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Legislation

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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EC) No 1229/2002
of 9 July 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 10 July 2002.

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

Done at Brussels, 9 July 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 9 July 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	83,4	
	999	83,4	
0707 00 05	052	83,4	
	999	83,4	
0709 90 70	052	73,3	
	999	73,3	
0805 50 10	388	49,6	
	524	77,1	
	528	59,6	
	804	121,8	
	999	77,0	
0808 10 20, 0808 10 50, 0808 10 90	388	88,1	
	400	105,8	
	404	75,2	
	508	83,3	
	512	85,7	
	524	46,9	
	528	79,2	
	720	91,2	
	804	97,8	
	999	83,7	
	0808 20 50	388	98,4
		512	81,7
		528	76,6
800		92,6	
804		117,9	
0809 10 00	999	93,4	
	052	188,9	
	064	146,4	
0809 20 95	999	167,7	
	052	339,2	
	060	140,2	
	061	238,7	
	068	140,2	
	400	247,1	
	616	275,4	
0809 40 05	999	230,1	
	064	150,2	
	999	150,2	

⁽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 1230/2002

of 9 July 2002

amending Regulation (EC) No 901/2002 opening an invitation to tender for the refund for the export of barley to all third countries except the United States of America, Canada, Estonia and Latvia

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 1501/95 of 29 June 1995 laying down certain detailed rules for the application of Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals ⁽³⁾, as last amended by Regulation (EC) No 1163/2002 ⁽⁴⁾, and in particular Article 4 thereof,

Whereas:

- (1) Commission Regulation (EC) No 901/2002 ⁽⁵⁾ opens an invitation to tender for the refund for the export of barley to all third countries except the United States of America, Canada, Estonia and Latvia.
- (2) The markets in barley are increasingly determined by the final use to which it is put and, as a result, the country of destination. In the current market situation, the grant of refunds should be limited to certain destinations that use only feed barley.
- (3) In view of this new distinction, the derogation provided for in Article 5 of Regulation (EC) No 901/2002 should

be removed and thus proof of arrival at destination should be required for payment of the refund.

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 901/2002 is amended as follows:

1. the title is replaced by the following:
'Commission Regulation (EC) No 901/2002 of 30 May 2002 opening an invitation to tender for the refund for the export of barley to certain third countries;'
2. Article 1(2) is replaced by the following:
'2. The invitation to tender shall cover barley for export to Algeria, Saudi Arabia, Bahrain, Cyprus, Egypt, the United Arab Emirates, Malta, Iran, Iraq, Israel, Jordan, Kuwait, Lebanon, Libya, Morocco, Mauritania, Oman, Qatar, Syria, Tunisia and Yemen.'
3. Article 5 is deleted.

*Article 2*This Regulation shall enter into force on the day of its publication in the *Official Journal of the European Communities*.

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

Done at Brussels, 9 July 2002.

For the Commission

Franz FISCHLER

Member of the Commission⁽¹⁾ OJ L 181, 1.7.1992, p. 21.⁽²⁾ OJ L 193, 29.7.2000, p. 1.⁽³⁾ OJ L 147, 30.6.1995, p. 7.⁽⁴⁾ OJ L 170, 29.6.2002, p. 46.⁽⁵⁾ OJ L 142, 31.5.2002, p. 17.

COMMISSION REGULATION (EC) No 1231/2002
of 9 July 2002
prohibiting fishing for cod by vessels flying the flag of Sweden

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2847/93 of 12 October 1993 establishing a control system applicable to the common fisheries policy ⁽¹⁾, as last amended by Regulation (EC) No 2846/98 ⁽²⁾, and in particular Article 21(3) thereof,

Whereas:

- (1) Council Regulation (EC) No 2555/2001 of 18 December 2001 fixing for 2002 the fishing opportunities and associated conditions for certain fish stocks and groups of fish stocks, applicable in Community waters and, for Community vessels, in waters where limitations in catch are required ⁽³⁾, lays down quotas for cod for 2002.
- (2) In order to ensure compliance with the provisions relating to the quantity limits on catches of stocks subject to quotas, the Commission must fix the date by which catches made by vessels flying the flag of a Member State are deemed to have exhausted the quota allocated.
- (3) According to the information received by the Commission, catches of cod in the waters of ICES division IIa (EC waters), North Sea, by vessels flying the flag of Sweden

or registered in Sweden have exhausted the quota allocated for 2002. Sweden has prohibited fishing for this stock from 24 June 2002. This date should be adopted in this Regulation also,

HAS ADOPTED THIS REGULATION:

Article 1

Catches of cod in the waters of ICES division IIa (EC waters), North Sea, by vessels flying the flag of Sweden or registered in Sweden are hereby deemed to have exhausted the quota allocated to Sweden for 2002.

Fishing for cod in the waters of ICES division IIa (EC waters), North Sea, by vessels flying the flag of Sweden or registered in Sweden is hereby prohibited, as are the retention on board, transshipment and landing of this stock caught by the above vessels after the date of application of this Regulation.

Article 2

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

It shall apply from 24 June 2002.

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

Done at Brussels, 9 July 2002.

For the Commission
Franz FISCHLER
Member of the Commission

⁽¹⁾ OJ L 261, 20.10.1993, p. 1.

⁽²⁾ OJ L 358, 31.12.1998, p. 5.

⁽³⁾ OJ L 347, 31.12.2001, p. 1.

COMMISSION REGULATION (EC) No 1232/2002

of 9 July 2002

replacing the Annex to Council Regulation (EEC) No 3677/90 laying down measures to be taken to discourage the diversion of certain substances to the illicit manufacture of narcotic drugs and psychotropic substances and amending Regulation (EEC) No 3769/92

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Community,

Article 1

The Annex to Regulation (EEC) No 3677/90 is replaced by Annex 1 of this Regulation.

Having regard to Council Regulation (EEC) No 3677/90 of 13 December 1990 laying down measures to be taken to discourage the diversion of certain substances to the illicit manufacture of narcotic drugs and psychotropic substances⁽¹⁾, as amended by Regulation (EC) No 988/2002⁽²⁾, and in particular Article 9a thereof,

Article 2

Regulation (EEC) No 3769/92 is amended as follows:

1. Article 2 is replaced by the following text:

*'Article 2***Specific export requirements for scheduled substances listed in Category 2**

Pursuant to Article 5(2) of the basic Regulation, exports of scheduled substances listed in Category 2 are subject *mutatis mutandis* to the provisions of Articles 4 and 4a of the basic Regulation whenever they are intended for an operator established in a country which is listed and published in the *Official Journal of the European Communities* C series. These lists shall be regularly updated by the European Commission.;

Having regard to Commission Regulation (EEC) No 3769/92 of 21 December 1992 implementing and amending Council Regulation (EEC) No 3677/90 laying down measures to be taken to discourage the diversion of certain substances to the illicit manufacture of narcotic drugs and psychotropic substances⁽³⁾, as last amended by Regulation (EC) No 1251/2001⁽⁴⁾,

Whereas:

2. Article 3 is replaced by the following text:

*'Article 3***Specific export requirements for scheduled substances listed in Category 3**

Without prejudice to more specific requirements to be determined on the basis of agreements with the countries concerned, exports of scheduled substances in Category 3 are subject, pursuant to Article 5a(2) of the basic Regulation, to the provisions of Article 4 and 4a of the basic Regulation whenever they are intended for an operator established in a country which is included in the list published in the *Official Journal of the European Communities* C series and an open individual authorisation cannot be granted pursuant to paragraph 3 of that Article. These lists shall be regularly updated by the European Commission.;

(1) It is necessary to give effect to the decision taken by the United Nations Commission on Narcotic Drugs in March 2001 to add acetic anhydride and potassium permanganate to Table I of the Annex to the 1988 United Nations Convention.

(2) It is necessary to amend the Annex to Regulation (EEC) No 3677/90 to comply with this decision. The amendment may be made by the Commission pursuant to Article 9a(e) of the Regulation.

(3) Regulation (EEC) No 3769/92 must be amended to take account of the changes of Regulation (EEC) No 3677/90 separating the provisions on export authorisation from those on pre-export notification for the scheduled substances listed in Category 1 of the Annex.

(4) The measures provided for in this Regulation are in accordance with the opinion of the Committee set up pursuant to Article 10 of Regulation (EEC) No 3677/90,

3. Annex I is replaced by Annex 2 to this Regulation.

Article 3

⁽¹⁾ OJ L 357, 20.12.1990, p. 1.

⁽²⁾ OJ L 151, 11.6.2002, p. 1.

⁽³⁾ OJ L 383, 29.12.1992, p. 17.

⁽⁴⁾ OJ L 173, 27.6.2001, p. 26.

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

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

Done at Brussels, 9 July 2002.

For the Commission
Frederik BOLKESTEIN
Member of the Commission

ANNEX 1

'ANNEX

CATEGORY 1

Substance	CN denomination (if different)	CN code (1)
1-Phenyl-2 propanone	Phenylacetone	2914 31 00
Acetylanthranilic acid	2-Acetamidobenzoic acid	2924 23 00
Isosafrole (cis + trans)		2932 91 00
3,4-Methylenedioxyphenylpropan-2-one	1-(1,3-Benzodioxole-5-yl)propane-2-one	2932 92 00
Piperonal		2932 93 00
Safrole		2932 94 00
Ephedrine		2939 41 00
Pseudoephedrine		2939 42 00
Norephedrine		ex 2939 49 00
Ergometrine		2939 61 00
Ergotamine		2939 62 00
Lysergic acid		2939 63 00

The salts of the substances listed in this Category whenever the existence of such salts is possible.

(1) OJ L 279, 23.10.2001, p. 1.

CATEGORY 2

Substance	CN denomination (if different)	CN code (1)
Potassium permanganate		2841 61 00
Acetic anhydride		2915 24 00
Phenylacetic acid		2916 34 00
Anthranilic acid		2922 43 00
Piperidine		2933 32 00

The salts of the substances listed in this Category whenever the existence of such salts is possible.

(1) OJ L 279, 23.10.2001, p. 1.

CATEGORY 3

Substance	CN denomination (if different)	CN code (1)
Hydrochloric acid	Hydrogen chloride	2806 10 00
Sulphuric acid		2807 00 10
Toluene (*)		2902 30 00
Ethyl ether (*)	Diethyl ether	2909 11 00
Acetone (*)		2914 11 00
Methylethylketone (MEK) (*)	Butanone	2914 12 00

(*) The salts of the substances listed in this Category whenever the existence of such salts is possible.

(1) OJ L 279, 23.10.2001, p. 1.

ANNEX 2

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Substance	Quantity
Acetone ⁽¹⁾	50 kg
Ethyl ether ⁽¹⁾	20 kg
Methylethylketone ⁽¹⁾	50 kg
Toluene ⁽¹⁾	50 kg
Sulphuric acid	100 kg
Hydrochloric acid	100 kg

⁽¹⁾ The salts of these substances whenever the existence of such salts is possible.

COMMISSION REGULATION (EC) No 1233/2002**of 9 July 2002****fixing the rates of the refunds applicable to eggs and egg yolks exported in the form of goods not covered by Annex I to the Treaty**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2771/75 of 29 October 1975 on the common organisation of the market in eggs ⁽¹⁾, as last amended by Commission Regulation (EC) No 493/2002 ⁽²⁾, and in particular Article 8(3) thereof,

Whereas:

- (1) Article 8(1) of Regulation (EEC) No 2771/75 provides that the difference between prices in international trade for the products listed in Article 1(1) of that Regulation and prices within the Community may be covered by an export refund where these goods are exported in the form of goods listed in the Annex to that Regulation. Whereas Commission Regulation (EC) No 1520/2000 of 13 July 2000 laying down common detailed rules for the application of the system of granting export refunds on certain agricultural products exported in the form of goods not covered by Annex I to the Treaty, and the criteria for fixing the amount of such refunds ⁽³⁾, as last amended by Regulation (EC) No 1052/2002 ⁽⁴⁾, specifies the products for which a rate of refund should be fixed, to be applied where these products are exported in the form of goods listed in the Annex to Regulation (EEC) No 2771/75.
- (2) In accordance Article 4(1) of Regulation (EC) No 1520/2000, the rate of the refund per 100 kilograms for each of the basic products in question must be fixed for a

period of the same duration as that for which refunds are fixed for the same products exported unprocessed.

- (3) Article 11 of the Agreement on Agriculture concluded under the Uruguay Round lays down that the export refund for a product contained in a good may not exceed the refund applicable to that product when exported without further processing.
- (4) It is necessary to ensure continuity of strict management taking account of expenditure forecasts and funds available in the budget.
- (5) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Poultrymeat and Eggs,

HAS ADOPTED THIS REGULATION:

Article 1

The rates of the refunds applicable to the basic products appearing in Annex A to Regulation (EC) No 1520/2000 and listed in Article 1(1) of Regulation (EEC) No 2771/75, exported in the form of goods listed in the Annex I to Regulation (EEC) No 2771/75, are hereby fixed as shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 10 July 2002.

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

Done at Brussels, 9 July 2002.

For the Commission

Erkki LIIKANEN

Member of the Commission

⁽¹⁾ OJ L 282, 1.11.1975, p. 49.

⁽²⁾ OJ L 77, 20.3.2002, p. 7.

⁽³⁾ OJ L 177, 15.7.2000, p. 1.

⁽⁴⁾ OJ L 160, 18.6.2002, p. 16.

ANNEX

**to the Commission Regulation of 9 July 2002 fixing the rates of the refunds applicable to eggs and egg yolks
exported in the form of goods not covered by Annex I to the Treaty**

(EUR/100 kg)

CN code	Description	Destination (¹)	Rate of refund
0407 00	Birds' eggs, in shell, fresh, preserved or cooked:		
	– Of poultry:		
0407 00 30	-- Other:		
	a) On exportation of ovalbumin of CN codes 3502 11 90 and 3502 19 90	02	10,00
		03	30,00
		04	5,00
	b) On exportation of other goods	01	5,00
0408	Birds' eggs, not in shell and egg yolks, fresh, dried, cooked by steaming or by boiling in water, moulded, frozen or otherwise preserved, whether or not containing added sugar or other sweetening matter:		
	– Egg yolks:		
0408 11	-- Dried:		
ex 0408 11 80	---- Suitable for human consumption: not sweetened	01	20,00
0408 19	-- Other:		
	---- Suitable for human consumption:		
ex 0408 19 81	----- Liquid: not sweetened	01	10,00
ex 0408 19 89	----- Frozen: not sweetened	01	10,00
	– Other:		
0408 91	-- Dried:		
ex 0408 91 80	---- Suitable for human consumption: not sweetened	01	45,00
0408 99	-- Other:		
ex 0408 99 80	---- Suitable for human consumption: not sweetened	01	11,00

(¹) The destinations are as follows:

01 Third countries,

02 Kuwait, Bahrain, Oman, Qatar, United Arab Emirates, Yemen, Turkey, Hong Kong SAR and Russia,

03 South Korea, Japan, Malaysia, Thailand, Taiwan and the Philippines,

04 All destinations except Switzerland and those of 02 and 03.

COMMISSION REGULATION (EC) No 1234/2002
of 9 July 2002
fixing the export refunds on eggs

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2771/75 of 29 October 1975 on the common organization of the market in eggs ⁽¹⁾, as last amended by Commission Regulation (EC) No 493/2002 ⁽²⁾, and in particular Article 8(3) thereof,

Whereas:

- (1) Article 8 of Regulation (EEC) No 2771/75 provides that the difference between prices on the world market for the products listed in Article 1(1) of that Regulation and prices for those products within the Community may be covered by an export refund.
- (2) The present market situation in certain third countries and that regarding competition on particular third country markets make it necessary to fix a refund differentiated by destination for certain products in the egg sector.
- (3) It follows from applying these rules and criteria to the present situation on the market in eggs that the refund

should be fixed at an amount which would permit Community participation in world trade and would also take account of the nature of these exports and their importance at the present time.

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

HAS ADOPTED THIS REGULATION:

Article 1

The list of codes of products for which, when they are exported, the export refund referred to in Article 8 of Regulation (EEC) No 2771/75 is granted, and the amount of that refund shall be as shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 10 July 2002.

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

Done at Brussels, 9 July 2002.

For the Commission
Franz FISCHLER
Member of the Commission

⁽¹⁾ OJ L 282, 1.11.1975, p. 49.

⁽²⁾ OJ L 77, 20.3.2002, p. 7.

ANNEX

to the Commission Regulation of 9 July 2002 fixing the export refunds on eggs

Product code	Destination	Unit of measurement	Amount of refund
0407 00 11 9000	E07	EUR/100 pcs	1,70
0407 00 19 9000	E07	EUR/100 pcs	0,80
0407 00 30 9000	E09	EUR/100 kg	10,00
	E10	EUR/100 kg	30,00
	E11	EUR/100 kg	5,00
0408 11 80 9100	E04	EUR/100 kg	20,00
0408 19 81 9100	E04	EUR/100 kg	10,00
0408 19 89 9100	E04	EUR/100 kg	10,00
0408 91 80 9100	E06	EUR/100 kg	45,00
0408 99 80 9100	E04	EUR/100 kg	11,00

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

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

The other destinations are defined as follows:

E04 all destinations except Switzerland and Estonia

E06 all destinations except Switzerland, Estonia and Lithuania

E07 all destinations except the United States of America, Estonia and Lithuania

E09 Kuwait, Bahrain, Oman, Qatar, the United Arab Emirates, Yemen, Hong Kong SAR, Russia and Turkey

E10 South Korea, Japan, Malaysia, Thailand, Taiwan and the Philippines

E11 all destinations except Switzerland, Estonia, Lithuania and those of E09 and E10.

COMMISSION REGULATION (EC) No 1235/2002**of 9 July 2002****fixing representative prices in the poultrymeat and egg sectors and for egg albumin, and amending Regulation (EC) No 1484/95**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2771/75 of 29 October 1975 on the common organisation of the market in eggs ⁽¹⁾, as last amended by Commission Regulation (EC) No 493/2002 ⁽²⁾, and in particular Article 5(4) thereof,Having regard to Council Regulation (EEC) No 2777/75 of 29 October 1975 on the common organisation of the market in poultrymeat ⁽³⁾, as last amended by Regulation (EC) No 493/2002, and in particular Article 5(4) thereof,Having regard to Council Regulation (EEC) No 2783/75 of 29 October 1975 on the common system of trade for ovalbumin and lactalbumin ⁽⁴⁾, as last amended by Commission Regulation (EC) No 2916/95 ⁽⁵⁾, and in particular Article 3(4) thereof,

Whereas:

- (1) Commission Regulation (EC) No 1484/95 ⁽⁶⁾, as last amended by Regulation (EC) No 1000/2002 ⁽⁷⁾, fixes detailed rules for implementing the system of additional import duties and fixes representative prices in the poultrymeat and egg sectors and for egg albumin.

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 10 July 2002.

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

Done at Brussels, 9 July 2002.

For the Commission

J. M. SILVA RODRÍGUEZ

Agriculture Director-General

⁽¹⁾ OJ L 282, 1.11.1975, p. 49.

⁽²⁾ OJ L 77, 20.3.2002, p. 7.

⁽³⁾ OJ L 282, 1.11.1975, p. 77.

⁽⁴⁾ OJ L 282, 1.11.1975, p. 104.

⁽⁵⁾ OJ L 305, 19.12.1995, p. 49.

⁽⁶⁾ OJ L 145, 29.6.1995, p. 47.

⁽⁷⁾ OJ L 152, 12.6.2002, p. 21.

ANNEX

to the Commission Regulation of 9 July 2002 fixing representative prices in the poultrymeat and egg sectors and for egg albumin, and amending Regulation (EC) No 1484/95

‘ANNEX I

CN code	Description	Representative price (EUR/100 kg)	Security referred to in Article 3(3) (EUR/100 kg)	Origin ⁽¹⁾
0207 12 90	Chickens, plucked and drawn, without heads and feet and without necks, hearts, livers and gizzards, known as “65 % chickens”, or otherwise presented, frozen	102,1	5	01
0207 14 10	Boneless cuts of fowl of the species <i>Gallus domesticus</i> , frozen	186,4	37	01
		192,8	34	02
		183,7	38	03
		270,9	9	04
		230,1	21	05
0207 14 60	Chicken legs and cuts thereof, frozen	109,1	10	01
0207 25 10	Turkeys, plucked and drawn, without heads and feet but with necks, hearts, livers and gizzards, known as “80 % turkeys”, not cut in pieces, frozen	134,7	8	01
0207 27 10	Boneless cuts of turkey, frozen	256,8	12	01
		258,1	12	05
1602 32 11	Preparations of uncooked fowl of the species <i>Gallus domesticus</i>	209,6	23	01
		207,8	24	02

⁽¹⁾ Origin of imports:

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

COMMISSION REGULATION (EC) No 1236/2002
of 9 July 2002
fixing the export refunds on poultrymeat

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2777/75 of 29 October 1975 on the common organization of the market in poultrymeat ⁽¹⁾, as last amended by Commission Regulation (EC) No 493/2002 ⁽²⁾, and in particular Article 8(3) thereof,

Whereas:

- (1) Article 8 of Regulation (EEC) No 2777/75 provides that the difference between prices on the world market for the products listed in Article 1(1) of that Regulation and prices for those products within the Community may be covered by an export refund.
- (2) It follows from applying these rules and criteria to the present situation on the market in poultrymeat that the refund should be fixed at an amount which would permit Community participation in world trade and

would also take account of the nature of these exports and their importance at the present time.

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

HAS ADOPTED THIS REGULATION:

Article 1

The list of product codes for which, when they are exported, the export refund referred to in Article 8 of Regulation (EEC) No 2777/75 is granted, and the amount of that refund shall be as shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 10 July 2002.

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

Done at Brussels, 9 July 2002.

For the Commission
Franz FISCHLER
Member of the Commission

⁽¹⁾ OJ L 282, 1.11.1975, p. 77.

⁽²⁾ OJ L 77, 20.3.2002, p. 7.

ANNEX

to the Commission Regulation of 9 July 2002 fixing the export refunds on poultrymeat

Product code	Destination	Unit of measurement	Amount of refund
0105 11 11 9000	V04	EUR/100 pcs	0,80
0105 11 19 9000	V04	EUR/100 pcs	0,80
0105 11 91 9000	V04	EUR/100 pcs	0,80
0105 11 99 9000	V04	EUR/100 pcs	0,80
0105 12 00 9000	V04	EUR/100 pcs	1,70
0105 19 20 9000	V04	EUR/100 pcs	1,70
0207 12 10 9900	V01	EUR/100 kg	44,00
0207 12 10 9900	A24	EUR/100 kg	44,00
0207 12 90 9190	V01	EUR/100 kg	44,00
0207 12 90 9190	A24	EUR/100 kg	44,00
0207 12 90 9990	V01	EUR/100 kg	44,00
0207 12 90 9990	A24	EUR/100 kg	44,00

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

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

The other destinations are defined as follows:

V01 Angola, Saudi Arabia, Kuwait, Bahrain, Qatar, Oman, the United Arab Emirates, Jordan, Yemen, Lebanon, Iraq, Iran

V04 all destinations except the United States of America and Estonia.

COMMISSION REGULATION (EC) No 1237/2002
of 9 July 2002
on the issuing of export licences for products processed from 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 1429/95 of 23 June 1995 on implementing rules for export refunds on products processed from fruit and vegetables other than those granted for added sugars ⁽¹⁾, as last amended by Regulation (EC) No 1176/2002 ⁽²⁾, and in particular Article 4(1) thereof,

Whereas:

- (1) Commission Regulation (EC) No 1111/2002 ⁽³⁾ specifies the quantities which may be covered by applications submitted for export licences with advance fixing of the refund other than those applied for in connection with food aid.
- (2) Article 4 of Regulation (EC) No 1429/95 lays down the conditions under which special measures may be taken by the Commission to prevent an overrun in the quantities for which export licence applications may be submitted.
- (3) In view of the information available to the Commission as of today, the quantity of 301 tonnes of orange juice with a value of 55° Brix or more in the Annex to Regulation (EC) No 1111/2002, reduced or increased by the quantities referred to in Article 4(1) of Regulation (EC)

No 1429/95, would be exceeded if licences were issued with advanced fixing of refunds without restriction in response to applications submitted since 4 July 2002. A reducing factor should accordingly be applied to the quantities applied for on 4 July 2002, and applications for export licences with advance fixing of refunds submitted subsequently with a view to such licences being issued during the current period should be rejected,

HAS ADOPTED THIS REGULATION:

Article 1

Export licences with advance fixing of the refund for orange juice with a value of 55° Brix or more for which applications were submitted on 4 July 2002 pursuant to Article 1 of Regulation (EC) No 1111/2002 shall be issued for 100 % of the quantities applied for.

Applications for export licences with advance fixing of refunds for the above product submitted after 4 July 2002 and before 25 October 2002 shall be rejected.

Article 2

This Regulation shall enter into force on 10 July 2002.

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

Done at Brussels, 9 July 2002.

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

⁽¹⁾ OJ L 141, 24.6.1995, p. 28.

⁽²⁾ OJ L 170, 29.6.2002, p. 69.

⁽³⁾ OJ L 168, 27.6.2002, p. 11.

COMMISSION REGULATION (EC) No 1238/2002
of 9 July 2002
on the issuing of system A3 export licences in the fruit and vegetables sector

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 1961/2001 of 8 October 2001 laying down detailed rules for implementing Council Regulation (EC) No 2200/96 as regards export refunds on fruit and vegetables ⁽¹⁾, as last amended by Regulation (EC) No 1176/2002 ⁽²⁾, and in particular Article 4(4) thereof,

Whereas:

- (1) Commission Regulation (EC) No 1128/2002 ⁽³⁾ opens an invitation to tender setting the indicative refund rates and indicative quantities for system A3 export licences other than those tendered for as part of food aid.
- (2) In the light of the tenders submitted, the maximum refund rates and the percentages for reducing the quantities awarded for tenders quoting those maximum rates should be set.
- (3) In the case of oranges, table grapes, apples and peaches, the maximum rate necessary to award licences for the

indicative quantity up to the quantities tendered for is more than one-and-a-half times the indicative refund rate.

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

HAS ADOPTED THIS REGULATION:

Article 1

In the case of oranges, table grapes, apples and peaches, the maximum refund rates and the percentages for reducing the quantities awarded under the invitation to tender opened by Regulation (EC) No 1128/2002 shall be as set out in the Annex.

Article 2

This Regulation shall enter into force on 10 July 2002.

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

Done at Brussels, 9 July 2002.

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

⁽¹⁾ OJ L 268, 9.10.2001, p. 8.

⁽²⁾ OJ L 170, 29.6.2002, p. 69.

⁽³⁾ OJ L 169, 28.6.2002, p. 19.

ANNEX

Product	Maximum refund rate (EUR/t net)	Percentage awarded of quantities tendered for quoting the maximum refund rate
Oranges	34	100 %
Table grapes	15	79 %
Apples	15	24 %
Peaches	15	27 %

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 27 June 2002

authorising the United Kingdom to apply a differentiated rate of excise duty to fuels containing biodiesel in accordance with Article 8(4) of Directive 92/81/EEC

(2002/550/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 92/81/EEC of 19 October 1992 on the harmonisation of the structures of excise duties on mineral oils ⁽¹⁾, and in particular Article 8(4) thereof,

Having regard to the proposal from the Commission,

Whereas:

- (1) The United Kingdom has requested authorisation to apply a differentiated rate of excise duty to biodiesel used as road fuel either as pure fuel or blended into diesel fuels up to 5 per cent volume in accordance with EN 590.
- (2) The other Member States have been informed of the United Kingdom's request.
- (3) The development of renewable energies and biofuels in particular has been encouraged in the Community since 1985. Most recently, on 7 November 2001, the Commission adopted an action plan and two proposals for directives on encouraging the use of substitute fuels in the transport sector, starting with regulatory and tax measures designed to promote biofuels.
- (4) The derogation requested by the United Kingdom authorities is therefore in line with the Community's policy of developing the biofuel sector, in the interests of protecting the environment and ensuring security of energy supply.
- (5) The rate for biodiesel would be set at 20 pence per litre below that for ultra-low sulphur diesel (ULSD). This equates to an excise duty of 25,82 pence (41,4 euro-

cents) per litre of biodiesel at current rates. Furthermore, the reduction in excise duty proposed by the United Kingdom is proportional to the percentage of biofuel contained in the final product.

- (6) The effective rates of excise duty are higher than the applicable Community minimum rates, in accordance with Council Directive 92/82/EEC of 19 October 1992 on the approximation of the rates of excise duties on mineral oils ⁽²⁾:

Community minimum (per 1 000 l)	ULSD	Pure biodiesel
EUR 245	EUR 734,3 ⁽¹⁾ GBP 458,2	EUR 413,8 GBP 258,2

⁽¹⁾ Average exchange rate in December 2001 was GBP 0,624 for EUR 1.

- (7) The requested reduction should concern biodiesel, a fuel made from biomass within the meaning of Article 2(b) of Directive 2001/77/EC of the European Parliament and of the Council of 27 September 2001 on the promotion of electricity produced from renewable energy sources in the internal electricity market ⁽³⁾, or made from used fried oils, to be used as a road fuel.
- (8) The differentiated rate would apply to pure biodiesel at the point of production or import. The biodiesel can then be used either as pure fuel or be blended into diesel fuels. Duty on imported blends would be payable at the appropriate rates for the constituent parts in the relevant proportion.

⁽¹⁾ OJ L 316, 31.10.1992, p. 12. Directive as last amended by Directive 94/74/EC (OJ L 365, 31.12.1994, p. 46).

⁽²⁾ OJ L 316, 31.10.1992, p. 19. Directive as last amended by Directive 94/74/EC.

⁽³⁾ OJ L 283, 27.10.2001, p. 33.

- (9) Production costs of biodiesel exceed those of conventional diesel, and its retail price would therefore be uncompetitive without the duty reduction. The duty reduction is intended to offset the additional production costs. It will enable biodiesel to be sold at a similar pump price to conventional diesel.
- (10) The Government of the United Kingdom should annually review the production cost of biodiesel and thus monitor that no overcompensation takes place.
- (11) The authorisation granted should apply for a period of five years.
- (12) The Commission regularly reviews reductions and exemptions to check that they do not distort competition or hinder the operation of the internal market and are not incompatible with Community policy on protection of the environment, energy and transport,

HAS ADOPTED THIS DECISION:

Article 1

1. The United Kingdom is hereby authorised to apply differentiated rates of excise duty to road fuel containing biodiesel and on biodiesel used as pure road fuel.

Biodiesel is a fuel made from biomass, within the meaning of Article 2(b) of Directive 2001/77/EC, or made from used fried oils to be used as a road fuel.

2. The reduction in excise duty shall not be greater than the amount of excise duty payable on the volume of biodiesel present in the products referred to in paragraph 1 eligible for the reduction.

3. The rates of duty applicable to the products referred to in paragraph 1 shall comply with the terms of Directive 92/82/EEC and in particular the minimum rate laid down in Article 5 thereof.

Article 2

Based on an annual review by the United Kingdom, the reduction in excise duty shall be adjusted to avoid overcompensating for the extra costs involved in the manufacture of biofuels.

Article 3

This Decision shall expire on 31 March 2007.

Article 4

This Decision is addressed to the United Kingdom of Great Britain and Northern Ireland.

Done at Luxembourg, 27 June 2002.

For the Council

The President

M. ARIAS CAÑETE

COMMISSION

COMMISSION DECISION

of 9 July 2002

repealing Decision 2000/721/EC on introducing vaccination to supplement the measures to control avian influenza in Italy and on specific movement control measures

(notified under document number C(2002) 2538)

(Text with EEA relevance)

(2002/551/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 90/425/EEC of 26 June 1990 concerning veterinary and zootechnical checks applicable in intra-Community trade in certain live animals and products with a view to the completion of the internal market ⁽¹⁾, as last amended by Council Directive 92/118/EEC ⁽²⁾, and in particular, Article 10(4) thereof,

Having regard to Council Directive 89/662/EEC of 11 December 1989 concerning veterinary checks in intra-Community trade with a view to the completion of the internal market ⁽³⁾, as last amended by Council Directive 92/118/EEC, and in particular, Article 9(4) thereof,

Having regard to Council Directive 92/40/EEC of 19 May 1992 introducing Community measures for the control of avian influenza ⁽⁴⁾, and in particular Article 16 thereof,

Whereas:

- (1) By means of Commission Decision 2000/721/EC on introducing vaccination to supplement the measures to control avian influenza in Italy and on specific movement control measures ⁽⁵⁾, as last amended by Decision 2001/847/EC ⁽⁶⁾, the Commission approved the vaccination programme presented by Italy.

- (2) The accompanying monitoring performed in the poultry flocks of this area has not shown any virus circulation since the last recorded case of low pathogenic avian influenza in March 2001.
- (3) The vaccination campaign that started in November 2000 came to an end on 16 May 2002.
- (4) Decision 2000/721/EC shall be repealed in order to revoke the vaccination programme and to lift related trade restrictions.
- (5) However, monitoring of vaccinated flocks should be continued including the use of the serological test (iIFA-Test), which had been approved by Commission Decision 2001/847/EC; to that effect, a new Commission Decision 2002/552/EC ⁽⁷⁾ will be adopted in parallel with the present repealing act.
- (6) The measures provided for in this Decision are in accordance with the opinion of the Standing Veterinary Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS DECISION:

Article 1

Decision 2000/721/EC is hereby repealed.

Article 2

This Decision shall apply from the seventh day following that of its publication in the *Official Journal of the European Communities*.

⁽¹⁾ OJ L 224, 18.8.1990, p. 29.

⁽²⁾ OJ L 62, 15.3.1993, p. 49.

⁽³⁾ OJ L 395, 30.12.1989, p. 13.

⁽⁴⁾ OJ L 167, 22.6.1992, p. 1.

⁽⁵⁾ OJ L 291, 18.11.2000, p. 33.

⁽⁶⁾ OJ L 315, 1.12.2001, p. 61.

⁽⁷⁾ See page 24 of this Official Journal.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 9 July 2002.

For the Commission
David BYRNE
Member of the Commission

COMMISSION DECISION
of 9 July 2002
on restrictive measures related to vaccination against avian influenza in Italy

(notified under document number C(2002) 2546)

(Text with EEA relevance)

(2002/552/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 90/425/EEC of 26 June 1990 concerning veterinary and zootechnical checks applicable in intra-Community trade in certain live animals and products with a view to the completion of the internal market ⁽¹⁾, as last amended by Council Directive 92/118/EEC ⁽²⁾, and, in particular, Article 10(4) thereof,

Having regard to Council Directive 89/662/EEC of 11 December 1989 concerning veterinary checks in intra-Community trade with a view to the completion of the internal market ⁽³⁾, as last amended by Council Directive 92/118/EEC, and in particular, Article 9(4) thereof,

Having regard to Council Directive 92/40/EEC of 19 May 1992 introducing Community measures for the control of avian influenza ⁽⁴⁾, and in particular Article 16 thereof,

Whereas:

(1) By means of Commission Decision 2000/721/EC of 7 November 2000 on introducing vaccination to supplement the measures to control avian influenza in Italy and on specific movement control measures ⁽⁵⁾, as last amended by Decision 2001/847/EC ⁽⁶⁾, the Commission approved the vaccination programme presented by Italy.

(2) The close monitoring performed in the poultry flocks has not shown any virus circulation since the last recorded case of low pathogenic avian influenza in March 2001.

(3) The Italian authorities have informed the Commission and the Member States that all vaccinations came to an end on 16 May 2002.

(4) In connection to the phasing out of the vaccination, the restrictive measures for live vaccinated poultry and hatching eggs should be modified, and be lifted for table eggs and poultrymeat originating from vaccinated poultry.

(5) However, the monitoring of vaccinated flocks should be continued including the use of the serological test (iIFA-Test), which had been approved by Commission Decision 2001/847/EC.

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

HAS ADOPTED THIS DECISION:

Article 1

1. No live poultry that has been vaccinated against avian influenza or hatching eggs, day-old chicks and any other progeny derived from such poultry shall be dispatched from Italy.

2. Animal health certificates accompanying consignments of live birds and hatching eggs from Italy shall include the words: 'The animal health conditions of this consignment are in accordance with Decision 2002/552/EC'.

Article 2

In the area described in Annex I the monitoring of vaccinated poultry flocks shall be carried out as laid down in Annex II to this Decision. It shall be continued for six months after the date on which vaccination against avian influenza ended.

Article 3

Italy shall present a final report on the results of the vaccination campaign and the monitoring programme by 31 December 2002.

Article 4

This Decision shall apply from the seventh day following that of its publication in the *Official Journal of the European Communities*.

⁽¹⁾ OJ L 224, 18.8.1990, p. 29.

⁽²⁾ OJ L 62, 15.3.1993, p. 49.

⁽³⁾ OJ L 395, 30.12.1989, p. 13.

⁽⁴⁾ OJ L 167, 22.6.1992, p. 1.

⁽⁵⁾ OJ L 291, 18.11.2000, p. 33.

⁽⁶⁾ OJ L 315, 1.12.2001, p. 61.

Article 5

This Decision is addressed to the Member States.

Done at Brussels, 9 July 2002.

For the Commission
David BYRNE
Member of the Commission

ANNEX I

Area where vaccination monitoring shall be carried out

In the region of Veneto in the province of Verona the following municipalities:

Roverchiara

Angiari

Isola Rizza

S. Pietro di Morubio

Oppeano

Palù

Ronco all'Adige

Albaredo d'Adige

Bonavigo

Cerea

Bovolone

Concamarise

Salizzole

Isola della Scala

Nogara

S. Giovanni Lupatoto

area to the south of the A4 motorway

Verona

area to the south of the A4 motorway and to the east of the territory of the municipality of S. Giovanni Lupatoto

area to the south of the A4 motorway and to the west of the territory of the municipality of S. Giovanni Lupatoto

S. Martino Buon Albergo

area to the south of the A4 motorway

Lavagno

area to the south of the A4 motorway

Colognola ai Colli

area to the south of the A4 motorway

San Bonifacio

area to the south of the A4 motorway

Caldiero

Buttapietra

Zevio

Belfiore

Arcole

Zimella

Veronella

Cologna Veneta

Pressana

Roveredo di Guà

Minerbe

Gazzo Veronese

Sanguinetto

Casaleone

Legnago

Boschi Sant' Anna

Erbè

Sorgà

Castel d'Azzano

Vigasio

Trevenzuolo

ANNEX II

Monitoring plan for low pathogenic avian influenza (LPAI) in the vaccination area in the Veneto Region

In all holdings with vaccinated poultry the official veterinarian has to take 10 samples from non-vaccinated sentinel birds for serological investigation at least every 45 days.

The samples have to be subjected to the haemagglutination-inhibition test (HI) for H 7 antibodies. Indirect immunofluorescence assay (iIFA-test) may complement the testing.

All samples have to be submitted to the National Laboratory for Avian Influenza for examination.

In the case of seropositive findings, at least 10 sentinel birds have to be humanely sacrificed and a virological examination in accordance with Annex III of Council Directive 92/40/EEC has to be carried out.
