i> Willd., intended for planting</p>	<p>Without prejudice to the requirements applicable to the plants listed in Annex IV(A)(I)(45.1), where appropriate, official statement that:</p> <p>(a) the unrooted cuttings originate in an area known to be free from <i>Bemisia tabaci</i> Genn. (European populations), or (b) no signs of <i>Bemisia tabaci</i> Genn. (European populations) have been observed either on the cuttings or on the plants from which the cuttings are derived and held or produced at the place of production on official inspections carried out at least each three weeks during the whole production period of these plants on this place of production, or (c) in cases where <i>Bemisia tabaci</i> Genn. (European populations) has been found at the place of production, the cuttings and the plants from which the cuttings are derived and held or produced in this place of production have undergone an appropriate treatment to ensure freedom from <i>Bemisia tabaci</i> Genn. (European populations) and subsequently this place of production shall have been found free from <i>Bemisia tabaci</i> Genn. (European populations) as a consequence of the implementation of appropriate procedures aiming at eradicating <i>Bemisia tabaci</i> Genn. (European populations), in both official inspections carried out weekly during the three weeks prior to the movement from this place of production and in monitoring procedures throughout the said period. The last inspection of the above weekly inspections shall be carried out immediately prior to the above movement</p>	<p>IRL, P (Alentejo, Azores, Beira Interior, Beira Litoral, Entre Douro e Minho, Madeira, Ribatejo e Oeste and Trás-os-Montes), FI, S, UK</p>
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- 24.2. Plants of *Euphorbia pulcherrima* Willd., intended for planting, other than:
- seeds,
 - those for which there shall be evidence by their packing or their flower (or bract) development or by other means that they are intended for sale to final consumers not involved in professional plant production,
 - those specified in 24.1

Without prejudice to the requirements applicable to the plants listed in Annex IV(A)(I)(45.1), where appropriate official statement that:

- (a) the plants originate in an area known to be free from *Bemisia tabaci* Genn. (European populations),

or

- (b) no signs of *Bemisia tabaci* Genn. (European populations) have been observed on plants at the place of production on official inspections carried out at least once each three weeks during the nine weeks prior to marketing,

or

- (c) in cases where *Bemisia tabaci* Genn. (European populations) has been found at the place of production, the plants, held or produced in this place of production have undergone an appropriate treatment to ensure freedom from *Bemisia tabaci* Genn. (European populations) and subsequently this place of production shall have been found free from *Bemisia tabaci* Genn. (European populations) as a consequence of the implementation of appropriate procedures aiming at eradicating *Bemisia tabaci* Genn. (European populations), in both official inspections carried out weekly during the three weeks prior to the movement from this place of production and in monitoring procedures throughout the said period. The last inspection of the above weekly inspections shall be carried out immediately prior to the above movement,

and

- (d) evidence is available that the plants have been produced from cuttings which:

- (da) originate in an area known to be free from *Bemisia tabaci* Genn. (European populations),

or

- (db) have been grown at a place of production where no signs of *Bemisia tabaci* Genn. (European populations) have been observed on official inspections carried out at least once each three weeks during the whole production period of these plants,

or

IRL, P (Alentejo, Azores, Beira Interior, Beira Litoral, Entre Douro e Minho, Madeira, Ribatejo e Oeste and Trás-os-Montes), FI, S, UK

	<p>(dc) in cases where <i>Bemisia tabaci</i> Genn. (European populations) has been found at the place of production, have been grown on plants held or produced in this place of production having undergone an appropriate treatment to ensure freedom from <i>Bemisia tabaci</i> Genn. (European populations) and subsequently this place of production shall have been found free from <i>Bemisia tabaci</i> Genn. (European populations) as a consequence of the implementation of appropriate procedures aiming at eradicating <i>Bemisia tabaci</i> Genn. (European populations), in both official inspections carried out weekly during the three weeks prior to the movement from this place of production and in monitoring procedures throughout the said period. The last inspection of the above weekly inspections shall be carried out immediately prior to the above movement</p>	
<p>24.3. Plants of <i>Begonia</i> L., intended for planting, other than seeds, tubers and corms, and plants of <i>Ficus</i> L. and <i>Hibiscus</i> L., intended for planting, other than seeds, other than those for which there shall be evidence by their packing or their flower development or by other means that they are intended for sale to final consumers not involved in professional plant production</p>	<p>Without prejudice to the requirements applicable to the plants listed in Annex IV(A)(I)(45.1), where appropriate, official statement that:</p> <p>(a) the plants originate in an area known to be free from <i>Bemisia tabaci</i> Genn. (European populations),</p> <p>or</p> <p>(b) no signs of <i>Bemisia tabaci</i> Genn. (European populations) have been observed on plants at the place of production on official inspections carried out at least once each three weeks during the nine weeks prior to marketing,</p> <p>or</p> <p>(c) in cases where <i>Bemisia tabaci</i> Genn. (European populations) has been found at the place of production, the plants, held or produced in this place of production have undergone an appropriate treatment to ensure freedom from <i>Bemisia tabaci</i> Genn. (European populations) and subsequently this place of production shall have been found free from <i>Bemisia tabaci</i> Genn. (European populations) as a consequence of the implementation of appropriate procedures aiming at eradicating <i>Bemisia tabaci</i> Genn. (European populations), in both official inspections carried out weekly during the three weeks prior to the movement from this place of production and in monitoring procedures throughout the said period. The last inspection of the above weekly inspections shall be carried out immediately prior to the above movement</p>	<p>IRL, P (Alentejo, Azores, Beira Interior, Beira Litoral, Entre Douro e Minho, Madeira, Ribatejo e Oeste and Trás-os-Montes), FI, S, UK</p>

20. In Annex IV, Part B, point 25.1 is deleted.

21. In Annex IV, Part B, point 25.2 is replaced by the following:

‘25. Plants of <i>Beta vulgaris</i> L., intended for industrial processing	<p>Official statement that:</p> <p>(a) the plants are transported in such a manner as to ensure that there is no risk of spreading BNYVV, and are intended to be delivered to a processing plant with officially approved waste disposal facilities, which ensures that there is no risk of spreading BNYVV,</p> <p>or</p> <p>(b) the plants have been grown in an area where BNYVV is known not to occur</p>	DK, F (Brittany), IRL, P (Azores), FI, S, UK (Northern Ireland)
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22. In Annex IV, Part B, point 26 is replaced by the following:

‘26. Soil from beet and unsterilised waste from beet (<i>Beta vulgaris</i> L.)	<p>Official statement that soil or waste:</p> <p>(a) has been treated to eliminate contamination with BNYVV,</p> <p>or</p> <p>(b) is intended to be transported for disposal in an officially approved manner,</p> <p>or</p> <p>(c) comes from <i>Beta vulgaris</i> plants grown in an area where BNYVV is known not to occur</p>	DK, F (Brittany), IRL, P (Azores), FI, S, UK (Northern Ireland)
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23. In Annex IV, Part B, point 30, the text in the central column is replaced by the following:

- (a) The machinery shall be cleaned and free from soil and plant debris when brought in on places of production where beets are grown,
- or
- (b) the machinery shall come from an area where BNYVV is known not to occur’

24. In Annex V, Part A, Section I, point 2.1, the following is added:

‘and other plants of herbaceous species, other than plants of the family Gramineae, intended for planting, and other than bulbs, corms, rhizomes, seeds and tubers’

25. In Annex V, Part A, Section II, point 1.6 is replaced by the following:

‘1.6. Plants of *Beta vulgaris* L., intended for industrial processing’

26. In Annex V, Part A, Section II, point 1.7 is replaced by the following:

‘1.7. Soil from beet and unsterilised waste from beet (*Beta vulgaris* L.)’

27. In Annex V, Part A, Section II, point 2.1 is replaced by the following:

‘2.1. Plants of *Begonia* L., intended for planting, other than corms, seeds, tubers, and plants of *Euphorbia pulcherrima* Willd., *Ficus* L. and *Hibiscus* L., intended for planting, other than seeds’

28. In Annex V, Part B, Section I, point 2 is replaced by the following:

- *Castanea* Mill., *Dendranthema* (DC) Des. Moul., *Dianthus* L., *Gypsophila* L., *Pelargonium* l'Herit. ex Ait, *Phoenix* spp., *Populus* L., *Quercus* L., *Solidago* L. and cut flowers of Orchidaceae,
- conifers (*Coniferales*),
- *Acer saccharum* Marsh., originating in North American countries,

- *Prunus* L., originating in non-European countries,
 - cut flowers of *Aster* spp., *Eryngium* L., *Hypericum* L., *Lisianthus* L., *Rosa* L. and *Trachelium* L., originating in non-European countries,
 - leafy vegetables of *Apium graveolens* L. and *Ocimum* L.'
29. In Annex V, Part B, Section I, point 3, in the first indent, the following is added:
'*Momordica* L. and *Solanum melongena* L.'
30. In Annex V, Part B, Section I, point 7(b), the text is replaced by the following:
'Soil and growing medium, attached to or associated with plants, consisting in whole or in part of material specified in (a) or consisting in part of any solid inorganic substance, intended to sustain the vitality of the plants, originating in:
— Cyprus, Malta, Turkey,
— Belarus, Estonia, Georgia, Latvia, Lithuania, Moldova, Russia, Ukraine,
— non-European countries, other than Algeria, Egypt, Israel, Libya, Morocco, Tunisia'
31. In Annex V, Part B, Section II, point 1 is replaced by the following:
'1. Plants of *Beta vulgaris* L., intended for industrial processing'
32. In Annex V, Part B, Section II, point 2 is replaced by the following:
'2. Soil from beet and unsterilised waste from beet (*Beta vulgaris* L.)'
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II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 22 April 2002

on the signing, on behalf of the European Community, and provisional application of the Agreement in the form of an Exchange of Letters concerning the extension of the Protocol setting out the fishing opportunities and financial contribution provided for in the Agreement between the European Economic Community and the Government of the Revolutionary People's Republic of Guinea on fishing off the Guinean coast for the period 1 January 2002 to 31 December 2002

(2002/331/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 300(2) thereof,

Having regard to the proposal from the Commission,

Whereas:

- (1) The European Community and the Republic of Guinea have held negotiations to determine the amendments or additions to be made to the Agreement between the European Economic Community and the Government of the Revolutionary People's Republic of Guinea on fishing off the Guinean coast ⁽¹⁾ at the end of the period of application of the Protocol thereto.
- (2) During the negotiations, the two parties decided to extend the current Protocol ⁽²⁾, approved by Regulation (EC) No 445/2001 ⁽³⁾, for one year by means of an Agreement in the form of an Exchange of Letters initialled on 22 October 2001, pending the conclusion of the negotiations on the amendments to be agreed for the Protocol.
- (3) Under this Exchange of Letters, Community fishermen have fishing opportunities in the waters under the sovereignty or jurisdiction of the Republic of Guinea for the period 1 January 2002 to 31 December 2002.
- (4) The extension must be applied at the earliest opportunity if fishing activities by Community vessels are not to be interrupted. The Agreement in the form of an

Exchange of Letters should therefore be signed, pending a definitive decision under Article 37 of the Treaty.

- (5) The method of allocating the fishing opportunities for trawlers and tuna boats among the Member States under the expired Protocol should be confirmed,

HAS DECIDED AS FOLLOWS:

Article 1

The signature of the Agreement in the form of an Exchange of Letters between the European Community and the Government of the Revolutionary People's Republic of Guinea concerning the extension of the Protocol setting out the fishing opportunities and financial contribution provided for in the Agreement on fishing off the Guinean coast for the period 1 January 2002 to 31 December 2002 is hereby approved on behalf of the Community, subject to the Council Decision concerning the conclusion of the said Agreement.

The text of the Agreement is attached to this Decision.

Article 2

The Agreement referred to in Article 1 shall apply provisionally for the European Community with effect from 1 January 2002.

Article 3

The fishing opportunities for trawlers and tuna boats fixed in Article 1 of the Protocol shall be allocated among the Member States as follows:

⁽¹⁾ OJ L 111, 27.4.1983, p. 2.

⁽²⁾ OJ L 250, 5.10.2000, p. 29.

⁽³⁾ OJ L 64, 6.3.2001, p. 3.

- | | | | |
|---------------------------------|-------------|---|-------------|
| (a) fin-fish/cephalopods: | | (e) surface longliners: | |
| Spain | 844 grt, | Spain | 14 vessels, |
| Italy | 750 grt, | Portugal | 2 vessels. |
| Greece | 906 grt; | If licence applications from these Member States do not cover all the fishing opportunities fixed by the Protocol, the Commission may take into consideration licence applications from any other Member State. | |
| (b) shrimps: | | <i>Article 4</i> | |
| Spain | 1 050 grt, | The President of the Council is hereby authorised to designate the persons empowered to sign the Agreement in the form of an Exchange of Letters on behalf of the Community, subject to its conclusion. | |
| Portugal | 300 grt, | | |
| Greece | 150 grt; | | |
| (c) tuna seiners: | | Done at Luxembourg, 22 April 2002. | |
| France | 19 vessels, | | |
| Spain | 19 vessels; | <i>For the Council</i>
<i>The President</i>
M. ARIAS CAÑETE | |
| (d) pole-and-line tuna vessels: | | | |
| France | 7 vessels, | | |
| Spain | 7 vessels; | | |
-

AGREEMENT IN THE FORM OF AN EXCHANGE OF LETTERS

between the European Community and the Government of the Republic of Guinea concerning the extension of the Protocol setting out the fishing opportunities and financial contribution provided for in the Agreement between the European Economic Community and the Government of the Revolutionary People's Republic of Guinea on fishing off the Guinean coast for the period 1 January 2002 to 31 December 2002

A. Letter from the Community

Gentlemen,

I have the honour to confirm that we agree to the following interim arrangements for the extension of the Protocol currently in force (1 January 2000 to 31 December 2001) setting out the fishing opportunities and financial contribution provided for in the Agreement between the Revolutionary People's Republic of Guinea and the European Economic Community on fishing off the Guinean coast, pending the negotiations on the amendments to be made to the Protocol to the Fisheries Agreement:

1. The arrangements applicable over the last two years will be extended for the period from 1 January 2002 to 31 December 2002. The Community's financial contribution under the interim arrangements will correspond to the yearly amount provided for in Article 2 of the Protocol currently in force. Payment will be made no later than 30 June 2002. Payment of the financial contribution provided for in Article 6 and the terms relating thereto will also apply.
2. During the interim period, fishing licences will be granted within the limits set in Article 1 of the Protocol currently in force, by means of fees or advances corresponding to those set in point 1 of the Annex to the Protocol. The fees applicable to trawlers will be those for the second year.

I should be obliged if you would acknowledge receipt of this letter and confirm that you are in agreement with its contents.

Please accept, Gentlemen, the assurance of my highest consideration.

On behalf of the Council of the European Union

B. Letter from the Government of the Republic of Guinea

Gentlemen,

I have the honour to acknowledge receipt of your letter of today's date, which reads as follows:

'I have the honour to confirm that we agree to the following interim arrangements for the extension of the Protocol currently in force (1 January 2000 to 31 December 2001) setting out the fishing opportunities and financial contribution provided for in the Agreement between the Government of the Revolutionary People's Republic of Guinea and the European Economic Community on fishing off the Guinean coast, pending the negotiations on the amendments to be made to the Protocol to the Fisheries Agreement:

1. The arrangements applicable over the last two years will be extended for the period from 1 January 2002 to 31 December 2002. The Community's financial contribution under the interim arrangements will correspond to the yearly amount provided for in Article 2 of the Protocol currently in force. Payment will be made no later than 30 June 2002. Payment of the financial contribution provided for in Article 6 and the terms relating thereto will also apply.
2. During the interim period, fishing licences will be granted within the limits set in Article 1 of the Protocol currently in force, by means of fees or advances corresponding to those set in point 1 of the Annex to the Protocol. The fees applicable to trawlers will be those for the second year.

I should be obliged if you would acknowledge receipt of this letter and confirm that you are in agreement with its contents.'

I have the honour to confirm that the contents of your letter are acceptable to my Government and that your letter and this one constitute an agreement in accordance with your proposal.

Please accept, Gentlemen, the assurance of my highest consideration.

For the Government of the Republic of Guinea

COUNCIL DECISION**of 22 April 2002****authorising the Kingdom of Spain to extend until 7 March 2003 the Agreement on mutual fishery relations with the Republic of South Africa**

(2002/332/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to the Act of Accession of Spain and Portugal, and in particular Article 167(3) thereof,

Having regard to the proposal from the Commission,

Whereas:

- (1) The Agreement on mutual fishery relations between the Government of the Kingdom of Spain and the Government of the Republic of South Africa, signed on 14 August 1979, entered into force on 8 March 1982 for an initial period of 10 years. The Agreement remains in force for an indeterminate period unless denounced by the giving of 12 months' notice.
- (2) Article 167(2) of the Act of Accession lays down that the rights and obligations resulting from the fisheries agreements concluded by the Kingdom of Spain with third countries are not to be affected during the period for which the provisions of such agreements are provisionally maintained.
- (3) Pursuant to Article 167(3) of the said Act, the Council is to adopt, before the expiry of the fisheries agreements concluded by the Kingdom of Spain with third countries, decisions appropriate for the continuation of fishing activities resulting therefrom, including the poss-

ibility of prolonging for periods not exceeding one year. The abovementioned Agreement has been extended until 7 March 2002 ⁽¹⁾.

- (4) It appears appropriate to authorise the Kingdom of Spain to renew the Agreement in question until 7 March 2003,

HAS ADOPTED THIS DECISION:

Article 1

The Kingdom of Spain is hereby authorised to extend until 7 March 2003 the Agreement on mutual fishery relations with the Republic of South Africa which entered into force on 8 March 1982.

Article 2

This Decision is addressed to the Kingdom of Spain.

Done at Luxembourg, 22 April 2002.

For the Council

The President

M. ARIAS CAÑETE

⁽¹⁾ OJ L 123, 4.5.2001, p. 24.

COUNCIL DECISION**of 22 April 2002****authorising the Portuguese Republic to extend until 9 April 2003 the Agreement on mutual fishery relations with the Republic of South Africa**

(2002/333/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to the Act of Accession of Spain and Portugal, and in particular Article 354(3) thereof,

Having regard to the proposal from the Commission,

Whereas:

- (1) The Agreement on mutual fishery relations between the Government of the Portuguese Republic and the Government of the Republic of South Africa, signed on 9 April 1979, entered into force on that day for an initial period of 10 years. The Agreement remains in force for an indeterminate period unless denounced by the giving of 12 months' notice.
- (2) Article 354(2) of the Act of Accession lays down that the rights and obligations resulting from the fisheries agreements concluded by the Portuguese Republic with third countries are not to be affected during the period for which the provisions of such agreements are provisionally maintained.
- (3) Pursuant to Article 354(3) of the said Act, the Council is to adopt, before the expiry of the fisheries agreements concluded by the Portuguese Republic with third countries, decisions appropriate for the continuation of fishing activities resulting therefrom, including the poss-

ibility of prolonging for periods not exceeding one year. The abovementioned Agreement has been extended until 9 April 2002 ⁽¹⁾.

- (4) It appears appropriate to authorise the Portuguese Republic to renew the Agreement in question until 9 April 2003,

HAS ADOPTED THIS DECISION:

Article 1

The Portuguese Republic is hereby authorised to extend until 9 April 2003 the Agreement on mutual fishery relations with the Republic of South Africa which entered into force on 9 April 1979.

Article 2

This Decision is addressed to the Portuguese Republic.

Done at Luxembourg, 22 April 2002.

For the Council

The President

M. ARIAS CAÑETE

⁽¹⁾ OJ L 123, 4.5.2001, p. 23.

COUNCIL DECISION**of 2 May 2002****implementing Article 2(3) of Regulation (EC) No 2580/2001 on specific restrictive measures directed against certain persons and entities with a view to combating terrorism and repealing Decision 2001/927/EC**

(2002/334/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to Council Regulation (EC) No 2580/2001 of 27 December 2001 on specific restrictive measures directed against certain persons and entities with a view to combating terrorism ⁽¹⁾, and in particular Article 2(3) thereof,

Whereas:

- (1) On 27 December 2001, the Council adopted Decision 2001/927/EC establishing the list provided for in Article 2(3) of Council Regulation (EC) No 2580/2001 on specific restrictive measures directed against certain persons and entities with a view to combating terrorism ⁽²⁾. On that occasion, the Council stated that this list constitutes the first stage in the implementation of the Regulation and that it will quickly be followed up with further lists.
- (2) It is desirable to adopt an updated list of persons, groups and entities to which the aforesaid Regulation applies,

HAS DECIDED AS FOLLOWS:

Article 1

The list provided for in Article 2(3) of Regulation (EC) No 2580/2001 shall be as follows:

1. PERSONS

1. AL-MUGHASSIL, Ahmad Ibrahim (a.k.a. ABU OMRAN; a.k.a. AL-MUGHASSIL, Ahmed Ibrahim) born 26.6.1967 in Qatif-Bab al Shamal, Saudi Arabia; citizen Saudi Arabia
2. AL-NASSER, Abdelkarim Hussein Mohamed, born in Al Ihsa, Saudi Arabia; citizen Saudi Arabia
3. AL YACCOUB, Ibrahim Salih Mohammed, born 16.10.1966 in Tarut, Saudi Arabia; citizen Saudi Arabia
4. ATWA, Ali (a.k.a. BOUSLIM, Ammar Mansour; a.k.a. SALIM, Hassan Rostom), Lebanon, born 1960 in Lebanon; citizen Lebanon
5. EL-HOORIE, Ali Saed Bin Ali (a.k.a. AL-HOURI, Ali Saed Bin Ali; a.k.a. EL-HOURI, Ali Saed Bin Ali) born 10.7.1965 alt. 11.7.1965 in El Dibabiya, Saudi Arabia; citizen Saudi Arabia
6. IZZ-AL-DIN, Hasan (a.k.a. GARBAYA, AHMED; a.k.a. SA-ID; a.k.a. SALWWAN, Samir), Lebanon, born 1963 in Lebanon, citizen Lebanon
7. MOHAMMED, Khalid Shaikh (a.k.a. ALI, Salem; a.k.a. BIN KHALID, Fahd Bin Adballah; a.k.a. HENIN, Ashraf Refaat Nabith; a.k.a. WADOOD, Khalid Abdul) born 14.4.1965 alt. 1.3.1964 in Kuwait; citizen Kuwait
8. MUGHNIYAH, Imad Fa'iz (a.k.a. MUGHNIYAH, Imad Fayiz), Senior Intelligence Officer of HIZBALLAH, born 7.12.1962 in Tayr Dibba, Lebanon, passport No 432298 (Lebanon);

2. GROUPS AND ENTITIES

1. Aum Shinrikyo (a.k.a. AUM, a.k.a. Aum Supreme Truth, a.k.a. Aleph)
2. Babbar Khalsa
3. Gama'a al-Islamiyya (Islamic Group), (a.k.a. Al-Gama'a al-Islamiyya, IG)

⁽¹⁾ OJ L 344, 28.12.2001, p. 70.

⁽²⁾ OJ L 344, 28.12.2001, p. 83.

4. Hamas-Izz al-Din al-Qassem (terrorist wing of Hamas)
5. International Sikh Youth Federation (ISYF)
6. Kurdistan Workers' Party (PKK)
7. Lashkar e Tayyaba (LET)/Pashan-e-Ahle Hadis
8. Mujahedin-e Khalq Organisation (MEK or MKO) [minus the 'National Council of Resistance of Iran' (NCRI)] (a.k.a. The National Liberation Army of Iran (NLA, the militant wing of the MEK), the People's Mujahidin of Iran (PMOI), National Council of Resistance (NCR), Muslim Iranian Student's Society)
9. Palestinian Islamic Jihad (PIJ)
10. Revolutionary People's Liberation Army/Front/Party (DHKP/C), (a.k.a. Devrimci Sol (Revolutionary Left), Dev Sol)
11. Shining Path (SL) (Sendero Luminoso)
12. United Self-Defense Forces/Group of Colombia (AUC) (Autodefensas Unidas de Colombia).

Article 2

Council Decision 2001/927/EC is hereby repealed.

Article 3

This Decision shall be published in the Official Journal.

It shall take effect on the day of its publication.

Done at Brussels, 2 May 2002.

For the Council
The President
J. PIQUÉ I CAMPS

COMMISSION

COMMISSION DECISION

of 20 June 2001

declaring a concentration to be compatible with the common market and the functioning of the EEA Agreement

(Case No COMP/M.2201 — MAN/Auwärter)

(notified under document number C(2001) 1643)

(Only the German text is authentic)

(Text with EEA relevance)

(2002/335/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to the Agreement on the European Economic Area (EEA Agreement), and in particular Article 57 thereof,

Having regard to Council Regulation (EEC) No 4064/89 of 21 December 1989 on the control of concentrations between undertakings ⁽¹⁾, as last amended by Regulation (EC) No 1310/97 ⁽²⁾, and in particular Article 8(2) thereof,

Having regard to the Commission Decision of 15 February 2001 to initiate proceedings in this case,

Having given the undertakings concerned the opportunity to make known their views on the objections raised by the Commission,

Having regard to the opinion of the Advisory Committee on Concentrations ⁽³⁾,

Whereas:

- (1) On 3 January 2001, MAN Nutzfahrzeuge AG, Munich, (MAN) notified the Commission pursuant to Article 4 of Council Regulation (EEC) No 4064/89 (the Merger Regulation) that it proposed to acquire sole control of the whole of Gottlob Auwärter GmbH & Co., KG, Stuttgart-Möhringen (Auwärter).
- (2) After examining the notification, the Commission concluded on 15 February 2001 that the notified operation fell within the scope of the Merger Regulation and raised serious doubts as to its compatibility with the common market.
- (3) Following thorough investigation of the case, however, the Commission has now come to the conclusion that the proposed merger will not create or strengthen a dominant position as a result of which effective competition would be significantly impeded in the common market or in a substantial part of it.

⁽¹⁾ OJ L 395, 30.12.1989, p. 1; corrigendum OJ L 257, 21.9.1990, p. 13.

⁽²⁾ OJ L 180, 9.7.1997, p. 1.

⁽³⁾ OJ L 106, 3.5.2001.

I. THE PARTIES

- (4) MAN is a German limited company whose activities comprise the design, manufacture and marketing of trucks, buses and components and the provision of related services. MAN is an integrated manufacturer which produces complete trucks and buses. The company is a wholly-owned subsidiary of MAN Aktiengesellschaft, Munich, the controlling company which heads the MAN group; the MAN group's main business activities include commercial vehicles, steel products, diesel engines, printing machines, steel and components for the aerospace industry.
- (5) Auwärter's activities consist in the design, manufacture and marketing of buses under the 'Neoplan' brand name. Auwärter is an independent, but not integrated, bus manufacturer which purchases engines in particular, from suppliers such as MAN and Mercedes-Benz. 80 % of the shares in the company are held by members of the Auwärter family and 20 % by BWK Kapital-Beteiligungsgesellschaft, Stuttgart.

II. THE OPERATION

- (6) The proposed concentration is to be carried out through the acquisition of all of the shares in Auwärter by MAN through a wholly-owned MAN subsidiary to be set up for this purpose. Following the concentration, the merged company will, according to its own estimates, produce around 7 500 buses and chassis annually, achieving a turnover of some DEM 2,5 billion. Pursuing a two-brand strategy, the company plans to continue manufacturing buses under both brand names (MAN and Neoplan) after the merger and to market them separately.

III. THE CONCENTRATION

- (7) MAN will acquire sole control of Auwärter through the proposed operation. This constitutes a concentration within the meaning of Article 3(1)(b) of the Merger Regulation.

IV. COMMUNITY DIMENSION

- (8) The two undertakings have an aggregate worldwide turnover of more than EUR 5 billion ⁽⁴⁾ (MAN: EUR 14,5806 billion in the financial year ending on 30 June 2000, Auwärter: EUR 435,06 million in the financial year ending on 31 December 1999). MAN and Auwärter each have an aggregate Community-wide turnover of more than EUR 250 million (MAN: EUR 8,6981 billion in the financial year ending on 30 June 2000, Auwärter: EUR 347,8 million in the financial year ending on 31 December 1999), of which not more than two thirds is achieved within one and the same Member State. The notified concentration therefore has a Community dimension (Article 1(2) of the Merger Regulation). However, the operation does not constitute a cooperation case under Article 57 of the EEA Agreement.

V. PROCEDURE

- (9) By letter of 25 January 2001 addressed to the Commission, MAN, in a bid to dispel any misgivings regarding the merger, offered to supply bus manufacturers that did not have their own engine-production facilities and that had until now been supplied with engines by MAN or by one of its subsidiaries with engines on normal market terms even after the merger. MAN made the same offer in a circular to its customers. As a result of this commitment offer, the period for preliminary examination under Article 10(1) of the Merger Regulation was extended from one month to six weeks.
- (10) On 15 February 2001, the Commission decided, pursuant to Article 6(1)(c) of the Merger Regulation, to initiate proceedings.

⁽⁴⁾ Turnover was calculated on the basis of Article 5(1) of the Merger Regulation and the Commission notice on calculation of turnover (OJ C 66, 2.3.1998, p. 25). Pursuant to Article 5(4)(c) and (d) of the Merger Regulation, the turnover of the parent company MAN AG and of the other subsidiaries of the MAN group were added to the turnover of MAN Nutzfahrzeuge AG; in calculating the turnover of Auwärter, the turnover of Auwärter's associate companies was similarly taken into account.

- (11) On 20 April 2001, a statement of objections was sent to MAN, to which it replied in writing on 4 May 2001. On 7 May 2001, at MAN's request, a formal hearing was held in Brussels pursuant to Article 14 of Commission Regulation (EC) No 447/98 of 1 March 1998 on the notifications, time-limits and hearings provided for in Council Regulation (EEC) No 4064/89 on the control of concentrations between undertakings ⁽⁵⁾.

VI. COMPETITION ASSESSMENT

- (12) The main impact of the proposed concentration would be on the bus sector in Germany. However, it would not lead to the creation or strengthening of a dominant position either in Germany or in other parts of the European Economic Area.

A. THE RELEVANT PRODUCT MARKETS

- (13) In its previous decisions, and in particular in Decision 95/354/EC ⁽⁶⁾ in case IV/M.477 — Mercedes-Benz/Kässbohrer, and in the recent Decision 2001/403/EC ⁽⁷⁾ in case COMP/M.1672 — Volvo/Scania, the Commission has identified three different market segments for buses: city buses, intercity buses and touring coaches. Despite possible overlaps between the three market segments, the Commission has consistently regarded them as separate product markets and sees no reason in the present case to depart from that classification.

City buses

- (14) City buses are designed for public transport in urban areas. They are used for carrying a large number of passengers over relatively short distances and for relatively short periods of time. Accordingly, city buses provide a large amount of room for standing passengers. City buses also tend to have a low floor with few if any steps, as well as more and wider doors than other types of buses, so as to allow rapid passenger entry and exit ⁽⁸⁾. The main customers are public municipal and local transport undertakings and private bus operators providing public passenger transport on the basis of concessions.

Intercity buses

- (15) Intercity buses are designed for rural transport and intercity travel. In line with the nature of the service, ease of entry and exit are less important in intercity buses than in city buses. Intercity buses are normally not particularly luxuriously equipped. From a technical point of view, despite the growing importance of low-floor technology, they are for the most part not low-floor buses and generally have significantly more powerful engines than city buses, though less powerful engines than touring coaches. The main customers are regional public bus operators and private companies operating scheduled cross-country services, mostly on a concessionary basis. Some of the customers also operate city buses.

Touring coaches

- (16) Touring coaches are intended to serve the leisure market, mainly for long-distance tourist travel. They tend to be higher than city and intercity buses and are equipped in a comparatively luxurious manner. In particular, they are often equipped with special storage space for luggage, air conditioning, toilets and television screens, which make such buses more suitable for long trips. Low-floor technology and ease of entry and exit are not prime features. A touring coach will normally be equipped with a manual gearbox, whereas city and intercity buses tend to have automatic gearboxes. The main customers are private operators of leisure trips and bus travel.

⁽⁵⁾ OJ L 61, 2.3.1998, p. 1.

⁽⁶⁾ OJ L 211, 6.9.1995, p. 1 (recital 9 and following).

⁽⁷⁾ OJ L 143, 29.5.2001, p. 74 (recital 214 and following).

⁽⁸⁾ Pursuant to Article 3(1) of Common Position (EC) No 50/2000 adopted by the Council on 28 September 2000 (OJ C 370, 22.12.2000, p. 1), vehicles used for the carriage of passengers comprising more than eight seats in addition to the driver's seat are to be made accessible for people with reduced mobility including wheelchair users according to the technical provisions laid down therein.

Results of the market investigation

- (17) The market investigation carried out confirmed very clearly that this classification into three relevant product markets remains valid. On the basis of the different purposes for which they are used and in view of the typical differences in customers, the three types of bus can be rationally differentiated from one another. The fact that some overlaps may occur between the individual product markets (for example, some types of bus can be used both in intercity transport and for touring) is not enough in itself to indicate any sufficient degree of substitutability.

B. THE RELEVANT GEOGRAPHIC MARKETS

- (18) In Case IV/M.477 — Mercedes-Benz/Kässbohrer⁽⁹⁾, national markets were assumed for all three product segments, with the question of whether Germany and Austria formed a single geographic market being left open. In its recent Decision in case Volvo/Scania⁽¹⁰⁾, the Commission considered that Finland and the United Kingdom were separate geographic markets for touring coaches, while Ireland and each of the Nordic countries (Sweden, Finland, Norway and Denmark) formed separate geographic markets for city and intercity buses; for the rest, the precise definition of the relevant geographic markets was left open.
- (19) MAN takes the view that at least the Benelux countries, Germany, Austria, France, Spain, Portugal and Italy now form a single relevant geographic market. This, it argues, is due in particular to essentially uniform certification rules and prices. Particularly in the city and intercity bus segments, invitations to tender, under the influence of the EC directives on public supply contracts, had resulted in price-oriented procurement behaviour that no longer gave the home suppliers any domestic advantage. The entry of foreign bus manufacturers on to the market in recent years had also fostered the development of supra-regional, cross-frontier geographic markets.
- (20) The market investigation carried out pointed to an emerging trend towards Europeanisation. In particular, Community-wide invitations to tender following the transposition of EU procurement law⁽¹¹⁾ and increasingly similar technical standards indicated that the relevant geographic markets may be starting to extend beyond national frontiers. At the same time, however, in Germany in particular, significant factors continue to point to the existence of national markets. Such factors include the continuing small proportion of imports, especially in the city and intercity segments and, in particular, the high technical and quality demands which German bus operators and their associations place on manufacturers⁽¹²⁾.
- (21) The definition of the relevant geographic markets can, however, be left open in the present case, since the merger will not lead to the creation or strengthening of a dominant position either on the basis of the market assumed by MAN (see recital 81) or on the basis of national markets. In particular, the question of whether Germany and Austria should be grouped together as a single geographic market may be left open, since this would not affect the assessment of the operation (see recitals 61 to 63, 72 and 79).

C. COMPATIBILITY OF THE MERGER WITH THE COMMON MARKET

- (22) As a result of the merger the number of German bus manufacturers would fall from three to two. In the city bus sector in Germany the parties would be on an almost equal footing with EvoBus; if one assumes that Germany and Austria form one market, they would have a slight edge on EvoBus. As far as market shares are concerned, the merger would not affect the existing position of MAN as leader on the Austrian market for city and intercity buses, nor would it affect EvoBus's position as leader on the German intercity bus market or on the German, Austrian and Danish touring coach markets.

⁽⁹⁾ Commission Decision of 14 February 1995, recital 39 (see footnote 6).

⁽¹⁰⁾ Commission Decision of 14 March 2000, recitals 248 and 259 (see footnote 7); confirmed by the Commission Decision of 1 September 2000 in Case COMP/M.1980 — Volvo/Renault (OJ C 301, 21.10.2000, p. 23), recital 28.

⁽¹¹⁾ See in particular Council Directive 93/36/EEC of 14 June 1993 coordinating procedures for the award of public supply contracts (OJ L 199, 9.8.1993, p. 1) and Council Directive 93/38/EEC of 14 June 1993 coordinating the procurement procedures of entities operating in the water, energy, transport and telecommunications sectors (OJ L 199, 9.8.1993, p. 84).

⁽¹²⁾ Particular mention should be made of the role played by the Association of German Transport Undertakings (Verband Deutscher Verkehrsunternehmen — VDV), Cologne, which influences the purchasing behaviour of its members by issuing recommendations, for example on the design of the driver's workstation.

- (23) The Commission has carried out an extensive market investigation in the course of which it received on the demand side in particular submissions from 206 operators of city and intercity buses in Germany. Views were also sought from associations of undertakings, especially the Verband Deutscher Verkehrsunternehmen (Association of German Transport Undertakings — VDV) as the body representing customers' interests. The investigation also covered all major competitors of the companies involved in the merger and the parties themselves.
- (24) The following overview (Table 1) shows the parties' market shares, as confirmed by the market investigation, on the German (D), Austrian (A) and, as an alternative, German-Austrian (D+A) city bus, intercity bus and touring coach markets, and on the Danish (DK) touring coach market, and compares them with those of their main competitors.

Table 1: Market shares for 1999 based on the number of new registrations

Product market	Geographic market	MAN	Auwärter (Neoplan)	MAN + Auwärter	EvoBus (Mercedes, Setra)	Volvo	Irisbus ⁽¹⁾	Other
City buses	A	63,8 %	0 %	63,8 %	34,4 %	1,8 %	0 %	0 %
	D	39,5 %	8,9 %	48,4 %	49,4 %	1,2 %	0,5 %	0,5 %
	D + A	42,2 %	7,9 %	50,1 %	47,7 %	1,2 %	0,4 %	0,6 %
Intercity buses	A	56,5 %	0 %	56,5 %	26,5 %	6,8 %	10,2 %	0 %
	D	17,4 %	15,3 %	32,7 %	59,9 %	3,9 %	1,2 %	2,3 %
	D + A	20,2 %	14,2 %	34,4 %	57,5 %	4,1 %	1,8 %	2,2 %
Touring coaches	A	7,7 %	16,9 %	24,6 %	63,4 %	4,9 %	2,5 %	4,6 %
	D	9,5 %	19 %	28,5 %	51,6 %	1,0 %	4,1 %	14,8 %
	D + A	9,2 %	18,7 %	27,9 %	53,2 %	1,6 %	3,8 %	13,5 %
	DK	4,5 %	16,9 %	21,4 %	48,3 %	3,4 %	9 %	17,9 %

Source: notifying parties and Commission investigations.

⁽¹⁾ Irisbus is a joint venture between Renault SA and Fiat-owned Iveco in which both companies have merged their bus businesses (see the Commission Decision of 22 October 1998 in Case IV/M.1201 — Renault V.I/Iveco, OJ C 384, 10.12.1998, p. 9). In the merger control procedure COMP/M. 1980 — Volvo/Renault, Renault undertook to terminate the joint venture (see the Commission Decision of 1 September 2000, OJ C 301, 21.10.2000, p. 23, Annex III).

1. THE MARKET FOR CITY BUSES IN GERMANY

- (25) According to the information in the Commission's possession, a total of 1 757 city buses were newly registered in Germany in 1999, accounting for 32,4 % of all new bus registrations there. The market volume is dependent on the requirements of transport undertakings and is therefore liable to fluctuate somewhat. After increasing sharply for a while in the wake of German unification, demand for city buses is now tending to stagnate and no appreciable changes in market volume are to be expected in the future.

(a) *There is currently effective competition on the German city bus market despite a high level of concentration on the supply side.*

- (26) Even pre-merger the situation on the German city bus market is characterised by a high level of concentration on the supply side. And yet there is currently effective competition on this market. This was confirmed during the market investigation by the vast majority of those competitors and customers whose views were canvassed. The German bus manufacturers' market shares have till now fluctuated vis-à-vis one another, varying, depending on the manufacturer, by between three (Neoplan), four (EvoBus) and 10 percentage points (MAN). Nor has the influence of EC public procurement law ⁽¹³⁾, which has now been transposed into German law and is applied in practice, led in the current market situation to any competitive pressure between the three domestic suppliers. The Commission's investigations have also revealed that prices on the city bus market have remained

⁽¹³⁾ See footnote 11.

essentially stable, which in view of recent improvements in technology and equipment translates into an actual price cut. The margins of MAN and Auwärter are according to the parties almost non-existent, not to say negative, and in recent years this has meant losses for both manufacturers. As a result MAN, for example, has opened production plants in Turkey and Poland; Mercedes-Benz also has a plant in Turkey.

(b) Post-merger the number of German bus manufacturers would fall from three to two, although Auwärter has no appreciable influence on competition.

- (27) Post-merger the number of German bus manufacturers would fall from three to two. With Auwärter there would disappear a supplier who latterly (in 1999) could claim an 8,9 % share of the German city bus market.
- (28) The Commission has come to the conclusion, however, that the products offered by Auwärter as 'city buses' differ to a not inconsiderable degree from those of its competitors and are only partly in competition with competitors' products. Although like its two German rivals, EvoBus and MAN, Auwärter also supplies standard city buses, according to the parties it has concentrated in recent years more on the production of vehicles for certain niche markets. Auwärter is in the eyes of many customers a particularly innovative and flexible manufacturer when it comes to fulfilling individual desiderata. Thus in 2000 such niche products as double-decker city buses, 'midi-buses' (short buses approximately 10 metres in length), electricity- or gas-powered vehicles, and trolley- or duo-buses accounted for some 45 % of Auwärter's total output. Large parts of Auwärter's product range in the city bus sphere therefore compete only to a limited extent with the products of MAN, which on its own admission concentrates mainly on the 'mass market' in the area of standard city buses.
- (29) According to the parties, Auwärter has deliberately refrained from increasing its market share in the city bus sphere. The company sees its strength as lying above all in the development and production of touring coaches. The city bus business has been pursued mainly with a view to absorbing existing, seasonal capacity surpluses in the touring coach sphere. In view of the narrow profit margins in city buses and the fact that, unlike those of its competitors, its production structure is not geared to the production of large series, Auwärter is unable to expand city bus output profitably.
- (30) The Commission's market investigation confirmed that Auwärter is scarcely in the running when it comes to competing for large-customer contracts. The 76 fleets owned by large bus companies with over 100 buses covered by the investigation are with one exception dominated exclusively by EvoBus and MAN. Auwärter is by contrast predominantly present in the small and medium-sized bus company segment, the importance of this firm as a competitor on the city bus market being further diminished as a result.
- (31) The findings of the market investigation also fit in with this picture inasmuch as the vast majority (about 75 %) of the customers whose views were sought stated that Auwärter's involvement in the past had not influenced the result of calls for tenders for city buses. In particular, the involvement or non-involvement of Auwärter had no detectable effect on prices.

(c) The Commission has considered carefully whether post-merger there may be a tacit sharing of markets between EvoBus, on the one hand, and the parties, on the other.

- (32) Following the take-over of Auwärter, MAN would have a 48,4 % market share (based on the data for 1999) and would therefore rank second on the German city bus market, just behind EvoBus (49,4 %). Under these circumstances the possibility that the merger might enable the parties to exercise market dominance on the German city bus market can be ruled out. Nevertheless there is among the remaining German bus manufacturers a tendency towards consolidation and stabilisation of their position on the market. Although market shares in procurement markets are of only limited evidential value⁽¹⁴⁾, the above market share figures suggest *prima facie* a symmetrical duopoly consisting of EvoBus and the new entity, MAN/Auwärter. Against this background and in view of the resulting high combined market shares of MAN/Auwärter and EvoBus (in 1999 they together accounted for 97,8 % of the German city bus market), it had to be considered whether the merger was liable to create a joint dominant position on the German city bus market and hence in a substantial part of the common market.

⁽¹⁴⁾ See the Commission decision of 3 April 2001 in Case COMP/M.2139 — Bombardier/ADtranz (recital 39), OJ L 69, 12.3.2002, p. 50.

- (33) The Commission accordingly carried out an in-depth examination to see whether, following the merger, there might not occur, as between the two market leaders, tacit coordination of their market behaviour with the result that the current approximately 50-50 division of the German city bus market between EvoBus and the new entity MAN/Auwärter would be permanently consolidated. Precisely because the market shares of the two remaining German manufacturers are already almost virtually identical, both would benefit from this situation in equal measure. This would depend, however, on both of them refraining from aggressive price competition aimed at improving their own market position and on their being satisfied instead with the market shares they already have, and on the structure of the market actually admitting in the long term of tacit, non-collusive coordination.
- (34) In contrast to collusion, tacit coordination of the behaviour of market players by no means implies that there are any agreements or contacts between them. It accordingly fell to be considered in the present case whether after the merger such tacit coordination might suffice in order to exclude any mutual competition between the two market leaders in Germany and to enable both sides in the longer term to secure higher prices and profits than would have been the case under conditions of competition.
- (35) The possibility of tacit coordination of competitive behaviour is not precluded by the mere fact that contracts are awarded in response to public invitations to tender⁽¹⁵⁾. Even if procurement markets do not lend themselves to the traditional forms of deliberate parallel behaviour in respect of prices or quantities (such cases have already been the subject-matter of a number of Commission decisions⁽¹⁶⁾), tacit market-sharing may nevertheless take place on a procurement market depending on the award procedure used. The firms concerned might, for example, tacitly consider elements of the existing market situation, such as the presence of a significant number of regular customers, to be a pointer as to who should in future win which contract, and they might tailor their future bidding behaviour accordingly⁽¹⁷⁾.

(d) In the present case, however, the particular circumstances militate against there being any tacit coordination.

- (36) In the present case, however, the Commission has come to the conclusion on the basis of its market investigation that, in view of the peculiarities of the German city bus market, there is no risk of any tacit coordination between the two remaining German bus manufacturers.
- (37) For there to be a collective dominant position on the part of EvoBus and MAN/Auwärter, there must first of all be some evidence of specific criteria on the basis of which the two market leaders might tacitly coordinate their competitive behaviour. Secondly, it must be proved in the light of the circumstances surrounding the case in point that any such tacit coordination is also possible in the long term, that is to say, there must be evidence to suggest that the nascent duopoly is sufficiently stable. In the present case the results of the market investigation that was carried out do not furnish such evidence. In fact, the position of the two leading suppliers on the German city bus market is less symmetrical than would at first appear from their most recent market shares.

No tacit coordination of competitive behaviour with regard to the companies' respective regular customers

- (38) First of all, market-sharing might be conceivable along the lines of the companies' respective regular customers, i.e. those customers in whose fleets the buses of one manufacturer are used either exclusively or predominantly (more than 75 %). For this to happen, the two market leaders would both have to behave passively and refrain from attacking the position of the other with regard to its customers through aggressive tendering.

⁽¹⁵⁾ See Commission Decision 97/25/EC of 18 October 1995 in Case IV/M.580 — ABB/Daimler-Benz, OJ L 11, 14.1.1997, p. 1 (in particular recital 89) and the Commission Decision of 28 June 2000 in Case COMP/M.1741 — MCI Worldcom/Sprint (at recitals 257 to 302, and in particular at recital 263), not yet published.

⁽¹⁶⁾ See, for example, Commission Decision 92/553/EEC of 22 July 1992 in Case IV/M.190 — Nestlé/Perrier, OJ L 356, 5.12.1992, p. 1 (in particular at recital 124) and Commission Decision 97/26/EC of 24 April 1996 in Case IV/M.619 — Gencor/Lonrho, OJ L 11, 14.1.1997, p. 30 (in particular recital 186).

⁽¹⁷⁾ See also the Decision MCI Worldcom/Sprint (see footnote 15), recitals 257 to 302, and in particular recital 263.

- (39) In the course of the market investigation 80 German transport undertakings (43 %) stated that they operated a single-make fleet or that more than three quarters of their fleet consisted of buses made by a single manufacturer. It became apparent, moreover, that smaller city bus operators in particular often possess a fleet clearly dominated by one make. Of the abovementioned 80 cases, more than two thirds are such smaller businesses with fewer than 100 buses. After the merger, the number of fleets dominated by the buses of one manufacturer would increase from 80 to 86 (see Table 2).
- (40) More than one third of those questioned stated that compatibility with the existing fleet was in their view a decisive selection criterion in the context of invitations to tender, one of the reasons being to save the cost, were they to change makes, of retraining maintenance and operating personnel, of procuring special tooling and of keeping a supply of spare parts. In principle the manufacturer of the buses used exclusively or predominantly in a particular fleet thereby gains a competitive advantage. This might reduce the incentives for the other manufacturer to attack this position in the context of invitations to tender, e.g. through particularly aggressive bids.
- (41) The danger that both market leaders might seek to maintain the existing division of the market by concentrating on their respective regular customers is lessened by the relatively small total number of buses used in such single-manufacturer-dominated fleets. The market investigation carried out by the Commission revealed that two thirds of all the buses covered are in mixed fleets equipped to the tune of no more than 75 % with the vehicles of one manufacturer; they do not, therefore, enter into the equation as far as the described method of coordination is concerned. Tacit coordination through mere concentration on the companies' respective regular customers would accordingly from the outset concern only about one third of all city buses and is therefore not suited to maintaining the existing, approximately 50-50 division of the German city bus market.
- (42) A further reason why an equal division of the market through each company concentrating on its own regular customers is unlikely is that, as the market investigation showed, there is a strong imbalance between the fleets dominated by EvoBus and those dominated by MAN. Thus, 54 of the abovementioned 80 cases involve fleets dominated by EvoBus with a total of some 3 400 buses (including approximately 2 900 made by EvoBus), compared with only 26 cases involving fleets in which MAN buses are operated either exclusively or predominantly (with a total of some 1 900 buses, including approximately 1 800 made by MAN). After the merger, 32 of the transport undertakings concerned would operate either exclusively or predominantly buses made by the new entity, MAN/Auwärter (see Table 2). There is clearly a marked disparity between EvoBus, on the one hand, and MAN/Auwärter, on the other. In the long term, therefore, an approximately 50-50 division of market shares could — in contrast to what was postulated above — not be maintained by each of the two market leaders refraining from aggressive tendering vis-à-vis the regular customers of the other.

Table 2: Detailed overview: number of German city bus operators with single- or multi-make fleets

Fleet type and composition	Total premerger (1)	Of which 'EvoBus-fleets'	Of which 'MAN-fleets'	Total post-merger (1)	Of which 'EvoBus-fleets'	Of which 'MAN/Neoplan-fleets'
Fleets with buses made by only one manufacturer	30	19	11	33	19	14
Over 95 % of buses made by one manufacturer	12	11	1	13	11	2
> 80 %-95 % of buses made by one manufacturer	24	12	12	25	12	13
> 75 %-80 % of buses made by one manufacturer	14	12	2	15	12	3
Subtotal	80	54	26	86	54	32

Fleet type and composition	Total premerger ⁽¹⁾	Of which 'EvoBus-fleets'	Of which 'MAN-fleets'	Total post-merger ⁽¹⁾	Of which 'EvoBus-fleets'	Of which 'MAN/Neoplan-fleets'
> 60 %-75 % of buses made by one manufacturer	53	30	23	60	30	30
Up to 60 % of buses made by the most strongly represented manufacturer	44	28	16	37	23	14
Subtotal	97	58	39	97	53	44
Total	177	112	65	183	107	76

Source: data collected by the Commission in the course of its market investigation.

⁽¹⁾ The pre-merger totals relate exclusively to fleets in which either EvoBus or MAN is the strongest manufacturer; for the post-merger period, the corresponding figures for Neoplan are included and assigned to the MAN/Neoplan entity. According to the information in the Commission's possession, Neoplan buses are currently most strongly represented in six fleets.

No tacit coordination of competitive behaviour with regard to customers with mixed fleets and the total number of buses sold

- (43) A tacit division of the market between MAN/Auwärter and EvoBus might also be conceivable with regard to those transport undertakings which operate mixed fleets. In all, 97 municipal bus companies (53 % of those questioned) stated that at most three quarters of the vehicles in their fleets came from one manufacturer. In relation to such customers EvoBus and MAN/Auwärter could in the medium term likewise refrain from attacking, through suitably aggressive bids, each other's position in the fleets of certain transport undertakings once their own position there was consolidated by winning contracts. In this way, transport undertakings with mixed fleets might come to be perceived by EvoBus and MAN/Auwärter as falling *de facto* within the sphere of influence of one or the other.
- (44) However, there is again no risk of such a development aimed at achieving an approximately 50-50 division of the market occurring. In view of the procurement behaviour of larger customers in particular, such a division could not be implemented in practice. The larger the transport undertaking, the more likely it is to employ a 'diversified procurement strategy', that is to say, it deliberately aims at a mixed composition of its fleet, buying buses from two or more manufacturers so as to play off one against the other ⁽¹⁸⁾. It is not to be expected that the takeover of Auwärter by MAN will have an appreciable effect on the opportunities of city-bus operators to pursue a multiple sourcing policy. The vast majority of mixed fleets surveyed by the Commission have EvoBus (Mercedes Benz or Setra) and MAN as the two most prominent manufacturers. Auwärter (Neoplan), on the other hand, barely plays a role as the number two brand in mixed fleets ⁽¹⁹⁾. This result is supported by the bus operators interviewed of which more than 75 % stated that the participation of Auwärter in the past did not influence the outcome of the tenders (see recital 31).
- (45) The Commission also examined whether it would be possible to divide up the market by reference to the make of the buses in a fleet to be replaced by new buses. If, when an invitation to tender was issued, it was quite clear which buses were to be replaced and the buses in question were all of the same make, the two German market leaders could maintain their existing market shares by each concentrating on replacement business for buses of their own make and refraining from aggressive tendering in all other cases.
- (46) However, it was apparent that tendering practice on the German city-bus market does not lend itself to this type of dividing-up of the market. Invitations to tender for city buses do not contain any indication of which particular buses are to be replaced. Nor, according to the transport operators, is it clear, at the time when the invitation to tender is issued, which particular buses are to be replaced.

⁽¹⁸⁾ Fewer than 10 % of the larger transport undertakings with at least 100 buses taking part in the market investigation operate purely single-make fleets.

⁽¹⁹⁾ In more than 90 % of the mixed fleets surveyed EvoBus and MAN are the two strongest manufacturers. Auwärter is among the top two brands in less than 10 % of the mixed fleets.

The question of which buses are to be withdrawn from service is often decided only after an invitation to tender has been completed, since such a decision depends on a number of factors (duration of existing advertising agreements ⁽²⁰⁾, economic efficiency of continued operation once the period during which public assistance is earmarked has expired ⁽²¹⁾, etc.) which are not directly related to the invitation to tender.

- (47) Lastly, it is conceivable that the manufacturers might focus on the total number of buses sold over a given period and refrain from competing actively with one another as long as both companies' market shares are fairly evenly balanced. In this way, those transport undertakings whose fleets are currently equipped in almost equal measure with buses made by both market leaders might be included in a tacit division of the market between EvoBus and MAN/Auwärter. The supplying of customers whose fleets consist of more than one make by one or other of the two market leaders might thus serve to fine tune volume-wise the postulated 50-50 split in the market.
- (48) This line of argument can be countered, however, by pointing to the increasing size over recent years of the contracts on offer. The number of buses sought by way of invitation to tender has thus risen on average from 21-22 in the past to 25-26 at present. The scale of individual invitations to tender will, moreover, increase still further in view of the emerging trend towards the formation of sizeable purchasing cooperatives ⁽²²⁾ and the emergence of sizeable privatised transport undertakings ⁽²³⁾. Since at the same time the market volume as a whole is stagnant (see recital 25), there is a tendency towards fewer invitations to tender per year. But the smaller the number of invitations to tender and the larger the number of buses asked for at the same time per invitation to tender, the more unlikely it is that either of the two market leaders will be prepared to relinquish the contract in favour of the other.
- (49) Customers can, moreover, compare a manufacturer's bids with its bids in other tender procedures. In addition, in more than half of all cases foreign manufacturers also take part in tender procedures concerning city buses in Germany, and their bids can likewise serve as a yardstick. Although the success of foreign bus manufacturers in Germany has so far been fairly limited, more than three quarters of the transport undertakings questioned by the Commission, who account for over 95 % of city bus purchases in Germany, stated that they were prepared in future, in the event of a price increase of between five and 10 %, to acquire buses from other manufacturers, including foreign ones. The refusal of a tenderer to compete actively would therefore necessarily be noticed and its prospects of success in tender procedures would be considerably reduced.

Lack of stability of any tacit coordination due to a number of competition parameters

- (50) Furthermore, the large number of criteria governing the award of contracts in the present case makes any coordination difficult, and in the long term it would undermine the stability of any supposed coordinated behaviour.

⁽²⁰⁾ Thus, according to the information in the Commission's possession, many buses are painted with large advertisements which can be transferred to a new bus only at considerable expense.

⁽²¹⁾ This period varies as a rule between eight and 10 years depending on the *Land*. The useful economic lifetime of a city bus can, however, be anything up to 15 years, which means that bus companies have a sizeable window of up to seven years in which to procure replacements.

⁽²²⁾ Talks are, for example, taking place about a merger between the Cologne and Bonn municipal bus companies. As far as purchasing cooperatives are concerned, the municipal bus companies of Dortmund, Bochum, Herne and Castrop-Rauxel together with the Vestische Straßenbahnen bus company have, for example, been issuing joint invitations to tender since 1998 (Eastern Ruhrgebiet Cooperative Association); the municipal bus companies of Wuppertal, Hagen, Solingen and Remscheid (Bergischer Bus) are doing likewise.

⁽²³⁾ The planned reform of the Community provisions on public passenger transport can be expected to speed up considerably the formation of sizeable bus companies operating in more than one municipality. In particular, there are plans to amend Council Regulation (EEC) No 1191/69 of 26 June 1969 on action by Member States concerning the obligations inherent in the concept of a public service in transport by rail, road and inland waterway (OJ L 156, 28.6.1969, p. 1), as last amended by Regulation (EEC) No 1893/91 (OJ L 169, 29.6.1991, p. 1). The Commission's proposal for an amendment provides, *inter alia*, for an obligation to put municipal public passenger transport services out to tender, requiring existing suppliers to compete with other suppliers (see Proposal for a Regulation of the European Parliament and of the Council on action by Member States concerning public service requirements and the award of public service contracts in passenger transport by rail, road and inland waterway of 26 July 2000, COM(2000) 7 final, OJ C 365 E, 19.12.2000, p. 169).

- (51) City buses are less heterogeneous products than they might at first appear. The detailed requirements in the transport undertakings' tender specifications contribute, rather, in each individual invitation to tender to a high degree of homogeneity being attained in the technical characteristics of the vehicles to be offered by the manufacturers. Moreover, the requirements laid down by customers are in most invitations to tender largely identical to the recommendations of the VDV ⁽²⁴⁾, with the result that on the German market a not inconsiderable degree of uniformity is by and large attained ⁽²⁵⁾.
- (52) However, the acceptance of a bid in the case of invitations to tender for city buses does not by any means depend solely on the basic price of a given model, but instead on a large number of additional selection criteria; in particular, life-cycle costs and guarantees as to the reliability and availability of buses play an increasingly important role. The manufacturer is increasingly expected to provide guarantees as to the residual value of a bus at the end of its useful lifetime. And the guarantee of a round-the-clock customer service and speedy spare-part delivery is nowadays frequently a *sine qua non* for success in the market. As a result of the interplay of all these parameters, mutual monitoring of each other's competitive behaviour, e.g. on the basis of volume and price, is ruled out for both market leaders. Consequently the companies concerned can scarcely verify to what extent the other market leader has deviated from the postulated coordinated behaviour. This would, however, be a necessary precondition for any retaliatory behaviour between them and for maintenance of the postulated tacit coordination ⁽²⁶⁾.
- (53) The reduction in the number of German bus manufacturers from three to two by no means implies that the number of bidders in the case of public invitations to tender in the German market will likewise fall from three to two. In point of fact, foreign manufacturers are increasingly competing with German suppliers for major contracts, participating as they do in over half of all tender procedures in Germany. This circumstance too makes any long-term coordination of the two market leaders' competitive behaviour more difficult to achieve and impedes any mutual monitoring, all the more so as a significant number of customers are proving increasingly willing to switch if necessary to foreign manufacturers for their supplies (see recital 49).

Lack of a sufficient degree of structural similarity between MAN/Auwärter and EvoBus

- (54) For the prospective duopoly to last, MAN/Auwärter and EvoBus would have to exhibit a sufficient degree of structural similarity. Despite their having certain features in common, this could not, however, be established to a sufficient extent.
- (55) MAN/Auwärter and EvoBus both wish to employ a two-brand strategy — albeit under the umbrella of a single management — aimed at manufacturing and marketing separately buses of two different makes. Both companies will at the same time manufacture commercial vehicles (trucks); this will produce benefits in the R&D sphere and when it comes to purchasing and producing components. They will also be able to use their workshops and service networks both for buses and for commercial vehicles. Through MAN and Mercedes-Benz they will both have their own bus engine manufacturing facilities, and they both have production plants in third countries such as Poland and Turkey, from whose lower wage structures they benefit. Lastly, both companies enjoy to a comparable degree considerable advantages over their existing or potential foreign competitors, including the two densest networks of maintenance centres and repair shops in Germany, a country-wide presence in the fleets of German transport undertakings and the brand loyalty of smaller customers especially.
- (56) These shared characteristics cannot, however, outweigh the fundamental differences that exist between the new entity MAN/Auwärter and EvoBus — differences which create a considerable imbalance between them. To understand this, one need look no further than the different emphasis both manufacturers place on the bus market as a whole and on the commercial vehicle side.

⁽²⁴⁾ See, for example, VDV documents Nos 230, 'Outline recommendations for low-floor city buses' of June 1994 and 234, 'Drivers' workstations in low-floor buses' of June 1996 (current version dating from October 2000).

⁽²⁵⁾ See the Decision MCI Worldcom/Sprint (see footnote 15), recital 258 and following.

⁽²⁶⁾ See the Commission decision of 29 September 1999 in Case IV/M.1383 — Exxon/Mobil (recital 474 of the provisional public version).

EvoBus thus assembles four times as many buses as MAN and Auwärter put together, and its parent, the DaimlerChrysler group, produces approximately eight times as many buses and commercial vehicles as MAN/Auwärter. It is important to note in this connection that interchangeable components, i.e. components which can be used both in the manufacture of commercial vehicles and in that of buses, account according to the parties for between 20 % and 30 % of the value of an average city bus. Because of its substantially higher output of buses and commercial vehicles, the DaimlerChrysler group will therefore continue in future to enjoy considerable scale benefits compared with the new entity MAN/Auwärter. There is therefore insufficient symmetry between the two market leaders, particularly as regards cost structures, such symmetry being, however, a precondition for the existence of a stable duopoly⁽²⁷⁾.

(e) Conclusion: the proposed merger is not likely to give rise to the emergence of a dominant duopoly on the German market for city buses.

- (57) For the above reasons the Commission concludes that the effective competition currently prevailing on the German city bus market will not be undermined by the proposed merger and the resulting disappearance of Auwärter (Neoplan) as an independent supplier. The facts as established by the Commission do not provide any justification for assuming the possibility of tacit coordination. The proposed transaction cannot therefore be regarded as being such as to create a dominant duopoly in the German market for city buses.

2. THE CITY BUS MARKET IN AUSTRIA

- (58) According to the Commission's information, a total of 218 city buses were newly registered in Austria in 1999, equivalent to 33,6 % of all newly registered buses in the country. MAN is the clear market leader (63,8 %), followed by EvoBus (34,4 %) and Volvo (1,8 %).
- (59) The merger does not lead to any addition of market shares since Auwärter was unable to sell any buses on this product market in Austria in 1999 and 2000. Isolated sales of between three and thirteen vehicles in previous years, which resulted in market shares of between 1,7 % (1998/1999) and 8 % (1996/1997)⁽²⁸⁾, were made by Auwärter's Bavarian representative to Vorarlberg and were not the result of tenders. Auwärter's establishment in Austria has hitherto sold only touring coaches. The takeover of Auwärter by MAN thus removes from the market only a niche supplier which has been unable in the last two years to sell any vehicles and thus ranks at best as a potential competitor. However, there is no danger that the merger will significantly strengthen MAN's position on the Austrian market.
- (60) In spite of the strong positions of EvoBus and the market leader MAN, effective competition currently exists on the city bus market in Austria. Since its takeover of the Austrian manufacturer Steyr Bus GmbH, Volvo is the third-strongest market participant and has been consistently more successful than Auwärter over the last five years. Given this market situation, the disappearance of Auwärter as a potential competitor does not give rise to any competition concerns regarding the merger.

3. THE CITY BUS MARKET IN GERMANY AND AUSTRIA

- (61) According to the Commission's information, a total of 1 975 city buses were newly registered in Germany and Austria in 1999, corresponding to 32,4 % of all newly registered buses in both Member States. Taking the city bus markets in Germany and Austria together, MAN had a market share of 42,2 % and Auwärter 7,9 % (giving a combined figure of 50,1 %), while EvoBus had 47,7 %. The balance of market power between MAN/Auwärter and EvoBus on a combined German/Austrian market is, therefore, essentially the same as that on the German market alone (see recital 32).

⁽²⁷⁾ See the Decision Exxon/Mobile (recital 476 of the provisional public version, see footnote 26). On the importance of cost structures, see the Decision Nestlé/Perrier (see footnote 16, recital 63).

⁽²⁸⁾ The figures relate to MAN's financial year (which begins on 1 July and ends on 30 June of the following year).

- (62) The conditions of competition on a German/Austrian market for city buses would be similar to those in Germany. In particular, the market leaders and the other bus manufacturers active on the market in both Member States are largely the same. In addition, given the common language, there is a close link between the markets of both Member States, and this leads not least to similar business practices. For example, as far as their purchasing intentions are concerned, transport firms in Austria largely follow the recommendations issued by the VDV in Germany.
- (63) Consequently, the conclusions drawn for the German market can be applied to the larger geographic market referred to (see recital 57).

4. THE INTERCITY BUS MARKET IN GERMANY

- (64) According to the Commission's information, a total of 1 922 intercity buses were newly registered in Germany in 1999, corresponding to 35,2 % of all newly registered buses in the country. EvoBus is the clear market leader (59,9 %), followed by MAN (17,4 %), Auwärter (15,3 %) and Volvo (3,9 %).
- (65) The conditions on the intercity bus market are similar to those on the city bus market although some individual aspects are less pronounced. For example, the technical and quality requirements for intercity buses are high, albeit not as high as those for city buses; in addition, individual customers' requirements regarding intercity buses differ, albeit not as much as those for city buses. Public tenders are held for the purchase of intercity buses, albeit less frequently than on the city bus market. There are few foreign manufacturers on the market but more than on the city bus market; their market share is over 7 % and is on a slowly rising trend. Overall, there is at present effective competition on the intercity bus market in Germany.
- (66) In view of the clear market leadership of EvoBus, the possibility that the merging of the parties on the German market for intercity buses will result in dominance of an individual market can be ruled out. The highly asymmetric distribution of the market shares of MAN/Auwärter on the one hand (32,7 %) and of EvoBus on the other (59,9 %), in contrast to the situation on the city bus market, is a further factor suggesting that there will be no joint market dominance. For the rest, since market conditions are similar (see recital 65), the conclusions for city buses (see recital 57) can essentially be applied to the intercity bus market in Germany.

5. THE INTERCITY BUS MARKET IN AUSTRIA

- (67) According to the Commission's information, a total of 147 intercity buses were newly registered in Austria in 1999, corresponding to 22,7 % of all newly registered buses in the country. MAN is the clear market leader (56,5 %), followed by EvoBus (26,5 %), Irisbus (Renault) (10,2 %) and Volvo (6,8 %).
- (68) The merger does not lead to any addition of market shares since Auwärter was unable to sell any buses on this product market in Austria in 1999 and 2000. The sales figures for the preceding years too, which ranged from zero to three vehicles and resulted in market shares of between 0 % (1997/1998) and 1,8 % (1996/1997) ⁽²⁹⁾, confirm that Auwärter is of minor importance on the intercity bus market in Austria. The takeover of Auwärter by MAN thus leads at most to the removal of a niche supplier that has been unable to record any sales over the last two years and thus ranks at best as a potential competitor. There is no danger that the merger will significantly strengthen MAN's position on the Austrian market.
- (69) Even more than on the city bus market, competition on the intercity bus market in Austria is safeguarded by the greater presence of suppliers from non-German-speaking countries. Take in particular the recent entry onto the market of Irisbus (Renault) ⁽³⁰⁾, which within one year has captured 10,2 % and, on the basis of MAN's financial year 1999/2000 ⁽³¹⁾, as much as 26 % of the market.

⁽²⁹⁾ The figures relate to MAN's financial year (which begins on 1 July and ends on 30 June of the following year).

⁽³⁰⁾ See footnote 1 in Table 1 (recital 24).

⁽³¹⁾ MAN's financial year 1999/2000 began on 1 July 1999 and ended on 30 June 2000.

- (70) In addition, the intercity bus market in Austria is characterised by a high degree of concentration on the part of the bus operators, with the result that there is a considerable measure of countervailing demand power. To this extent, the strong position in particular of the two large intercity bus operators in Austria, the Österreichische Postbus AG and the Österreichische Bundesbahnen (ÖBB), plays a decisive role. The former operates a vehicle pool of some 1 600 buses produced by different manufacturers and pursues a determined diversified procurement strategy aimed at encouraging competition between suppliers, while the latter operates some 800 buses and similarly tends to operate a diversified procurement strategy.
- (71) Under these circumstances, the disappearance of Auwärter as a potential competitor does not give rise on the intercity bus market in Austria either to any competition misgivings about the merger.

6. THE INTERCITY BUS MARKET IN GERMANY AND AUSTRIA

- (72) According to the Commission's information, a total of 2 069 intercity buses were newly registered in Germany and Austria in 1999, corresponding to 33,9 % of all buses newly registered in both Member States. Taking the city bus markets in Germany and Austrian together, MAN had a market share of 20,2 % and Auwärter 14,2 % (giving a combined figure of 34,4 %), while EvoBus had 57,5 %. The balance of market power between MAN/Auwärter and EvoBus on a combined German/Austrian market is, therefore, essentially the same as that on the German market alone. The same conclusions as those reached above for Germany apply as regards the competition assessment (see recital 66).

7. THE TOURING COACH MARKET IN GERMANY

- (73) According to the Commission's information, a total of 1 773 touring coaches were newly registered in Germany in 1999, corresponding to 32,5 % of all newly registered buses in the country. EvoBus is the clear market leader (51,6 %), followed by Auwärter (19 %) and MAN (9,5 %).
- (74) The market investigation has shown that there is at present effective price competition on the German touring coach market. Unlike on the city and intercity bus markets, touring coach operators are in virtually all cases private companies that do not receive any state support and must therefore pay particular attention to the price/performance ratio when making new purchases⁽³²⁾.
- (75) Foreign suppliers⁽³³⁾ have contributed to competition on the touring coach market in Germany. They have been able to increase their market share from 10,3 % in 1994⁽³⁴⁾ to close on 20 % today. Admittedly, the touring coach market in Germany is characterised by a large number of small and medium-sized bus operators among whom in particular cooperation and joint purchasing arrangements are encountered less often than among city and intercity bus operators. Touring coaches are also not generally purchased via public tenders. What is more, most touring coach operators do not have their own maintenance facilities and are, therefore, dependent on the servicing offered by manufacturers or their authorised workshops. As the growing share of imports shows, however, these are not insuperable barriers to market access.
- (76) Against this background, the merger between MAN and Auwärter does not give rise to any competition concerns on the touring coach market in Germany. Nor is there any danger of collective market dominance by MAN/Auwärter, on the one hand, and the market leader EvoBus, on the other. Like the abovementioned increase in imports, the asymmetric market shares (MAN/Auwärter: 28,5 %; EvoBus: 51,6 %) also suggest that there is no danger of tacit coordination.

⁽³²⁾ As regards the price consciousness of private bus operators in particular, see the Decision Mercedes-Benz/Kässbohrer (see footnote 6), recital 51.

⁽³³⁾ These include the Belgian company Van Hool N.V., the Dutch manufacturers Autobusfabriek BOVA B.V. and Berkhof Jonckheere, the Swedish manufacturers Volvo Bus Corporation and Scania AB, and Irisbus (see footnote 1 of Table 1), recital 24.

⁽³⁴⁾ Decision Mercedes-Benz/Kässbohrer (see footnote 6), recital 62.

8. THE TOURING COACH MARKET IN AUSTRIA

- (77) According to the Commission's information, a total of 284 touring coaches were newly registered in Austria in 1999, corresponding to 43,8 % of all newly registered buses in the country. EvoBus is the clear market leader (63,4 %), followed by Auwärter (16,9 %), MAN (7,7 %) and Volvo (4,9 %). The non-German manufacturers were able in the past to increase their market share steadily to over 10 % and recorded a market share of 12 % in 1999.
- (78) The market investigation has shown that the conditions of competition on the touring coach market in Austria are not substantially different from those in Germany. This is particularly true of customer requirements in the technical field and, as regards quality; prices are also comparable and the same suppliers are active on the market. The conclusions reached for Germany (see recital 74 and following) can therefore be applied to Austria.

9. THE TOURING COACH MARKET IN GERMANY AND AUSTRIA

- (79) According to the Commission's information, a total of 2 057 touring coaches were newly registered in Germany and Austria in 1999, corresponding to 33,7 % of all newly registered buses in both Member States. Taking the touring coach markets in Germany and Austria together, MAN had a market share of 9,2 % and Auwärter 18,7 % (giving a combined figure of 27,9 %), while EvoBus had 53,2 %. The balance of market power between MAN/Auwärter and EvoBus on a combined German/Austrian market is, therefore, essentially the same as that on the German market alone. The same conclusions as those reached above for Germany apply as regards the competition assessment (see recital 74 and following).

10. THE TOURING COACH MARKET IN DENMARK

- (80) Statistically speaking, the merger will lead to an addition of market shares on the touring coach market in Denmark (MAN: 4,5 %; Auwärter: 16,9 %; combined figure: 21,4 %), with EvoBus remaining the clear market leader (48,3 %). However, MAN, unlike Auwärter, has supplied only chassis to Denmark and not complete buses; it operates, therefore, at a different level of the market than Auwärter. The fact that MAN even so has a share of the market in Denmark is attributable solely to the way in which registration statistics are compiled, showing as they do the chassis manufacturer as the bus manufacturer. Accordingly, this addition of market shares does not give rise to any competition concerns.

11. ASSESSMENT OF THE MERGER ON THE BASIS OF THE GEOGRAPHIC MARKET DEFINED BY MAN

- (81) Nor does the proposed merger give rise to any competition concerns on the basis of the geographic market proposed by MAN, which includes Italy, Belgium, Luxembourg, the Netherlands, France, Spain and Portugal as well as Germany and Austria. On that geographic market for city buses, Irisbus has a market share of 30,5 %, EvoBus 24,1 %, MAN/Auwärter 21,5 %, van Hool 5,5 % and Volvo and Scania 3,6 % each. In intercity buses, EvoBus has 33,6 %, Irisbus 32,7 % and MAN/Auwärter 18,46 %. On the market for touring coaches, EvoBus has 33 %, Irisbus 22,5 %, MAN/Auwärter 15,6 %, Volvo 7 % and Scania 6,2 % ⁽³⁵⁾.

VII. CONCLUSION

- (82) It can accordingly be assumed that the proposed transaction will not create or strengthen a dominant position as a result of which effective competition would be significantly impeded in the common market or in a substantial part thereof. Pursuant to Article 2(2) and Article 8(2) of the Merger Regulation and Article 57 of the EEA Agreement, therefore, the transaction should be declared compatible with the common market and with the EEA Agreement,

⁽³⁵⁾ All the figures are for 1999.

HAS ADOPTED THIS DECISION:

Article 1

The notified transaction whereby MAN Nutzfahrzeuge AG will acquire sole control of Gottlob Auwärter GmbH & Co., KG within the meaning of Article 3(1)(b) of the Merger Regulation is declared compatible with the common market and with the functioning of the EEA Agreement.

Article 2

This Decision is addressed to:

MAN Nutzfahrzeuge AG
Dachauer Straße 667
D-80995 München.

Done at Brussels, 20 June 2001.

For the Commission

Mario MONTI

Member of the Commission

COMMISSION DECISION
of 25 April 2002
amending Decision 2000/159/EC on the provisional approval of residue plans of third countries
according to Council Directive 96/23/EC

(notified under document number C(2002) 1520)

(Text with EEA relevance)

(2002/336/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 96/23/EC of 29 April 1996 on measures to monitor certain substances and residues thereof in live animals and animal products and repealing Directives 85/358/EEC and 86/469/EEC and Decisions 89/187/EEC and 91/664/EEC ⁽¹⁾, and in particular Article 29 thereof,

Having regard to Council Directive 72/462/EEC of 12 December 1972 on health and veterinary inspection problems upon importation of bovine and swine and fresh meat from third countries ⁽²⁾, as last amended by Regulation (EC) No 1452/2001 ⁽³⁾, and in particular Article 3 thereof,

Whereas:

(1) Commission Decision 2000/159/EC of 8 February 2000 on the provisional approval of residue plans of third countries according to Council Directive 96/23/EC ⁽⁴⁾, lists the third countries which have submitted a plan, setting out the guarantees offered by the third country as regards the monitoring of the groups of residues and substances referred to in Annex I to Directive 96/23/EC. Consequently, when these guarantees are not provided, the lists laid down by virtue of Council Decision 95/408/EC of 22 June 1995 on the conditions for drawing up, for an interim period, provisional lists of third country establishments from which Member States are authorised to import certain products of animal origin, fishery products or live bivalve molluscs ⁽⁵⁾, as last amended by Decision 2001/4/EC ⁽⁶⁾, should be amended in parallel with the modifications to the Annex to Decision 2000/159/EC. The public health concerns in relation to residues in products of animal origin make it necessary to approve and regularly update residue plans for such products.

(2) Under Council Directive 96/23/EC third countries must each year forward to the Commission the monitoring plans for the current year and the results of the previous year.

(3) When the guarantees foreseen under Directive 96/23/EC are not provided, lists laid down by virtue of Decision 95/408/EC should be suspended in parallel with the modifications to the Annex to Decision 2000/159/EC.

(4) With regard to China, the Annex to Decision 2000/159/EC should be brought in line with Commission Decision 2002/69/EC of 30 January 2002 concerning certain protective measures with regard to the products of animal origin imported from China ⁽⁷⁾.

(5) Some third countries have presented residue monitoring plans including results thereof to the Commission, but further evaluation, information or clarification is needed. Pending further evaluation, those third countries should be maintained in the Annex to Decision 2000/159/EC for the products concerned.

(6) Certain third countries submitted their monitoring plan after Decision 2000/159/EC was updated by Commission Decision 2001/487/EC ⁽⁸⁾. Pending further evaluation, those third countries should be included in the Annex to Decision 2000/159/EC for the products concerned.

(7) The situation of some other third countries regarding monitoring plans for certain species has changed since the adoption of Decision 2001/487/EC. Pending further evaluation, those third countries should be included in the Annex to Decision 2000/159/EC for the products concerned.

(8) Decision 2000/159/EC should therefore be amended accordingly.

⁽¹⁾ OJ L 125, 23.5.1996, p. 10.

⁽²⁾ OJ L 302, 31.12.1972, p. 28.

⁽³⁾ OJ L 198, 21.7.2001, p. 11.

⁽⁴⁾ OJ L 51, 24.2.2000, p. 30.

⁽⁵⁾ OJ L 243, 11.10.1995, p. 17.

⁽⁶⁾ OJ L 2, 5.1.2001, p. 21.

⁽⁷⁾ OJ L 30, 31.1.2002, p. 50.

⁽⁸⁾ OJ L 176, 29.6.2001, p. 68.

- (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,

Article 2

This Decision is addressed to the Member States.

HAS ADOPTED THIS DECISION:

Done at Brussels, 25 April 2002.

Article 1

The Annex to Decision 2000/159/EC is replaced by the text in the Annex to this Decision.

For the Commission

David BYRNE

Member of the Commission

ANNEX

ANNEX

The residue monitoring plans of the following third countries are provisionally approved on the basis of Council Directive 96/23/EC for the animals or primary animal products appearing with an "X" in the table.

Code ISO2	Country	Bovine	Ovine/caprine	Swine	Equine	Poultry	Aquaculture	Milk	Eggs	Rabbit	Wild game	Farmed game	Honey
AD	Andorra ⁽¹⁾	X	X		X								
AE	United Arab Emirates						X						
AF	Afghanistan		X ⁽²⁾										
AG	Antigua and Barbuda												
AL	Albania		X				X						
AM	Armenia												
AN	Netherlands Antilles												
AO	Angola												
AR	Argentina	X	X		X	X	X	X	X		X	X	X
AU	Australia	X	X	X	X	X	X	X	X	X	X	X	X
AZ	Azerbaijan												
BA	Bosnia and Herzegovina												
BD	Bangladesh		X ⁽²⁾				X						
BG	Bulgaria		X	X	X ⁽³⁾	X	X	X			X	X	X
BH	Bahrain		X ⁽²⁾										
BJ	Benin												
BR	Brazil	X	X ⁽²⁾	X	X	X	X	X				X	X
BS	Bahamas												
BW	Botswana	X											
BY	Belarus				X ⁽³⁾								
BZ	Belize												
CA	Canada	X	X	X	X	X	X	X	X		X	X	X
CH	Switzerland	X	X	X	X	X		X	X				
CI	Côte d'Ivoire												
CL	Chile	X ⁽²⁾	X	X	X ⁽²⁾	X	X				X	X	X
CM	Cameroon												

Code ISO2	Country	Bovine	Ovine/ caprine	Swine	Equine	Poultry	Aquaculture	Milk	Eggs	Rabbit	Wild game	Farmed game	Honey
CN	China		X ⁽²⁾	X ⁽²⁾									
CO	Colombia						X	X					
CR	Costa Rica	X ⁽²⁾	X ⁽²⁾	X ⁽²⁾			X						
CU	Cuba						X						X
CV	Cape Verde												
CY	Cyprus		X ⁽²⁾	X ⁽²⁾	X ⁽³⁾	X	X	X	X	X	X	X	X
CZ	Czech Republic	X	X	X	X ⁽³⁾	X	X	X	X	X	X	X	X
DZ	Algeria												
EC	Ecuador						X						
EE	Estonia	X	X	X	X ⁽³⁾	X	X	X	X				X
EG	Egypt		X ⁽²⁾										
ER	Eritrea						X						
ET	Ethiopia												
FJ	Fiji												
FK	Falklands Islands												
FO	Faeroe Islands						X						
GA	Gabon												
GD	Grenada												
GH	Ghana												
GL	Greenland		X		X ⁽³⁾						X	X	
GM	Gambia												
GN	Guinea												
GT	Guatemala						X						X
HK	Hong Kong ⁽⁴⁾												
HN	Honduras		X ⁽²⁾				X						
HR	Croatia	X	X	X	X ⁽³⁾	X	X	X	X	X	X	X	X
HU	Hungary	X	X	X	X ⁽³⁾	X	X	X	X	X	X	X	X
ID	Indonesia						X						

Code ISO2	Country	Bovine	Ovine/ caprine	Swine	Equine	Poultry	Aquaculture	Milk	Eggs	Rabbit	Wild game	Farmed game	Honey
IL	Israel					X	X	X	X			X	X
IN	India	X ⁽²⁾	X ⁽²⁾			X	X	X	X				X
IR	Iran		X ⁽²⁾				X						
IS	Iceland	X	X	X	X		X	X					
JM	Jamaica						X						
JP	Japan		X ⁽²⁾				X						
KE	Kenya												
KR	South Korea						X						
KW	Kuwait		X ⁽²⁾										
LB	Lebanon		X ⁽²⁾										
LK	Sri Lanka						X						
LT	Lithuania	X	X ⁽²⁾	X	X ⁽³⁾	X	X	X	X		X	X	X
LV	Latvia	X	X	X		X	X	X		X	X	X	
MA	Morocco		X ⁽²⁾				X						
MD	Moldova												X
MG	Madagascar						X						
MK	Former Yugoslav Republic of Macedonia ⁽²⁾	X	X		X ⁽³⁾			X					
MM	Myanmar												
MN	Mongolia		X ⁽²⁾										
MR	Mauritania												
MT	Malta	X	X	X	X ⁽³⁾	X	X	X	X	X			X
MU	Mauritius												
MV	Maldives												
MX	Mexico	X	X ⁽²⁾		X	X	X	X	X	X			X
MY	Malaysia					X ⁽⁶⁾	X						
MZ	Mozambique												
NA	Namibia	X	X				X					X	
NC	New Caledonia						X				X	X	

Code ISO2	Country	Bovine	Ovine/ caprine	Swine	Equine	Poultry	Aquaculture	Milk	Eggs	Rabbit	Wild game	Farmed game	Honey
NG	Nigeria												
NI	Nicaragua	X ⁽²⁾	X ⁽²⁾				X						X
NO	Norway ⁽⁷⁾	X	X	X		X	X	X	X		X	X	X
NZ	New Zealand	X	X		X		X	X			X	X	X
OM	Oman	X ⁽²⁾	X ⁽²⁾				X						
PA	Panama	X	X ⁽²⁾				X						
PE	Peru		X ⁽²⁾			X	X						
PF	French Polynesia												
PG	Papua New Guinea												
PH	Philippines						X						
PK	Pakistan	X ⁽²⁾	X ⁽²⁾										
PL	Poland	X	X	X	X	X	X	X	X	X	X	X	X
PM	St Pierre and Miquelon												
PY	Paraguay	X	X ⁽²⁾										
RO	Romania	X	X	X	X	X	X	X	X	X	X	X	X
RU	Russia				X ⁽³⁾							X ⁽⁸⁾	
SB	Solomon Islands												
SC	Seychelles						X						
SG	Singapore ⁽⁴⁾												
SH	St Helena												
SI	Slovenia	X		X	X ⁽³⁾	X	X	X	X	X	X	X	X
SK	Slovakia	X	X	X	X ⁽³⁾	X	X	X	X	X	X	X	X
SM	San Marino ⁽⁹⁾	X		X									X
SN	Senegal												
SR	Suriname						X						
SV	El Salvador												X
SY	Syria		X ⁽²⁾										
SZ	Swaziland	X											
TG	Togo												

Code ISO2	Country	Bovine	Ovine/ caprine	Swine	Equine	Poultry	Aquaculture	Milk	Eggs	Rabbit	Wild game	Farmed game	Honey
TH	Thailand					X	X						
TM	Turkmenistan		X ⁽²⁾										
TN	Tunisia		X ⁽²⁾		X ⁽³⁾	X	X				X	X	
TR	Turkey		X ⁽²⁾				X						X
TW	Taiwan						X						
TZ	Tanzania												X
UA	Ukraine				X ⁽³⁾								
UG	Uganda												
US	United States	X	X	X	X	X	X	X	X	X	X	X	X
UY	Uruguay	X	X		X		X	X		X	X		X
UZ	Uzbekistan		X ⁽²⁾										
VC	St Vincent and Grenadines												
VE	Venezuela												
VN	Vietnam						X						X
YE	Yemen												
YT	Mayotte						X						
YU	Former Republic of Yugoslavia	X	X	X	X ⁽³⁾								
ZA	South Africa	X	X	X		X	X	X		X	X	X	
ZM	Zambia												X
ZW	Zimbabwe	X					X					X	

(1) Initial residue monitoring plan approved by veterinary sub-group EC/Andorra (in accordance with Decision 2/1999 of EC/Andorra Joint Committee of 22 December 1999 — OJ L 31, 5.2.2000, p. 84).

(2) Only casings.

(3) Exports of live horses for slaughter (food producing animals only).

(4) Third country using only raw material from other approved third countries for food production.

(5) Appropriate denomination still under discussion at UN.

(6) Peninsular (western) Malaysia only.

(7) Monitoring plan approved in accordance with Decision of EFTA Surveillance Authority No 223/96/COL of 4 December 1996 (OJ L 78, 20.3.1997, p. 38).

(8) Only for reindeer from Murmansk region.

(9) Monitoring plan provided in accordance with Decision No 1/94 of the EC-San Marino Cooperation Committee of 28 June 1994 (OJ L 238, 13.9.1994, p. 25).'

COMMISSION DECISION
of 25 April 2002
amending Decision 94/278/EC as regards imports of honey

(notified under document number C(2002) 1523)

(Text with EEA relevance)

(2002/337/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 92/118/EEC of 17 December 1992 laying down animal health and public health requirements governing trade in and imports into the Community of products not subject to the said requirements laid down in specific Community rules referred to in Annex A(I) to Directive 89/662/EEC and, as regards pathogens, to Directive 90/425/EEC ⁽¹⁾, as last amended by Commission Decision 1999/724/EC ⁽²⁾, and in particular Article 10(2)(a) thereof,

Whereas:

- (1) Commission Decision 94/278/EC of 18 March 1994 drawing up a list of third countries from which Member States authorise imports of certain products subject to Council Directive 92/118/EEC ⁽³⁾, as last amended by Decision 2001/700/EC ⁽⁴⁾, specifies from which third countries Member States shall authorise imports of honey.
- (2) Tanzania has provided the Commission with the necessary guarantees with regard to the monitoring of residues and contaminants covered by Council Directive 96/23/EC of 29 April 1996 on measures to monitor certain substances and residues thereof in live animals and animal products and repealing Directives 85/358/EEC and 86/469/EEC and Decisions 89/187/EEC and 91/664/EEC ⁽⁵⁾, and was given provisional approval under Commission Decision 2000/159/EC of 8 February 2000 on the provisional approval of residue plans of third countries according to Council Directive 96/23/

EC ⁽⁶⁾, as last amended by Decision 336/2002/EC ⁽⁷⁾. Tanzania should therefore be included in the list contained in the Annex to Decision 94/278/EC.

- (3) As a result of Commission Decision 2002/69/EC of 30 January 2002 concerning certain protective measures with regard to the products of animal origin imported from China ⁽⁸⁾, China should be removed from the list contained in the Annex to Decision 94/278/EC.
- (4) Decision 94/278/EC should therefore be amended accordingly.
- (5) 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

The Annex to Decision 94/278/EC is amended in accordance with the Annex to this Decision.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 25 April 2002.

For the Commission

David BYRNE

Member of the Commission

⁽¹⁾ OJ L 62, 15.3.1993, p. 49.

⁽²⁾ OJ L 290, 12.11.1999, p. 32.

⁽³⁾ OJ L 120, 11.5.1994, p. 44.

⁽⁴⁾ OJ L 256, 25.9.2001, p. 14.

⁽⁵⁾ OJ L 125, 23.5.1996, p. 10.

⁽⁶⁾ OJ L 51, 24.2.2000, p. 30.

⁽⁷⁾ See page 51 of this Official Journal.

⁽⁸⁾ OJ L 30, 31.1.2002, p. 50.

ANNEX

Part XIV of the Annex to Decision 94/278/EC is replaced by the following:

'PART XIV**List of third countries from which Member States authorise imports of honey**

- (AR) Argentina
- (AU) Australia
- (BG) Bulgaria
- (BR) Brazil
- (CA) Canada
- (CL) Chile
- (CU) Cuba
- (CY) Cyprus
- (CZ) Czech Republic
- (EE) Estonia
- (GT) Guatemala
- (HR) Croatia
- (HU) Hungary
- (IL) Israel
- (IN) India
- (LT) Lithuania
- (MT) Malta
- (MX) Mexico
- (MD) Moldova
- (NI) Nicaragua
- (NZ) New Zealand
- (NO) Norway ⁽¹⁾
- (PL) Poland
- (RO) Romania
- (SI) Slovenia
- (SK) Slovakia
- (SM) San Marino ⁽²⁾
- (SV) El Salvador
- (TR) Turkey
- (TZ) Tanzania
- (US) United States
- (UY) Uruguay
- (VN) Vietnam
- (ZM) Zambia

⁽¹⁾ Approved in accordance with Decision of the EFTA Surveillance Authority No 223/96/COL of 4 December 1996.

⁽²⁾ Approved in accordance with Decision No 1/94 of the EC-San Marino Cooperation Committee of 28 June 1994.

COMMISSION DECISION

of 2 May 2002

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

(notified under document number C(2002) 1582)

(Text with EEA relevance)

(2002/338/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 72/462/EEC of 12 December 1972 on health and veterinary inspection problems upon importation of bovine, ovine and caprine animals and swine, fresh meat or meat products from third countries ⁽¹⁾, as last amended by Regulation (EC) No 1452/2001 ⁽²⁾, and in particular Article 14(3) thereof,

Whereas:

- (1) The animal health conditions and veterinary certification for imports into the Community of fresh meat from Argentina, Brazil, Chile, Colombia, Paraguay and Uruguay are laid down by Commission Decision 93/402/EEC of 10 June 1993 concerning animal health conditions and veterinary certification for imports of fresh meat from South American countries ⁽³⁾, as last amended by Decision 2002/198/EC ⁽⁴⁾.
- (2) Since the adoption of Decision 2002/198/EC, the epidemiological situation of foot-and-mouth disease in Argentina has been clarified in respect of the provinces of Chubut, Santa Cruz and Tierra del Fuego.
- (3) The Argentinian authorities have provided the documentation concerning the serology testing plan and interim results. The Office International des Epizoties has proposed that those provinces should be granted the status of foot-and-mouth disease 'free without vaccination'.
- (4) It is therefore appropriate to allow the importation into the Community of bone-in ovine, caprine and bovine

fresh meat from animals originating from those provinces which were slaughtered after 1 March 2002.

- (5) It is also opportune to update some footnotes in Annex II while not affecting the conditions.
- (6) Decision 93/402/EEC should therefore 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

Decision 93/402/EEC is amended as follows:

1. Annex I is replaced by the corresponding text in Annex I to this Decision;
2. Annex II is replaced by the corresponding text in Annex II to this Decision.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 2 May 2002.

For the Commission

David BYRNE

Member of the Commission

⁽¹⁾ OJ L 302, 31.12.1972, p. 28.

⁽²⁾ OJ L 198, 21.7.2001, p. 11.

⁽³⁾ OJ L 179, 22.7.1993, p. 11.

⁽⁴⁾ OJ L 66, 8.3.2002, p. 21.

ANNEX

ANNEX I

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

Country	Territory		Description of territory
	Code	Version	
Argentina	AR	01/2001	Whole country
	AR-1	04/2002	The provinces of Buenos Aires, Catamarca, Chaco, Córdoba, Corrientes, Entre Ríos, Formosa, Jujuy, La Pampa, La Rioja, Mendoza, Misiones, Neuquen, Rio Negro, Salta, San Juan, San Luis, Santa Fe, Santiago del Estero, and Tucumán
	AR-3	01/2002	Chubut, Santa Cruz and Tierra del Fuego
Brazil	BR	01/93	Whole country
	BR-1	02/2001	The States of Rio Grande do Sul; Paraná, Minas Gerais (except regional delegations of Oliveira, Passos, São Gonçalo de Sapucaí, Setelagoas and Bambuí), São Paulo, Espírito Santo, Mato Grosso do Sul (except for the municipalities of Sonora, Aquidauana, Bodoquena, Bonito, Caracol, Coxim, Jardim, Ladario, Miranda, Pedro Gomes, Porto Murinho, Rio Negro, Rio Verde of Mato Grosso and Corumba), Santa Catarina, Goiás and the regional units of Cuiaba (except for the municipalities of San Antonio de Leverger, Nossa Senhora do Livramento, Pocone and Barão de Melgaço), Caceres (except for the municipality of Caceres) Lucas do Rio Verde, Rondonopolis (except for the municipality of Itiquiora), Barra do Garças and Barra do Bugres in Mato Grosso
Chile	CL	01/93	Whole country
Colombia	CO	01/93	Whole country
	CO-1	01/93	The zone included within the following borderlines: from the point where the Murri River flows into the Atrato River, downstream along the Atrato River to where it flows into the Atlantic Ocean, from this point to the Panamanian border following the Atlantic coastline to Cabo Tiburon; from this point to the Pacific Ocean following the Columbian-Panamanian border: from this point to the mouth of the Valle River along the Pacific coast and from this point along a straight line to the point where the Murri River flows into the Atrato River.
	CO-2	01/93	The municipalities of Arboletas, Necocli, San Pedro de Uraba, Turbo, Apartado, Chigorodo, Mutata, Dabeiba, Uramita, Murindo, Riosucio (right bank of the Atrato river) and Frontino.
	CO-3	01/93	The zone included within the following borderlines: from the mouth of the Sinu river on the Atlantic Ocean, upstream along the Sinu river to its head waters of Alto Paramillo, from this point to Puerto Rey on the Atlantic Ocean, following the borderline between the department of Antiquia and Cordoba, and from this point to the mouth of the Sinu river along the Atlantic coast.
Paraguay	PY	01/93	Whole country
Uruguay	UY	01/2001	Whole country

ANNEX II

Animal health guarantees requested in certification ⁽¹⁾

Country	Territory	Model certificate for fresh meat excluding offal				Model certificate for offal								
		Species				of bovine animals					of ovines			of solipeds
		Bovine	Ovine-caprine	Porcine	Soliped	HC	MP				PF	HC	PF	
1	2						3	4						
Argentina	AR	—	—	—	D	—	—	—	—	—	—	—	—	D
	AR-1	A ⁽⁴⁾	—	—	D	—	—	—	—	—	F ⁽⁵⁾	—	—	D
	AR-3	B ⁽⁶⁾	B ⁽⁶⁾	—	D	B ⁽⁶⁾	B ⁽⁶⁾	B ⁽⁶⁾	B ⁽⁶⁾	B ⁽⁶⁾	B ⁽⁶⁾	B ⁽⁶⁾	B ⁽⁶⁾	D
Brazil	BR	—	—	—	D	—	—	—	—	—	—	—	—	D
	BR-1	A ⁽³⁾	—	—	D	—	—	—	—	—	F ⁽³⁾	—	—	D
Chile	CL	B	B	H	D	B	B	B	B	B	B	B	B	D
Colombia	CO	—	—	—	D	—	—	—	—	—	—	—	—	D
	CO-1	A	—	—	D	—	—	—	—	—	—	—	—	D
	CO-2	—	—	—	D	—	—	—	—	—	—	—	—	D
	CO-3	A	—	—	D	—	—	—	—	—	—	—	—	D
Paraguay	PY	A	—	—	D	—	—	—	—	—	F	—	—	D
Uruguay	UY	A ⁽²⁾	C ⁽²⁾	—	D	—	—	—	—	—	F	—	G	D

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

HC: Human consumption.

MP: Destined for heat-treated meat products industry:

1 = hearts

2 = livers

3 = masseter muscles

4 = tongues.

PF: Destined for the pet food industry.

⁽²⁾ Only to be used for deboned meat from animals slaughtered after 1 November 2001.

⁽³⁾ In the case of Rio Grande do Sul only to be used for deboned meat from bovine animals and offal for pet food from animals slaughtered after 30 November 2001.

⁽⁴⁾ Only to be used for deboned meat from bovine animals slaughtered after 31 January 2002, except in the cases of La Pampa and Santiago del Estero for which the date is 8 March 2002 and of Córdoba for which the date is 26 March 2002.

⁽⁵⁾ Only to be used for offal for pet food from bovine animals slaughtered after 31 January 2002, except in the cases of La Pampa and Santiago del Estero for which the date is 8 March 2002 and of Córdoba for which the date is 26 March 2002.

⁽⁶⁾ Only to be used for fresh meat (including offal) from ovine, caprine and bovine animals slaughtered after 1 March 2002 in the provinces of Chubut, Santa Cruz, Rio Negro south of the 42nd parallel and Tierra del Fuego.'

COMMISSION DECISION**of 2 May 2002****amending for the ninth time Decision 2000/284/EC establishing the list of approved semen collection centres for imports of equine semen from third countries***(notified under document number C(2002) 1583)***(Text with EEA relevance)**

(2002/339/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 92/65/EEC of 13 July 1992, laying down animal health requirements governing trade in and imports into the Community of animals, semen, ova and embryos not subject to animal health requirements laid down in specific Community rules referred to in Annex A(l) to Directive 90/425/EEC ⁽¹⁾, as last amended by Commission Decision 2001/298/EC ⁽²⁾, and in particular Article 17(3)(b) thereof,

Whereas:

- (1) Commission Decision 2000/284/EC ⁽³⁾, as last amended by Decision 2002/297/EC ⁽⁴⁾, established the list of approved semen collection centres for imports of equine semen from third countries.
- (2) The competent authorities of the United States of America officially informed the Commission of the approval in accordance with the provisions of Directive 92/65/EEC of two additional equine semen collection centres.
- (3) It is appropriate to amend the list in the light of new information received from the third country concerned,

and to highlight the amendments in the Annex for clarity.

- (4) 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

The Annex to Decision 2000/284/EC is replaced by the Annex to this Decision.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 2 May 2002.

For the Commission

David BYRNE

Member of the Commission⁽¹⁾ OJ L 268, 14.9.1992, p. 54.⁽²⁾ OJ L 102, 12.4.2001, p. 63.⁽³⁾ OJ L 94, 14.4.2000, p. 35.⁽⁴⁾ OJ L 101, 17.4.2002, p. 46.

- 1 Versión — Udgave — Fassung vom — Έκδοση — Version — Version — Versione — Versie — Versão — Tilanne — Version
- 2 Código ISO — ISO-kode — ISO-Code — Κωδικός ISO — ISO-code — Code ISO — Codice ISO — ISO-code — Código ISO — ISO-koodi — ISO-kod
- 3 Tercer país — Tredjeland — Drittland — Τρίτη χώρα — Third country — Pays tiers — Paese terzo — Derde land — País terceiro — Kolmas maa — Tredje land
- 4 Nombre del centro autorizado — Den godkendte stations navn — Name der zugelassenen Besamungsstation — Όνομα του εγκεκριμένου κέντρου — Name of approved centre — Nom du centre agréé — Nome del centro riconosciuto — Naam van het erkende centrum — Nome do centro aprovado — Hyväksytyn aseman nimi — Tjurstationens namn
- 5 Dirección del centro autorizado — Den godkendte stations adresse — Anschrift der zugelassenen Besamungsstation — Διεύθυνση του εγκεκριμένου κέντρου — Address of approved centre — Adresse du centre agréé — Indirizzo del centro riconosciuto — Adres van het erkende centrum — Endereço aprovado — Hyväksytyn aseman osoite — Tjurstationens adress
- 6 Autoridad competente en materia de autorización — Godkendelsesmyndighed — Zulassungsbehörde — Εγκρίνουσα αρχή — Approving authority — Autorité d'agrément — Autorità che rilascia il riconoscimento — Autoriteit die de erkenning heeft verleend — Autoridade de aprovação — Hyväksyntäviranomaisen — Godkännandemyndighet
- 7 Número de autorización — Godkendelsesnummer — Registriernummer — Αριθμός έγκρισης — Approval number — Numéro d'agrément — Numero di riconoscimento — Registratienummer — Número de aprovação — Hyväksyntänumero — Godkännandennummer
- 8 Fecha de la autorización — Godkendelsesdato — Zulassungsdatum — Ημερομηνία έγκρισης — Approval date — Date d'agrément — Data di approvazione — Datum van erkenning — Data da aprovação — Hyväksyntäpäivä — Datum för godkännandet

1: 10.4.2002

2	3	4	5	6	7	8
AE	UNITED ARAB EMIRATES (*)					
AR	ARGENTINA	Haras El Atalaya	91 Cuartel 17 Arrecifes Buenos Aires	SENASA	I-E14 (Integral-Equino 14)	27.3.1998
AU	AUSTRALIA	Alabar Bloodstock Corporation	Koyuga (Near Echuca) Victoria 3622			
AU		Beef Breeding Services, Qld DPI	Grindle Rd, Wacol Qld 4076			
AU		Kinnordy Stud Mr H. Schmorl	MS 465, Cambooya Qld 4358			
AU		Equine Artificial Breeding Services 'Lumeah'	Miriam Bentley Hume Highway Mullengandra NSW 2644	AQIS	NSW-AB-H-01	21.2.2001

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2	3	4	5	6	7	8
BB	BARBADOS ^(b)					
BG	BULGARIA					
BH	BAHRAIN ^(b)					
BM	BERMUDA ^(b)					
BO	BOLIVIA ^(b)					
BR	BRAZIL					
BY	BELARUS					
CA	CANADA	Ferme Canaco	89 Rang St. André St. Bernard de Lacolle Co. St. Jean, Quebec, J0J 1V0	CFIA	4-EQ-01	23.2.2000
CA		Amstrong Brothers	14709 Hurontario Street Inglewood, Ontario, L0N 1K0	CFIA	5-EQ-01	12.2.1997
CA		Zorgwijk Stables Ltd	508 Mt. Pleasant Road, R.R.2 Brantford, Ontario, N3T 5L5	CFIA	5-EQ-02	6.4.1999
CA		Tara Hills Stud	13700 Mast Road, R.R.4 Port Perry, Ontario, L9L 1B5	CFIA	5-EQ-03	26.1.2000
CA		Taylorlane Farm	R.R.2 Orton, Ontario, L0N 1N0	CFIA	5-EQ-04	13.1.2000
CA		Earl Lennox	R.R.2 Orton, Ontario, L0N 1N0	CFIA	5-EQ-05	15.3.2000
CA		Rideau Field Farm	756 Heritage Drive, R.R.4 Merrickville, Ontario, K0G 1N0	CFIA	5-EQ-06	4.5.1998

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2	3	4	5	6	7	8
CA		Glengate Farms	P.O. Box 220, 8343 Walker's Line Campbellville, Ontario, L0P 1B0	CFIA	5-EQ-07	31.1.1995
CA		Gencor The Genetic Corporation	R.R.5 Guelph Ontario, N1H 6J2	CFIA	5-EQ-08	10.1.1997
CA		Jou Veterinary Service	2409 Alps Road, R.R.1 Ayr Ontario, N0B 1E0	CFIA	5-EQ-09	30.10.2000
CA		AE Breeding Farm Dr Mike Zajac	19619 McGowan Road Mount Albert Ontario, L0G 1M0	CFIA	5-EQ-10	2.3.2000
CA		Equine Reproduction Services	Box 877, Turner Valley Alberta, T0L 2A0	CFIA	7-EQ-01	20.11.2000
CA		Meadowview Ilene Poole	23052 Twp Rd 521 Sherwood Park Alberta, T8B 1G6	CFIA	7-EQ-01	1.2.2002
CH	SWITZERLAND	Eidgenössisches Gestüt/Haras fédéral/Istituto Federale dell'allevamento equino Avenches	CH-1580 Avenches	Bundesamt für Veterinärwesen	CH-AI-4E	13.2.1997
CH		Besamungsstation Pferde, Gestüt Hanaya	Expohof CH-8165 Schleinikon	Bundesamt für Veterinärwesen	CH-AI-8E	6.5.1999
CL	CHILE					
CU	CUBA ^(b)					
CY	CYPRUS					
CZ	CZECH REPUBLIC					
DZ	ALGERIA					
EE	ESTONIA					
EG	EGYPT ^(b)					

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2	3	4	5	6	7	8
FK	FALKLAND ISLANDS					
GL	GREENLAND					
HK	HONG KONG ^(b)					
HR	CROATIA					
HU	HUNGARY					
IL	ISRAEL					
IS	ICELAND	Gunnarsholt	Saedingastod Gunnarsholti 851 Hella	Iceland Veterinary Services	H001	20.12.1999
JO	JORDAN ^(b)					
JP	JAPAN ^(b)					
KG	KYRGYZSTAN ^(b)					
KR	REPUBLIC OF KOREA ^(b)					
KW	KUWAIT ^(b)					
LB	LEBANON ^(b)					
LI	LITHUANIA					
LV	LATVIA					
LY	LIBYA ^(b)					
MA	MOROCCO					
MK ^(a)	FORMER YUGOSLAV REPUBLIC OF MACEDONIA					

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2	3	4	5	6	7	8
MO	MACAO ^(b)					
MT	MALTA					
MU	MAURITIUS					
MY	MALAYSIA (PENINSULA) ^(b)					
MX	MEXICO	CEPROSEM Club Hípico 'La Silla'	Monterrey Nuevo León	SAGARPA	02-19-05-96-E	2.8.2001
NZ	NEW ZEALAND					
OM	OMAN ^(b)					
PE	PERU ^(b)					
PL	POLAND					
PM	ST. PIERRE AND MIQUELON					
PY	PARAGUAY					
QA	QATAR ^(b)					
RO	ROMANIA					
RU	RUSSIA					
SA	SAUDI ARABIA ^(b)					
SG	SINGAPORE ^(b)					
SI	SLOVENIA					
SK	SLOVAK REPUBLIC					
SY	SYRIA ^(b)					
TH	THAILAND ^(b)					
TN	TUNISIA					

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2	3	4	5	6	7	8
UA	UKRAINE					
US	USA	The Old Place	PO box 90 Mt. Holly, AR 71758	APHIS	00AR001-EQS	19.7.2000
US		OS CEDROS, USA	8700 East Black Mountain Road Scottsdale, AZ 85262	APHIS	02AZ001-EQS	7.1.2002
US		Steve Cruse>Show Horses	29251 N. Hayden Road Scottsdale, AZ 85262	APHIS	02AZ002-EQS	28.1.2002
US		Kellog Arabian Horse Center	3801 W. Temple Ave Pomona, CA 71758	APHIS	97CA002-EQS	22.5.1997
US		Mariana Farm	Valley Center, CA 92082	APHIS	98CA001-EQS	14.11.1997
US		Advanced Equine Reproduction	1145 Arroyo Mesa Road Solvang, CA 93463	APHIS	98CA002-EQS	12.8.1997
US		Pacific International Genetics	14300 Jackson Road Sloughouse, CA 95683	APHIS	98CA003-EQS	23.1.1998
US		Alamo Pintado Equine Clinic	2501 Santa Barbara Ave Los Olivos, CA 93441	APHIS	98CA004-EQS	23.2.1998
US		Anaheim Hills Saddle Club	6352 E. Nohl Ranch Road Anaheim, CA 92807	APHIS	98CA005-EQS	23.3.1998
US		Valley Oak Ranch	10940 26 Mile Road Oakdale, CA 95361	APHIS	99CA006-EQS	2.4.1999
US		Jeff Oswood Stallion Station	21860 Ave. 160 Porterville, CA 93257	APHIS	99CA007-EQS	8.4.1999
US		Magness Racing Ventures	4050 Casey Ave Santa Ynez, CA 93460	APHIS	00CA008-EQS	10.12.1999
US		Crawford Stallion Services	34520 DePortola Termecula, CA 92592	APHIS	00CA010-EQS	20.1.2000
US		Exclusively Equine Reproduction	28753 Valley Center Road Temecula, CA 92082	APHIS	00CA011-EQS	2.3.2000

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2	3	4	5	6	7	8
US		Santa Lucia Farms	1924 W. Hwy 154 Santa Ynez, CA 93460	APHIS	01CA012-EQSE	16.2.2001
US		Specifically Equine Veterinary Service	910 W. Hwy 246 Buellton, CA 93427	APHIS	01CA013-EQS	20.5.1997
US		Bishop Lane Farms	5525 Volkerts Road Sabastopol, CA 95472	APHIS	01CA014-EQSE	19.3.2001
US		Hunter Stallion Station	10163 Badger Creek Lane Wilton, CA 95693	APHIS	02CA016-EQS	14.2.2002
US		Colorado State University Equine Reproduction Center	3194 Rampart Road Fort Collins, CO 80523	APHIS	02CO001-EQS	13.2.2002
US		Candlewood Equine	2 Beaver Pond Lane Bridgewater, CT 06752	APHIS	00CT001-EQS	1.3.2000
US		Windbank Farm	1620 Choptank Road Middletown, DE 19075	APHIS	01DE001-EQS	7.6.2001
US		Peterson & Smith Reproduction Center	15107 S.E. 47th Ave Summerfield, FL 34491	APHIS	00FL001-EQS	10.1.2000
US		Silver Maple Farm	6621 Daniels Road Naples, FL 34109	APHIS	00FL002-EQS	26.1.2000
US		University of Florida College of Veterinary Medicine	2015 SW 16th Avenue Gainesville, FL 32601	APHIS	01FL003-EQS	15.5.2001
US		Double L Quarter Horse	1881 E. Berry Road Cedar Rapids, IA 52403	APHIS	96IA001-EQS	2.1.1996
US		Jim Dudley Quarter Horses	Rt. 1, Box 137 Latimer, IA 50452	APHIS	98IA002-EQS	26.5.1998
US		Grandview Farms	123 West 200 South Huntington, IN 46750	APHIS	99IN001-EQS	16.12.1999
US		Ed Mulick	4333 Straightline Pike Richmond, IN 47374	APHIS	00IN002-EQS	13.3.2000
US		Gumz Farms Quarter Horses	7491 S 100 W North Judson, IN 46366	APHIS	00IN003-EQS	3.7.2000

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2	3	4	5	6	7	8
US		White River Equine Centre	707 Edith Ave Noblesville, IN 46060	APHIS	01IN004-EQS	15.3.2001
US		Meadowbrook Farms	3400S. 143rd Street East Wichita, KS 67232	APHIS	01KS001-EQS	28.2.2001
US		Kentuckiana Farm	PO box 11743 Lexington, KY 40577	APHIS	97KY001-EQS	16.10.1997
US		Castleton Farm	2469 Iron Works Pike PO box 11889 Lexington, KY 40511	APHIS	98KY002-EQS	13.8.1998
US		Autumn Lane Farm	371 Etter Lane Georgetown, KY 40324	APHIS	01KY001-EQS	19.10.2001
US		Hamilton Farm	66 Woodland Mead PO box 2639 South Hamilton, MA 01982	APHIS	98MA001-EQS	30.3.1998
US		Select Breeders Service, Inc.	1088 Nesbitt Road Colora, MD 21917	APHIS	98MD001-EQS	3.11.1997
US		Imperial Egyptian Stud	2642 Mt. Carmel Road Parkton, MD 21120	APHIS	00MD002-EQS	18.7.2000
US		Harris Paints	27720 Possum Hill Road Federalsburg, MD 21632	APHIS	00MD003-EQS	25.9.2000
US		Midwest Station II	16917 70th St. NE Elk River, MN 55330	APHIS	00MN001-EQS	16.5.2000
US		Anoka Equine Veterinary Services	16445 NE 70th St. Elk River, MN 55330	APHIS	01MN001-EQS	17.12.2001
US		Schemel Stables Collection Facility	986 PCR, Co. Road 810 Perryville, MO 63775	APHIS	99MO001-EQS	15.12.1999
US		Equine Reproduction Facility	137 Speaks Road Advance, NC 27006	APHIS	97NC001-EQS	21.8.1997
US		Walnridge Farm, Inc.	Hornerstown-Arneytown Road Cream Ridge, NJ 08514	APHIS	96NJ003-EQS	14.8.1996

2	3	4	5	6	7	8
US		Cedar Lane Farm	40 Lambertville Headquarters Road Lambertville, NJ 08530	APHIS	96NJ004-EQS	4.9.1996
US		Peretti's Farm	Route 526, Box 410 Cream Ridge, NJ 08514	APHIS	97NJ005-EQS	17.3.1997
US		Kentuckiana Farm of NJ	18 Archertown Road New Egypt, NJ 08533	APHIS	99NJ006-EQS	30.7.1999
US		Southwind Farm	29 Burd Road Pennington, NJ 08534	APHIS	00NJ007-EQS	13.7.2000
US		Blue Chip Farm	807 Hogagherburgh Road Wallkill, NY 12589	APHIS	96NY001-EQS	31.8.2000
US		Sunny Gables Farm	282 Rt. 416 Montgomery, NY 12549	APHIS	00NY002-EQS	24.7.2000
US		Autumn Lane Farm	7901 Panhandle Road Newark, OH 43056	APHIS	99OH001-EQS	19.5.1999
US		Good Version	5224 Dearth Road Springboro, OH 45062	APHIS	01OH001-EQS	3.8.2001
US		Paws UP Quarter Horses	Route 1, Box 43-1 Purcell, OK 73080	APHIS	00OK002-EQS	11.4.2000
US		Bryant Ranch	11777 NW Oak Ridge Road Yamhill, OR 97148	APHIS	98OR001-EQS	19.2.1998
US		Honalee Equine Semen Collection Facility	14005 SW Tooze Road Sherwood, OR 97140	APHIS	99OR001-EQS	26.10.1999
US		Kosmos Horse Breeders	372 Littlestown Road Littlestown, PA 17340	APHIS	97PA001-EQS	19.3.1997
US		Hanover Shoe Farm	Route 194 South PO box 339 Hanover, PA 17331	APHIS	97PA002-EQS	28.3.1997
US		Nandi Veterinary Associates	3244 West Sieling Road New Freedom, PA 17349	APHIS	97PA003-EQS	22.9.1997
US		Cryo-Star International	223 Old Philadelphia Pike Douglassville, PA 19518	APHIS	01PA005-EQS	29.5.2001

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2	3	4	5	6	7	8
US		Hempt Farms	250 Hempt Road Mechanicsburg, PA 17050	APHIS	01PA006-EQS	16.8.2001
US		Babcock Ranch Semen Collection Center	Rt. 2, Box 357 Gainsville, TX 76240	APHIS	97TX001-EQS	2.6.1997
US		Select Breeders	Rt. 3, Box 196 Aubrey, TX 76227	APHIS	97TX002-EQS	1.2.1997
US		Floyd Moore Ranch	Route 2, Box 293 Huntsville, TX 77340	APHIS	98TX003-EQS	12.5.1998
US		Bluebonnet Farm	746 FM 529 Bellville, TX 77418	APHIS	00TX007-EQS	25.1.2000
US		Alpha Equine Breeding Center	2301 Boyd Road Granbury, TX 76049	APHIS	00TX008-EQS	28.2.2000
US		Joe Landers Breeding Facility	4322 Tintop Road Weatherford, TX 76087	APHIS	00TX010-EQS	11.4.2000
US		Willow Tree Farm	10334 Strittmatter Pilot Point, TX 76258	APHIS	00TX011-EQS	28.4.2000
US		Green Valley Farm	3952 PR 2718 Aubrey, TX 76227	APHIS	00TX012-EQS	28.4.2000
US		6666 Ranch	PO box 130 Guthrie, TX 79236	APHIS	00TX013-EQS	17.10.2000
US		Michael Byatt Arabians	7716 Red Bird Road New Ulm, TX 78950	APHIS	00TX014-EQSE	9.11.2000
US		DLR Ranch	5301 FM 1885 Weatherford, TX 76088	APHIS	01TX015A-EQSE	7.2.2001
US		RB Quarter Horse	1346 Prarie Grove Road Valley View, TX 76272	APHIS	01TX017-EQS	22.10.2001
US		LKA, Inc.	360 Leea Lane Weatherford, TX 76087	APHIS	01TX018-EQS	6.11.2001
US		Roanoke AI Labs, Inc.	8535 Martin Creek Road Roanoke, VA 20401	APHIS	96VA001-EQS	14.11.1996

1: 10.4.2002

2	3	4	5	6	7	8
US		Commonwealth Equine Reproduction Center	16078 Rockets Mill Road Doswell, VA 23047	APHIS	00VA002-EQS	9.8.2000
US		Hass Quarter Horses	W9821 Hwy 29 Shawano, WI 54166	APHIS	97WI001-EQS	29.5.1997
US		Battle Hill Farm	HC 40, Box 9 Lewisburg, WV 24901	APHIS	01WV001	13.11.2001
US		Snowy Range Ranch	251 Mandel Lane Laramie, WY 82070	APHIS	01WY001-EQS	1.2.2001
UY	URUGUAY					
ZA	SOUTH AFRICA ^(b)					

^(a) Código provisional que no afecta a la denominación definitiva del país que será asignada cuando concluyan las negociaciones en curso en las Naciones Unidas — Foreløbig kode, som ikke foregriber den endelige betegnelse af landet, der skal tildeles, når de igangværende forhandlinger i FN er afsluttet — Provisorischer Code, der in nichts der endgültigen Bezeichnung des Landes vorgreift, die bei Schlussfolgerung der momentan laufenden Verhandlungen in diesem Zusammenhang im Rahmen der Vereinten Nationen genehmigt wird — Προσωρινός κωδικός που δεν επηρεάζει τον οριστικό τίτλο της χώρας που θα δοθεί μετά την περάτωση των διαπραγματεύσεων που πραγματοποιούνται επί του παρόντος στα Ηνωμένα Έθνη — Provisional code that does not affect the definitive denomination of the country to be attributed after the conclusion of the negotiations currently taking place in the United Nations — Code provisoire ne préjugeant pas de la dénomination définitive du pays qui sera arrêtée à l'issue des négociations en cours dans le cadre des Nations unies — Codice provvisorio senza effetti sulla denominazione definitiva del paese che sarà attribuita dopo la conclusione dei negoziati in corso presso le Nazioni Unite — Voorlopige code die geen gevolgen heeft voor de definitieve benaming die aan het land wordt gegeven op grond van de onderhandelingen die momenteel in het kader van de Verenigde Naties worden gevoerd — Código provisório que não afecta a denominação definitiva do país a ser atribuída após a conclusão das negociações actualmente em curso nas Nações Unidas — Väliaikainen koodi, joka ei vaikuta maan lopulliseen nimeen, joka annetaan tällä hetkellä Yhdistyneissä Kansakunnissa meneillään olevien neuvottelujen päätteeksi — Provisorisk kod som inte påverkar det slutgiltiga landsnamnet som skall anges när de pågående förhandlingarna i Förenta nationerna slutförts.

^(b) Sólo esperma procedente de caballos registrados — Kun sæd fra registrerede heste — Nur Samen von registrierten Pferden — Μόνο σπέρμα που συλλέχθηκε από καταγεγραμμένους ίππους — Only semen collected from registered horses — Sperme provenant uniquement de chevaux enregistrés — Solamente sperma raccolto da cavalli registrati — Enkel sperma verzameld van geregistreerde paarden — Apenas sémen colhido de cavalos registrados — Ainoastaan rekisteröidyistä hevosista kerätty siemenneste — Bara sperma insamlad från registrerade hästar.

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

COUNCIL COMMON POSITION
of 2 May 2002
updating Common Position 2001/931/CFSP on the application of specific measures to combat terrorism

(2002/340/CFSP)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Articles 15 and 34 thereof,

Whereas:

- (1) On 27 December 2001, the Council adopted Common Position 2001/931/CFSP on the application of specific measures to combat terrorism ⁽¹⁾.
- (2) Common Position 2001/931/CFSP provides for a review at regular intervals.
- (3) It is necessary to update the Annex to Common Position 2001/931/CFSP,

HAS ADOPTED THIS COMMON POSITION:

Article 1

The list of persons, groups and entities to which Common Position 2001/931/CFSP applies is contained in the Annex.

Article 2

This Common Position shall take effect on the date of its adoption.

Article 3

This Common Position shall be published in the Official Journal.

Done at Brussels, 2 May 2002.

For the Council
The President
J. PIQUÉ I CAMPS

⁽¹⁾ OJ L 344, 28.12.2001, p. 93.

ANNEX

List of persons, groups and entities referred to in Article 1⁽¹⁾

1. PERSONS

1. * ABAUNZA MARTINEZ, Javier (E.T.A. Activist) born 1.1.1965 in Guernica (Biscay), identity card No 78.865.882
2. * ALBERDI URANGA, Itziar (E.T.A. Activist) born 7.10.1963 in Durango (Biscay), identity card No 78.865.693
3. * ALBISU IRIARTE, Miguel (E.T.A. Activist; Member of Gestoras Pro-amnistía) born 7.6.1961 in San Sebastián (Guipúzcoa), identity card No 15.954.596
4. * ALCALDE LINARES, Angel (E.T.A. Activist; Member of Herri Batasuna/E.H/Batasuna) born 2.5.1943 in Portugalete (Biscay), identity card 14.390.353
5. AL-MUGHASSIL, Ahmad Ibrahim (a.k.a. ABU OMRAN; a.k.a. AL-MUGHASSIL, Ahmed Ibrahim) born 26.6.1967 in Qatif-Bab al Shamal, Saudi Arabia; citizen Saudi Arabia
6. AL-NASSER, Abdelkarim Hussein Mohamed, born in Al Ihsa, Saudi Arabia; citizen Saudi Arabia
7. AL YACOUB, Ibrahim Salih Mohammed, born 16.10.1996 in Tarut, Saudi Arabia; citizen Saudi Arabia
8. * APAOLAZA SANCHO, Iván (E.T.A. Activist; Member of K.Madrid) born 10.11.1971 in Beasain (Guipúzcoa), identity card No 44.129.178
9. * ARZALLUS TAPIA, Eusebio (E.T.A. Activist) born 8.11.1957 in Regil (Guipúzcoa), identity card No 15.927.207
10. ATWA, Ali (a.k.a. BOUSLIM, Ammar Mansour; a.k.a. SALIM, Hassan Rostom), Lebanon, born 1960 in Lebanon; citizen Lebanon
11. * BERASATEGUI ESCUDERO, Ismael (E.T.A. Activist; Member of K.Behorburu) born 15.6.1969 in Eibar (Guipúzcoa), identity card No 15.379.555
12. * ELCORO AYASTUY, Paulo (E.T.A. Activist; Member of Jarrai/Haika/Segi) born 22.10.1973 in Vergara (Guipúzcoa), identity card No 15.394.062
13. EL-HOORIE, Ali Saed Bin Ali (a.k.a. AL-HOURI, Ali Saed Bin Ali; a.k.a. EL-HOURI, Ali Saed Bin Ali) born 10.7.1965 alt. 11.7.1965 in El Dibabiya, Saudi Arabia; citizen Saudi Arabia
14. * FIGAL ARRANZ, Antonio Agustín (E.T.A. Activist; Member of Kas/Ekin) born 2.12.1972 in Baracaldo (Biscay), identity card No 20.172.692
15. * GALLASTEGUI SODUPE, Lexuri (E.T.A. Activist; Member of K.Madrid), born 18.6.1969 in Bilbao (Biscay), identity card No 16.047.113
16. * GOGEASCOECHEA ARRONATEGUI, Eneko (E.T.A. Activist), born 29.4.1967 in Guernica (Biscay), identity card No 44.556.097
17. * GOIRICELAYA GONZALEZ, Cristina (E.T.A. Activist; Member of Herri Batasuna/E.H/Batasuna), born 23.12.1967 in Vergara (Guipúzcoa), identity card No 16.282.556
18. * IPARRAGUIRRE GUENECHEA, Ma Soledad (E.T.A. Activist) born 25.4.1961 in Escoriaza (Navarra), identity card No 16.255.819
19. IZZ-AL-DIN, Hasan (a.k.a. GARBAYA, AHMED; a.k.a. SA-ID; a.k.a. SALWWAN, Samir), Lebanon, born 1963 in Lebanon, citizen Lebanon
20. MOHAMMED, Khalid Shaikh (a.k.a. ALI, Salem; a.k.a. BIN KHALID, Fahd Bin Adballah; a.k.a. HENIN, Ashraf Refaat Nabith; a.k.a. WADOOD, Khalid Adbul) born 14.4.1965 alt. 1.3.1964 in Kuwait; citizen Kuwait
21. * MORCILLO TORRES, Gracia (E.T.A. Activist; Member of Kas/Ekin) born 15.3.1967 in San Sebastián (Guipúzcoa), identity card No 72.439.052
22. * MÚGICA GOÑI, Ainhoa (E.T.A. Activist) born 27.6.1970 in San Sebastián (Guipúzcoa), identity card No 34.101.243
23. MUGHNIYAH, Imad Fa'iz (a.k.a. MUGHNIYAH, Imad Fayiz), Senior Intelligence Officer of HIZBALLAH, born 7.12.1962 in Tayr Dibba, Lebanon, passport No 432298 (Lebanon)
24. * MUÑO A ORDOZGOITI, Aloña (E.T.A. Activist; Member of Kas/Ekin) born 6.7.1976 in Segura (Guipúzcoa), identity card No 35.771.259
25. * NARVÁEZ GOÑI, Juan Jesús (E.T.A. Activist) born 23.2.1961 in Pamplona (Navarra), identity card No 15.841.101

⁽¹⁾ Persons marked with an * shall be the subject of Article 4 only.

26. * OLARRA GURIDI, Juan Antonio (E.T.A. Activist) born 11.9.1967 in San Sebastián (Guipúzcoa), identity card No 34.084.504
27. * ORBE SEVILLANO, Zigor (E.T.A. Activist; Member of Jarrai/Haika/Segi) born 22.9.1975 in Basauri (Biscay), identity card No 45.622.851
28. * OTEGUI UNANUE, Mikel (E.T.A. Activist; Member of Jarrai/Haika/Segi) born 8.10.1972 in Itsasondo (Guipúzcoa), identity card No 44.132.976
29. * PALACIOS ALDAY, Gorka (E.T.A. Activist; Member of K. Madrid), born 17.10.1974 in Baracaldo (Biscay), identity card No 30.654.356
30. * PEREZ ARAMBURU, Jon Iñaki (E.T.A. Activist; Member of Jarrai/Haika/Segi) born 18.9.1964 in San Sebastián (Guipúzcoa), identity card No 15.976.521
31. * QUINTANA ZORROZUA, Asier (E.T.A. Activist; Member of K. Madrid), born 27.2.1968 in Bilbao (Biscay), identity card No 30.609.430
32. * RUBENACH ROIG, Juan Luis (E.T.A. Activist; Member of K. Madrid), born 18.9.1964 in Bilbao (Biscay), identity card No 18.197.545
33. * SAEZ DE EGUILAZ MURGUIONDO, Carlos (E.T.A. Activist; Member of Kas/Ekin) born 9.12.1963 in San Sebastián (Guipúzcoa), identity card No 15.962.687
34. * URANGA ARTOLA, Kemen (E.T.A. Activist; Member of Herri Batasuna/E.H/Batasuna) born 25.5.1969 in Ondarroa (Biscay), identity card No 30.627.290
35. * VILA MICHELENA, Fermín (E.T.A. Activist; Member of Kas/Ekin) born 12.3.1970 in Irún (Guipúzcoa), identity card No 15.254.214
36. * ZUBIAGA BRAVO, Manex (E.T.A. Activist; Member of K.Madrid), born 14.8.1979 in Getxo (Biscay), identity card No 16.064.664

2. GROUPS AND ENTITIES

1. Aum Shinrikyo (a.k.a. AUM, a.k.a. Aum Supreme Truth, a.k.a. Aleph)
2. Babbar Khalsa
3. * Continuity Irish Republican Army (CIRA)
4. * Euskadi Ta Askatasuna/Tierra Vasca y Libertad/Basque Fatherland and Liberty (E.T.A.)
(The following organisations are part of the terrorist group E.T.A.: K.a.s., Xaki, Ekin, Jarrai-Haika-Segi, Gestoras pro-amnistía, Askatasuna)
5. Gama'a al-Islamiyya (Islamic Group), (a.k.a. Al-Gama'a al-Islamiyya, IG)
6. * Grupos de Resistencia Antifascista Primero de Octubre/Antifascist Resistance Groups First of October (G.R.A.P.O.)
7. Hamas-Izz al-Din al-Qassem (terrorist wing of Hamas)
8. International Sikh Youth Federation (ISYF)
9. Kurdistan Workers' Party (PKK)
10. Lashkar e Tayyaba (LET)/Pashan-e-Ahle Hadis
11. * Loyalist Volunteer Force (LVF)
12. Mujahedin-e Khalq Organisation (MEK or MKO) [minus the 'National Council of Resistance of Iran' (NCRI)] (a.k.a. The National Liberation Army of Iran (NLA, the militant wing of the MEK), the People's Mujahidin of Iran (PMOI), National Council of Resistance (NCR), Muslim Iranian Student's Society)
13. * Orange Volunteers (OV)
14. Palestinian Islamic Jihad (PIJ)
15. * Real IRA
16. * Red Hand Defenders (RHD)
17. * Revolutionary Nuclei/Epanastatiki Pirines
18. * Revolutionary Organisation 17 November/Dekati Evdomi Noemvri
19. Revolutionary People's Liberation Army/Front/Party (DHKP/C), (a.k.a. Devrimci Sol (Revolutionary Left), Dev Sol)
20. * Revolutionary Popular Struggle/Epanastatikos Laikos Agonas (ELA)
21. Shining Path (SL) (Sendero Luminoso)
22. * Ulster Defence Association/Ulster Freedom Fighters (UDA/UFF)
23. United Self-Defense Forces/Group of Colombia (AUC) (Autodefensas Unidas de Colombia)