

English edition

Legislation

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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EC) No 1553/2002
of 30 August 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 31 August 2002.

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

Done at Brussels, 30 August 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 30 August 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
0707 00 05	052	88,5
	999	88,5
0709 90 70	052	83,4
	999	83,4
0805 50 10	388	58,5
	524	66,4
	528	57,9
0806 10 10	999	60,9
	052	81,8
	400	200,6
0808 10 20, 0808 10 50, 0808 10 90	999	141,2
	388	83,4
	400	94,4
	508	80,0
	512	93,0
	720	71,0
	800	210,9
	804	90,5
	999	103,3
	0808 20 50	052
388		63,8
512		97,8
0809 30 10, 0809 30 90	999	83,9
	052	105,0
0809 40 05	999	105,0
	052	51,9
	060	53,9
	064	61,9
	066	54,5
	094	51,1
	624	183,5
	999	76,1

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

COMMISSION REGULATION (EC) No 1554/2002**of 30 August 2002****altering the export refunds on white sugar and raw sugar exported in the natural state**

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⁾, and in particular the third subparagraph of Article 27(5) thereof,

Whereas:

- (1) The refunds on white sugar and raw sugar exported in the natural state were fixed by Commission Regulation (EC) No 1503/2002 ⁽³⁾, as amended by Regulation (EC) No 1541/2002 ⁽⁴⁾.
- (2) It follows from applying the detailed rules contained in Regulation (EC) No 1503/2002 to the information

known to the Commission that the export refunds at present in force should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1(1)(a) of Regulation (EC) No 1260/2001, undenatured and exported in the natural state, as fixed in the Annex to Regulation (EC) No 1503/2002 are hereby altered to the amounts shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 September 2002.

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

Done at Brussels, 30 August 2002.

For the Commission

Franz FISCHLER

Member of the Commission⁽¹⁾ OJ L 178, 30.6.2001, p. 1.⁽²⁾ OJ L 104, 20.4.2002, p. 26.⁽³⁾ OJ L 227, 23.8.2002, p. 19.⁽⁴⁾ OJ L 233, 30.8.2002, p. 9.

ANNEX

to the Commission Regulation of 30 August 2002 altering the export refunds on white sugar and raw sugar exported in its unaltered state

Product code	Destination	Unit of measurement	Amount of refund
1701 11 90 9100	A00	EUR/100 kg	42,68 ⁽¹⁾
1701 11 90 9910	A00	EUR/100 kg	42,68 ⁽¹⁾
1701 11 90 9950	A00	EUR/100 kg	⁽²⁾
1701 12 90 9100	A00	EUR/100 kg	42,68 ⁽¹⁾
1701 12 90 9910	A00	EUR/100 kg	42,68 ⁽¹⁾
1701 12 90 9950	A00	EUR/100 kg	⁽²⁾
1701 91 00 9000	A00	EUR/1 % of sucrose × net 100 kg of product	0,4640
1701 99 10 9100	A00	EUR/100 kg	46,40
1701 99 10 9910	A00	EUR/100 kg	46,40
1701 99 10 9950	A00	EUR/100 kg	46,40
1701 99 90 9100	A00	EUR/1 % of sucrose × net 100 kg of product	0,4640

⁽¹⁾ Applicable to raw sugar with a yield of 92 %; if the yield is other than 92 %, the refund applicable is calculated in accordance with the provisions of Article 28(4) of Council Regulation (EC) No 1260/2001.

⁽²⁾ Fixing suspended by Commission Regulation (EEC) No 2689/85 (OJ L 255, 26.9.1985, p. 12), as amended by Regulation (EEC) No 3251/85 (OJ L 309, 21.11.1985, p. 14).

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).

COMMISSION REGULATION (EC) No 1555/2002

of 30 August 2002

fixing the export refunds on syrups and certain other sugar products exported in the natural state

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⁾, and in particular the second subparagraph of Article 27(5) thereof,

Whereas:

(1) Article 27 of Regulation (EC) No 1260/2001 provides that the difference between quotations or prices on the world market for the products listed in Article 1(1)(d) of that Regulation and prices for those products within the Community may be covered by an export refund.

(2) Article 3 of Commission Regulation (EC) No 2135/95 of 7 September 1995 laying down detailed rules of application for the grant of export refunds in the sugar sector ⁽³⁾, provides that the export refund on 100 kilograms of the products listed in Article 1(1)(d) of Regulation (EC) No 1260/2001 is equal to the basic amount multiplied by the sucrose content, including, where appropriate, other sugars expressed as sucrose; the sucrose content of the product in question is determined in accordance with Article 3 of Commission Regulation (EC) No 2135/95.

(3) Article 30(3) of Regulation (EC) No 1260/2001 provides that the basic amount of the refund on sorbose exported in the natural state must be equal to the basic amount of the refund less one hundredth of the production refund applicable, pursuant to Commission Regulation (EC) No 1265/2001 of 27 June 2001 laying down detailed rules for the application of Council Regulation (EC) No 1260/2001 as regards granting the production refund on certain sugar products used in the chemical industry ⁽⁴⁾ to the products listed in the Annex to the last mentioned Regulation;

(4) According to the terms of Article 30(1) of Regulation (EC) No 1260/2001, the basic amount of the refund on

the other products listed in Article 1(1)(d) of the said Regulation exported in the natural state must be equal to one-hundredth of an amount which takes account, on the one hand, of the difference between the intervention price for white sugar for the Community areas without deficit for the month for which the basic amount is fixed and quotations or prices for white sugar on the world market and, on the other, of the need to establish a balance between the use of Community basic products in the manufacture of processed goods for export to third countries and the use of third country products brought in under inward-processing arrangements.

(5) According to the terms of Article 30(4) of Regulation (EC) No 1260/2001, the application of the basic amount may be limited to some of the products listed in Article 1(1)(d) of the said Regulation.

(6) Article 27 of Regulation (EC) No 1260/2001 makes provision for setting refunds for export in the natural state of products referred to in Article 1(1)(f) and (g) and (h) of that Regulation; the refund must be fixed per 100 kilograms of dry matter, taking account of the export refund for products falling within CN code 1702 30 91 and for products referred to in Article 1(1)(d) of Regulation (EC) No 1260/2001 and of the economic aspects of the intended exports; in the case of the products referred to in the said Article 1(1)(f) and (g), the refund is to be granted only for products complying with the conditions in Article 5 of Regulation (EC) No 2135/95; for the products referred to in Article 1(1)(h), the refund shall be granted only for products complying with the conditions in Article 6 of Regulation (EC) No 2135/95.

(7) The refunds referred to above must be fixed every month; they may be altered in the intervening period.

(8) Application of these quotas results in fixing refunds for the products in question at the levels given in the Annex to this Regulation.

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

⁽¹⁾ OJ L 178, 30.6.2001, p. 1.

⁽²⁾ OJ L 104, 20.4.2002, p. 26.

⁽³⁾ OJ L 214, 8.9.1995, p. 16.

⁽⁴⁾ OJ L 178, 30.6.2001, p. 63.

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1(1)(d)(f)(g) and (h) of Regulation (EC) No 1260/2001, exported in the natural state, shall be set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 September 2002.

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

Done at Brussels, 30 August 2002.

For the Commission
Franz FISCHLER
Member of the Commission

ANNEX

to the Commission Regulation of 30 August 2002 fixing the export refunds on syrups and certain other sugar products exported in the natural state

Product code	Destination	Unit of measurement	Amount of refund
1702 40 10 9100	A00	EUR/100 kg dry matter	46,40 ⁽²⁾
1702 60 10 9000	A00	EUR/100 kg dry matter	46,40 ⁽²⁾
1702 60 80 9100	A00	EUR/100 kg dry matter	88,16 ⁽⁴⁾
1702 60 95 9000	A00	EUR/1 % sucrose × net 100 kg of product	0,4640 ⁽¹⁾
1702 90 30 9000	A00	EUR/100 kg dry matter	46,40 ⁽²⁾
1702 90 60 9000	A00	EUR/1 % sucrose × net 100 kg of product	0,4640 ⁽¹⁾
1702 90 71 9000	A00	EUR/1 % sucrose × net 100 kg of product	0,4640 ⁽¹⁾
1702 90 99 9900	A00	EUR/1 % sucrose × net 100 kg of product	0,4640 ⁽¹⁾ ⁽³⁾
2106 90 30 9000	A00	EUR/100 kg dry matter	46,40 ⁽²⁾
2106 90 59 9000	A00	EUR/1 % sucrose × net 100 kg of product	0,4640 ⁽¹⁾

⁽¹⁾ The basic amount is not applicable to syrups which are less than 85 % pure (Regulation (EC) No 2135/95). Sucrose content is determined in accordance with Article 3 of Regulation (EC) No 2135/95.

⁽²⁾ Applicable only to products referred to in Article 5 of Regulation (EC) No 2135/95.

⁽³⁾ The basic amount is not applicable to the product defined under point 2 of the Annex to Regulation (EEC) No 3513/92 (OJ L 355, 5.12.1992, p. 12).

⁽⁴⁾ Applicable only to products defined under Article 6 of Regulation (EC) No 2135/95.

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).

COMMISSION REGULATION (EC) No 1556/2002
of 30 August 2002
fixing the production refund on white sugar used in the chemical industry

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⁾, and in particular Article 7(5) thereof,

Whereas:

- (1) Pursuant to Article 7(3) of Regulation (EC) No 1260/2001, production refunds may be granted on the products listed in Article 1(1)(a) and (f) of that Regulation, on syrups listed in Article 1(1)(d) thereof and on chemically pure fructose covered by CN code 1702 50 00 as an intermediate product, that are in one of the situations referred to in Article 23(2) of the Treaty and are used in the manufacture of certain products of the chemical industry.
- (2) Commission Regulation (EC) No 1265/2001 of 27 June 2001 laying down detailed rules for the application of Council Regulation (EC) No 1260/2001 as regards granting the production refund on certain sugar products used in the chemical industry ⁽³⁾ lays down the rules for determining the production refunds and specifies the chemical products the basic products used in the manufacture of which attract a production refund. Articles 5, 6 and 7 of Regulation (EC) No 1265/2001 provide that the production refund applying to raw sugar, sucrose syrups and unprocessed isoglucose is to be derived from the refund fixed for white sugar in accordance with a method of calculation specific to each basic product.
- (3) Article 9 of Regulation (EC) No 1265/2001 provides that the production refund on white sugar is to be fixed at

monthly intervals commencing on the first day of each month. It may be adjusted in the intervening period where there is a significant change in the prices for sugar on the Community and/or world markets. The application of those provisions results in the production refund fixed in Article 1 of this Regulation for the period shown.

- (4) As a result of the amendment to the definition of white sugar and raw sugar in Article 1(2)(a) and (b) of Regulation (EC) No 1260/2001, flavoured or coloured sugars or sugars containing any other added substances are no longer deemed to meet those definitions and should thus be regarded as 'other sugar'. However, in accordance with Article 1 of Regulation (EC) No 1265/2001, they attract the production refund as basic products. A method should accordingly be laid down for calculating the production refund on these products by reference to their sucrose content.
- (5) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Sugar,

HAS ADOPTED THIS REGULATION:

Article 1

The production refund on white sugar referred to in Article 4 of Regulation (EC) No 1265/2001 shall be equal to EUR 42,698/100 kg net.

Article 2

This Regulation shall enter into force on 1 September 2002.

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

Done at Brussels, 30 August 2002.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 178, 30.6.2001, p. 1.

⁽²⁾ OJ L 104, 20.4.2002, p. 26.

⁽³⁾ OJ L 178, 30.6.2001, p. 63.

COMMISSION REGULATION (EC) No 1557/2002
of 30 August 2002
fixing the import duties in the cereals sector

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Having regard to Commission Regulation (EC) No 1249/96 of 28 June 1996 laying down detailed rules for the application of Council Regulation (EEC) No 1766/92 as regards import duties in the cereals sector ⁽³⁾, as last amended by Regulation (EC) No 597/2002 ⁽⁴⁾, and in particular Article 2(1) thereof,

Whereas:

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 1 September 2002.

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

Done at Brussels, 30 August 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.

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	0,00
	low quality	5,42
1002 00 00	Rye	18,29
1003 00 10	Barley, seed	18,29
1003 00 90	Barley, other ⁽⁴⁾	18,29
1005 10 90	Maize seed other than hybrid	39,49
1005 90 00	Maize other than seed ⁽⁵⁾	39,49
1007 00 90	Grain sorghum other than hybrids for sowing	28,38

⁽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 16 August to 29 August 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)	155,34	148,14	130,70	105,52	190,21 (**)	180,21 (**)	115,17 (**)
Gulf premium (EUR/t)	—	22,33	8,97	10,17	—	—	—
Great Lakes premium (EUR/t)	21,01	—	—	—	—	—	—

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

(**) Fob Duluth.

2. Freight/cost: Gulf of Mexico–Rotterdam: 11,94 EUR/t; Great Lakes–Rotterdam: 23,57 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 1558/2002
of 30 August 2002
fixing the import duties in the rice sector

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Having regard to Commission Regulation (EC) No 1503/96 of 29 July 1996 laying down detailed rules for the application of Council Regulation (EC) No 3072/95 as regards import duties in the rice sector ⁽³⁾, as last amended by Regulation (EC) No 1298/2002 ⁽⁴⁾, and in particular Article 4(1) thereof,

Whereas:

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 1 September 2002.

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

Done at Brussels, 30 August 2002.

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

⁽¹⁾ OJ L 329, 30.12.1995, p. 18.

⁽²⁾ OJ L 62, 5.3.2002, p. 27.

⁽³⁾ OJ L 189, 30.7.1996, p. 71.

⁽⁴⁾ OJ L 189, 18.7.2002, p. 8.

ANNEX I

Import duties on rice and broken rice

(EUR/t)

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

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

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

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

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

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

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

⁽⁷⁾ Duties fixed in the Common Customs Tariff.

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

ANNEX II

Calculation of import duties for rice

	Paddy	Indica rice		Japonica rice		Broken rice
		Husked	Milled	Husked	Milled	
1. Import duty (EUR/tonne)	(¹)	264,00	416,00	264,00	416,00	(¹)
2. Elements of calculation:						
(a) Arag cif price (EUR/tonne)	—	214,46	231,59	264,15	265,65	—
(b) fob price (EUR/tonne)	—	—	—	233,67	235,17	—
(c) Sea freight (EUR/tonne)	—	—	—	30,48	30,48	—
(d) Source	—	USDA and operators	USDA and operators	Operators	Operators	—

(¹) Duties fixed in the Common Customs Tariff.

COMMISSION REGULATION (EC) No 1559/2002
of 30 August 2002
determining the world market price for unginning cotton

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Protocol 4 on cotton, annexed to the Act of Accession of Greece, as last amended by Council Regulation (EC) No 1050/2001⁽¹⁾,

Having regard to Council Regulation (EC) No 1051/2001 of 22 May 2001 on production aid for cotton⁽²⁾, and in particular Article 4 thereof,

Whereas:

- (1) In accordance with Article 4 of Regulation (EC) No 1051/2001, a world market price for unginning cotton is to be determined periodically from the price for ginned cotton recorded on the world market and by reference to the historical relationship between the price recorded for ginned cotton and that calculated for unginning cotton. That historical relationship has been established in Article 2(2) of Commission Regulation (EC) No 1591/2001 of 2 August 2001⁽³⁾, as amended by Regulation (EC) No 1486/2002⁽⁴⁾. Where the world market price cannot be determined in this way, it is to be based on the most recent price determined.
- (2) In accordance with Article 5 of Regulation (EC) No 1051/2001, the world market price for unginning cotton is to be determined in respect of a product of specific characteristics and by reference to the most favourable

offers and quotations on the world market among those considered representative of the real market trend. To that end, an average is to be calculated of offers and quotations recorded on one or more European exchanges for a product delivered cif to a port in the Community and coming from the various supplier countries considered the most representative in terms of international trade. However, there is provision for adjusting the criteria for determining the world market price for ginned cotton to reflect differences justified by the quality of the product delivered and the offers and quotations concerned. Those adjustments are specified in Article 3(2) of Regulation (EC) No 1591/2001.

- (3) The application of the above criteria gives the world market price for unginning cotton determined hereinafter,

HAS ADOPTED THIS REGULATION:

Article 1

The world price for unginning cotton as referred to in Article 4 of Regulation (EC) No 1051/2001 is hereby determined as equalling EUR 24,389/100 kg.

Article 2

This Regulation shall enter into force on 31 August 2002.

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

Done at Brussels, 30 August 2002.

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

⁽¹⁾ OJ L 148, 1.6.2001, p. 1.

⁽²⁾ OJ L 148, 1.6.2001, p. 3.

⁽³⁾ OJ L 210, 3.8.2001, p. 10.

⁽⁴⁾ OJ L 223, 20.8.2002, p. 3.

**COMMISSION REGULATION (EC) No 1560/2002
of 30 August 2002**

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1255/1999 of 15 May 1999 on the common organisation of the market in milk and milk products ⁽¹⁾, as last amended by Commission Regulation (EC) No 509/2002 ⁽²⁾, and in particular Article 31(3) thereof,

Whereas:

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

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

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

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

(5) Commission Regulation (EC) No 2571/97 of 15 December 1997 on the sale of butter at reduced prices and the granting of aid for cream, butter and concentrated butter for use in the manufacture of pastry products, ice-cream and other foodstuffs ⁽⁵⁾, as last amended by Regulation (EC) No 635/2002 ⁽⁶⁾, lays down that butter and cream at reduced prices should be made available to industries which manufacture certain goods.

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

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

Article 2

This Regulation shall enter into force on 1 September 2002.

⁽¹⁾ OJ L 160, 26.6.1999, p. 48.

⁽²⁾ OJ L 79, 22.3.2002, p. 15.

⁽³⁾ OJ L 177, 15.7.2000, p. 1.

⁽⁴⁾ OJ L 160, 18.6.2002, p. 16.

⁽⁵⁾ OJ L 350, 20.12.1997, p. 3.

⁽⁶⁾ OJ L 76, 25.3.2002, p. 9.

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

Done at Brussels, 30 August 2002.

For the Commission
Erkki LIIKANEN
Member of the Commission

ANNEX

to the Commission Regulation of 30 August 2002 fixing the rates of the refunds applicable to certain milk products exported in the form of goods not covered by Annex I to the Treaty

(EUR/100 kg)

CN code	Description	Rate of refund
ex 0402 10 19	Powdered milk, in granules or other solid forms, not containing added sugar or other sweetening matter, with a fat content not exceeding 1,5 % by weight (PG 2):	
	(a) On exportation of goods of CN code 3501	—
	(b) On exportation of other goods	85,00
ex 0402 21 19	Powdered milk, in granules or other solid forms, not containing added sugar or other sweetening matter, with a fat content of 26 % by weight (PG 3):	
	(a) Where goods incorporating, in the form of products assimilated to PG 3, reduced-price butter or cream obtained pursuant to Regulation (EC) No 2571/97 are exported	94,61
	(b) On exportation of other goods	120,90
ex 0405 10	Butter, with a fat content by weight of 82 % (PG 6):	
	(a) Where goods containing reduced-price butter or cream which have been manufactured in accordance with the conditions provided for in Regulation (EC) No 2571/97 are exported	100,00
	(b) On exportation of goods of CN code 2106 90 98 containing 40 % or more by weight of milk fat	192,25
	(c) On exportation of other goods	185,00

COMMISSION REGULATION (EC) No 1561/2002

of 30 August 2002

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1260/2001 of 19 June 2001 on the common organisation of the market in sugar ⁽¹⁾, as amended by Commission Regulation (EC) No 680/2002 ⁽²⁾, and in particular Article 27(5)(a) and (15),

Whereas:

(1) Article 27(1) and (2) of Regulation (EEC) No 1260/2001 provides that the differences between the prices in international trade for the products listed in Article 1(1)(a), (c), (d), (f), (g) and (h) of that Regulation and prices within the Community may be covered by an export refund where these products are exported in the form of goods listed in the Annex to that Regulation. Commission Regulation (EC) No 1520/2000 of 13 July 2000 laying down common implementing rules for granting export refunds on certain agricultural products exported in the form of goods not covered by Annex I to the Treaty and the criteria for fixing the amount of such refunds ⁽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 Annex I to Regulation (EC) No 1260/2001.

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

(3) Article 27(3) of Regulation (EC) No 1260/2001 and Article 11 of the Agreement on Agriculture concluded under the Uruguay Round lay down that the export refund for a product contained in a good may not exceed the refund applicable to that product when exported without further processing.

(4) The refunds fixed under this Regulation may be fixed in advance as the market situation over the next few months cannot be established at the moment.

(5) The commitments entered into with regard to refunds which may be granted for the export of agricultural products contained in goods not covered by Annex I to the Treaty may be jeopardised by the fixing in advance of high refund rates. It is therefore necessary to take precautionary measures in such situations without, however, preventing the conclusion of long-term contracts. The fixing of a specific refund rate for the advance fixing of refunds is a measure which enables these various objectives to be met.

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

⁽¹⁾ OJ L 178, 30.6.2001, p. 1.

⁽²⁾ OJ L 104, 20.4.2002, p. 26.

⁽³⁾ OJ L 177, 15.7.2000, p. 1.

⁽⁴⁾ OJ L 160, 18.6.2002, p. 16.

This Regulation shall enter into force on 1 September 2002.

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

Done at Brussels, 30 August 2002.

For the Commission
Erkki LIIKANEN
Member of the Commission

ANNEX

to the Commission Regulation of 30 August 2002 fixing the rates of refunds applicable to certain products from the sugar sector exported in the form of goods not covered by Annex I to the Treaty

Product	Rate of refund in EUR/100 kg	
	In case of advance fixing of refunds	Other
White sugar:	46,40	46,40

COMMISSION REGULATION (EC) No 1562/2002**of 30 August 2002****fixing the refunds applicable to cereal and rice sector products supplied as Community and national food aid**

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 Commission Regulation (EC) No 1666/2000 ⁽²⁾, and in particular the third subparagraph of Article 13(2) thereof,Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organisation of the market in rice ⁽³⁾, as last amended by Commission Regulation (EC) No 411/2002 ⁽⁴⁾, and in particular Article 13(3) thereof,

Whereas:

- (1) Article 2 of Council Regulation (EEC) No 2681/74 of 21 October 1974 on Community financing of expenditure incurred in respect of the supply of agricultural products as food aid ⁽⁵⁾ lays down that the portion of the expenditure corresponding to the export refunds on the products in question fixed under Community rules is to be charged to the European Agricultural Guidance and Guarantee Fund, Guarantee Section.
- (2) In order to make it easier to draw up and manage the budget for Community food aid actions and to enable the Member States to know the extent of Community participation in the financing of national food aid

actions, the level of the refunds granted for these actions should be determined.

- (3) The general and implementing rules provided for in Article 13 of Regulation (EEC) No 1766/92 and in Article 13 of Regulation (EC) No 3072/95 on export refunds are applicable *mutatis mutandis* to the abovementioned operations.
- (4) The specific criteria to be used for calculating the export refund on rice are set out in Article 13 of Regulation (EC) No 3072/95.
- (5) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

Article 1

For Community and national food aid operations under international agreements or other supplementary programmes, and other Community free supply measures, the refunds applicable to cereals and rice sector products shall be as set out in the Annex.

Article 2

This Regulation shall enter into force on 1 September 2002.

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

Done at Brussels, 30 August 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 329, 30.12.1995, p. 18.⁽⁴⁾ OJ L 62, 5.3.2002, p. 27.⁽⁵⁾ OJ L 288, 25.10.1974, p. 1.

ANNEX

to the Commission Regulation of 30 August 2002 fixing the refunds applicable to cereal and rice sector products supplied as Community and national food aid

(EUR/t)

Product code	Refund
1001 10 00 9400	0,00
1001 90 99 9000	0,00
1002 00 00 9000	25,00
1003 00 90 9000	0,00
1005 90 00 9000	36,00
1006 30 92 9100	192,00
1006 30 92 9900	192,00
1006 30 94 9100	192,00
1006 30 94 9900	192,00
1006 30 96 9100	192,00
1006 30 96 9900	192,00
1006 30 98 9100	192,00
1006 30 98 9900	192,00
1006 30 65 9900	192,00
1007 00 90 9000	36,00
1101 00 15 9100	0,00
1101 00 15 9130	0,00
1102 10 00 9500	34,25
1102 20 10 9200	23,73
1102 20 10 9400	20,34
1103 11 10 9200	0,00
1103 13 10 9100	30,51
1104 12 90 9100	0,00

NB: The product codes are defined in Commission Regulation (EEC) No 3846/87 (OJ L 366, 24.12.1987, p. 1), amended.

COMMISSION REGULATION (EC) No 1563/2002
of 30 August 2002

repealing Regulation (EC) No 1866/95 establishing detailed rules for the application in the poultry-meat and egg sectors of the arrangements provided for in the free trade agreements between the Community, of the one part, and Lithuania, Latvia and Estonia, of the other part

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1361/2002 of 22 July 2002 establishing concessions in the form of Community tariff quotas for certain agricultural products and providing for an adjustment, as an autonomous and transitional measure, of certain agricultural concessions provided for in the Europe Agreement with Lithuania ⁽¹⁾, and in particular Article 1(3) thereof,

Having regard to Council Regulation (EC) No 1362/2002 of 22 July 2002 establishing concessions in the form of Community tariff quotas for certain agricultural products and providing for an adjustment, as an autonomous and transitional measure, of certain agricultural concessions provided for in the Europe Agreement with Latvia ⁽²⁾, and in particular Article 1(3) thereof,

Having regard to Council Regulation (EC) No 1151/2002 of 27 June 2002 establishing certain concessions in the form of Community tariff quotas for certain agricultural products and providing for an adjustment, as an autonomous and transitional measure, of certain agricultural concessions provided for in the Europe Agreement with Estonia ⁽³⁾, and in particular Article 1(3) thereof,

Whereas:

- (1) Regulations (EC) No 1361/2002, (EC) No 1362/2002 and (EC) No 1151/2002 provide for the management of quotas for certain products in the poultrymeat and egg sectors directly on their entry into the European Union and no longer by means of the prior allocation of licences.
- (2) Commission Regulation (EC) No 1866/95 ⁽⁴⁾, as last amended by Regulation (EC) No 1043/2001 ⁽⁵⁾, providing for a system of import licences, should therefore be repealed.
- (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

Regulation (EC) No 1866/95 is repealed.

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 1 July 2002.

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

Done at Brussels, 30 August 2002.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 198, 27.7.2002, p. 1.

⁽²⁾ OJ L 198, 27.7.2002, p. 13.

⁽³⁾ OJ L 170, 29.6.2002, p. 15.

⁽⁴⁾ OJ L 179, 29.7.1995, p. 26.

⁽⁵⁾ OJ L 145, 31.5.2001, p. 24.

**COMMISSION REGULATION (EC) No 1564/2002
of 30 August 2002**

**fixing the maximum aid for concentrated butter for the 275th special invitation to tender opened
under the standing invitation to tender provided for in Regulation (EEC) No 429/90**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1255/1999 of 17 May 1999 on the common organisation of the market in milk and milk products ⁽¹⁾, as last amended by Commission Regulation (EC) No 509/2002 ⁽²⁾, and in particular Article 10 thereof,

Whereas:

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

For the 275th special invitation to tender under the standing invitation to tender opened by Regulation (EEC) No 429/90, the maximum aid and the amount of the end-use security shall be as follows:

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

Article 2

This Regulation shall enter into force on 31 August 2002.

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

Done at Brussels, 30 August 2002.

For the Commission
Franz FISCHLER
Member of the Commission

⁽¹⁾ OJ L 160, 26.6.1999, p. 48.

⁽²⁾ OJ L 79, 22.3.2002, p. 15.

⁽³⁾ OJ L 45, 21.2.1990, p. 8.

⁽⁴⁾ OJ L 16, 21.1.1999, p. 19.

**COMMISSION REGULATION (EC) No 1565/2002
of 30 August 2002**

fixing the minimum selling prices for butter and the maximum aid for cream, butter and concentrated butter for the 103rd individual invitation to tender under the standing invitation to tender provided for in Regulation (EC) No 2571/97

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1255/1999 of 17 May 1999 on the common organisation of the market in milk and milk products ⁽¹⁾, as last amended by Commission Regulation (EC) No 509/2002 ⁽²⁾, and in particular Article 10 thereof,

Whereas:

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

The minimum selling prices and the maximum aid and processing securities applying for the 103rd individual invitation to tender, under the standing invitation to tender provided for in Regulation (EC) No 2571/97, shall be fixed as indicated in the Annex hereto.

Article 2

This Regulation shall enter into force on 31 August 2002.

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

Done at Brussels, 30 August 2002.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 160, 26.6.1999, p. 48.

⁽²⁾ OJ L 79, 22.3.2002, p. 15.

⁽³⁾ OJ L 350, 20.12.1997, p. 3.

⁽⁴⁾ OJ L 76, 25.3.2000, p. 9.

ANNEX

to the Commission Regulation of 30 August 2002 fixing the minimum selling prices for butter and the maximum aid for cream, butter and concentrated butter for the 103rd individual invitation to tender under the standing invitation to tender provided for in Regulation (EC) No 2571/97

(EUR/100 kg)

Formula			A		B	
Incorporation procedure			With tracers	Without tracers	With tracers	Without tracers
Minimum selling price	Butter \geq 82 %	Unaltered	—	—	—	—
		Concentrated	—	—	—	—
Processing security	Unaltered		—	—	—	—
	Concentrated		—	—	—	—
Maximum aid	Butter \geq 82 %		85	81	85	81
	Butter < 82 %		83	79	—	79
	Concentrated butter		105	101	105	101
	Cream		—	—	36	34
Processing security	Butter		94	—	94	—
	Concentrated butter		116	—	116	—
	Cream		—	—	40	—

**COMMISSION REGULATION (EC) No 1566/2002
of 30 August 2002**

**fixing the maximum purchasing price for butter for the 56th invitation to tender carried out under
the standing invitation to tender governed by Regulation (EC) No 2771/1999**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1255/1999 of 17 May 1999 on the common organisation of the market in milk and milk products ⁽¹⁾, as last amended by Commission Regulation (EC) No 509/2002 ⁽²⁾, and in particular Article 10 thereof,

Whereas:

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

For the 56th invitation to tender issued under Regulation (EC) No 2771/1999, for which tenders had to be submitted not later than 27 August 2002, the maximum buying-in price is fixed at 295,38 EUR/100 kg.

Article 2

This Regulation shall enter into force on 31 August 2002.

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

Done at Brussels, 30 August 2002.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 160, 26.6.1999, p. 48.

⁽²⁾ OJ L 79, 22.3.2002, p. 15.

⁽³⁾ OJ L 333, 24.12.1999, p. 11.

⁽⁴⁾ OJ L 214, 8.8.2001, p. 20.

**COMMISSION REGULATION (EC) No 1567/2002
of 30 August 2002**

**fixing the maximum buying-in price for skimmed-milk powder for the fourth invitation to tender
carried out under the standing invitation to tender governed by Regulation (EC) No 214/2001**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1255/1999 of 17 May 1999 on the common organisation of the market in milk and milk products ⁽¹⁾, as last amended by Commission Regulation (EC) No 509/2002 ⁽²⁾, and in particular Article 10 thereof,

Whereas:

- (1) Article 17 of Commission Regulation (EC) No 214/2001 of 12 January 2001 laying down detailed rules for the application of Council Regulation (EC) No 1255/1999 as regards intervention on the market in skimmed-milk powder ⁽³⁾ provides that, in the light of the tenders received for each invitation to tender, a maximum buying-in price is to be fixed by reference to the intervention price applicable and that it may also be decided to make no award under the round.

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

- (3) The Management Committee for Milk and Milk Products has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

Article 1

For the fourth invitation to tender issued under Regulation (EC) No 214/2001, for which tenders had to be submitted not later than 27 August 2002, the maximum buying-in price shall be EUR 196,27/100 kg.

Article 2

This Regulation shall enter into force on 31 August 2002.

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

Done at Brussels, 30 August 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 37, 7.2.2001, p. 100.

COMMISSION REGULATION (EC) No 1568/2002

of 30 August 2002

fixing the export refunds on rice and broken rice and suspending the issue of export licences

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organisation of the market in rice ⁽¹⁾, as last amended by Commission Regulation (EC) No 411/2002 ⁽²⁾, and in particular the second subparagraph of Article 13(3) and (15) thereof,

Whereas:

- (1) Article 13 of Regulation (EC) No 3072/95 provides that the difference between quotations or prices on the world market for the products listed in Article 1 of that Regulation and prices for those products within the Community may be covered by an export refund.
- (2) Article 13(4) of Regulation (EC) No 3072/95, provides that when refunds are being fixed account must be taken of the existing situation and the future trend with regard to prices and availabilities of rice and broken rice on the Community market on the one hand and prices for rice and broken rice on the world market on the other. The same Article provides that it is also important to ensure equilibrium and the natural development of prices and trade on the rice market and, furthermore, to take into account the economic aspect of the proposed exports and the need to avoid disturbances of the Community market with limits resulting from agreements concluded in accordance with Article 300 of the Treaty.
- (3) Commission Regulation (EEC) No 1361/76 ⁽³⁾ lays down the maximum percentage of broken rice allowed in rice for which an export refund is fixed and specifies the percentage by which that refund is to be reduced where the proportion of broken rice in the rice exported exceeds that maximum.
- (4) Export possibilities exist for a quantity of 21 300 tonnes of rice to certain destinations. The procedure laid down in Article 7(4) of Commission Regulation (EC) No 1162/95 ⁽⁴⁾, as last amended by Regulation (EC) No 1322/2002 ⁽⁵⁾, should be used. Account should be taken of this when the refunds are fixed.

- (5) Article 13(5) of Regulation (EC) No 3072/95 defines the specific criteria to be taken into account when the export refund on rice and broken rice is being calculated.
- (6) The world market situation or the specific requirements of certain markets may make it necessary to vary the refund for certain products according to destination.
- (7) A separate refund should be fixed for packaged long grain rice to accommodate current demand for the product on certain markets.
- (8) The refund must be fixed at least once a month; whereas it may be altered in the intervening period.
- (9) It follows from applying these rules and criteria to the present situation on the market in rice and in particular to quotations or prices for rice and broken rice within the Community and on the world market, that the refund should be fixed as set out in the Annex hereto.
- (10) For the purposes of administering the volume restrictions resulting from Community commitments in the context of the WTO, the issue of export licences with advance fixing of the refund should be restricted.
- (11) 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

The export refunds on the products listed in Article 1 of Regulation (EC) No 3072/95 with the exception of those listed in paragraph 1(c) of that Article, exported in the natural state, shall be as set out in the Annex hereto.

Article 2

With the exception of the quantity of 21 300 tonnes provided for in the Annex, the issue of export licences with advance fixing of the refund is suspended.

Article 3

This Regulation shall enter into force on 1 September 2002.

⁽¹⁾ OJ L 329, 30.12.1995, p. 18.

⁽²⁾ OJ L 62, 5.3.2002, p. 27.

⁽³⁾ OJ L 154, 15.6.1976, p. 11.

⁽⁴⁾ OJ L 117, 24.5.1995, p. 2.

⁽⁵⁾ OJ L 194, 23.7.2002, p. 22.

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

Done at Brussels, 30 August 2002.

For the Commission
Franz FISCHLER
Member of the Commission

ANNEX

to the Commission Regulation of 30 August 2002 fixing the export refunds on rice and broken rice and suspending the issue of export licences

Product code	Destination	Unit of measurement	Amount of refunds (1)	Product code	Destination	Unit of measurement	Amount of refunds (1)
1006 20 11 9000	R01	EUR/t	141	1006 30 65 9100	R01	EUR/t	176
1006 20 13 9000	R01	EUR/t	141		R02	EUR/t	182
1006 20 15 9000	R01	EUR/t	141		R03	EUR/t	187
1006 20 17 9000	—	EUR/t	—		064	EUR/t	137
1006 20 92 9000	R01	EUR/t	141		A97	EUR/t	182
1006 20 94 9000	R01	EUR/t	141		021 and 023	EUR/t	182
1006 20 96 9000	R01	EUR/t	141	1006 30 65 9900	R01	EUR/t	176
1006 20 98 9000	—	EUR/t	—		064	EUR/t	137
1006 30 21 9000	R01	EUR/t	141		A97	EUR/t	182
1006 30 23 9000	R01	EUR/t	141	1006 30 67 9100	021 and 023	EUR/t	182
1006 30 25 9000	R01	EUR/t	141		064	EUR/t	137
1006 30 27 9000	—	EUR/t	—		A97	EUR/t	182
1006 30 42 9000	R01	EUR/t	141	1006 30 67 9900	064	EUR/t	137
1006 30 44 9000	R01	EUR/t	141	1006 30 92 9100	R01	EUR/t	176
1006 30 46 9000	R01	EUR/t	141		R02	EUR/t	182
1006 30 48 9000	—	EUR/t	—		R03	EUR/t	187
1006 30 61 9100	R01	EUR/t	176		064	EUR/t	137
	R02	EUR/t	182		A97	EUR/t	182
	R03	EUR/t	187	1006 30 94 9100	064	EUR/t	137
	064	EUR/t	137		R01	EUR/t	176
	A97	EUR/t	182		R02	EUR/t	182
	021 and 023	EUR/t	182		R03	EUR/t	187
1006 30 61 9900	R01	EUR/t	176		064	EUR/t	137
	A97	EUR/t	182		A97	EUR/t	182
	064	EUR/t	137	1006 30 94 9900	064	EUR/t	137
1006 30 63 9100	R01	EUR/t	176		R01	EUR/t	176
	R02	EUR/t	182		R02	EUR/t	182
	R03	EUR/t	187		R03	EUR/t	187
	064	EUR/t	137		064	EUR/t	137
	A97	EUR/t	182		A97	EUR/t	182
	021 and 023	EUR/t	182		021 and 023	EUR/t	182
1006 30 63 9900	R01	EUR/t	176	1006 30 96 9100	R01	EUR/t	176
	064	EUR/t	137		R02	EUR/t	182
	A97	EUR/t	182		R03	EUR/t	187
	021 and 023	EUR/t	182		064	EUR/t	137
	R01	EUR/t	176		A97	EUR/t	182
	064	EUR/t	137	1006 30 96 9900	021 and 023	EUR/t	182
	A97	EUR/t	182		R01	EUR/t	176
	021 and 023	EUR/t	182		A97	EUR/t	182
	R01	EUR/t	176		064	EUR/t	137
	064	EUR/t	137	1006 30 98 9100	021 and 023	EUR/t	182
	A97	EUR/t	182	1006 30 98 9900	—	EUR/t	—
	021 and 023	EUR/t	182	1006 40 00 9000	—	EUR/t	—
	R01	EUR/t	176				
	064	EUR/t	137				
	A97	EUR/t	182				

(1) The procedure laid down in Article 7(4) of Regulation (EC) No 1162/95 applies to licences applied for under that Regulation for quantities according to the destination:
 destination R01: 5 000 t,
 all destinations R02 and R03: 5 000 t,
 destinations 021 and 023: 1 000 t,
 destination 064: 10 000 t,
 destination A97: 300 t.

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:

R01 Switzerland, Liechtenstein, communes of Livigno and Campione d'Italia.

R02 Morocco, Algeria, Tunisia, Malta, Egypt, Israel, Lebanon, Libya, Syria, Ex-Spanish Sahara, Cyprus, Jordan, Iraq, Iran, Yemen, Kuwait, United Arab Emirates, Oman, Bahrain, Qatar, Saudi Arabia, Eritrea, West Bank/Gaza Strip, Estonia, Latvia, Lithuania, Poland, Czech Republic, Slovenia, Slovakia, Norway, Faroe Islands, Iceland, Russia, Belarus, Bosnia and Herzegovina, Croatia, Yugoslavia, Former Yugoslav Republic of Macedonia, Albania, Romania, Bulgaria, Georgia, Armenia, Azerbaijan, Moldova, Ukraine, Kazakstan, Turkmenistan, Uzbekistan, Tajikistan, Kyrgyzstan.

R03 Colombia, Ecuador, Peru, Bolivia, Chile, Argentina, Uruguay, Paraguay, Brazil, Venezuela, Canada, Mexico, Guatemala, Honduras, El Salvador, Nicaragua, Costa Rica, Panama, Cuba, Bermuda, South Africa, Australia, New Zealand, Hong Kong SAR, Singapore, A40, A11 except Suriname, Guyana, Madagascar.

COMMISSION REGULATION (EC) No 1569/2002
of 30 August 2002
amending 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 organisation 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) The export refunds on poultrymeat were fixed by Commission Regulation (EC) No 1236/2002 ⁽³⁾.
- (2) It follows from applying the criteria referred to in Article 8 of Regulation (EEC) No 2777/75 to the information known to the Commission that the export refunds at

present in force should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1(1) of Regulation (EEC) No 2777/75, exported in the natural state, as fixed in the Annex to Regulation (EC) No 1236/2002 are hereby altered as shown in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 2 September 2002.

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

Done at Brussels, 30 August 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.

⁽³⁾ OJ L 180, 10.7.2002, p. 15.

ANNEX

to the Commission Regulation of 30 August 2002 altering 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	59,00
0207 12 90 9190	V01	EUR/100 kg	44,00
0207 12 90 9190	A24	EUR/100 kg	59,00
0207 12 90 9990	V01	EUR/100 kg	44,00
0207 12 90 9990	A24	EUR/100 kg	59,00

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 1570/2002
of 30 August 2002
fixing the export refunds on beef and veal

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

prepared or preserved meat or offal listed in the Annex under CN code 1602 50 10.

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1254/1999 of 17 May 1999 on the common organisation of the market in beef and veal ⁽¹⁾, as last amended by Commission Regulation (EC) No 2345/2001 ⁽²⁾, and in particular Article 33(12) thereof,

Whereas:

- (1) Article 33 of Regulation (EC) No 1254/1999 provides that the difference between prices on the world market for the products listed in Article 1 of that Regulation and prices for those products within the Community may be covered by an export refund.
- (2) Regulation (EEC) No 32/82 ⁽³⁾, as last amended by Regulation (EC) No 744/2000 ⁽⁴⁾, Regulation (EEC) No 1964/82 ⁽⁵⁾, as last amended by Regulation (EC) No 2772/2000 ⁽⁶⁾, and Regulation (EEC) No 2388/84 ⁽⁷⁾, as last amended by Regulation (EEC) No 3661/92 ⁽⁸⁾, lay down the conditions for granting special export refunds on certain cuts of beef and veal and certain preserved beef and veal products.
- (3) It follows from applying those rules and criteria to the foreseeable situation on the market in beef and veal that the refund should be as set out below.
- (4) Given the current market situation in the Community and the possibilities of disposal in certain third countries in particular, export refunds should be granted, on the one hand, on bovine animals intended for slaughter of a live weight greater than 220 kilograms and less than 300 kilograms, and, on the other on adult bovine animals of a live weight of at least 300 kilograms.
- (5) Export refunds should be granted for certain destinations on some fresh or chilled meat listed in the Annex under CN code 0201, on some frozen meat listed in the Annex under CN code 0202, on some meat or offal listed in the Annex under CN code 0206 and on some other

- (6) In view of the wide differences in products covered by CN codes 0201 20 90 9700 and 0202 20 90 9100 used for refund purposes, refunds should only be granted on cuts in which the weight of bone does not exceed one third.
- (7) In the case of meat of bovine animals, boned or boneless, salted and dried, there are traditional trade flows to Switzerland. To allow this trade to continue, the refund should be set to cover the difference between prices on the Swiss market and export prices in the Member States.
- (8) In the case of certain other cuts and preserves of meat or offal shown in the Annex under CN codes 1602 50 31 to 1602 50 80, the Community share of international trade may be maintained by granting a refund corresponding to that at present available.
- (9) In the case of other beef and veal products, a refund need not be fixed since the Community's share of world trade is not significant.
- (10) Commission Regulation (EEC) No 3846/87 ⁽⁹⁾, as last amended by Regulation (EC) No 1007/2002 ⁽¹⁰⁾, establishes the agricultural product nomenclature for the purposes of export refunds.
- (11) In order to simplify customs export formalities for operators, the refunds on all frozen cuts should be brought into line with those on fresh or chilled cuts other than those from adult male bovine animals.
- (12) Checks on products covered by CN code 1602 50 should be stepped up by making the granting of refunds on these products conditional on manufacture under the arrangements provided for in Article 4 of Council Regulation (EEC) No 565/80 of 4 March 1980 on the advance payment of export refunds in respect of agricultural products ⁽¹¹⁾, as amended by Regulation (EEC) No 2026/83 ⁽¹²⁾.

⁽¹⁾ OJ L 160, 26.6.1999, p. 21.

⁽²⁾ OJ L 315, 1.12.2001, p. 29.

⁽³⁾ OJ L 4, 8.1.1982, p. 11.

⁽⁴⁾ OJ L 89, 11.4.2000, p. 3.

⁽⁵⁾ OJ L 212, 21.7.1982, p. 48.

⁽⁶⁾ OJ L 321, 19.12.2000, p. 35.

⁽⁷⁾ OJ L 221, 18.8.1984, p. 28.

⁽⁸⁾ OJ L 370, 19.12.1992, p. 16.

⁽⁹⁾ OJ L 366, 26.12.1987, p. 1.

⁽¹⁰⁾ OJ L 153, 13.6.2002, p. 8.

⁽¹¹⁾ OJ L 62, 7.3.1980, p. 5.

⁽¹²⁾ OJ L 199, 22.7.1983, p. 12.

- (13) Refunds on female animals should vary depending on their age in order to prevent abuses in the export of certain pure-bred breeding animals.
- (14) Opportunities exist for the export to certain third countries of heifers other than those intended for slaughter, but to prevent any abuse control criteria should be laid down to ensure that these animals are not more than 36 months old.
- (15) Under Article 6(2) of Regulation (EEC) No 1964/82, the special refund is to be reduced if the quantity of boned meat to be exported amounts to less than 95 %, but not less than 85 %, of the total weight of cuts produced by boning.
- (16) The negotiations on the adoption of additional concessions, held within the framework of the Europe Agreements between the European Community and the associated Central and Eastern European Countries, aim in particular to liberalise trade in products covered by the common organisation of the market in beef and veal. The abolition of refunds may not, however, lead to the creation of a differentiated refund for exports to other countries.
- (17) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Beef and Veal,

HAS ADOPTED THIS REGULATION:

Article 1

1. The list of products on which export refunds as referred to in Article 33 of Regulation (EC) No 1254/1999 are granted

and the amount thereof and the destinations shall be as set out in the Annex to this Regulation.

2. The products must meet the relevant health marking requirements of:

- Chapter XI of Annex I to Council Directive 64/433/EEC ⁽¹⁾,
- Chapter VI of Annex I to Council Directive 94/65/EC ⁽²⁾,
- Chapter VI of Annex B to Council Directive 77/99/EEC ⁽³⁾.

Article 2

The grant of the refund for product code 0102 90 59 9000 of the nomenclature for export refunds and for exports to the third country 075 listed in the Annex to this Regulation shall be subject to presentation, when the customs formalities for export are completed, of the original and one copy of the veterinary certificate signed by an official veterinarian certifying that these are heifers of an age of not more than 36 months. The original of the certificate shall be returned to the exporter and the copy, certified as being in accordance with the regulations by the customs authorities, shall be attached to the application for payment of the refund.

Article 3

In the case referred to in the third subparagraph of Article 6(2) of Regulation (EEC) No 1964/82 the rate of the refund on products falling within CN code 0201 30 00 9100 shall be reduced by EUR 14,00/100 kg.

Article 4

The fact that no refund has been fixed for exports to Estonia, Lithuania, Latvia and Hungary shall not be considered to mean that there is a differentiated refund.

Article 5

This Regulation shall enter into force on 31 August 2002.

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

Done at Brussels, 30 August 2002.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 21, 29.7.1964, p. 2012/64.

⁽²⁾ OJ L 368, 31.12.1994, p. 10.

⁽³⁾ OJ L 26, 31.1.1977, p. 85.

ANNEX

to the Commission Regulation of 30 August 2002 fixing export refunds on beef

Product code	Destination	Unit of measurement	Refunds (€)
0102 10 10 9120	B00	EUR/100 kg live weight	53,00
0102 10 10 9130	B02	EUR/100 kg live weight	15,50
	B03	EUR/100 kg live weight	9,50
	039	EUR/100 kg live weight	5,00
0102 10 30 9120	B00	EUR/100 kg live weight	53,00
0102 10 30 9130	B02	EUR/100 kg live weight	15,50
	B03	EUR/100 kg live weight	9,50
	039	EUR/100 kg live weight	5,00
0102 10 90 9120	B00	EUR/100 kg live weight	53,00
0102 90 41 9100	B02	EUR/100 kg live weight	41,00
0102 90 51 9000	B02	EUR/100 kg live weight	15,50
	B03	EUR/100 kg live weight	9,50
	039	EUR/100 kg live weight	5,00
0102 90 59 9000	B02	EUR/100 kg live weight	15,50
	B03	EUR/100 kg live weight	9,50
	039	EUR/100 kg live weight	5,00
	075 ⁽⁹⁾	EUR/100 kg live weight	53,00
0102 90 61 9000	B02	EUR/100 kg live weight	15,50
	B03	EUR/100 kg live weight	9,50
	039	EUR/100 kg live weight	5,00
0102 90 69 9000	B02	EUR/100 kg live weight	15,50
	B03	EUR/100 kg live weight	9,50
	039	EUR/100 kg live weight	5,00
0102 90 71 9000	B02	EUR/100 kg live weight	41,00
	B03	EUR/100 kg live weight	23,00
	039	EUR/100 kg live weight	14,00
0102 90 79 9000	B02	EUR/100 kg live weight	41,00
	B03	EUR/100 kg live weight	23,00
	039	EUR/100 kg live weight	14,00
0201 10 00 9110 ⁽¹⁾	B02	EUR/100 kg net weight	71,50
	B03	EUR/100 kg net weight	43,00
	039	EUR/100 kg net weight	23,50
0201 10 00 9120	B02	EUR/100 kg net weight	33,50
	B03	EUR/100 kg net weight	10,00
	039	EUR/100 kg net weight	11,50
0201 10 00 9130 ⁽¹⁾	B02	EUR/100 kg net weight	97,00
	B03	EUR/100 kg net weight	56,50
	039	EUR/100 kg net weight	33,50
0201 10 00 9140	B02	EUR/100 kg net weight	46,00
	B03	EUR/100 kg net weight	14,00
	039	EUR/100 kg net weight	16,00
0201 20 20 9110 ⁽¹⁾	B02	EUR/100 kg net weight	97,00
	B03	EUR/100 kg net weight	56,50
	039	EUR/100 kg net weight	33,50

Product code	Destination	Unit of measurement	Refunds (°)
0201 20 20 9120	B02	EUR/100 kg net weight	46,00
	B03	EUR/100 kg net weight	14,00
	039	EUR/100 kg net weight	16,00
0201 20 30 9110 (1)	B02	EUR/100 kg net weight	71,50
	B03	EUR/100 kg net weight	43,00
	039	EUR/100 kg net weight	23,50
0201 20 30 9120	B02	EUR/100 kg net weight	33,50
	B03	EUR/100 kg net weight	10,00
	039	EUR/100 kg net weight	11,50
0201 20 50 9110 (1)	B02	EUR/100 kg net weight	123,00
	B03	EUR/100 kg net weight	71,50
	039	EUR/100 kg net weight	41,00
0201 20 50 9120	B02	EUR/100 kg net weight	58,50
	B03	EUR/100 kg net weight	17,50
	039	EUR/100 kg net weight	19,50
0201 20 50 9130 (1)	B02	EUR/100 kg net weight	71,50
	B03	EUR/100 kg net weight	43,00
	039	EUR/100 kg net weight	23,50
0201 20 50 9140	B02	EUR/100 kg net weight	33,50
	B03	EUR/100 kg net weight	10,00
	039	EUR/100 kg net weight	11,50
0201 20 90 9700	B02	EUR/100 kg net weight	33,50
	B03	EUR/100 kg net weight	10,00
	039	EUR/100 kg net weight	11,50
0201 30 00 9050	400 (3)	EUR/100 kg net weight	23,50
	404 (4)	EUR/100 kg net weight	23,50
0201 30 00 9060 (6)	B02	EUR/100 kg net weight	46,00
	B03	EUR/100 kg net weight	13,00
	039	EUR/100 kg net weight	15,00
	809, 822	EUR/100 kg net weight	37,00
0201 30 00 9100 (2) (6)	B02	EUR/100 kg net weight	172,00
	B03	EUR/100 kg net weight	102,00
	039	EUR/100 kg net weight	60,00
	809, 822	EUR/100 kg net weight	152,50
0201 30 00 9120 (2) (6)	B08	EUR/100 kg net weight	94,50
	B09	EUR/100 kg net weight	88,00
	B03	EUR/100 kg net weight	56,50
	039	EUR/100 kg net weight	33,00
	809, 822	EUR/100 kg net weight	83,50
0202 10 00 9100	B02	EUR/100 kg net weight	33,50
	B03	EUR/100 kg net weight	10,00
	039	EUR/100 kg net weight	11,50
0202 10 00 9900	B02	EUR/100 kg net weight	46,00
	B03	EUR/100 kg net weight	14,00
	039	EUR/100 kg net weight	16,00
0202 20 10 9000	B02	EUR/100 kg net weight	46,00
	B03	EUR/100 kg net weight	14,00
	039	EUR/100 kg net weight	16,00
0202 20 30 9000	B02	EUR/100 kg net weight	33,50
	B03	EUR/100 kg net weight	10,00
	039	EUR/100 kg net weight	11,50

Product code	Destination	Unit of measurement	Refunds (°)
0202 20 50 9100	B02	EUR/100 kg net weight	58,50
	B03	EUR/100 kg net weight	17,50
	039	EUR/100 kg net weight	19,50
0202 20 50 9900	B02	EUR/100 kg net weight	33,50
	B03	EUR/100 kg net weight	10,00
	039	EUR/100 kg net weight	11,50
0202 20 90 9100	B02	EUR/100 kg net weight	33,50
	B03	EUR/100 kg net weight	10,00
	039	EUR/100 kg net weight	11,50
0202 30 90 9100	400 ⁽³⁾	EUR/100 kg net weight	23,50
	404 ⁽⁴⁾	EUR/100 kg net weight	23,50
0202 30 90 9200 ⁽⁶⁾	B02	EUR/100 kg net weight	46,00
	B03	EUR/100 kg net weight	13,00
	039	EUR/100 kg net weight	15,00
	809, 822	EUR/100 kg net weight	37,00
0206 10 95 9000	B02	EUR/100 kg net weight	46,00
	B03	EUR/100 kg net weight	13,00
	039	EUR/100 kg net weight	15,00
	809, 822	EUR/100 kg net weight	37,00
0206 29 91 9000	B02	EUR/100 kg net weight	46,00
	B03	EUR/100 kg net weight	13,00
	039	EUR/100 kg net weight	15,00
	809, 822	EUR/100 kg net weight	37,00
0210 20 90 9100	039	EUR/100 kg net weight	23,00
1602 50 10 9170 ⁽⁸⁾	B02	EUR/100 kg net weight	22,50
	B03	EUR/100 kg net weight	15,00
	039	EUR/100 kg net weight	17,50
1602 50 31 9125 ⁽⁵⁾	B00	EUR/100 kg net weight	88,50
1602 50 31 9325 ⁽⁵⁾	B00	EUR/100 kg net weight	79,00
1602 50 39 9125 ⁽⁵⁾	B00	EUR/100 kg net weight	88,50
1602 50 39 9325 ⁽⁵⁾	B00	EUR/100 kg net weight	79,00
1602 50 39 9425 ⁽⁵⁾	B00	EUR/100 kg net weight	30,00
1602 50 39 9525 ⁽⁵⁾	B00	EUR/100 kg net weight	30,00
1602 50 80 9535 ⁽⁸⁾	B00	EUR/100 kg net weight	17,50

⁽¹⁾ Entry under this subheading is subject to the submission of the certificate appearing in the Annex to amended Commission Regulation (EEC) No 32/82.

⁽²⁾ The refund is granted subject to compliance with the conditions laid down in amended Regulation (EEC) No 1964/82.

⁽³⁾ Carried out in accordance with amended Commission Regulation (EEC) No 2973/79 (OJ L 336, 29.12.1979, p. 44).

⁽⁴⁾ Carried out in accordance with amended Commission Regulation (EC) No 2051/96 (OJ L 274, 26.10.1996, p. 18).

⁽⁵⁾ OJ L 221, 18.8.1984, p. 28.

⁽⁶⁾ The lean bovine meat content excluding fat is determined in accordance with the procedure described in the Annex to Commission Regulation (EEC) No 2429/86 (OJ L 210, 1.8.1986, p. 39).

The term 'average content' refers to the sample quantity as defined in Article 2(1) of Regulation (EC) No 765/2002 (OJ L 117, 4.5.2002, p. 6). The sample is to be taken from that part of the consignment presenting the highest risk.

⁽⁷⁾ Article 33(10) of amended Regulation (EC) No 1254/1999 provides that no export refunds shall be granted on products imported from third countries and re-exported to third countries.

⁽⁸⁾ The refund is granted only on products manufactured under the arrangement provided for in Article 4 of amended Council Regulation (EEC) No 565/80.

⁽⁹⁾ The grant of the refund is subject to compliance with the conditions referred to in Article 2 of this Regulation.

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 Regulation (EC) No 2020/2001 (OJ L 273, 16.10.2001, p. 6).

The other destinations are defined as follows:

- B00: all destinations (third countries, other territories, victualling and destinations treated as exports from the Community) with the exception of Estonia, Lithuania, Latvia and Hungary.
- B02: B08 and B09
- B03: Ceuta, Melilla, Iceland, Norway, Faroe Islands, Andorra, Gibraltar, Vatican City, Poland, Czech Republic, Slovakia, Hungary, Romania, Bulgaria, Albania, Slovenia, Croatia, Bosnia and Herzegovina, Yugoslavia, Former Yugoslav Republic of Macedonia, the communes of Livigno and Campione d'Italia, Helgoland, Greenland, Cyprus, stores and provisions (destinations referred to in Articles 36 and 45, and if appropriate in Article 44, of Commission Regulation (EC) No 800/1999, as amended (OJ L 102, 17.4.1999, p. 11))
- B08: Malta, Turkey, Ukraine, Belarus, Moldova, Russia, Georgia, Armenia, Azerbaijan, Kazakhstan, Turkmenistan, Uzbekistan, Tajikistan, Kyrgyzstan, Morocco, Algeria, Tunisia, Libya, Egypt, Lebanon, Syria, Iraq, Iran, Israel, West Bank/Gaza Strip, Jordan, Saudi Arabia, Kuwait, Bahrain, Qatar, United Arab Emirates, Oman, Yemen, Pakistan, Sri Lanka, Myanmar (Burma), Thailand, Vietnam, Indonesia, Philippines, China, North Korea, Hong Kong
- B09: Sudan, Mauritania, Mali, Burkina Faso, Niger, Chad, Cape Verde, Senegal, Gambia, Guinea-Bissau, Guinea, Sierra Leone, Liberia, Côte d'Ivoire, Ghana, Togo, Benin, Nigeria, Cameroon, Central African Republic, Equatorial Guinea, São Tomé and Príncipe, Gabon, Congo, Congo (Democratic Republic), Rwanda, Burundi, Saint Helena and dependencies, Angola, Ethiopia, Eritrea, Djibouti, Somalia, Uganda, Tanzania, Seychelles and dependencies, British Indian Ocean Territory, Mozambique, Mauritius, Comoros, Mayotte, Zambia, Malawi, South Africa, Lesotho.
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II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 22 July 2002

on the conclusion by the European Community of the Convention on the Conservation and Management of Fishery Resources in the South-East Atlantic Ocean

(2002/738/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 37 in conjunction with the first sentence of the first subparagraph of Article 300(2) and the first subparagraph of Article 300(3) thereof,

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

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

Whereas:

- (1) The Community is competent to adopt measures for the conservation and management of fishery resources and to enter into agreements with other countries and international organisations.
- (2) The Community is a contracting party to the United Nations Convention on the Law of the Sea, which requires all members of the international community to cooperate in conserving and managing the sea's biological resources.
- (3) The Community has signed the Agreement on the implementation of the provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks ⁽³⁾ but it has yet to complete the ratification process.
- (4) The Community has taken an active part in the process, initiated in 1997, of drawing up a Convention on the Conservation and Management of Fishery Resources in the South-East Atlantic Ocean, together with the coastal States and other interested parties. It signed this Convention at the diplomatic conference in Windhoek, Namibia,

on 20 April 2001, in accordance with the Council decision to this end ⁽⁴⁾.

- (5) Community fishermen operate in the Convention area. It is thus in the Community's interest to become a full member of the regional fisheries organisation to be set up under this Convention. The Community should therefore approve the Convention,

HAS DECIDED AS FOLLOWS:

Article 1

The Convention on the Conservation and Management of Fishery Resources in the South-East Atlantic Ocean is hereby approved on behalf of the European Community.

The text of the Convention is attached to this Decision.

Article 2

The President of the Council is hereby authorised to designate the persons empowered to deposit the instrument of approval with the Director-General of the Food and Agriculture Organisation of the United Nations in accordance with Article 25(2) of the Convention.

Done at Brussels, 22 July 2002.

For the Council
The President
P. S. MØLLER

⁽¹⁾ OJ C 75 E, 26.3.2002, p. 113.

⁽²⁾ Opinion delivered on 4 July 2002 (not yet published in the Official Journal).

⁽³⁾ OJ L 189, 3.7.1998, p. 14.

⁽⁴⁾ OJ L 111, 20.4.2001, p. 15.

CONVENTION

on the Conservation and Management of Fishery Resources in the South-East Atlantic Ocean

THE CONTRACTING PARTIES TO THIS CONVENTION,

COMMITTED to ensuring the long term conservation and sustainable use of all living marine resources in the South-East Atlantic Ocean, and to safeguarding the environment and marine ecosystems in which the resources occur,

RECOGNISING the urgent and constant need for effective conservation and management of the fishery resources in the high seas of the South-East Atlantic Ocean,

RECOGNISING the relevant provisions of the United Nations Convention on the Law of the Sea of 10 December 1982, the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, 1995, and taking into account the FAO Agreement to promote compliance with international conservation and management measures by fishing vessels on the high seas, 1993, and the FAO Code of Conduct for responsible fisheries, 1995,

RECOGNISING the duties of States to cooperate with each other in the conservation and management of living resources in the South-East Atlantic Ocean,

DEDICATED to exercising and implementing the precautionary approach in the management of fishery resources, in line with the principles set out in the Agreement for the implementation of the provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, 1995, and with the FAO Code of Conduct for responsible fisheries, 1995,

RECOGNISING that the long-term conservation and sustainable use of high-seas fishery resources require cooperation among States through appropriate subregional or regional organisations which agree upon the measures necessary for this purpose,

COMMITTED to responsible fisheries,

NOTING that the coastal States have established areas of national jurisdiction in accordance with the United Nations Convention on the Law of the Sea of 10 December 1982, and general principles of international law within which they exercise sovereign rights for the purpose of exploring and exploiting, conserving and managing living marine resources,

DESIRING cooperation with the coastal States and with all other States and organisations having a real interest in the fishery resources of the South-East Atlantic Ocean to ensure compatible conservation and management measures,

RECOGNISING economic and geographical considerations and the special requirements of developing States, and their coastal communities, for equitable benefit from living marine resources,

CALLING upon States which are not Contracting Parties to this Convention, and which do not otherwise agree to apply the conservation and management measures adopted under this Convention, not to authorise vessels flying their flags to engage in fishing for the resources which are the subject of this Convention,

CONVINCED that the establishment of an organisation for the long-term conservation and sustainable use of the fishery resources in the South-East Atlantic Ocean would best serve these purposes,

BEARING IN MIND that the achievements of the above will contribute to the realisation of a just and equitable economic order in the interests of all humankind, and in particular the special interests and needs of developing States,

HAVE AGREED AS FOLLOWS:

Article 1

on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, 1995;

Use of terms

For the purposes of this Convention:

- (a) '1982 Convention' means the United Nations Convention on the Law of the Sea of 10 December 1982;
- (b) '1995 Agreement' means the Agreement for the implementation of the provisions of the United Nations Convention
- (c) 'coastal State' means any Contracting Party with waters under national jurisdiction which are adjacent to the Convention area;
- (d) 'Commission' means the South-East Atlantic Fisheries Commission established pursuant to Article 5;

- (e) 'Contracting Party' means any State or regional economic integration organisation which has consented to be bound by this Convention, and for which the Convention is in force;
- (f) 'control measure' means any decision or action adopted by the Commission regarding observation, inspection, compliance and enforcement pursuant to Article 16;
- (g) 'fisheries management organisation' means any intergovernmental organisation which has competence to take regulatory measures in relation to living marine resources;
- (h) 'fishing' means:
- (i) the actual or attempted searching for, catching, taking or harvesting of fishery resources;
 - (ii) engaging in any activity which can reasonably be expected to result in the locating, catching, taking or harvesting of fishery resources for any purpose including scientific research;
 - (iii) placing, searching for or recovering any aggregating device for fishery resources or associated equipment including radio beacons;
 - (iv) any operation at sea in support of, or in preparation for, any activity described in this definition, except for any operation in emergencies involving the health and safety of crew members or the safety of a vessel, or
 - (v) the use of an aircraft in relation to any activity described in this definition except for flights in emergencies involving the health or safety of crew members or the safety of a vessel;
- (i) 'fishing entity' means any fishing entity referred to in Article 1(3) of the 1995 Agreement;
- (j) 'fishing vessel' means any vessel used or intended for use for the purposes of the commercial exploitation of fishery resources, including mother ships, any other vessels directly engaged in such fishing operations, and vessels engaged in transshipment;
- (k) 'fishing research vessel' means any vessel engaged in fishing, as defined in paragraph (h), for scientific research purposes, including permanent research vessels or vessels normally engaged in commercial fishing operations, or fishing support activities;
- (l) 'fishery resources' means resources of fish, molluscs, crustaceans and other sedentary species within the Convention area, excluding:
- (i) sedentary species subject to the fishery jurisdiction of coastal States pursuant to Article 77(4) of the 1982 Convention, and
 - (ii) highly migratory species listed in Annex I to the 1982 Convention;
- (m) 'flag State' means, unless otherwise indicated:
- (i) a State whose vessels are entitled to fly its flag, or
 - (ii) a regional economic integration organisation in which vessels are entitled to fly the flag of a member State of that regional economic integration organisation;
- (n) 'living marine resources' means all living components of marine ecosystems, including seabirds;
- (o) 'regional economic integration organisation' unless otherwise specified, means a regional economic integration organisation to which all its member States have transferred competence over matters covered by this Convention, including the authority to make decisions binding on its member States in respect of those matters, and
- (p) 'transshipment' means unloading of all or any of the fishery resources on board a fishing vessel to another fishing vessel either at sea or in port without the products having been recorded by a port State as landed.

Article 2

Objective

The objective of this Convention is to ensure the long-term conservation and sustainable use of the fishery resources in the Convention area through the effective implementation of this Convention.

Article 3

General principles

In giving effect to the objective of this Convention, the Contracting Parties, where appropriate through the Organisation, shall, in particular:

- (a) adopt measures, based on the best scientific evidence available, to ensure the long-term conservation and sustainable use of the fishery resources to which this Convention applies;
- (b) apply the precautionary approach in accordance with Article 7;
- (c) apply the provisions of this Convention relating to fishery resources, taking due account of the impact of fishing operations on ecologically related species such as seabirds, cetaceans, seals and marine turtles;
- (d) adopt, where necessary, conservation and management measures for species belonging to the same ecosystem as, or associated with or dependent upon, the harvested fishery resources;
- (e) ensure that fishery practices and management measures take due account of the need to minimise harmful impacts on living marine resources as a whole, and
- (f) protect biodiversity in the marine environment.

*Article 4***Geographical application**

Except as otherwise provided, this Convention applies within the Convention area, being all waters beyond areas of national jurisdiction in the area bound by a line joining the following points along parallels of latitude and meridians of longitude:

- beginning at the outer limit of waters under national jurisdiction at a point 6° south, thence due west along the 6° south parallel to the meridian 10° west, thence due north along the 10° west meridian to the equator, thence due west along the equator to the meridian 20° west, thence due south along the 20° west meridian to a parallel 50° south, thence due east along the 50° south parallel to the meridian 30° east, thence due north along the 30° east meridian to the coast of the African continent.

*Article 5***The Organisation**

1. The Contracting Parties hereby establish and agree to maintain the South-East Atlantic Fisheries Organisation, herein 'the Organisation'.

2. The Organisation shall comprise:

- (a) the Commission;
- (b) the Compliance and Scientific Committees, as subsidiary bodies, and any other subsidiary bodies that the Commission shall establish from time to time to assist in meeting the objective of this Convention, and
- (c) the Secretariat.

3. The Organisation shall have legal personality and shall enjoy in the territory of each of the Contracting Parties such legal capacity as may be necessary to perform its functions and achieve the objective of this Convention. The privileges and immunities to be enjoyed by the Organisation and its staff in the territory of a Contracting Party shall be determined by agreement between the Organisation and the Contracting Party concerned.

4. The official languages of the Organisation shall be English and Portuguese.

5. The headquarters of the Organisation shall be established in Namibia.

*Article 6***The Commission**

1. Each Contracting Party shall be a member of the Commission.

2. Each member shall appoint one representative to the Commission who may be accompanied by alternate representatives and advisers.

3. The functions of the Commission shall be to:

- (a) identify conservation and management needs;

- (b) formulate and adopt conservation and management measures;

- (c) determine total allowable catches and/or levels of fishing effort, taking into account total fishing mortality, including of non-target species;

- (d) determine the nature and extent of participation in fishing;

- (e) keep under review the status of stocks and gather, analyse and disseminate relevant information on stocks;

- (f) encourage, promote and, where appropriate by agreement, coordinate scientific research on fishery resources within the Convention area and in adjacent waters under national jurisdiction;

- (g) manage stocks on the basis of the precautionary approach to be developed in accordance with Article 7;

- (h) establish appropriate cooperative mechanisms for effective monitoring, control, surveillance and enforcement;

- (i) adopt measures concerning control and enforcement within the Convention area;

- (j) develop measures for the conduct of fishing for scientific research purposes;

- (k) develop rules for the collection, submission, verification of, access to and use of data;

- (l) compile and disseminate accurate and complete statistical data to ensure that the best scientific advice is available, while maintaining confidentiality, where appropriate;

- (m) direct the Compliance and Scientific Committees, other subsidiary bodies, and the Secretariat;

- (n) approve the budget of the Organisation, and

- (o) carry out such other activities as may be necessary to fulfil its functions.

4. The Commission shall adopt its Rules of Procedure.

5. The Commission shall adopt measures, in accordance with international law, to promote compliance by vessels flying the flag of non-parties to this Convention with measures agreed by the Commission.

6. The Commission shall take full account of the recommendations and advice from the Scientific and Compliance Committees in formulating its decisions. The Commission shall, in particular, take full account of the biological unity and other biological characteristics of the stocks.

7. The Commission shall publish its conservation and management and control measures which are in force, and, as far as practicable, shall maintain records of other conservation and management measures in force in the Convention area.

8. The measures referred to in paragraph 3 may include the following:

- (a) the quantity of any species which may be caught;

- (b) the areas and periods in which fishing may occur;

- (c) the size and sex of any species which may be taken;

- (d) the fishing gear and technology which may be used;

- (e) the level of fishing effort, including vessel numbers, types and sizes, which may be used;
- (f) the designation of regions and subregions;
- (g) other measures regulating fisheries with the objective of protecting any species, and
- (h) other measures the Commission considers necessary to meet the objective of this Convention.

9. Conservation and management and control measures adopted by the Commission in accordance with this Convention shall become effective in accordance with Article 23.

10. Taking account of Articles 116 to 119 of the 1982 Convention, the Commission may draw the attention of any State or fishing entity which is a non-party to this Convention to any activity which in the opinion of the Commission affects implementation of the objective of this Convention.

11. The Commission shall draw the attention of all Contracting Parties to any activity which in the opinion of the Commission undermines:

- (a) the implementation by a Contracting Party of the objective of this Convention, or the compliance of that Contracting Party with its obligations under this Convention, or
- (b) the compliance of that Contracting Party with its obligations under this Convention.

12. The Commission shall take account of measures established by other organisations which affect living marine resources in the Convention area, and, without prejudice to the objective of this Convention, shall seek to ensure consistency with such measures.

13. If the Commission determines that a Contracting Party has ceased to participate in the work of the Organisation, the Commission shall consult with the Contracting Party concerned and may take a decision to address the matter, as it deems appropriate.

Article 7

Application of the precautionary approach

1. The Commission shall apply the precautionary approach widely to conservation and management and exploitation of fishery resources in order to protect those resources and preserve the marine environment.

2. The Commission shall be more cautious when information is uncertain, unreliable or inadequate. The absence of adequate scientific information shall not be used as a reason for postponing or failing to take conservation and management measures.

3. In implementing this Article, the Commission shall take cognisance of best international practices regarding the application of the precautionary approach, including Annex II to the 1995 Agreement and the FAO Code of Conduct for responsible fisheries, 1995.

Article 8

Meetings of the Commission

1. The Commission shall hold an annual meeting and any other meetings as deemed necessary.

2. The first meeting of the Commission shall be held within three months of the entry into force of this Convention, provided that among the Contracting Parties there are at least two States conducting fishing activities in the Convention area. The first meeting shall, in any event, be held within six months of the entry into force of the Convention. The Government of Namibia shall consult with the Contracting Parties regarding the first Commission meeting. The provisional agenda shall be communicated to each signatory and Contracting Party not less than one month before the date of the meeting.

3. The first meeting of the Commission shall, *inter alia*, give priority consideration to the costs associated with implementation of the Annex by the Secretariat and measures to fulfil the functions of the Commission set out in Article 6.3(k) and (l).

4. The first meeting of the Commission shall be held at the headquarters of the Organisation. Thereafter, meetings of the Commission shall be held at the headquarters, unless the Commission decides otherwise.

5. The Commission shall elect from among the representatives of the Contracting Parties a chairperson and vice chairperson, each of whom shall serve for a term of two years and shall be eligible for re-election for one additional term of two years. The first chairperson shall be elected at the first meeting of the Commission for an initial term of three years. The chairperson and vice chairperson shall not be representatives of the same Contracting Party.

6. The Commission shall adopt Rules of Procedure to govern the participation of representatives from non-Parties to this Convention as observers.

7. The Commission shall adopt Rules of Procedure to govern the participation of representatives from intergovernmental organisations as observers.

8. Representatives from non-governmental organisations concerned with the stocks found in the Convention area shall be given the opportunity to participate as observers in the meetings of the Organisation, subject to rules adopted by the Commission.

9. The Commission shall adopt rules to govern such participation and to provide for transparency in the activities of the Organisation. The rules shall not be unduly restrictive in this respect and shall provide for timely access to records and reports of the Organisation, subject to the procedural rules on access to them. The Commission shall adopt such Rules of Procedure as soon as possible.

10. The Contracting Parties may decide, by consensus, to invite representatives from non-parties to this Convention and from intergovernmental organisations to participate as observers until the rules regarding such participation are adopted by the Commission.

*Article 9***The Compliance Committee**

1. Each Contracting Party shall be entitled to appoint one representative to the Compliance Committee who may be accompanied by alternate representatives and advisers.
2. Unless otherwise decided by the Commission, the functions of the Compliance Committee shall be to provide the Commission with information, advice and recommendations on the implementation of, and compliance with, conservation and management measures.
3. In performing its functions, the Compliance Committee shall conduct activities as the Commission may direct and shall:
 - (a) coordinate compliance activities undertaken by or on behalf of the Organisation;
 - (b) coordinate with the Scientific Committee on matters of common concern, and
 - (c) perform such other tasks as directed by the Commission.
4. The Compliance Committee shall meet as deemed necessary by the Commission.
5. The Compliance Committee shall adopt, and amend as necessary, Rules of Procedure for the conduct of its meetings and the exercise of its functions. The rules and any amendments thereto shall be approved by the Commission. The rules shall include procedures for the presentation of minority reports.
6. The Compliance Committee may establish, with the approval of the Commission, such subsidiary bodies as are necessary for the performance of its functions.

*Article 10***The Scientific Committee**

1. Each Contracting Party shall be entitled to appoint one representative to the Scientific Committee who may be accompanied by alternate representatives and advisers.
2. The Scientific Committee may seek expert advice as required on an ad hoc basis.
3. The functions of the Scientific Committee shall be to provide the Commission with scientific advice and recommendations for the formulation of conservation and management measures for fishery resources covered by this Convention, and to encourage and promote cooperation in scientific research in order to improve knowledge of the living marine resources of the Convention area.
4. In performing its functions, the Scientific Committee shall conduct such activities as the Commission may direct and shall:
 - (a) consult, cooperate and encourage the collection, study and exchange of information relevant to the living marine resources of the Convention area;
 - (b) establish criteria and methods to be used in determining conservation and management measures;

- (c) assess the status and trends of relevant populations of living marine resources;
 - (d) analyse data on the direct and indirect effects of fishing and other human activities on populations of fishery resources;
 - (e) assess the potential effects of proposed changes in the methods or levels of fishing and of proposed conservation and management measures, and
 - (f) transmit reports and recommendations to the Commission as directed, or on its own initiative, regarding conservation and management measures and research.
5. In carrying out its functions, the Scientific Committee shall seek to take into consideration the work of other fisheries management organisations, as well as other technical and scientific bodies.
 6. The first meeting of the Scientific Committee shall be held within three months of the first meeting of the Commission.
 7. The Scientific Committee shall adopt, and amend as necessary, Rules of Procedure for the conduct of its meetings and the exercise of its functions. The rules and any amendments thereto shall be approved by the Commission. The rules shall include procedures for the presentation of minority reports.
 8. The Scientific Committee may establish, with the approval of the Commission, such subsidiary bodies as are necessary for the performance of its functions.

*Article 11***The Secretariat**

1. The Commission shall appoint an Executive Secretary according to such procedures and on such terms and conditions as the Commission may determine.
2. The Executive Secretary shall be appointed for a term of four years and may be reappointed for one additional term not exceeding four years.
3. The Commission shall authorise such staff for the Secretariat as may be necessary and the Executive Secretary shall appoint, direct and supervise such staff according to staff regulations approved by the Commission.
4. The Executive Secretary and the Secretariat shall perform the functions delegated to them by the Commission.

*Article 12***Finance and budget**

1. At each annual meeting, the Commission shall adopt the Organisation's budget. In determining the size of the budget, the Commission shall give due consideration to the principle of cost effectiveness.
2. A draft budget for the Organisation's next financial year shall be prepared by the Executive Secretary and submitted to the Contracting Parties at least 60 days before the annual meeting of the Commission.

3. Each Contracting Party shall contribute to the budget. The contribution by each Contracting Party shall be according to a combination of an equal basic fee, and a fee based on the total catch in the Convention area of species covered by the Convention. The Commission shall adopt and amend the proportion in which these contributions are applied taking into account the economic status of each Contracting Party. For Contracting Parties with territory adjoining the Convention area, this shall be the economic status of that territory.

4. For the first three years following the Convention's entry into force, or a shorter period as decided by the Commission, the contribution of each Contracting Party shall be equal.

5. The Commission may request and accept financial contributions and other forms of assistance from organisations, individuals and other sources for purposes connected with the fulfilment of its functions.

6. The financial activities of the Organisation, including the proportion of contributions referred to in paragraph 3, shall be conducted in accordance with financial regulations adopted by the Commission and shall be subject to an annual audit by independent auditors appointed by the Commission.

7. Each Contracting Party shall meet its own expenses arising from attendance at meetings of the bodies of the Organisation.

8. Unless otherwise decided by the Commission, a Contracting Party that is in arrears with its payment of any monies owing to the Organisation by more than two years:

- (a) shall not participate in the taking of any decisions by the Commission, and
- (b) may not notify non-acceptance of any measure adopted by the Commission until it has paid all monies owing by it to the Organisation.

Article 13

Contracting Party obligations

1. Each Contracting Party shall, in respect of its activities within the Convention area:

- (a) collect and exchange scientific, technical and statistical data with respect to fisheries resources covered by this Convention;
- (b) ensure that data are collected in sufficient detail to facilitate effective stock assessment and are provided in a timely manner to fulfil the requirements of the Commission;
- (c) take appropriate measures to verify the accuracy of such data;
- (d) provide annually to the Organisation such statistical, biological and other data and information as the Commission may require;
- (e) provide to the Organisation in the manner and at such intervals as may be required by the Commission, information concerning its fishing activities, including fishing areas

and fishing vessels in order to facilitate the compilation of reliable catch and effort statistics, and

- (f) provide to the Commission at such intervals as it may require information on steps taken to implement the conservation and management measures adopted by the Commission.

2. Each coastal State shall, in respect of activities that occur in its area of national jurisdiction relating to straddling stocks of fishery resources, provide to the Organisation data required in accordance with paragraph 1.

3. Each Contracting Party shall promptly implement this Convention and any conservation, management and other measures or matters which may be agreed by the Commission.

4. Each Contracting Party shall take appropriate measures, in accordance with the measures adopted by the Commission and international law, in order to ensure the effectiveness of the measures adopted by the Commission.

5. Each Contracting Party shall transmit to the Commission an annual statement of implementing and compliance measures, including imposition of sanctions for any violations, it has taken in accordance with this Article.

6. (a) Without prejudice to the primacy of the responsibility of the flag State, each Contracting Party shall, to the greatest extent possible, take measures, or cooperate, to ensure that its nationals fishing in the Convention area and its industries comply with the provisions of this Convention. Each Contracting Party shall, on a regular basis, inform the Commission of such measures taken.

(b) Fishing opportunities granted to the Contracting Parties by the Commission shall be exercised exclusively by vessels flying the flag of Contracting Parties.

7. Each coastal State shall regularly inform the Organisation of the measures they have adopted for fishery resources within areas of water under their national jurisdiction adjacent to the Convention area.

8. Each Contracting Party shall fulfil in good faith the obligations assumed under this Convention and shall exercise the rights recognised in this Convention in a manner which would not constitute an abuse of rights.

Article 14

Flag State duties

1. Each Contracting Party shall take such measures as may be necessary to ensure that vessels flying its flag comply with the conservation and management and control measures adopted by the Commission and that they do not engage in any activities which undermine the effectiveness of such measures.

2. Each Contracting Party shall authorise the use of vessels flying its flag for fishing in the Convention area only where it is able to exercise effectively its responsibilities in respect of such vessels under this Convention.

3. Each Contracting Party shall take appropriate measures in respect of vessels flying its flag which are in accordance with measures adopted by the Commission and which give effect thereto, and which take account of existing international practices. These measures shall include, *inter alia*:

- (a) measures to ensure that a flag State investigates immediately and reports fully on actions taken in response to an alleged violation by a vessel flying its flag of measures adopted by the Commission;
- (b) control of such vessels in the Convention area by means of fishing authorisation;
- (c) establishment of a national record of fishing vessels authorised to fish in the Convention area and provision for sharing this information with the Commission on a regular basis;
- (d) requirements for marking of fishing vessels and fishing gear for identification;
- (e) requirements for recording and timely reporting of vessel position, catch of target and non-target species, catch landed, catch transhipped, fishing effort and other relevant fisheries data;
- (f) regulation of transhipment to ensure that the effectiveness of conservation and management measures is not undermined;
- (g) measures to permit access by observers from other Contracting Parties to carry out functions as agreed by the Commission, and
- (h) measures to require the use of a vessel monitoring system as agreed by the Commission.

4. Each Contracting Party shall ensure that vessels flying its flag do not undermine measures agreed by the Commission through unauthorised fishing within areas adjacent to the Convention area on stocks occurring in the Convention area and the adjacent area.

Article 15

Port State duties and measures taken by a port State

1. Measures taken by a port State in accordance with this Convention shall take full account of the right and the duty of a port State to take measures, in accordance with international law, to promote the effectiveness of subregional, regional and global conservation and management measures.

2. Each Contracting Party shall, in accordance with measures agreed by the Commission, *inter alia*, inspect documents, fishing gear and catch on board fishing vessels, when such vessels are voluntarily in its ports or at its offshore terminals.

3. Each Contracting Party shall, in accordance with measures agreed by the Commission, adopt regulations in accordance with international law to prohibit landings and transhipments by vessels flying the flag of non-parties to this Convention where it has been established that the catch of a stock covered by this Convention has been taken in a manner which undermines the effectiveness of conservation and management measures adopted by the Commission.

4. In the event that a port State considers that there has been a violation by a Contracting Party vessel of a conservation and management or control measure adopted by the Commission, the port State shall draw this to the attention of the flag State concerned and, as appropriate, the Commission. The port State shall provide the flag State and the Commission with full documentation of the matter, including any record of inspection. In such cases, the flag State shall transmit to the Commission details of actions it has taken in respect of the matter.

5. Nothing in this Article affects the exercise by States of their sovereignty over ports in their territory in accordance with international law.

6. All measures taken under this Article shall be taken in accordance with international law.

Article 16

Observation, inspection, compliance and enforcement

1. The Contracting Parties, through the Commission, shall establish a system of observation, inspection, compliance and enforcement, hereafter 'the system', to strengthen the effective exercise of flag State responsibility by Contracting Parties for fishing vessels and fishing research vessels flying their flags in the Convention area. The major purpose of the system is to ensure that Contracting Parties effectively discharge their obligations under this Convention and, where applicable, under the 1995 Agreement, in order to ensure compliance with the conservation and management measures agreed by the Commission.

2. In establishing the system, the Commission shall be guided, *inter alia*, by the following principles:

- (a) fostering of cooperation among Contracting Parties to ensure effective implementation of the system;
- (b) a system which is impartial and non-discriminatory in nature;
- (c) verification of compliance with conservation and management measures agreed by the Commission, and

(d) prompt action on reports of infringements in contravention of measures agreed by the Commission.

3. In applying these principles the system shall, *inter alia*, comprise the following elements:

(a) control measures, including the authorisation of vessels to fish, the marking of vessels and fishing gear, the recording of fishing activities, and the near-to-real time reporting of vessel movements and activities by means such as satellite surveillance;

(b) an inspection programme, both at sea and in port, including procedures for boarding and inspection of vessels, on a reciprocal basis;

(c) an observer programme based on common standards for the conduct of observation, including, *inter alia*, arrangements for the placing of observers by a Contracting Party on vessels flying the flag of another Contracting Party with the consent of that Party; an appropriate level of coverage for different sizes and types of fishing vessels and fishery research vessels; and measures for reporting by observers of information regarding apparent violations of conservation and management measures, taking into account the need to ensure the safety of observers, and

(d) procedures for the follow-up on infringements detected under the system, including standards of investigation, reporting procedures, notification of proceedings and sanctions, and other enforcement actions.

4. The system shall have a multilateral and integrated character.

5. In order to strengthen the effective exercise of flag State responsibility by Contracting Parties for fishing vessels and fishery research vessels flying their flags in the Convention area, the interim arrangements set out in the Annex, which forms an integral part of this Convention, shall apply upon entry into force of this Convention and remain in force until the establishment of the system or until the Commission decides otherwise.

6. If, within two years of the entry into force of this Convention, the Commission has not established the system, the Commission shall, at the request of any Contracting Party, give urgent consideration to adoption of boarding and inspection procedures in order to strengthen the effective discharge by Contracting Parties of their obligations under this Convention and where applicable, under the 1995 Agreement. A special meeting of the Commission may be convened for this purpose.

Article 17

Decision-making

1. Decisions of the Commission on matters of substance shall be taken by consensus of the Contracting Parties present. The question of whether a matter is one of substance shall be treated as a matter of substance.

2. Decisions on matters other than those referred to in paragraph 1 shall be taken by a simple majority of the Contracting Parties present and voting.

3. In the taking of decisions pursuant to this Convention, a regional economic integration organisation shall have only one vote.

Article 18

Cooperation with other organisations

1. The Organisation shall cooperate, as appropriate, with the Food and Agriculture Organisation of the United Nations and with other specialised agencies and organisations on matters of mutual interest.

2. The Organisation shall seek to develop cooperative working relationships with other intergovernmental organisations which can contribute to their work and which have an interest in ensuring the long-term conservation and sustainable use of living marine resources in the Convention area.

3. The Commission may enter into agreements with the organisations referred to in this Article and with other organisations as may be appropriate. The Commission may invite such organisations to send observers to its meetings, or to the meetings of any subsidiary bodies of the Organisation.

4. In the application of Articles 2 and 3 of this Convention to fishery resources, the Organisation shall cooperate with other relevant fisheries management organisations and take account of their conservation and management measures applicable in the region.

Article 19

Compatibility of conservation and management measures

1. The Contracting Parties recognise the need to ensure compatibility of conservation and management measures adopted for straddling fish stocks on the high seas and in areas under national jurisdiction. To this end, the Contracting Parties have a duty to cooperate for the purposes of achieving compatible measures in respect of such stocks of fisheries resources as occur in the Convention area and in areas under the jurisdiction of any Contracting Party. The appropriate Contracting Party and the Commission shall accordingly promote the compatibility of such measures. This compatibility shall be ensured in such a way which does not undermine measures established in accordance with Articles 61 and 119 of the 1982 Convention.

2. For the purpose of paragraph 1, the coastal States and the Commission shall develop and agree on standards for reporting and exchanging data on fisheries for the stocks concerned as well as statistical data on the status of the stocks.

3. Each Contracting Party shall keep the Commission informed of its measures and decisions taken in accordance with this Article.

Article 20

Fishing opportunities

1. In determining the nature and extent of participatory rights in fishing opportunities, the Commission shall take into account, *inter alia*:

- (a) the state of fishery resources including other living marine resources and existing levels of fishing effort, taking into account the advice and recommendations of the Scientific Committee;
- (b) respective interests, past and present fishing patterns, including catches, and practices in the Convention area;
- (c) the stage of development of a fishery;
- (d) the interests of developing States in whose areas of national jurisdiction the stocks also occur;
- (e) contributions to conservation and management of fishery resources in the Convention area, including the provision of information, the conduct of research and steps taken to establish cooperative mechanisms for effective monitoring, control, surveillance and enforcement;
- (f) contributions to new or exploratory fisheries, taking account of the principles set out in Article 6.6 of the 1995 Agreement;
- (g) the needs of coastal fishing communities which are dependent mainly on fishing for the stocks in the South-East Atlantic, and
- (h) the needs of coastal States whose economies are overwhelmingly dependent on the exploitation of fishery resources.

2. In applying the provisions of paragraph 1, the Commission may, *inter alia*:

- (a) designate annual quota allocations or effort limitations for Contracting Parties;
- (b) allocate catch quantities for exploration and scientific research, and
- (c) set aside fishing opportunities for non-parties to this Convention, if necessary.

3. The Commission shall, subject to agreed rules, review quota allocations, effort limitations and participation in fishing opportunities of Contracting Parties taking into account the information, advice and recommendations on the implementation of, and compliance with, conservation and management measures by Contracting Parties.

Article 21

Recognition of the special requirements of developing States in the region

1. The Contracting Parties shall give full recognition to the special requirements of developing States in the region in relation to conservation and management of fishery resources and the development of such resources.

2. In giving effect to the duty to cooperate in the establishment of conservation and management measures for stocks covered by this Convention, the Contracting Parties shall take into account the special requirements of such developing States, in particular:

- (a) the vulnerability of developing States in the region which are dependent on the exploitation of living marine resources, including for meeting the nutritional requirements of their populations or parts thereof;
- (b) the need to avoid adverse impacts on, and ensure access to fisheries by, subsistence, small scale and artisanal fishers and women fishworkers, and
- (c) the need to ensure that such measures do not result in transferring, directly or indirectly, a disproportionate burden of conservation action onto developing States in the region.

3. The Contracting Parties shall cooperate through the Commission and other subregional or regional organisations involved in the management of fishery resources:

- (a) to enhance the ability of developing States in the region to conserve and manage fishery resources and to develop their own fisheries for such resources, and
- (b) to assist developing States in the region which may fish for fishery resources, to enable them to participate in fisheries for such resources, including facilitating access in accordance with this Convention.

4. Cooperation with developing States in the region for the purposes set out in this Article shall include the provision of financial assistance, assistance relating to human resources development, technical assistance, transfer of technology, and activities directed specifically towards:

- (a) improved conservation and management of the fishery resources covered by this Convention through collection, reporting, verification, exchange and analysis of fisheries data and related information;
- (b) stock assessment and scientific research, and
- (c) monitoring, control, surveillance, compliance and enforcement, including training and capacity-building at the local level, development and funding of national and regional observer programmes and access to technology and equipment.

Article 22

Non-parties to this Convention

1. The Contracting Parties shall, either directly or through the Commission, request non-parties to this Convention whose vessels fish in the Convention area to cooperate fully with the Organisation either by becoming party to the Convention or by agreeing to apply the conservation and management measures adopted by the Commission with a view to ensuring that such measures are applied to all fishing activities in the Convention area. Such non-parties to this Convention shall enjoy benefits from participation in the fishery commensurate with their commitment to comply with conservation and management measures in respect of the relevant stocks.

2. Contracting Parties may exchange information between each other or through the Commission on, and shall inform the Commission of activities of, fishing vessels flying the flags of the non-parties to this Convention which are engaged in fishing operations in the Convention area, and of any action taken in response to fishing by non-parties to this Convention. The Commission shall share information on such activities with other appropriate regional or subregional organisations and arrangements.

3. The Contracting Parties may, either directly or through the Commission, take measures, which are consistent with international law, and which they deem necessary and appropriate, to deter fishing activities by fishing vessels of non-parties to this Convention which undermine the effectiveness of conservation and management measures adopted by the Commission.

4. The Contracting Parties shall, individually or jointly, request fishing entities which have fishing vessels in the Convention area to cooperate fully with the organisation in implementing conservation and management measures, with a view to having such measures applied de facto as extensively as possible to fishing activities in the Convention area. Such fishing entities shall enjoy benefits from participation in the fishery commensurate with their commitment to comply with conservation and management measures in respect of the stocks.

The Commission may invite non-parties to this Convention to send observers to its meetings, or to the meetings of any subsidiary bodies of the Organisation.

Article 23

Implementation

1. Conservation and management and control measures adopted by the Commission shall become binding on the Contracting Parties in the following manner:

- (a) the Executive Secretary shall notify promptly in writing all Contracting Parties of such a measure following its adoption by the Commission;
- (b) the measure shall become binding upon all Contracting Parties 60 days after notification by the Secretariat of the

measure's adoption by the Commission, pursuant to subparagraph (a), unless otherwise specified in the measure;

- (c) if a Contracting Party, within 60 days following the notification specified in subparagraph (a), notifies the Commission that it is unable to accept a measure, that measure shall not, to the extent stated, be binding upon that Contracting Party; however, the measure shall remain binding on all other Contracting Parties unless the Commission decides otherwise;
 - (d) any Contracting Party which makes a notification under subparagraph (c) shall at the same time provide a written explanation of its reasons for making the notification and, where appropriate, its proposals for alternative measures which the Contracting Party is going to implement. The explanation shall specify, *inter alia*, whether the basis for the notification is that:
 - (i) the Contracting Party considers that the measure is inconsistent with the provisions of this Convention;
 - (ii) the Contracting Party cannot practicably comply with the measure;
 - (iii) the measure unjustifiably discriminates in form or in fact against the Contracting Party, or
 - (iv) other special circumstances apply;
 - (e) the Executive Secretary shall promptly circulate to all Contracting Parties details of any notification and explanation received in accordance with subparagraphs (c) and (d);
 - (f) in the event that any Contracting Party invokes the procedure set out in subparagraphs (c) and (d), the Commission shall meet at the request of any other Contracting Party to review the measure. At the time of such a meeting and within 30 days following the meeting, any Contracting Party shall have the right to notify the Commission that it is no longer able to accept the measure, in which case that Contracting Party shall no longer be bound by the measure; and
 - (g) pending the conclusions of a review meeting called in accordance with subparagraph (f), any Contracting Party may request an ad hoc expert panel established in accordance with Article 24 to make recommendations on any interim measures following the invocation of the procedures pursuant to subparagraphs (c) and (d) which may be necessary in respect of the measure to be reviewed. Subject to paragraph 3, such interim measures shall be binding on all Contracting Parties if all Contracting Parties (other than those who have indicated that they are unable to accept the measure, pursuant to subparagraphs (c) and (d)) agree that the long term sustainability of the stocks covered by this Convention will be undermined in the absence of such measures.
2. Any Contracting Party which invokes the procedure set out in paragraph 1 may at any time withdraw its notification of non-acceptance and become bound by the measure immediately if it is already in effect or at such time as it may come into effect under this Article.

3. This Article is without prejudice to the right of any Contracting Party to invoke the dispute settlement procedures set out in Article 24 in respect of a dispute concerning the interpretation or application of this Convention, in the event that all other methods to settle the dispute, including the procedures set out in this Article, have been exhausted.

Article 24

Dispute settlement

1. The Contracting Parties shall cooperate in order to prevent disputes.

2. If any dispute arises between two or more Contracting Parties concerning the interpretation or implementation of this Convention, those Contracting Parties shall consult among themselves with a view to resolving the dispute, or to having the dispute resolved by negotiation, inquiry, mediation, conciliation, arbitration, judicial settlement or other peaceful means of their own choice.

3. In cases where a dispute between two or more Contracting Parties is of a technical nature, and the Contracting Parties are unable to resolve the dispute among themselves, they may refer the dispute to an ad hoc expert panel established in accordance with procedures adopted by the Commission at its first meeting. The panel shall confer with the Contracting Parties concerned and shall endeavour to resolve the dispute expeditiously without recourse to binding procedures for the settlement of disputes.

4. Where a dispute is not referred for settlement within a reasonable time of the consultations referred to in paragraph 2, or where a dispute is not resolved by recourse to other means referred to in this Article within a reasonable time, such dispute shall, at the request of any party to the dispute, be submitted for binding decision in accordance with procedures for the settlement of disputes provided in part XV of the 1982 Convention or, where the dispute concerns one or more straddling stocks, by provisions set out in Part VIII of the 1995 Agreement. The relevant part of the 1982 Convention and the 1995 Agreement shall apply whether or not the parties to the dispute are also Parties to these instruments.

5. A court, tribunal or panel to which any dispute has been submitted under this Article shall apply the relevant provisions of this Convention, of the 1982 Convention, of the 1995 Agreement, as well as generally accepted standards for the conservation and management of living marine resources and other rules of international law, compatible with the 1982 Convention and the 1995 Agreement, with a view to ensuring the conservation of the fish stocks concerned.

Article 25

Signature, ratification, acceptance and approval

1. This Convention shall be open for signature on 20 April 2001 in Windhoek, Namibia, and subsequently at the headquarters of the Food and Agriculture Organisation of the United

Nations for one year from its adoption on 20 April 2001 by all States and regional economic integration organisations participating in the Conference on the South-East Atlantic Fisheries Organisation held on 20 April 2001 and by all States and regional economic integration organisations whose vessels fish, or have fished in the Convention Area, for fishery resources covered by this Convention, in the four years preceding the adoption of the Convention.

2. This Convention shall be subject to ratification, acceptance or approval by the States and regional economic integration organisations referred to in paragraph 1. The instruments of ratification, acceptance or approval shall be deposited with the Director-General of the Food and Agriculture Organisation of the United Nations, hereafter 'the Depositary'.

Article 26

Accession

1. This Convention shall be open for accession by coastal States, and by all other States and regional economic integration organisations whose vessels fish in the Convention area for fishery resources covered by this Convention.

2. This Convention shall be open for accession by regional economic integration organisations, other than that regional economic integration organisation that qualifies as a Contracting Party under Article 25, which include among their member States one or more States which have transferred, in whole or in part, competence over matters covered by this Convention. The accession of such regional economic integration organisations shall be the subject of consultations within the Commission concerning the conditions for participation in the work of the Commission.

3. Instruments of accession shall be deposited with the Depositary. Accessions received by the Depositary prior to the date of entry into force of this Convention shall become effective 30 days after the date on which this Convention enters into force.

Article 27

Entry into force

This Convention shall enter into force 60 days after the date of deposit with the Depositary of the third instrument of ratification, accession, acceptance or approval at least one of which has been deposited by a coastal State. For each State or regional economic integration organisation which, subsequent to the date of entry into force of this Convention, deposits an instrument of ratification or accession, this Convention shall enter into force on the 30th day following such deposit.

Article 28

Reservations and exceptions

No reservations or exceptions may be made to this Convention.

Article 29

Declarations and statements

Article 28 does not preclude a State or regional economic integration organisation, when signing, ratifying or acceding to this Convention, from making declarations or statements, however phrased or named, with a view, *inter alia*, to the harmonisation of its laws and regulations with the provisions of this Agreement, provided that such declarations or statements do not purport to exclude or to modify the legal effect of the provisions of this Convention in their application to that State or regional economic integration organisation.

Article 30

Relation to other agreements

This Convention shall not alter the rights and obligations of Contracting Parties which arise from the 1982 Convention and other agreements compatible with the 1982 Convention and which do not affect the enjoyment by other Contracting Parties of their rights or the performance of their obligations under this Convention.

Article 31

Maritime claims

Nothing in this Convention shall constitute recognition of the claims or positions of any of the Contracting Parties concerning the legal status and extent of waters and zones claimed by any such Contracting Party.

Article 32

Amendment

1. Any Contracting Party may at any time propose amendments to this Convention.

2. Any proposed amendment shall be notified in writing to the Executive Secretary at least 90 days prior to the meeting at which it is proposed to be considered, and the Executive Secretary shall promptly transmit the proposal to all Contracting Parties. Proposed amendments to the Convention shall be considered at the annual meeting of the Commission, unless a majority of the Contracting Parties request a special meeting to discuss the proposed amendment. A special meeting may be convened on not less than 90 days' notice.

3. The text of any amendment adopted by the Commission shall be transmitted promptly by the Executive Secretary to all Contracting Parties.

4. An amendment shall enter into force on the 30th day following the deposit of instruments of ratification, acceptance or approval thereof from all Contracting Parties.

Article 33

Withdrawal

1. A Contracting Party may, by written notification addressed to the Depositary, withdraw from this Convention and may indicate its reasons. Failure to indicate reasons shall not affect the validity of the withdrawal. The withdrawal shall take effect one year after the date of receipt of the notification by the Depositary, unless the notification specifies a later date.

2. Withdrawal from this Convention by any Contracting Party shall not affect its financial obligations under this Convention incurred prior to its withdrawal becoming effective.

Article 34

Registration

1. The Director-General of the Food and Agriculture Organisation of the United Nations shall be the Depositary of this Convention, and any amendments or revisions thereto. The Depositary shall:

- (a) send certified copies of this Convention to each signatory to this Convention and to all Contracting Parties;
- (b) arrange for the registration of this Convention, upon its entry into force, with the Secretary-General of the United Nations in accordance with Article 102 of the Charter of the United Nations;
- (c) inform each signatory to this Convention and all Contracting Parties of:
 - (i) instruments of ratification, accession, acceptance and approval deposited in accordance with Articles 25 and 26 respectively;
 - (ii) the date of entry into force of the Convention in accordance with Article 27;
 - (iii) the entry into force of amendments to this Convention in accordance with Article 32;
 - (iv) withdrawals from this Convention pursuant to Article 33.

2. The language of communication for the functions of the Depositary shall be English.

Article 35

Authentic texts

The English and Portuguese texts of this Convention are equally authentic.

IN WITNESS WHEREOF the undersigned, being duly authorised thereto, have signed this Convention in the English and Portuguese languages.

Done at Windhoek, Namibia, 20 April 2001, in a single original in the English and Portuguese languages.

ANNEX

INTERIM ARRANGEMENTS

This Annex shall apply in accordance with Article 16(5) and may be amended at any time by a decision of the Commission.

For the purposes of this Annex and until the assumption of duties by the Executive Secretary appointed in accordance with Article 11, the Government of Namibia shall carry out the functions of the Secretariat.

SECTION ONE: AUTHORISATION AND NOTIFICATION

During the interim period each Contracting Party shall:

- (a) authorise the use of fishing vessels entitled to fly its flag for fishing in the Convention area in accordance with Article 14 and the use of fishing research vessels entitled to fly its flag for conducting fisheries research activities in the Convention area, and
- (b) as soon as possible and thereafter on an annual basis in accordance with Article VI of the FAO Agreement to promote compliance with international conservation and management measures by fishing vessels on the high seas, 1993, or in a timely manner following the departure of its vessel from its home port and in any case before the vessel's entry into the Convention area, notify the Secretariat of all fishing and fishing research vessels authorised to fish in the Convention area as provided in subparagraph (a) of this section. This notification shall include for each vessel:
 - (i) name of vessel, registration number, previous names (if known), and port of registry;
 - (ii) previous flag (if any);
 - (iii) international radio call sign (if any);
 - (iv) name and address of owner or owners;
 - (v) where and when built;
 - (vi) type of vessel;
 - (vii) length;
 - (viii) name and address of operator (manager) or operators (managers) (if any);
 - (ix) type of fishing method or methods;
 - (x) moulded depth;
 - (xi) beam;
 - (xii) gross registered tonnage, and
 - (xiii) power of main engine or engines.

Each Contracting Party shall notify the Secretariat of any modifications including suspensions, withdrawals and limitations to this information without delay.

SECTION TWO: VESSEL REQUIREMENTS**1. Documentation**

Each Contracting Party shall:

- (a) ensure that each of its fishing and fishing research vessels carry on board documents issued and certified by the competent authority of that Contracting Party, including, as a minimum, the following:
 - (i) registration document;
 - (ii) licence, permit or authorisation to fish or to engage in research fishing activities and terms and conditions attached to the licence, permit or authorisation;
 - (iii) vessel name;
 - (iv) port in which registered, and the number(s) under which registered;
 - (v) international radio call sign (if any);
 - (vi) names and addresses of owner(s) and where relevant, the charterer;
 - (vii) overall length;
 - (viii) power of main engine or engines in kW/horsepower, and
 - (ix) certified drawings or description of all fish holds, including storage capacity in cubic feet or metres;
- (b) check above documents on a regular basis, and
- (c) ensure that any modification to the documents and to the information referred to in subparagraph (a) of this subsection is certified by the competent authority of that Contracting Party.

2. Marking of fishing vessels

Each Contracting Party shall ensure that its fishing vessels and fishing research vessels authorised to fish in the Convention area are marked in such a way that they can be readily identified with generally accepted standards, such as the FAO standard specification for the marking and identification of fishing vessels.

3. Marking of gear

Each Contracting Party shall ensure that gear used by its fishing vessels and fishing research vessels authorised to fish in the Convention area is marked as follows: the ends of nets, lines and gear anchored in the sea shall be fitted with flag or radar-reflector buoys by day and light buoys by night sufficient to indicate their position and extent. Such lights should be visible at a distance of at least two nautical miles in good visibility.

Marker buoys and similar objects floating on the surface and intended to indicate the location of fixed fishing gear shall be clearly marked at all times with the letter(s) and/or number(s) of the vessel to which they belong.

4. Information on fishing activities

Each Contracting Party shall ensure that all fishing vessels and fishing research vessels flying its flag and authorised to fish in the Convention area keep a bound fishing logbook with consecutively numbered pages and, where appropriate, a production logbook, storage plan or a scientific plan.

Fishing logbooks shall contain the following:

- (a) each entry into and exit from the Convention area;
- (b) the cumulative catches by species (FAO 3 alfa code as defined in subsection 5 of this section) by live weight (kg), the proportion of the catch by live weight (kg) retained on board, and
- (c) for each haul:
 - (i) catch by species in live weight (kg), catch retained on board by species in live weight (kg) and an estimation of the amount of living marine resources discarded (kg) by species;
 - (ii) the type of gear (number of hooks, length of gill nets, etc.);
 - (iii) the longitude and latitude coordinates of shooting and hauling, and
 - (iv) the date and time of shooting and hauling (UTC).

After each haul report ⁽¹⁾ the following details shall be entered in the logbook immediately:

- (a) date and time (UTC) of transmission of the report, and
- (b) in the case of a radio transmission, the name of the radio station through which the report is transmitted.

Fishing vessels, and if appropriate, fishing research vessels engaged in fishing activities which process and/or freeze their catch shall either:

- (a) record their cumulative production by species (FAO 3 alfa code), by live weight (kg), and product form in a production logbook, or
- (b) stow in the hold all processed catch in such a way that the location of each species can be identified from a stowage plan maintained by the master of the fishing vessel.

The quantities recorded in accordance with paragraph 2 shall correspond accurately to the quantities kept on board. The original recordings contained in the fishing logbooks shall be kept on board the fishing vessel and, if appropriate, fishing research vessel, for a period of at least 12 months.

5. FAO 3 alfa code (adapted)

FAO 3 alfa code	Species	Latin name
ALF	Alfonsinos	Family <i>Berycidae</i>
HOM	Horse mackerel	<i>Trachurus</i> spp.
MAC	Mackerel	<i>Scomber</i> spp.
ORY	Orange roughy	<i>Hoplostethus</i> spp.
SKA	Skates	Family <i>Rajidae</i>
SKH	Sharks	Order <i>Selachomorpha</i>
	Armourhead	<i>Pseudopentaceros</i> spp.

⁽¹⁾ Hail report: at a minimum a hail report shall contain the relevant information detailed in subsection 6 of this section in respect of the timing and content of such reports.

FAO 3 alfa code	Species	Latin name
	Cardinal fish	<i>Epigonus</i> spp.
	Deepsea red crab	<i>Chaceon maritae</i>
	Octopus and squids	Families <i>Octopodidae</i> and <i>Loliginidae</i>
	Patagonian toothfish	<i>Dissostichus eleginoides</i>
	Hake	<i>Merluccius</i> spp.
WRF	Wreckfish	<i>Polyprion americanus</i>
	Oreodories	Family <i>Oreosomatidae</i>

6. Reporting of catch and fishing effort

Each Contracting Party shall report to the Secretariat the catch, in metric tonnes per species, taken in the Convention area on a monthly basis. Such reports shall specify the month to which each report refers and shall be submitted within 30 days following the end of the month in which the fishing occurred.

The Secretariat shall, within 15 days following the monthly deadlines for receipt of the provisional catch statistics, collate the information received and circulate it to the Contracting Parties.

7. Communication of vessel movements and catches

Each Contracting Party shall ensure that its fishing vessels and fishing research vessels authorised to fish in the Convention area and which are engaged in fishing shall communicate vessel movements and catch reports to its competent authorities and to the Secretariat if the Contracting Party so desires. The timing and content of the reports shall include the following:

- (a) entry report: this report shall be made no more than 12 hours and at least six hours in advance of each entry into the Convention area and shall include entering date, time, geographical position of the vessel and the quantity of fish on board by species (FAO 3 alfa code) and by live weight (kg);
- (b) catch report: this report shall be made by species (FAO 3 alfa code) and by live weight (kg) at the end of each calendar month, or more frequently as required by the Contracting Party;
- (c) exit report: this report shall be made no more than 12 hours and at least six hours in advance of each exit from the Convention area. The report shall include exiting date, time, geographical position of the vessel, the number of fishing days and the catch taken by species (FAO 3 alfa code) and by live weight (kg) in the Convention area since the commencement of fishing in the Convention area, or since the last catch report, and
- (d) transshipment report: this report shall be made no more than 12 hours after each transshipment and shall include the date, the time, and species (FAO 3 alfa code) and live weight (kg), transhipped. This report should include the quantities by species unloaded and offloaded for each transshipment of fish during the vessel's stay in the Convention area.

SECTION THREE: SCIENTIFIC OBSERVATION AND COLLECTION OF INFORMATION TO SUPPORT STOCK ASSESSMENT

To the greatest extent possible, each Contracting Party shall collect from each fishing vessel and fishing research vessel flying its flag and authorised to fish in the Convention area, the following information to support stock assessment, including:

- (a) composition of the catch according to length, weight (kg) and sex, including the establishment of factors to convert production weight to live catch weight;
- (b) other biological information supporting stock assessment, such as information on age, growth, recruitment, distribution and stock identity, and
- (c) other relevant information, as appropriate, including by surveys of abundance, biomass surveys, hydroacoustic surveys, research on environmental factors affecting stock abundance, and oceanographic and ecological studies.

Each Contracting Party shall require the submission of this information, in respect of each vessel flying its flag, within 30 days of leaving the Convention area. The Contracting Party shall provide a copy of the information to the Secretariat as soon as possible, taking account of the need to maintain confidentiality of non-aggregated data.

The information referred to in this section shall, to the greatest extent possible, be collected and verified by appropriately designated observers from the flag State not later than six months after these interim measures enter into force.

CORRIGENDA**Corrigendum to Council Regulation (EC) No 1515/2002 of 16 August 2002 amending Regulation (EC) No 348/2000 imposing a definitive anti-dumping duty on imports of certain seamless pipes and tubes of iron or non-alloy steel originating in Croatia and Ukraine**

(Official Journal of the European Communities L 228 of 24 August 2002)

In the contents, on page 8 in the title and on page 9 in the date of signature:

for: '... 16 August 2002 ...',

read: '... 19 August 2002 ...'.

Corrigendum to Commission Regulation (EC) No 1447/2002 of 8 August 2002 laying down detailed rules for applying Council Regulation (EC) No 1408/2002 as regards the concessions in the form of Community tariff quotas on certain cereal products originating in Hungary

(Official Journal of the European Communities L 213 of 9 August 2002)

On page 11 in the table in Annex I, in the column headed 'CN code', against the entry 'Common wheat and meslin':

for: '1001 90 00',

read: '1001 90',

and on page 12 in the table in Annex II, in the column headed 'CN code', against the entry 'Common wheat and meslin':

for: '1001 90 00',

read: '1001 90'.
