

English edition

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I

(Acts whose publication is obligatory)

**REGULATION (EC) No 2099/2002 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL
of 5 November 2002
establishing a Committee on Safe Seas and the Prevention of Pollution from Ships (COSS) and
amending the Regulations on maritime safety and the prevention of pollution from ships**

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 80(2) thereof,

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

Having regard to the opinion of the Economic and Social Committee ⁽²⁾,

Having regard to the opinion of the Committee of the Regions ⁽³⁾,

Acting in accordance with the procedure referred to in Article 251 of the Treaty ⁽⁴⁾,

Whereas:

(1) The measures implementing the existing Regulations and Directives in the field of maritime safety were adopted by a regulatory procedure involving the Committee set up by Council Directive 93/75/EEC of 13 September 1993 concerning minimum requirements for vessels bound for or leaving Community ports and carrying dangerous or polluting goods ⁽⁵⁾ and, in certain cases, an ad hoc committee. These committees were governed by the rules set out in Council Decision 87/373/EEC of 13 July 1987 laying down the procedures for the exercise of implementing powers conferred on the Commission ⁽⁶⁾.

(2) By its Resolution of 8 June 1993 on a common policy on safe seas ⁽⁷⁾, the Council approved in principle the establishment of a Committee on Safe Seas and the Prevention of Pollution from Ships (COSS) and called on the Commission to present a proposal to set up such a committee.

(3) The role of COSS is to centralise the tasks of the committees set up under the Community legislation on maritime safety, the prevention of pollution from ships and the protection of shipboard living and working conditions and to assist and advise the Commission on all matters of maritime safety and prevention or reduction of pollution of the environment by shipping activities.

(4) In keeping with the Resolution of 8 June 1993, a Committee on Safe Seas and the Prevention of Pollution from Ships should be set up and assigned the tasks previously devolved to the committees established under the aforesaid legislation. All new Community legislation adopted in the field of maritime safety should stipulate recourse to the Committee thereby set up.

(5) Decision 87/373/EEC has been replaced by Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission ⁽⁸⁾, the provisions of which should therefore be applied to COSS. The purpose of the latter decision is to define the Committee procedures applicable and ensure more comprehensive information to the European Parliament and the public on the work of the committees.

(6) The measures required to implement the aforesaid legislation should be adopted in accordance with Decision 1999/468/EC.

(7) The aforesaid legislation should also be amended to substitute COSS for the Committee set up by Directive 93/75/EEC or, where appropriate, for the ad hoc committee established under any particular act. This Regulation should in particular amend the relevant provisions of Council Regulations (EEC) No 613/91 of 4

⁽¹⁾ OJ C 365 E, 19.12.2000, p. 276.

⁽²⁾ OJ C 139, 11.5.2001, p. 21.

⁽³⁾ OJ C 253, 12.9.2001, p. 1.

⁽⁴⁾ Opinion of the European Parliament of 13 February 2001 (OJ C 276, 1.10.2001, p. 42), Council Common Position of 27 May 2002 (OJ C 170 E, 16.7.2002, p. 37) and Decision of the European Parliament of 24 September 2002 (not yet published in the Official Journal).

⁽⁵⁾ OJ L 247, 5.10.1993, p. 19. Directive as last amended by Directive 98/74/EC (OJ L 276, 13.10.1998, p. 7).

⁽⁶⁾ OJ L 197, 18.7.1987, p. 33.

⁽⁷⁾ OJ C 271, 7.10.1993, p. 1.

⁽⁸⁾ OJ L 184, 17.7.1999, p. 23.

March 1991 on the transfer of ships from one register to another within the Community ⁽¹⁾, (EC) No 2978/94 of 21 November 1994 on the implementation of IMO Resolution A.747(18) on the application of tonnage measurement of ballast spaces in segregated ballast oil tankers ⁽²⁾, (EC) No 3051/95 of 8 December 1995 on the safety management of roll-on/roll-off passenger ferries (ro-ro ferries) ⁽³⁾ and Regulation (EC) No 417/2002 of the European Parliament and of the Council of 18 February 2002 on the accelerated phasing-in of double hull or equivalent design requirements for single hull oil tankers and repealing Council Regulation (EC) No 2978/94 ⁽⁴⁾, in order to insert a reference to COSS and to stipulate the regulatory procedure laid down in Article 5 of Decision 1999/468/EC.

(8) Moreover, the aforesaid legislation is based on the application of rules resulting from international instruments in force at the date of adoption of the Community act in question, or at the date specified by the latter. As a consequence, Member States cannot apply the subsequent amendments to these international instruments until the Community Directives or Regulations have been amended. This has major disadvantages owing to the difficulty of ensuring that the date of entry into force of the amendment at international level coincides with that of the Regulation integrating this amendment into Community law, not least the delayed application within the Community of the most recent and most stringent international safety standards.

(9) However, it is necessary to draw a distinction between the provisions of a Community act making reference, for the purposes of their application, to an international instrument and Community provisions reproducing an international instrument in full or in part. In the latter case, the most recent amendments to the international instruments cannot in any case be rendered applicable until the Community provisions concerned have been amended.

(10) Member States should therefore be permitted to apply the most recent provisions of international instruments, with the exception of those explicitly incorporated in a Community act. This can be done by stating that the international convention applicable for the purposes of the Directive or Regulation concerned is that 'in its up-to-date version', without mentioning the date.

(11) For reasons of transparency, the relevant amendments to international instruments that are integrated in Community maritime legislation should be made public in the Community through their publication in the *Official Journal of the European Communities*.

⁽¹⁾ OJ L 68, 15.3.1991, p. 1.

⁽²⁾ OJ L 319, 12.12.1994, p. 1.

⁽³⁾ OJ L 320, 30.12.1995, p. 14. Regulation as amended by Commission Regulation (EC) No 179/98 (OJ L 19, 24.1.1998, p. 35).

⁽⁴⁾ OJ L 64, 7.3.2002, p. 1.

(12) A specific conformity checking procedure should, however, be set up to enable the Commission, after consulting COSS, to take whatever measures may be necessary to exclude the risk of amendments to the international instruments being incompatible with the aforesaid legislation or Community policy on maritime safety, the prevention of pollution from ships and the protection of shipboard living and working conditions in force or with the objectives pursued by that legislation. Such a procedure should also prevent international amendments from lowering the standard of maritime safety achieved in the Community.

(13) The conformity checking procedure will only be fully effective if the planned measures are adopted as speedily as possible, but at all events before the expiry of the deadline for the entry into force of the international amendment. Consequently, the time available to the Council to act on the proposed measures in accordance with Article 5(6) of Decision 1999/468/EC should be one month,

HAVE ADOPTED THIS REGULATION:

Article 1

Purpose

The purpose of this Regulation is to improve the implementation of the Community legislation referred to in Article 2(2) on maritime safety, the prevention of pollution from ships and shipboard living and working conditions:

- (a) by centralising the tasks of the committees set up under Community maritime legislation and replaced by this Regulation by establishing a single Committee on Safe Seas and the Prevention of Pollution from Ships, to be known as COSS;
- (b) by accelerating the update of, and facilitating subsequent amendments to, Community maritime legislation in the light of developments in the international instruments referred to in Article 2(1).

Article 2

Definitions

For the purposes of this Regulation:

1. 'international instruments' shall mean the conventions, protocols, resolutions, codes, compendia of rules, circulars, standards and provisions adopted by an international conference, the International Maritime Organisation (IMO), the International Labour Organisation (ILO) or the parties to a memorandum of understanding referred to in the provisions of the Community maritime legislation in force;

2. 'Community maritime legislation' shall mean the Community acts in force listed below:

- (a) Council Regulation (EEC) No 613/91;
- (b) Council Directive 93/75/EEC;
- (c) Council Regulation (EC) No 2978/94;
- (d) Council Directive 94/57/EC of 22 November 1994 on common rules and standards for ship inspection and survey organisations and for the relevant activities of maritime administrations ⁽¹⁾;
- (e) Council Directive 95/21/EC of 19 June 1995 on port State control ⁽²⁾;
- (f) Council Regulation (EC) No 3051/95;
- (g) Council Directive 96/98/EC of 20 December 1996 on marine equipment ⁽³⁾;
- (h) Council Directive 97/70/EC of 11 December 1997 setting up a harmonised safety regime for fishing vessels of 24 metres in length and over ⁽⁴⁾;
- (i) Council Directive 98/18/EC of 17 March 1998 on safety rules and standards for passenger ships ⁽⁵⁾;
- (j) Council Directive 98/41/EC of 18 June 1998 on the registration of persons sailing on board passenger ships operating to or from ports of the Member States of the Community ⁽⁶⁾;
- (k) Council Directive 1999/35/EC of 29 April 1999 on a system of mandatory surveys for the safe operation of regular ro-ro ferry and high speed passenger craft services ⁽⁷⁾;
- (l) Directive 2000/59/EC of the European Parliament and of the Council of 27 November 2000 on port reception facilities for ship-generated waste and cargo residues ⁽⁸⁾;
- (m) Directive 2001/25/EC of the European Parliament and of the Council of 4 April 2001 on the minimum level of training of seafarers ⁽⁹⁾;
- (n) Directive 2001/96/EC of the European Parliament and of the Council of 4 December 2001 establishing harmonised requirements and procedures for the safe loading and unloading of bulk carriers ⁽¹⁰⁾;
- (o) Regulation (EC) No 417/2002 of the European Parliament and of the Council.

Article 3

Establishment of a Committee

1. The Commission shall be assisted by a Committee on Safe Seas and the Prevention of Pollution from Ships (hereinafter called COSS).

⁽¹⁾ OJ L 319, 12.12.1994, p. 20. Directive as last amended by European Parliament and Council Directive 2001/105/EC (OJ L 19, 22.1.2002, p. 9).

⁽²⁾ OJ L 157, 7.7.1995, p. 1. Directive as last amended by European Parliament and Council Directive 2001/106/EC (OJ L 19, 22.1.2002, p. 17).

⁽³⁾ OJ L 46, 17.2.1997, p. 25. Directive as last amended by Commission Directive 2002/75/EC (OJ L 254, 23.9.2002, p. 1).

⁽⁴⁾ OJ L 34, 9.2.1998, p. 1. Directive as amended by Commission Directive 2002/35/EC (OJ L 112, 27.4.2002, p. 21).

⁽⁵⁾ OJ L 144, 15.5.1998, p. 1. Directive as amended by Commission Directive 2002/25/EC (OJ L 98, 15.4.2002, p. 1).

⁽⁶⁾ OJ L 188, 2.7.1998, p. 35.

⁽⁷⁾ OJ L 138, 1.6.1999, p. 1.

⁽⁸⁾ OJ L 332, 28.12.2000, p. 81.

⁽⁹⁾ OJ L 136, 18.5.2001, p. 17.

⁽¹⁰⁾ OJ L 13, 16.1.2002, p. 9.

2. Where reference is made to this paragraph, Articles 5 and 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at one month.

3. The Committee shall adopt its rules of procedure.

Article 4

Integration of amendments to international instruments in Community law

For the purposes of Community maritime legislation, the applicable international instruments shall be those which have entered into force, including the most recent amendments thereto, with the exception of the amendments excluded from the scope of the Community maritime legislation resulting from the conformity checking procedure established by Article 5.

Article 5

Conformity checking procedure

1. For the purposes of this Regulation and with a view to reducing the risks of conflict between the Community maritime legislation and international instruments, Member States and the Commission shall cooperate, through coordination meetings and/or any other appropriate means, in order to define, as appropriate, a common position or approach in the competent international fora.

2. A conformity checking procedure is hereby established in order to exclude from the scope of the Community maritime legislation any amendment to an international instrument only if, on the basis of an evaluation by the Commission, there is a manifest risk that the international amendment, within the scope of the Regulations or the Directives referred to in Article 2(2), will lower the standard of maritime safety, of prevention of pollution from ships or of protection of shipboard living and working conditions established by Community maritime legislation, or be incompatible with the latter.

The conformity checking procedure may be used solely to make amendments to the Community maritime legislation in the fields expressly covered by the regulatory procedure and strictly within the framework of exercise of implementing powers conferred on the Commission.

3. In the circumstances referred to in paragraph 2, the conformity checking procedure shall be initiated by the Commission, which, where appropriate, may act at the request of a Member State.

The Commission shall submit to the COSS, without delay, after the adoption of an amendment to an international instrument a proposal for measures with the aim of excluding the amendment in question from the Community text concerned.

The conformity checking procedure, including, if applicable, the procedures set up in Article 5(6) of Decision 1999/468/EC, shall be completed at least one month before the expiration of the period established internationally for the tacit acceptance of the amendment concerned or the envisaged date for the entry into force of said amendment.

4. In the event of a risk as referred to in the first subparagraph of paragraph 2, Member States shall refrain, during the period of the conformity checking procedure, from any initiative intended to integrate the amendment in national legislation or to apply the amendment to the international instrument concerned.

Article 6

Information

All relevant amendments to international instruments that are integrated in Community maritime legislation, in accordance with Articles 4 and 5, shall be published, for information purposes, in the *Official Journal of the European Communities*.

Article 7

Powers of COSS

COSS shall exercise the powers conferred on it by virtue of the Community legislation in force. Article 2(2) may be amended by the procedure set out in Article 3(2) in order to include a reference to the Community acts conferring implementing powers on COSS that have entered into force following the adoption of this Regulation.

Article 8

Amendment to Regulation (EEC) No 613/91

Regulation (EEC) No 613/91 is hereby amended as follows:

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

(a) "Conventions" means the 1974 International Convention for the Safety of Life at Sea (1974 Solas), the 1966 International Convention on Load Lines (LL66) and the International Convention for the Prevention of Pollution

from Ships (Marpol 73/78), in their up-to-date versions, and related resolutions of mandatory status adopted by the International Maritime Organisation (IMO).'

2. Articles 6 and 7 shall be replaced by the following:

'Article 6

1. The Commission shall be assisted by the Committee on Safe Seas and the Prevention of Pollution from Ships (COSS) created by Article 3 of Regulation (EC) No 2099/2002 of the European Parliament and of the Council of 5 November 2002 establishing a Committee on Safe Seas and the Prevention of Pollution from Ships (COSS) (*).

2. Where reference is made to this paragraph, Articles 5 and 7 of Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (**) shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at two months.

3. The Committee shall adopt its rules of procedure.

Article 7

The amendments to the international instruments referred to in Article 1 may be excluded from the scope of this Regulation, pursuant to Article 5 of Regulation (EC) No 2099/2002.

(*) OJ L 324, 29.11.2002, p. 1.

(**) OJ L 184, 17.7.1999, p. 23.'

Article 9

Amendment to Regulation (EC) No 2978/94

Regulation (EC) No 2978/94 is hereby amended as follows:

1. Article 3(g) shall be replaced by the following:

(g) "Marpol 73/78" means the International Convention for the Prevention of Pollution from Ships, 1973, as amended by the Protocol of 1978 relating thereto, in their up-to-date versions.'

2. The following paragraph shall be added to Article 6:

'The amendments to the international instruments referred to in Article 3 may be excluded from the scope of this Regulation, pursuant to Article 5 of Regulation (EC) No 2099/2002 of the European Parliament and of the Council of 5 November 2002 establishing a Committee on Safe Seas and the Prevention of Pollution from Ships (COSS) (*).

(*) OJ L 324, 29.11.2002, p. 1.'

3. Article 7 shall be replaced by the following:

'Article 7

1. The Commission shall be assisted by the Committee on Safe Seas and the Prevention of Pollution from Ships (COSS) created by Article 3 of Regulation (EC) No 2099/2002.

2. Where reference is made to this paragraph, Articles 5 and 7 of Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (*) shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.

3. The Committee shall adopt its rules of procedure.

(*) OJ L 184, 17.7.1999, p. 23.'

Article 10

Amendment to Regulation (EC) No 3051/95

Regulation (EC) No 3051/95 is hereby amended as follows:

1. The following subparagraph shall be added to Article 9:

'The amendments to the international instruments referred to in Article 2 may be excluded from the scope of this Regulation, pursuant to Article 5 of Regulation (EC) No 2099/2002 of the European Parliament and of the Council of 5 November 2002 establishing a Committee on Safe Seas and the Prevention of Pollution from Ships (COSS) (*).

(*) OJ L 324, 29.11.2002, p. 1.'

2. Article 10 shall be replaced by the following:

'Article 10

1. The Commission shall be assisted by the Committee on Safe Seas and the Prevention of Pollution from Ships (COSS) created by Article 3 of Regulation (EC) No 2099/2002.

2. Where reference is made to this paragraph, Articles 5 and 7 of Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (*) shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at two months.

3. The Committee shall adopt its rules of procedure.

(*) OJ L 184, 17.7.1999, p. 23.'

Article 11

Amendment to Regulation (EC) No 417/2002

Regulation (EC) No 417/2002 is hereby amended as follows:

1. Article 3(1) shall be replaced by the following:

'1. "Marpol 73/78" means the International Convention for the Prevention of Pollution from Ships, 1973, as amended by the Protocol of 1978 relating thereto, in their up-to-date versions.'

2. In Article 10(1) shall be replaced by the following:

'1. The Commission shall be assisted by the Committee on Safe Seas and the Prevention of Pollution from Ships (COSS) created by Article 3 of Regulation (EC) No 2099/2002 of 5 November 2002 of the European Parliament and of the Council establishing a Committee on Safe Seas and the Prevention of Pollution from Ships (COSS) (*).

(*) OJ L 324, 29.11.2002, p. 1.'

3. The following subparagraph shall be added to Article 11:

'The amendments to the international instrument referred to in Article 3(1) may be excluded from the scope of this Regulation, pursuant to Article 5 of Regulation (EC) No 2099/2002.'

Article 12

Entry into force

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

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

Done at Brussels, 5 November 2002.

For the European Parliament

The President

P. COX

For the Council

The President

T. PEDERSEN

COMMISSION REGULATION (EC) No 2100/2002
of 28 November 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 1947/2002 ⁽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 29 November 2002.

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

Done at Brussels, 28 November 2002.

For the Commission

J. M. SILVA RODRÍGUEZ

Agriculture Director-General

⁽¹⁾ OJ L 337, 24.12.1994, p. 66.

⁽²⁾ OJ L 299, 1.11.2002, p. 17.

ANNEX

to the Commission Regulation of 28 November 2002 establishing the standard import values for determining the entry price of certain fruit and vegetables

(EUR/100 kg)

CN code	Third country code ⁽¹⁾	Standard import value
0702 00 00	052	45,0
	204	68,4
	999	56,7
0707 00 05	052	100,2
	628	196,3
	999	148,3
0709 90 70	052	71,8
	204	98,3
	999	85,0
0805 20 10	052	72,1
	204	74,1
	999	73,1
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	052	68,2
	999	68,2
0805 50 10	052	81,8
	600	66,9
	999	74,3
0808 10 20, 0808 10 50, 0808 10 90	060	31,9
	400	100,9
	404	112,0
	720	92,3
	999	84,3
0808 20 50	052	107,7
	400	125,5
	720	43,1
	999	92,1

⁽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 2101/2002
of 28 November 2002
amending Regulation (EC) No 21/2002 as regards the 2002 forecast supply balance for cereals for the Azores

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1453/2001 of 28 June 2001 introducing specific measures for certain agricultural products for the Azores and Madeira and repealing Regulation (EEC) No 1600/92 (Poseima) ⁽¹⁾, and in particular Article 3(6) thereof,

Whereas:

- (1) Part 1 of Annex II to Commission Regulation (EC) No 21/2002 of 28 December 2001 establishing the supply balances and Community aid for the outermost regions under Council Regulations (EC) No 1452/2001, (EC) No 1453/2001 and (EC) No 1454/2001 ⁽²⁾, as last amended by Regulation (EC) No 2085/2002 ⁽³⁾, establishes a forecast supply balance and fixes Community aid for cereals and cereal products for the Azores, under Regulation (EC) No 1453/2001.
- (2) The forecast supply balance provides for an annual quantity of 148 300 tonnes of cereals and 20 400 of oilseeds for the Azores. As a result of drought during 2002 and an increase in cattle numbers, the current state of implementation of the specific supply arrangements shows that the quantities set for the supply of cereals are insufficient to cover requirements. By contrast, the use of oilseeds is much lower than forecast in the supply balance.
- (3) By letter of 29 October 2002, the Portuguese authorities therefore requested an amendment to the supply balance for cereals and oilseeds in the Azores in order to meet the legitimate supply requirements there.

- (4) The supply of cereals and oilseeds in the supply balance as initially adopted should therefore be amended to adjust the quantities fixed for the Azores.
- (5) Since this amendment is required only to redress a temporary situation arising in 2002, the forecast supply balance should be amended for 2002 only. The amendment is urgent if there is to be no break in supply to these islands.
- (6) Regulation (EC) No 21/2002 should therefore be amended accordingly.
- (7) 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

In part 1 of Annex II to Regulation (EC) No 21/2002, the table concerning the Azores is hereby replaced by the table in the Annex to this Regulation.

Article 2

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

It shall apply until 31 December 2002.

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

Done at Brussels, 28 November 2002.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 198, 21.7.2001, p. 26.

⁽²⁾ OJ L 8, 11.1.2002, p. 15.

⁽³⁾ OJ L 321, 26.11.2002, p. 3.

ANNEX

'AZORES

Description	CN code	Quantity (tonnes)	Aid (EUR/tonne)
Cereals	1001 90 99, 1001 10 00, 1003 00 90, 1005 90 00, 1002, 1107 10	168 300	41
Soya seed	1201 00 90	0	25
Sunflower seed	1206 00 99	600	25'

COMMISSION REGULATION (EC) No 2102/2002
of 28 November 2002
prohibiting fishing for cod by vessels flying the flag of France

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

- (1) Council Regulation (EC) No 2555/2001 of 18 December 2001 fixing for 2002 the fishing opportunities and associated conditions for certain fish stocks and groups of fish stocks, applicable in Community waters and, for Community vessels, in waters where catch limitations are required ⁽³⁾, as last amended by Commission Regulation (EC) No 2000/2002 ⁽⁴⁾, lays down quotas for cod for 2002.
- (2) In order to ensure compliance with the provisions relating to the quantity limits on catches of stocks subject to quotas, the Commission must fix the date by which catches made by vessels flying the flag of a Member State are deemed to have exhausted the quota allocated.
- (3) According to the information received by the Commission, catches of cod in the waters of ICES divisions VIIb to k, VIII, IX, X, CECAF 34.11 (EC waters) by vessels

flying the flag of France or registered in France have exhausted the quota allocated for 2002. France has prohibited fishing for this stock from 31 October 2002. This date should be adopted in this Regulation also,

HAS ADOPTED THIS REGULATION:

Article 1

Catches of cod in the waters of ICES divisions VIIb to k, VIII, IX, X, CECAF 34.11 (EC waters) by vessels flying the flag of France or registered in France are hereby deemed to have exhausted the quota allocated to France for 2002.

Fishing for cod in the waters of ICES divisions VIIb to k, VIII, IX, X, CECAF 34.11 (EC waters) by vessels flying the flag of France or registered in France is hereby prohibited, as are the retention on board, transshipment and landing of this stock caught by the above vessels after the date of application of this Regulation.

Article 2

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

It shall apply from 31 October 2002.

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

Done at Brussels, 28 November 2002.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 261, 20.10.1993, p. 1.

⁽²⁾ OJ L 358, 31.12.1998, p. 5.

⁽³⁾ OJ L 347, 31.12.2001, p. 1.

⁽⁴⁾ OJ L 308, 9.11.2002, p. 13.

COMMISSION REGULATION (EC) No 2103/2002

of 28 November 2002

approving operations to check conformity to the marketing standards applicable to fresh fruit and vegetables carried out in South Africa prior to import into the European Community

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2200/96 of 28 October 1996 on the common organisation of the market in fruit and vegetables ⁽¹⁾, as last amended by Regulation (EC) No 545/2002 ⁽²⁾, and in particular Article 10 thereof,

Whereas:

- (1) Article 7 of Commission Regulation (EC) No 1148/2001 of 12 June 2001 on checks on conformity to the marketing standards applicable to fresh fruit and vegetables ⁽³⁾, as last amended by Regulation (EC) No 2590/2001 ⁽⁴⁾, lays down the requirements for approval of conformity checks performed prior to import into the Community by third countries which so request.
- (2) On 11 March 2002 the South African authorities sent the Commission a request for approval of checking operations performed by the Perishable Products Export Control Board (PPECB) under the responsibility of the Ministry of Agriculture. This states that the establishment in question has the necessary staff, equipment and facilities to carry out checks, that it uses methods equivalent to those referred to in Article 9 of Regulation (EC) No 1148/2001 and that the fresh fruit and vegetables exported from South Africa to the Community must meet standards equivalent to the Community marketing standards.
- (3) The information sent by the Member States and in the possession of the Commission shows that, between 1997 and 2002, imports of fresh fruit and vegetables from South Africa presented a relatively low incidence of non-conformity with the marketing standards.
- (4) Representatives of the South African inspection services are regular participants in international efforts to agree marketing standards for fruit and vegetables in the Working Party on Standardisation of Perishable Produce and Quality Development of the United Nations Economic Commission for Europe (UN/ECE). South Africa is also taking part in the Scheme for the Application of International Standards for Fruit and Vegetables under the Organisation for Economic Cooperation and Development (OECD). Lastly, for a number of years the South African inspection services have taken part in various conferences and training activities organised by several Member States.

(5) The conformity checks performed by South Africa should therefore be approved with effect from the date on which the administrative cooperation referred to in Article 7(8) of Regulation (EC) No 1148/2001 is established.

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

HAS ADOPTED THIS REGULATION:

Article 1

The checks on conformity to the marketing standards for fresh fruit and vegetables carried out by South Africa prior to importation into the Community shall be approved in accordance with the terms set out in Article 7 of Regulation (EC) No 1148/2001.

Article 2

Details of the official correspondent and inspection bodies in South Africa referred to in the second subparagraph of Article 7(2) of Regulation (EC) No 1148/2001 are given in Annex I to this Regulation.

Article 3

The certificates referred to in the second subparagraph of Article 7(3) of Regulation (EC) No 1148/2001, issued following the checks referred to in Article 1 of this Regulation, must be drawn up on forms in conformity with the model given in Annex II hereto.

Article 4

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

It shall apply from the date of publication in the C series of the *Official Journal of the European Communities* of the notice referred to in Article 7(8) of Regulation (EC) No 1148/2001 relating to the establishment of administrative cooperation between the European Community and South Africa.

⁽¹⁾ OJ L 297, 21.11.1996, p. 1.

⁽²⁾ OJ L 84, 28.3.2002, p. 1.

⁽³⁾ OJ L 156, 13.6.2001, p. 9.

⁽⁴⁾ OJ L 345, 29.12.2001, p. 20.

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

Done at Brussels, 28 November 2002.

For the Commission
Franz FISCHLER
Member of the Commission

ANNEX I

Official correspondent within the meaning of Article 7(2) of Regulation (EC) No 1148/2001:

National Department of Agriculture
DPHQ
Private Bag X258
Pretoria 0001
South Africa
Tel.: (27-12) 3196502
Fax: (27-12) 3265606
Email: smph@nda.agric.za

Inspection body within the meaning of Article 7(2) of Regulation (EC) No 1148/2001:

PPECB (Perishable Products Export Control Board)
PO Box 15289
7500 Panorama, Parow
South Africa
Tel.: (27-21) 9301134
Fax: (27-21) 9306046
Email: ho@ppecb.com

ANNEX II



APS03

Model certificate within the meaning of Article 7(3) of Regulation (EC) No 1148/2001

REPUBLIC OF SOUTH AFRICA
 PERISHABLE PRODUCTS EXPORT CONTROL BOARD
 AGRICULTURAL PRODUCT STANDARDS
 EXPORT INSPECTION CERTIFICATE

Issued in terms of the regulations regarding control of the export of certain products, published under section 15 of the Agricultural Product Standards Act, 1990 (Act No 119 of 1990).

Issued by the PPECB, having been designated by the Minister of Agriculture as Assignee in terms of section 2(3)(a) of the said Act with regard to certain products intended for export.

Validity date: Serial number

Exporter's name	PUC / codes	Class/cat/ processing	Product/cultivar		Number of packages or weight if required (1)

Number of packages/ Weight in words:

Container Number(s):

This is to certify that samples of the products specified herein have been inspected and, at the time of inspection complied with the standards and requirements specified in terms of section 4(3) of the Agricultural Product Standards Act, 1990

Country of origin: Country of destination: Place of delivery:

Means of Transport: Air Sea Road Vessel:

Inspection stamp	Inspector:
	Date of inspection:
	Signature:

'Any person who alters this certificate or makes a document or causes a document to be made which purports to be this certificate shall be guilty of an offence in terms of the Agricultural Product Standards Act, 1990.'

(1) Delete as necessary.

**COMMISSION REGULATION (EC) No 2104/2002
of 28 November 2002**

adapting Council Regulation (EC) No 577/98 on the organisation of a labour force sample survey in the Community and Commission Regulation (EC) No 1575/2000 implementing Council Regulation (EC) No 577/98 as far as the list of education and training variables and their codification to be used for data transmission from 2003 onwards are concerned

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

'(h) education and training:

Having regard to the Treaty establishing the European Community,

participation in formal education or training during previous four weeks

Having regard to Council Regulation (EC) No 577/98 of 9 March 1998 on the organisation of a labour force sample survey in the Community ⁽¹⁾, as amended by Regulation (EC) No 1991/2002 of the European Parliament and of the Council ⁽²⁾, and in particular Article 4(3) thereof,

— level,

— field;

participation in courses and other taught learning activities during previous four weeks

Whereas:

— total length,

(1) The evolution of techniques and concepts, in particular concerning the distinction between formal education and other forms of learning activities and the implementation of the classification on fields of education and training, makes it necessary to adapt the list of the education and training variables laid down in Article 4(1)(h) of Regulation (EC) No 577/98.

— purpose of the most recent course or other taught activity,

— field of the most recent taught activity,

— participated in most recent taught activity during working hours;

(2) As a consequence, the codification of these variables laid down in the Annex to Commission Regulation (EC) No 1575/2000 of 19 July 2000 ⁽³⁾ should also be adapted. The new list and codification should be implemented already in 2003 so as to guarantee full compatibility with the 2003 ad hoc module on lifelong learning ⁽⁴⁾.

educational attainment

— highest successfully completed level of education or training,

— field of this highest level of education and training,

— year when this highest level was successfully completed.'

(3) The measures provided for in this Regulation are in accordance with the opinion delivered by the Statistical Programme Committee established by Council Decision 89/382/EEC, Euratom ⁽⁵⁾,

Article 2

HAS ADOPTED THIS REGULATION:

The codification of the education and training variables to be used for data transmission for the years 2003 and onwards laid down in the Annex to the present Regulation replaces the corresponding variables included in the Annex to Commission Regulation (EC) No 1575/2000.

Article 1

Article 4(1)(h) of Council Regulation No 577/98 is replaced by the following:

Article 3

⁽¹⁾ OJ L 77, 14.3.1998, p. 3.

⁽²⁾ OJ L 308, 9.11.2002, p. 1.

⁽³⁾ OJ L 181, 20.7.2000, p. 16.

⁽⁴⁾ OJ L 192, 20.7.2002, p. 16.

⁽⁵⁾ OJ L 181, 28.6.1989, p. 47.

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

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

Done at Brussels, 28 November 2002.

For the Commission
Pedro SOLBES MIRA
Member of the Commission

ANNEX

1. Variables are coded in the following way:

Variable	Column	Code		Filter/comments
EDUCSTAT	293		Student or apprentice in regular education during the last four weeks	Everybody aged 15 years or more
		1	Has been a student or an apprentice	
		2	Has not been a student or apprentice	
		9	Not applicable (child less than 15 years)	
		Blank	No answer	
EDUCLEVEL	294		Level of this education or training	EDUCSTAT = 1
		1	ISCED 1	
		2	ISCED 2	
		3	ISCED 3	
		4	ISCED 4	
		5	ISCED 5	
		6	ISCED 6	
		9	Not applicable (EDUCSTAT = 2, 9, blank)	
Blank	No answer			
EDUCFIELD	295/297		Field of this education or training	EDUCSTAT = 1 and EDUCLEVEL = 3 to 6
		000	General programmes	
		100	Teacher training and education science	
		200	Humanities, languages and arts	
		222	Foreign languages	
		300	Social sciences, business and law	
		400	Science, mathematics and computing	
		420	Life science (including biology and environmental science)	
		440	Physical science (including physics, chemistry and earth science)	
		460	Mathematics and statistics	
		481	Computer science	
		482	Computer use	
		500	Engineering, manufacturing and construction	
		600	Agriculture and veterinary	
		700	Health and welfare	
		800	Services	
900	Unknown			
999	Not applicable (EDUCSTAT = 2, 9, blank or EDUCLEVEL ≠ (3 to 6))			
Blank	No answer			

Variable	Column	Code		Filter/comments
COURATT	298		Did you attend any courses, seminars, conferences or receive private lessons or instructions outside the regular education system (hereafter mentioned as taught learning activities) within the last four weeks	Everybody aged 15 years or more
		1	Yes	
		2	No	
		9	Not applicable (child less than 15 years)	
		Blank	No answer	
COURLEN	299/301		Number of hours spent on all taught learning activities within the last four weeks	COURATT = 1
		3 digits	Number of hours	
		999	Not applicable (COURATT = 2, 9, blank)	
		Blank	No answer	
COURPURP	302		Purpose of the most recent taught learning activity	COURATT = 1
		1	Mostly job related (professional)	
		2	Mostly personal/social	
		9	Not applicable (COURATT = 2, 9, blank)	
		Blank	No answer	
COURFIELD	303/305		Field of the most recent taught learning activity	COURATT = 1
		000	General programmes	
		100	Teacher training and education science	
		200	Humanities, languages and arts	
		222	Foreign languages	
		300	Social sciences, business and law	
		400	Science, mathematics and computing	
		420	Life science (including biology and environmental science)	
		440	Physical science (including physics, chemistry and earth science)	
		460	Mathematics and statistics	
		481	Computer science	
		482	Computer use	
		500	Engineering, manufacturing and construction	
		600	Agriculture and veterinary	
		700	Health and welfare	
		800	Services	
		900	Unknown	
		999	Not applicable (COURATT = 2, 9, blank)	
		Blank	No answer	

Variable	Column	Code		Filter/comments
COURWORH	306		Did the most recent taught learning activity take place during paid working hours?	COURATT = 1
		1	Only during paid working hours	
		2	Mostly during paid working hours	
		3	Mostly outside paid working hours	
		4	Only outside paid working hours	
		5	No job at that time	
		9	Not applicable (COURATT = 2, 9, blank)	
		Blank	No answer	
HATLEVEL	307/308		Highest level of education or training successfully completed	Everybody aged 15 years or more
		00	No formal education or below ISCED 1	
		11	ISCED 1	
		21	ISCED 2	
		22	ISCED 3c (shorter than three years)	
		31	ISCED 3c (three years and more)	
		32	ISCED 3 a, b	
		30	ISCED 3 (without distinction a, b or c possible, 3 y+)	
		41	ISCED 4a, b	
		42	ISCED 4c	
		43	ISCED 4 (without distinction a, b or c possible)	
		51	ISCED 5b	
		52	ISCED 5a	
		60	ISCED 6	
		99	Not applicable (child less than 15 years)	
		Blank	No answer	
HATFIELD	309/311		Field of highest level of education or training successfully completed	HATLEVEL = 22 to 60
		000	General programmes	
		100	Teacher training and education science	
		200	Humanities, languages and arts	
		222	Foreign languages	
		300	Social sciences, business and law	
		400	Science, mathematics and computing (no distinction possible)	
		420	Life science (including biology and environmental science)	
		440	Physical science (including physics, chemistry and earth science)	

Variable	Column	Code		Filter/comments
		460	Mathematics and statistics	
		481	Computer science	
		482	Computer use	
		500	Engineering, manufacturing and construction	
		600	Agriculture and veterinary	
		700	Health and welfare	
		800	Services	
		900	Unknown	
		999	Not applicable (HATLEVEL = 00, 11, 21, 99, Blank)	
		Blank	No answer	
HATYEAR	312/315		Year when highest level of education or training was successfully completed The four digits of the year when highest level of education or training was successfully completed are entered	Everybody aged 15 years or more and HATLEVEL = 11 to 60
		9999	Not applicable (child less than 15 years or HATLEVEL = 00)	
		Blank	No answer	

2. The following variables are optional:

EDUCFIELD, COURFIELD, COURPURP, COURWORH.

3. The following variables are optional for 2003:

EDUCSTAT, EDUCLEVEL, COURATT, COURLEN.

**COMMISSION REGULATION (EC) No 2105/2002
of 28 November 2002**

fixing the representative prices and the additional import duties for molasses in the sugar sector

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Having regard to Commission Regulation (EC) No 1422/95 of 23 June 1995 laying down detailed rules of application for imports of molasses in the sugar sector and amending Regulation (EEC) No 785/68 ⁽³⁾, and in particular Article 1(2) and Article 3(1) thereof,

Whereas:

- (1) Regulation (EC) No 1422/95 stipulates that the cif import price for molasses, hereinafter referred to as the 'representative price', should be set in accordance with Commission Regulation (EEC) No 785/68 ⁽⁴⁾. That price should be fixed for the standard quality defined in Article 1 of the above Regulation.
- (2) The representative price for molasses is calculated at the frontier crossing point into the Community, in this case Amsterdam; that price must be based on the most favourable purchasing opportunities on the world market established on the basis of the quotations or prices on that market adjusted for any deviations from the standard quality. The standard quality for molasses is defined in Regulation (EEC) No 785/68.
- (3) When the most favourable purchasing opportunities on the world market are being established, account must be taken of all available information on offers on the world market, on the prices recorded on important third-country markets and on sales concluded in international trade of which the Commission is aware, either directly or through the Member States. Under Article 7 of Regulation (EEC) No 785/68, the Commission may for this purpose take an average of several prices as a basis, provided that this average is representative of actual market trends.
- (4) The information must be disregarded if the goods concerned are not of sound and fair marketable quality or if the price quoted in the offer relates only to a small

quantity that is not representative of the market. Offer prices which can be regarded as not representative of actual market trends must also be disregarded.

- (5) If information on molasses of the standard quality is to be comparable, prices must, depending on the quality of the molasses offered, be increased or reduced in the light of the results achieved by applying Article 6 of Regulation (EEC) No 785/68.
- (6) A representative price may be left unchanged by way of exception for a limited period if the offer price which served as a basis for the previous calculation of the representative price is not available to the Commission and if the offer prices which are available and which appear not to be sufficiently representative of actual market trends would entail sudden and considerable changes in the representative price.
- (7) Where there is a difference between the trigger price for the product in question and the representative price, additional import duties should be fixed under the conditions set out in Article 3 of Regulation (EC) No 1422/95. Should the import duties be suspended pursuant to Article 5 of Regulation (EC) No 1422/95, specific amounts for these duties should be fixed.
- (8) Application of these provisions will have the effect of fixing the representative prices and the additional import duties for the products in question as set out 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,

HAS ADOPTED THIS REGULATION:

Article 1

The representative prices and the additional duties applying to imports of the products referred to in Article 1 of Regulation (EC) No 1422/95 are fixed in the Annex hereto.

Article 2

This Regulation shall enter into force on 29 November 2002.

⁽¹⁾ OJ L 178, 30.6.2001, p. 1.

⁽²⁾ OJ L 104, 20.4.2002, p. 26.

⁽³⁾ OJ L 141, 24.6.1995, p. 12.

⁽⁴⁾ OJ L 145, 27.6.1968, p. 12.

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

Done at Brussels, 28 November 2002.

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

ANNEX

to the Commission Regulation of 28 November 2002 fixing the representative prices and additional import duties to imports of molasses in the sugar sector

(in EUR)

CN code	Amount of the representative price in 100 kg net of the product in question	Amount of the additional duty in 100 kg net of the product in question	Amount of the duty to be applied to imports in 100 kg net of the product in question because of suspension as referred to in Article 5 of Regulation (EC) No 1422/95 ⁽²⁾
1703 10 00 ⁽¹⁾	8,20	—	0,01
1703 90 00 ⁽¹⁾	11,58	—	0

⁽¹⁾ For the standard quality as defined in Article 1 of amended Regulation (EEC) No 785/68.

⁽²⁾ This amount replaces, in accordance with Article 5 of Regulation (EC) No 1422/95, the rate of the Common Customs Tariff duty fixed for these products.

**COMMISSION REGULATION (EC) No 2106/2002
of 28 November 2002**

fixing the export refunds on white sugar and raw sugar exported in its unaltered 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⁾, 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)(a) of that Regulation and prices for those products within the Community may be covered by an export refund.
- (2) Regulation (EC) No 1260/2001 provides that when refunds on white and raw sugar, undenatured and exported in its unaltered state, are being fixed account must be taken of the situation on the Community and world markets in sugar and in particular of the price and cost factors set out in Article 28 of that Regulation. The same Article provides that the economic aspect of the proposed exports should also be taken into account.
- (3) The refund on raw sugar must be fixed in respect of the standard quality. The latter is defined in Annex I, point II, to Regulation (EC) No 1260/2001. Furthermore, this refund should be fixed in accordance with Article 28(4) of Regulation (EC) No 1260/2001. Candy sugar is defined in 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⁾. The refund thus calculated for sugar containing added flavouring or colouring matter must apply to their sucrose content and, accordingly, be fixed per 1 % of the said content.

- (4) The world market situation or the specific requirements of certain markets may make it necessary to vary the refund for sugar according to destination.
- (5) In special cases, the amount of the refund may be fixed by other legal instruments.
- (6) The refund must be fixed every two weeks. It may be altered in the intervening period.
- (7) It follows from applying the rules set out above to the present situation on the market in sugar and in particular to quotations or prices for sugar within the Community and on the world market that the refund should be as set out in the Annex hereto.
- (8) Regulation (EC) No 1260/2001 does not make provision to continue the compensation system for storage costs from 1 July 2001. This should accordingly be taken into account when fixing the refunds granted when the export occurs after 30 September 2001.
- (9) 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 export refunds on the products listed in Article 1(1)(a) of Regulation (EC) No 1260/2001, undenatured and exported in the natural state, are hereby fixed to the amounts shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 29 November 2002.

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

Done at Brussels, 28 November 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 214, 8.9.1995, p. 16.

ANNEX

to the Commission Regulation of 28 November 2002 fixing 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	40,61 ⁽¹⁾
1701 11 90 9910	A00	EUR/100 kg	40,63 ⁽¹⁾
1701 11 90 9950	A00	EUR/100 kg	⁽²⁾
1701 12 90 9100	A00	EUR/100 kg	40,61 ⁽¹⁾
1701 12 90 9910	A00	EUR/100 kg	40,63 ⁽¹⁾
1701 12 90 9950	A00	EUR/100 kg	⁽²⁾
1701 91 00 9000	A00	EUR/1 % of sucrose × net 100 kg of product	0,4415
1701 99 10 9100	A00	EUR/100 kg	44,15
1701 99 10 9910	A00	EUR/100 kg	44,17
1701 99 10 9950	A00	EUR/100 kg	44,17
1701 99 90 9100	A00	EUR/1 % of sucrose × net 100 kg of product	0,4415

⁽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 2107/2002
of 28 November 2002**

**fixing the maximum export refund for white sugar for the 17th partial invitation to tender issued
within the framework of the standing invitation to tender provided for in Regulation (EC) No
1331/2002**

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 27(5) thereof,

Whereas:

- (1) Commission Regulation (EC) No 1331/2002 of 23 July 2002 on a standing invitation to tender to determine levies and/or refunds on exports of white sugar ⁽³⁾, for the 2002/2003 marketing year, requires partial invitations to tender to be issued for the export of this sugar.
- (2) Pursuant to Article 9(1) of Regulation (EC) No 1331/2002 a maximum export refund shall be fixed, as the case may be, account being taken in particular of the state and foreseeable development of the Community and world markets in sugar, for the partial invitation to tender in question.

(3) Following an examination of the tenders submitted in response to the 17th partial invitation to tender, the provisions set out in Article 1 should be adopted.

(4) 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

For the 17th partial invitation to tender for white sugar issued pursuant to Regulation (EC) No 1331/2002 the maximum amount of the export refund is fixed at 47,269 EUR/100 kg.

Article 2

This Regulation shall enter into force on 29 November 2002.

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

Done at Brussels, 28 November 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 195, 24.7.2002, p. 6.

COMMISSION REGULATION (EC) No 2108/2002
of 28 November 2002
fixing the export refunds on products processed from cereals and rice

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 organization of the market in cereals ⁽¹⁾, as last amended by Regulation (EC) No 1666/2000 ⁽²⁾, and in particular Article 13(3) thereof,

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organization 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 13 of Regulation (EEC) No 1766/92 and Article 13 of Regulation (EC) No 3072/95 provide that the difference between quotations or prices on the world market for the products listed in Article 1 of those Regulations and prices for those products within the Community may be covered by an export refund.
- (2) Article 13 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 cereals, rice and broken rice on the Community market on the one hand and prices for cereals, rice, broken rice and cereal products on the world market on the other. The same Articles provide that it is also important to ensure equilibrium and the natural development of prices and trade on the markets in cereals and rice and, furthermore, to take into account the economic aspect of the proposed exports, and the need to avoid disturbances on the Community market.
- (3) Article 4 of Commission Regulation (EC) No 1518/95 ⁽⁵⁾, as amended by Regulation (EC) No 2993/95 ⁽⁶⁾, on the import and export system for products processed from cereals and from rice defines the specific criteria to be taken into account when the refund on these products is being calculated.
- (4) The refund to be granted in respect of certain processed products should be graduated on the basis of the ash, crude fibre, tegument, protein, fat and starch content of

the individual product concerned, this content being a particularly good indicator of the quantity of basic product actually incorporated in the processed product.

- (5) There is no need at present to fix an export refund for manioc, other tropical roots and tubers or flours obtained therefrom, given the economic aspect of potential exports and in particular the nature and origin of these products. For certain products processed from cereals, the insignificance of Community participation in world trade makes it unnecessary to fix an export refund at the present time.
- (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) The refund must be fixed once a month. It may be altered in the intervening period.
- (8) Certain processed maize products may undergo a heat treatment following which a refund might be granted that does not correspond to the quality of the product; whereas it should therefore be specified that on these products, containing pregelatinized starch, no export refund is to be granted.
- (9) The Management Committee for Cereals has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1(1)(d) of Regulation (EEC) No 1766/92 and in Article 1(1)(c) of Regulation (EC) No 3072/95 and subject to Regulation (EC) No 1518/95 are hereby fixed as shown in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 29 November 2002.

⁽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 147, 30.6.1995, p. 55.

⁽⁶⁾ OJ L 312, 23.12.1995, p. 25.

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

Done at Brussels, 28 November 2002.

For the Commission
Franz FISCHLER
Member of the Commission

ANNEX

to the Commission Regulation of 28 November 2002 fixing the export refunds on products processed from cereals and rice

Product code	Destination	Unit of measurement	Refunds	Product code	Destination	Unit of measurement	Refunds
1102 20 10 9200 ⁽¹⁾	C11	EUR/t	10,36	1104 23 10 9100	C14	EUR/t	11,10
1102 20 10 9400 ⁽¹⁾	C11	EUR/t	8,88	1104 23 10 9300	C14	EUR/t	8,51
1102 20 90 9200 ⁽¹⁾	C11	EUR/t	8,88	1104 29 11 9000	C13	EUR/t	0,00
1102 90 10 9100	C14	EUR/t	0,00	1104 29 51 9000	C13	EUR/t	0,00
1102 90 10 9900	C14	EUR/t	0,00	1104 29 55 9000	C13	EUR/t	0,00
1102 90 30 9100	C15	EUR/t	0,00	1104 30 10 9000	C13	EUR/t	0,00
1103 19 40 9100	C16	EUR/t	0,00	1104 30 90 9000	C14	EUR/t	1,85
1103 13 10 9100 ⁽¹⁾	C14	EUR/t	13,32	1107 10 11 9000	C13	EUR/t	0,00
1103 13 10 9300 ⁽¹⁾	C14	EUR/t	10,36	1107 10 91 9000	C13	EUR/t	0,00
1103 13 10 9500 ⁽¹⁾	C14	EUR/t	8,88	1108 11 00 9200	C10	EUR/t	0,00
1103 13 90 9100 ⁽¹⁾	C14	EUR/t	8,88	1108 11 00 9300	C10	EUR/t	0,00
1103 19 10 9000	C16	EUR/t	11,75	1108 12 00 9200	C10	EUR/t	11,84
1103 19 30 9100	C14	EUR/t	0,00	1108 12 00 9300	C10	EUR/t	11,84
1103 20 60 9000	C16	EUR/t	0,00	1108 13 00 9200	C10	EUR/t	11,84
1103 20 20 9000	C14	EUR/t	0,00	1108 13 00 9300	C10	EUR/t	11,84
1104 19 69 9100	C14	EUR/t	0,00	1108 19 10 9200	C10	EUR/t	56,24
1104 12 90 9100	C13	EUR/t	0,00	1108 19 10 9300	C10	EUR/t	56,24
1104 12 90 9300	C13	EUR/t	0,00	1109 00 00 9100	C10	EUR/t	0,00
1104 19 10 9000	C13	EUR/t	0,00	1702 30 51 9000 ⁽²⁾	C10	EUR/t	11,60
1104 19 50 9110	C14	EUR/t	11,84	1702 30 59 9000 ⁽²⁾	C10	EUR/t	8,88
1104 19 50 9130	C14	EUR/t	9,62	1702 30 91 9000	C10	EUR/t	11,60
1104 29 01 9100	C14	EUR/t	0,00	1702 30 99 9000	C10	EUR/t	8,88
1104 29 03 9100	C14	EUR/t	0,00	1702 40 90 9000	C10	EUR/t	8,88
1104 29 05 9100	C14	EUR/t	0,00	1702 90 50 9100	C10	EUR/t	11,60
1104 29 05 9300	C14	EUR/t	0,00	1702 90 50 9900	C10	EUR/t	8,88
1104 22 20 9100	C13	EUR/t	0,00	1702 90 75 9000	C10	EUR/t	12,15
1104 22 30 9100	C13	EUR/t	0,00	1702 90 79 9000	C10	EUR/t	8,44
				2106 90 55 9000	C10	EUR/t	8,88

⁽¹⁾ No refund shall be granted on products given a heat treatment resulting in pregelatinisation of the starch.

⁽²⁾ Refunds are granted in accordance with Council Regulation (EEC) No 2730/75 (OJ L 281, 1.11.1975, p. 20), as amended.

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 as follows:

C10: All destinations except for Estonia,

C11: All destinations except for Estonia, Hungary, and Poland,

C12: All destinations except for Estonia, Hungary, Latvia and Poland,

C13: All destinations except for Estonia, Hungary and Lithuania,

C14: All destinations except for Estonia and Hungary,

C15: All destinations except for Estonia, Hungary, Latvia, Lithuania and Poland,

C16: All destinations except for Estonia, Hungary, Latvia and Lithuania.

COMMISSION REGULATION (EC) No 2109/2002
of 28 November 2002
fixing the export refunds on cereal-based compound feedingstuffs

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 organization of the market in cereals ⁽¹⁾, as last amended by Regulation (EC) No 1666/2000 ⁽²⁾, and in particular Article 13(3) thereof,

Whereas:

- (1) Article 13 of Regulation (EEC) No 1766/92 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) Regulation (EC) No 1517/95 of 29 June 1995 laying down detailed rules for the application of Regulation (EEC) No 1766/92 as regards the arrangements for the export and import of compound feedingstuffs based on cereals and amending Regulation (EC) No 1162/95 laying down special detailed rules for the application of the system of import and export licences for cereals and rice ⁽³⁾ in Article 2 lays down general rules for fixing the amount of such refunds.
- (3) That calculation must also take account of the cereal products content. In the interest of simplification, the refund should be paid in respect of two categories of 'cereal products', namely for maize, the most commonly used cereal in exported compound feeds and maize products, and for 'other cereals', these being eligible cereal products excluding maize and maize products. A refund should be granted in respect of the quantity of cereal products present in the compound feedingstuff.
- (4) Furthermore, the amount of the refund must also take into account the possibilities and conditions for the sale of those products on the world market, the need to avoid disturbances on the Community market and the economic aspect of the export.
- (5) However, in fixing the rate of refund it would seem advisable to base it at this time on the difference in the cost of raw inputs widely used in compound feedingstuffs as the Community and world markets, allowing more accurate account to be taken of the commercial conditions under which such products are exported.
- (6) The refund must be fixed once a month; whereas it may be altered in the intervening period.
- (7) The Management Committee for Cereals has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the compound feedingstuffs covered by Regulation (EEC) No 1766/92 and subject to Regulation (EC) No 1517/95 are hereby fixed as shown in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 29 November 2002.

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

Done at Brussels, 28 November 2002.

For the Commission
Franz FISCHLER
Member of the Commission

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 193, 29.7.2000, p. 1.

⁽³⁾ OJ L 147, 30.6.1995, p. 51.

ANNEX

to the Commission Regulation of 28 November 2002 fixing the export refunds on cereal-based compound feedingstuffs

Product codes benefiting from export refund:

2309 10 11 9000, 2309 10 13 9000, 2309 10 31 9000,
2309 10 33 9000, 2309 10 51 9000, 2309 10 53 9000,
2309 90 31 9000, 2309 90 33 9000, 2309 90 41 9000,
2309 90 43 9000, 2309 90 51 9000, 2309 90 53 9000.

Cereal products	Destination	Unit of measurement	Amount of refunds
Maize and maize products: CN codes 0709 90 60, 0712 90 19, 1005, 1102 20, 1103 13, 1103 29 40, 1104 19 50, 1104 23, 1904 10 10	C10	EUR/t	7,40
Cereal products excluding maize and maize products	C10	EUR/t	0,00

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

The other destinations are as follows:

C10 All destinations except for Estonia.

COMMISSION REGULATION (EC) No 2110/2002
of 28 November 2002
fixing the export refunds on milk and milk products

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1255/1999 of 17 May 1999 on the common organisation of the market in milk and milk products ⁽¹⁾, as last amended by Commission Regulation (EC) No 509/2002 ⁽²⁾, and in particular Article 31(3) thereof,

Whereas:

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

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

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

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

which are most favourable for exportation, and that when prices in international trade are being determined particular account should be taken of:

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

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

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

(6) In accordance with Article 16 of Commission Regulation (EC) No 174/1999 of 26 January 1999 on specific detailed rules for the application of Council Regulation (EC) No 804/68 as regards export licences and export refunds on milk and milk products ⁽³⁾, as last amended by Regulation (EC) No 1472/2002 ⁽⁴⁾, the refund granted for milk products containing added sugar is equal to the sum of the two components; one is intended to take account of the quantity of milk products and is calculated by multiplying the basic amount by the milk products content in the product concerned; the other is intended to take account of the quantity of added sucrose and is calculated by multiplying the sucrose content of the entire product by the basic amount of the refund valid on the day of exportation for the products listed in Article 1(1)(d) of Council Regulation (EC) No 1260/2001 of 19 June 2001 on the common organisation of the markets in the sugar sector ⁽⁵⁾, as amended by Commission Regulation (EC) No 680/2002 ⁽⁶⁾, however, this second component is applied only if the added sucrose has been produced using sugar beet or cane harvested in the Community.

⁽¹⁾ OJ L 160, 26.6.1999, p. 48.

⁽²⁾ OJ L 79, 22.3.2002, p. 15.

⁽³⁾ OJ L 20, 27.1.1999, p. 8.

⁽⁴⁾ OJ L 219, 14.8.2002, p. 4.

⁽⁵⁾ OJ L 178, 30.6.2001, p. 1.

⁽⁶⁾ OJ L 104, 20.4.2002, p. 26.

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 29 November 2002.

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

Done at Brussels, 28 November 2002.

For the Commission
Franz FISCHLER
Member of the Commission

⁽¹⁾ OJ L 91, 1.4.1984, p. 71.

⁽²⁾ OJ L 28, 1.2.1988, p. 1.

ANNEX

to the Commission Regulation of 28 November 2002 fixing the export refunds on milk and milk products

Product code	Destination	Unit of measurement	Amount of refund	Product code	Destination	Unit of measurement	Amount of refund
0401 10 10 9000	970	EUR/100 kg	2,458	0402 91 39 9300	L06	EUR/100 kg	8,058
0401 10 90 9000	970	EUR/100 kg	2,458	0402 91 99 9000	L06	EUR/100 kg	43,93
0401 20 11 9100	970	EUR/100 kg	2,458	0402 99 11 9350	L06	EUR/kg	0,1734
0401 20 11 9500	970	EUR/100 kg	3,798	0402 99 19 9350	L06	EUR/kg	0,1734
0401 20 19 9100	970	EUR/100 kg	2,458	0402 99 31 9150	L06	EUR/kg	0,1816
0401 20 19 9500	970	EUR/100 kg	3,798	0402 99 31 9300	L06	EUR/kg	0,2629
0401 20 91 9000	970	EUR/100 kg	4,806	0402 99 31 9500	L06	EUR/kg	0,4530
0401 20 99 9000	970	EUR/100 kg	4,806	0402 99 39 9150	L06	EUR/kg	0,1816
0401 30 11 9400	970	EUR/100 kg	11,09	0403 90 11 9000	L06	EUR/100 kg	65,08
0401 30 11 9700	970	EUR/100 kg	16,66	0403 90 13 9200	L06	EUR/100 kg	65,08
0401 30 19 9700	970	EUR/100 kg	16,66	0403 90 13 9300	L06	EUR/100 kg	93,56
0401 30 31 9100	L06	EUR/100 kg	40,46	0403 90 13 9500	L06	EUR/100 kg	97,65
0401 30 31 9400	L06	EUR/100 kg	63,20	0403 90 13 9900	L06	EUR/100 kg	104,06
0401 30 31 9700	L06	EUR/100 kg	69,70	0403 90 19 9000	L06	EUR/100 kg	104,71
0401 30 39 9100	L06	EUR/100 kg	40,46	0403 90 33 9400	L06	EUR/kg	0,9356
0401 30 39 9400	L06	EUR/100 kg	63,20	0403 90 33 9900	L06	EUR/kg	1,0406
0401 30 39 9700	L06	EUR/100 kg	69,70	0403 90 51 9100	970	EUR/100 kg	2,458
0401 30 91 9100	L06	EUR/100 kg	79,43	0403 90 59 9170	970	EUR/100 kg	16,66
0401 30 91 9500	L06	EUR/100 kg	116,74	0403 90 59 9310	L06	EUR/100 kg	40,46
0401 30 99 9100	L06	EUR/100 kg	79,43	0403 90 59 9340	L06	EUR/100 kg	59,20
0401 30 99 9500	L06	EUR/100 kg	116,74	0403 90 59 9370	L06	EUR/100 kg	59,20
0402 10 11 9000	L06	EUR/100 kg	66,00	0403 90 59 9510	L06	EUR/100 kg	59,20
0402 10 19 9000	L06	EUR/100 kg	66,00	0404 90 21 9120	L06	EUR/100 kg	56,29
0402 10 91 9000	L06	EUR/kg	0,6600	0404 90 21 9160	L06	EUR/100 kg	66,00
0402 10 99 9000	L06	EUR/kg	0,6600	0404 90 23 9120	L06	EUR/100 kg	66,00
0402 21 11 9200	L06	EUR/100 kg	66,00	0404 90 23 9130	L06	EUR/100 kg	94,41
0402 21 11 9300	L06	EUR/100 kg	94,41	0404 90 23 9140	L06	EUR/100 kg	98,53
0402 21 11 9500	L06	EUR/100 kg	98,53	0404 90 23 9150	L06	EUR/100 kg	105,00
0402 21 11 9900	L06	EUR/100 kg	105,00	0404 90 29 9110	L06	EUR/100 kg	105,66
0402 21 17 9000	L06	EUR/100 kg	66,00	0404 90 29 9115	L06	EUR/100 kg	106,27
0402 21 19 9300	L06	EUR/100 kg	94,41	0404 90 29 9125	L06	EUR/100 kg	107,38
0402 21 19 9500	L06	EUR/100 kg	98,53	0404 90 29 9140	L06	EUR/100 kg	115,39
0402 21 19 9900	L06	EUR/100 kg	105,00	0404 90 81 9100	L06	EUR/kg	0,6600
0402 21 91 9100	L06	EUR/100 kg	105,66	0404 90 83 9110	L06	EUR/kg	0,6600
0402 21 91 9200	L06	EUR/100 kg	106,27	0404 90 83 9130	L06	EUR/kg	0,9441
0402 21 91 9350	L06	EUR/100 kg	107,38	0404 90 83 9150	L06	EUR/kg	0,9853
0402 21 91 9500	L06	EUR/100 kg	115,39	0404 90 83 9170	L06	EUR/kg	1,0500
0402 21 99 9100	L06	EUR/100 kg	105,66	0404 90 83 9936	L06	EUR/kg	0,1734
0402 21 99 9200	L06	EUR/100 kg	106,27	0405 10 11 9500	L05	EUR/100 kg	180,49
0402 21 99 9300	L06	EUR/100 kg	107,38	0405 10 11 9700	L05	EUR/100 kg	185,00
0402 21 99 9400	L06	EUR/100 kg	113,32	0405 10 19 9500	L05	EUR/100 kg	180,49
0402 21 99 9500	L06	EUR/100 kg	115,39	0405 10 19 9700	L05	EUR/100 kg	185,00
0402 21 99 9600	L06	EUR/100 kg	123,52	0405 10 30 9100	L05	EUR/100 kg	180,49
0402 21 99 9700	L06	EUR/100 kg	128,14	0405 10 30 9300	L05	EUR/100 kg	185,00
0402 21 99 9900	L06	EUR/100 kg	133,46	0405 10 30 9700	L05	EUR/100 kg	185,00
0402 29 15 9200	L06	EUR/kg	0,6600	0405 10 50 9300	L05	EUR/100 kg	185,00
0402 29 15 9300	L06	EUR/kg	0,9441	0405 10 50 9500	L05	EUR/100 kg	180,49
0402 29 15 9500	L06	EUR/kg	0,9853	0405 10 50 9700	L05	EUR/100 kg	185,00
0402 29 15 9900	L06	EUR/kg	1,0500	0405 10 90 9000	L05	EUR/100 kg	191,78
0402 29 19 9300	L06	EUR/kg	0,9441	0405 20 90 9500	L05	EUR/100 kg	169,22
0402 29 19 9500	L06	EUR/kg	0,9853	0405 20 90 9700	L05	EUR/100 kg	175,98
0402 29 19 9900	L06	EUR/kg	1,0500	0405 20 90 9000	L05	EUR/100 kg	235,07
0402 29 91 9000	L06	EUR/kg	1,0566	0405 90 90 9000	L05	EUR/100 kg	185,00
0402 29 99 9100	L06	EUR/kg	1,0566	0406 10 20 9100	A00	EUR/100 kg	—
0402 29 99 9500	L06	EUR/kg	1,1332	0406 10 20 9230	L03	EUR/100 kg	—
0402 91 11 9370	L06	EUR/100 kg	6,804		L04	EUR/100 kg	39,41
0402 91 19 9370	L06	EUR/100 kg	6,804		400	EUR/100 kg	—
0402 91 31 9300	L06	EUR/100 kg	8,058		A01	EUR/100 kg	39,41

Product code	Destination	Unit of measurement	Amount of refund	Product code	Destination	Unit of measurement	Amount of refund		
0406 10 20 9290	L03	EUR/100 kg	—	0406 30 31 9910	L03	EUR/100 kg	—		
	L04	EUR/100 kg	36,66		L04	EUR/100 kg	8,10		
	400	EUR/100 kg	—		400	EUR/100 kg	—		
	A01	EUR/100 kg	36,66		A01	EUR/100 kg	15,17		
0406 10 20 9300	L03	EUR/100 kg	—	0406 30 31 9930	L03	EUR/100 kg	—		
	L04	EUR/100 kg	16,09		L04	EUR/100 kg	11,87		
	400	EUR/100 kg	—		400	EUR/100 kg	—		
	A01	EUR/100 kg	16,09		A01	EUR/100 kg	22,26		
0406 10 20 9610	L03	EUR/100 kg	—	0406 30 31 9950	L03	EUR/100 kg	—		
	L04	EUR/100 kg	53,46		L04	EUR/100 kg	17,26		
	400	EUR/100 kg	—		400	EUR/100 kg	—		
	A01	EUR/100 kg	53,46		A01	EUR/100 kg	32,38		
0406 10 20 9620	L03	EUR/100 kg	—	0406 30 39 9500	L03	EUR/100 kg	—		
	L04	EUR/100 kg	54,22		L04	EUR/100 kg	11,87		
	400	EUR/100 kg	—		400	EUR/100 kg	—		
	A01	EUR/100 kg	54,22		A01	EUR/100 kg	22,26		
0406 10 20 9630	L03	EUR/100 kg	—	0406 30 39 9700	L03	EUR/100 kg	—		
	L04	EUR/100 kg	60,52		L04	EUR/100 kg	17,26		
	400	EUR/100 kg	—		400	EUR/100 kg	—		
	A01	EUR/100 kg	60,52		A01	EUR/100 kg	32,38		
0406 10 20 9640	L03	EUR/100 kg	—	0406 30 39 9930	L03	EUR/100 kg	—		
	L04	EUR/100 kg	88,94		L04	EUR/100 kg	17,26		
	400	EUR/100 kg	—		400	EUR/100 kg	—		
	A01	EUR/100 kg	88,94		A01	EUR/100 kg	32,38		
0406 10 20 9650	L03	EUR/100 kg	—	0406 30 39 9950	L03	EUR/100 kg	—		
	L04	EUR/100 kg	74,11		L04	EUR/100 kg	19,53		
	400	EUR/100 kg	—		400	EUR/100 kg	—		
	A01	EUR/100 kg	74,11		A01	EUR/100 kg	36,60		
0406 10 20 9660	A00	EUR/100 kg	—	0406 30 90 9000	L03	EUR/100 kg	—		
0406 10 20 9830	L03	EUR/100 kg	—		L04	EUR/100 kg	20,48		
	L04	EUR/100 kg	27,49		400	EUR/100 kg	—		
	400	EUR/100 kg	—		A01	EUR/100 kg	38,40		
	A01	EUR/100 kg	27,49	0406 40 50 9000	L03	EUR/100 kg	—		
0406 10 20 9850	L03	EUR/100 kg	—		L04	EUR/100 kg	94,14		
	L04	EUR/100 kg	33,33		400	EUR/100 kg	—		
	400	EUR/100 kg	—		A01	EUR/100 kg	94,14		
	A01	EUR/100 kg	33,33	0406 40 90 9000	L03	EUR/100 kg	—		
0406 10 20 9870	A00	EUR/100 kg	—		L04	EUR/100 kg	96,66		
	0406 10 20 9900	A00	EUR/100 kg		—	400	EUR/100 kg	—	
		0406 20 90 9100	A00		EUR/100 kg	—	A01	EUR/100 kg	96,66
			0406 20 90 9913	L03	EUR/100 kg	—	0406 90 13 9000	L03	EUR/100 kg
L04				EUR/100 kg	61,46	L04		EUR/100 kg	106,29
400	EUR/100 kg			17,96	400	EUR/100 kg		34,20	
A01	EUR/100 kg	61,46		A01	EUR/100 kg	121,71			
0406 20 90 9915	L03	EUR/100 kg	—	0406 90 15 9100	L03	EUR/100 kg	—		
	L04	EUR/100 kg	81,13		L04	EUR/100 kg	109,84		
	400	EUR/100 kg	23,93		400	EUR/100 kg	35,25		
	A01	EUR/100 kg	81,13		A01	EUR/100 kg	125,77		
0406 20 90 9917	L03	EUR/100 kg	—	0406 90 17 9100	L03	EUR/100 kg	—		
	L04	EUR/100 kg	86,20		L04	EUR/100 kg	109,84		
	400	EUR/100 kg	25,44		400	EUR/100 kg	35,25		
	A01	EUR/100 kg	86,20		A01	EUR/100 kg	125,77		
0406 20 90 9919	L03	EUR/100 kg	—	0406 90 21 9900	L03	EUR/100 kg	—		
	L04	EUR/100 kg	96,33		L04	EUR/100 kg	107,63		
	400	EUR/100 kg	28,38		400	EUR/100 kg	25,29		
	A01	EUR/100 kg	96,33		A01	EUR/100 kg	122,94		
0406 20 90 9990	A00	EUR/100 kg	—	0406 90 23 9900	L03	EUR/100 kg	—		
0406 30 31 9710	L03	EUR/100 kg	—		L04	EUR/100 kg	94,51		
	L04	EUR/100 kg	8,10		400	EUR/100 kg	—		
	400	EUR/100 kg	—		A01	EUR/100 kg	108,69		
	A01	EUR/100 kg	15,17	0406 90 25 9900	L03	EUR/100 kg	—		
0406 30 31 9730	L03	EUR/100 kg	—		L04	EUR/100 kg	93,89		
	L04	EUR/100 kg	11,87		400	EUR/100 kg	—		
	400	EUR/100 kg	—		A01	EUR/100 kg	107,52		
	A01	EUR/100 kg	22,26						

Product code	Destination	Unit of measurement	Amount of refund	Product code	Destination	Unit of measurement	Amount of refund	
0406 90 27 9900	L03	EUR/100 kg	—	0406 90 78 9100	L04	EUR/100 kg	94,38	
	L04	EUR/100 kg	85,04		400	EUR/100 kg	13,13	
	400	EUR/100 kg	—		A01	EUR/100 kg	107,15	
	A01	EUR/100 kg	97,38		L03	EUR/100 kg	—	
0406 90 31 9119	L03	EUR/100 kg	—	0406 90 78 9300	L04	EUR/100 kg	91,53	
	L04	EUR/100 kg	78,15		400	EUR/100 kg	—	
	400	EUR/100 kg	14,50		A01	EUR/100 kg	106,96	
	A01	EUR/100 kg	89,64		L03	EUR/100 kg	—	
0406 90 33 9119	L03	EUR/100 kg	—	0406 90 78 9500	L04	EUR/100 kg	97,04	
	L04	EUR/100 kg	78,15		400	EUR/100 kg	—	
	400	EUR/100 kg	14,50		A01	EUR/100 kg	110,84	
	A01	EUR/100 kg	89,64		L03	EUR/100 kg	—	
0406 90 33 9919	L03	EUR/100 kg	—	0406 90 79 9900	L04	EUR/100 kg	96,13	
	L04	EUR/100 kg	71,43		400	EUR/100 kg	—	
	400	EUR/100 kg	—		A01	EUR/100 kg	109,15	
	A01	EUR/100 kg	82,21		L03	EUR/100 kg	—	
0406 90 33 9951	L03	EUR/100 kg	—	0406 90 81 9900	L04	EUR/100 kg	78,47	
	L04	EUR/100 kg	72,14		400	EUR/100 kg	—	
	400	EUR/100 kg	—		A01	EUR/100 kg	90,23	
	A01	EUR/100 kg	82,27		L03	EUR/100 kg	—	
0406 90 35 9190	L03	EUR/100 kg	—	0406 90 85 9930	L04	EUR/100 kg	99,20	
	L04	EUR/100 kg	110,56		400	EUR/100 kg	27,02	
	400	EUR/100 kg	34,88		A01	EUR/100 kg	113,61	
	A01	EUR/100 kg	127,15		L03	EUR/100 kg	—	
0406 90 35 9990	L03	EUR/100 kg	—	0406 90 85 9970	L04	EUR/100 kg	107,14	
	L04	EUR/100 kg	110,56		400	EUR/100 kg	33,67	
	400	EUR/100 kg	22,80		A01	EUR/100 kg	123,32	
	A01	EUR/100 kg	127,15		L03	EUR/100 kg	—	
0406 90 37 9000	L03	EUR/100 kg	—	0406 90 85 9999	L04	EUR/100 kg	98,22	
	L04	EUR/100 kg	106,29		400	EUR/100 kg	29,46	
	400	EUR/100 kg	34,20		A01	EUR/100 kg	113,03	
	A01	EUR/100 kg	121,71		A00	EUR/100 kg	—	
0406 90 61 9000	L03	EUR/100 kg	—	0406 90 86 9100	A00	EUR/100 kg	—	
	L04	EUR/100 kg	117,14	0406 90 86 9200	L03	EUR/100 kg	—	
	400	EUR/100 kg	32,46	L04	EUR/100 kg	90,13		
	A01	EUR/100 kg	135,59	400	EUR/100 kg	17,68		
0406 90 63 9100	L03	EUR/100 kg	—	0406 90 86 9300	A01	EUR/100 kg	106,94	
	L04	EUR/100 kg	116,53		L03	EUR/100 kg	—	
	400	EUR/100 kg	36,31		L04	EUR/100 kg	91,43	
	A01	EUR/100 kg	134,46		400	EUR/100 kg	19,38	
0406 90 63 9900	L03	EUR/100 kg	—	0406 90 86 9400	A01	EUR/100 kg	108,06	
	L04	EUR/100 kg	112,03		L03	EUR/100 kg	—	
	400	EUR/100 kg	27,77		L04	EUR/100 kg	97,13	
	A01	EUR/100 kg	129,88		400	EUR/100 kg	21,93	
0406 90 69 9100	A00	EUR/100 kg	—	0406 90 86 9900	A01	EUR/100 kg	113,61	
0406 90 69 9910	L03	EUR/100 kg	—		L03	EUR/100 kg	—	
0406 90 73 9900	L04	EUR/100 kg	112,03		0406 90 87 9100	L04	EUR/100 kg	107,14
	400	EUR/100 kg	27,77			400	EUR/100 kg	25,67
	A01	EUR/100 kg	129,88	A01		EUR/100 kg	123,32	
	L03	EUR/100 kg	—	A00		EUR/100 kg	—	
0406 90 75 9900	L04	EUR/100 kg	97,56	0406 90 87 9200	L03	EUR/100 kg	—	
	400	EUR/100 kg	29,89		L04	EUR/100 kg	75,11	
	A01	EUR/100 kg	111,82		400	EUR/100 kg	15,81	
	L03	EUR/100 kg	—		A01	EUR/100 kg	89,10	
0406 90 76 9300	L04	EUR/100 kg	98,22	0406 90 87 9300	L03	EUR/100 kg	—	
	400	EUR/100 kg	12,61		L04	EUR/100 kg	83,95	
	A01	EUR/100 kg	113,03		400	EUR/100 kg	17,85	
	L03	EUR/100 kg	—		A01	EUR/100 kg	99,25	
0406 90 76 9400	L04	EUR/100 kg	88,57	0406 90 87 9400	L03	EUR/100 kg	—	
	400	EUR/100 kg	—		L04	EUR/100 kg	86,15	
	A01	EUR/100 kg	101,43		400	EUR/100 kg	19,55	
	L03	EUR/100 kg	—		A01	EUR/100 kg	100,75	
0406 90 76 9500	L04	EUR/100 kg	99,20	0406 90 87 9951	L03	EUR/100 kg	—	
	400	EUR/100 kg	13,13		L04	EUR/100 kg	97,43	
	A01	EUR/100 kg	113,61		400	EUR/100 kg	27,03	
	L03	EUR/100 kg	—		A01	EUR/100 kg	111,58	

Product code	Destination	Unit of measurement	Amount of refund	Product code	Destination	Unit of measurement	Amount of refund
0406 90 87 9971	L03	EUR/100 kg	—	0406 90 87 9975	400	EUR/100 kg	15,39
	L04	EUR/100 kg	97,43		A01	EUR/100 kg	118,38
	400	EUR/100 kg	21,93		L03	EUR/100 kg	—
0406 90 87 9972	A01	EUR/100 kg	111,58	L04	EUR/100 kg	105,90	0406 90 87 9979
	L03	EUR/100 kg	—	400	EUR/100 kg	20,40	
	L04	EUR/100 kg	41,51	A01	EUR/100 kg	119,70	
0406 90 87 9973	400	EUR/100 kg	—	L03	EUR/100 kg	—	0406 90 88 9100
	A01	EUR/100 kg	47,73	L04	EUR/100 kg	94,51	
	L03	EUR/100 kg	—	400	EUR/100 kg	15,39	
0406 90 87 9974	L04	EUR/100 kg	95,66	A01	EUR/100 kg	108,69	0406 90 88 9300
	400	EUR/100 kg	15,39	A00	EUR/100 kg	—	
	A01	EUR/100 kg	109,55	L03	EUR/100 kg	—	
0406 90 87 9974	L03	EUR/100 kg	—	L04	EUR/100 kg	74,16	0406 90 88 9300
	L04	EUR/100 kg	103,82	400	EUR/100 kg	19,38	
				A01	EUR/100 kg	87,34	

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

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

The other destinations are defined as follows:

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

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

L05 all destinations except Poland, Estonia, Latvia, Lithuania, Hungary and the United States of America.

L06 all destinations except Estonia, Latvia, Lithuania, Hungary and the United States of America.

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

COMMISSION REGULATION (EC) No 2111/2002
of 28 November 2002
providing for the rejection of applications for export licences for certain milk products

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Having regard to Commission Regulation (EC) No 174/1999 of 26 January 1999 laying down special detailed rules for the application of Council Regulation (EEC) No 804/68 as regards export licences and export refunds in the case of milk and milk products ⁽³⁾, as last amended by Regulation (EC) No 1472/2002 ⁽⁴⁾, and in particular Article 10(3) thereof,

Whereas:

Uncertainty is a feature of the market in certain milk products. It is necessary to prevent speculative applications that may lead to a distortion in competition between traders. Applications for export licences for the products concerned should be rejected,

HAS ADOPTED THIS REGULATION:

Article 1

Applications for export licences for milk products falling within CN codes 0402 10, 0402 21, and 0402 29 made between 22 and 27 November 2002 inclusive, shall be rejected.

Article 2

This Regulation shall enter into force on 29 November 2002.

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

Done at Brussels, 28 November 2002.

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

⁽¹⁾ OJ L 160, 26.6.1999, p. 48.

⁽²⁾ OJ L 79, 22.3.2002, p. 15.

⁽³⁾ OJ L 20, 27.1.1999, p. 8.

⁽⁴⁾ OJ L 219, 14.8.2002, p. 4.

COMMISSION REGULATION (EC) No 2112/2002
of 28 November 2002
amending 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 17 May 1999 on the common organisation of the markets in the milk and milk products sector ⁽¹⁾, as last amended by Regulation (EC) No 509/2002 ⁽²⁾, and in particular Article 31(3) thereof,

Whereas:

- (1) The rates of the refunds applicable from 1 November 2002 to the products listed in the Annex, exported in the form of goods not covered by Annex I to the Treaty, were fixed by Commission Regulation (EC) No 1954/2002 ⁽³⁾.

- (2) It follows from applying the rules and criteria contained in Regulation (EC) No 1954/2002 to the information at present available to the Commission that the export refunds at present applicable should be altered as shown in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The rates of refund fixed by Regulation (EC) No 1954/2002 are hereby altered as shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 29 November 2002.

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

Done at Brussels, 28 November 2002.

For the Commission

Erkki LIIKANEN

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 299, 1.11.2002, p. 28.

ANNEX

to the Commission Regulation of 28 November 2002 altering 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	66,00
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	80,55
	(b) On exportation of other goods	105,00
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 2113/2002
of 28 November 2002**

fixing the rates of the refunds applicable to certain cereal and rice-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 (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⁾, and in particular Article 13(3) 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 13(1) of Regulation (EEC) No 1766/92 and Article 13(1) of Regulation (EC) No 3072/95 provide that the difference between quotations of prices on the world market for the products listed in Article 1 of each of those Regulations and the prices within the Community may be covered by an export refund.
- (2) 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 ⁽⁵⁾, as last amended by Regulation (EC) No 1052/2002 ⁽⁶⁾, 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 B to Regulation (EEC) No 1766/92 or in Annex B to Regulation (EC) No 3072/95 as appropriate.
- (3) 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.
- (4) 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.

- (5) Now that a settlement has been reached between the European Community and the United States of America on Community exports of pasta products to the United States and has been approved by Council Decision 87/482/EEC ⁽⁷⁾, it is necessary to differentiate the refund on goods falling within CN codes 1902 11 00 and 1902 19 according to their destination.
- (6) Pursuant to Article 4(3) and (5) of Regulation (EC) No 1520/2000 provides that a reduced rate of export refund has to be fixed, taking account of the amount of the production refund applicable, pursuant to Council Regulation (EEC) No 1722/93 ⁽⁸⁾, as last amended by Commission Regulation (EC) No 1786/2001 ⁽⁹⁾, for the basic product in question, used during the assumed period of manufacture of the goods.
- (7) Spirituous beverages are considered less sensitive to the price of the cereals used in their manufacture. However, Protocol 19 of the Act of Accession of the United Kingdom, Ireland and Denmark stipulates that the necessary measures must be decided to facilitate the use of Community cereals in the manufacture of spirituous beverages obtained from cereals. Accordingly, it is necessary to adapt the refund rate applying to cereals exported in the form of spirituous beverages.
- (8) It is necessary to ensure continuity of strict management taking account of expenditure forecasts and funds available in the budget.
- (9) The Management Committee for Cereals has not delivered an opinion within the time limit set by its chairman,

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 either in Article 1 of Regulation (EEC) No 1766/92 or in Article 1(1) of Regulation (EC) No 3072/95, exported in the form of goods listed in Annex B to Regulation (EEC) No 1766/92 or in Annex B to amended Regulation (EC) No 3072/95 respectively, are hereby fixed as shown in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 29 November 2002.

⁽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 117, 15.7.2000, p. 1.

⁽⁶⁾ OJ L 160, 18.6.2002, p. 16.

⁽⁷⁾ OJ L 275, 29.9.1987, p. 36.

⁽⁸⁾ OJ L 159, 1.7.1993, p. 112.

⁽⁹⁾ OJ L 242, 12.9.2001, p. 3.

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

Done at Brussels, 28 November 2002.

For the Commission
Erkki LIIKANEN
Member of the Commission

ANNEX

**to the Commission Regulation of 28 November 2002 fixing the rates of the refunds applicable to certain cereals
and rice products exported in the form of goods not covered by Annex I to the Treaty**

CN code	Description of products ⁽¹⁾	Rate of refund per 100 kg of basic product	
		In case of advance fixing of refunds	Other
1001 10 00	Durum wheat: – on exports of goods falling within CN codes 1902 11 and 1902 19 to the United States of America – in other cases	— —	— —
1001 90 99	Common wheat and meslin: – on exports of goods falling within CN codes 1902 11 and 1902 19 to the United States of America – in other cases: – – where Article 4(5) of Regulation (EC) No 1520/2000 applies ⁽²⁾ – – where goods falling within subheading 2208 ⁽³⁾ are exported – – in other cases	— — — —	— — — —
1002 00 00	Rye	1,175	1,175
1003 00 90	Barley – where goods falling within subheading 2208 ⁽³⁾ are exported – in other cases	— —	— —
1004 00 00	Oats	—	—
1005 90 00	Maize (corn) used in the form of: – starch: – – where Article 4(5) of Regulation (EC) No 1520/2000 applies ⁽²⁾ – – where goods falling within subheading 2208 ⁽³⁾ are exported – – in other cases – glucose, glucose syrup, maltodextrine, maltodextrine syrup of CN codes 1702 30 51, 1702 30 59, 1702 30 91, 1702 30 99, 1702 40 90, 1702 90 50, 1702 90 75, 1702 90 79, 2106 90 55 ⁽⁴⁾ : – – where Article 4(5) of Regulation (EC) No 1520/2000 applies ⁽²⁾ – – where goods falling within subheading 2208 ⁽³⁾ are exported – – in other cases – where goods falling within subheading 2208 ⁽³⁾ are exported – other (including unprocessed) Potato starch of CN code 1108 13 00 similar to a product obtained from processed maize: – where Article 4(5) of Regulation (EC) No 1520/2000 applies ⁽²⁾ – – where goods falling within subheading 2208 ⁽³⁾ are exported – in other cases	0,740 — 0,740 0,555 — 0,555 0,740 0,740 — 0,740	0,740 — 0,740 0,555 — 0,555 0,740 0,740 — 0,740

(EUR/100 kg)

(EUR/100 kg)

CN code	Description of products ⁽¹⁾	Rate of refund per 100 kg of basic product	
		In case of advance fixing of refunds	Other
ex 1006 30	Wholly-milled rice: – round grain	14,600	14,600
	– medium grain	14,600	14,600
	– long grain	14,600	14,600
1006 40 00	Broken rice	3,700	3,700
1007 00 90	Sorghum	—	—

⁽¹⁾ As far as agricultural products obtained from the processing of a basic product or/and assimilated products are concerned, the coefficients shown in Annex E of amended Commission Regulation (EC) No 1520/2000 shall be applied (OJ L 177, 15.7.2000, p. 1).

⁽²⁾ The goods concerned fall under CN code 3505 10 50.

⁽³⁾ Goods listed in Annex B of Council Regulation (EEC) No 1766/92 or referred to in Article 2 of Regulation (EEC) No 2825/93.

⁽⁴⁾ For syrups of CN codes NC 1702 30 99, 1702 40 90 and 1702 60 90, obtained from mixing glucose and fructose syrup, the export refund may be granted only for the glucose syrup.

COMMISSION REGULATION (EC) No 2114/2002
of 28 November 2002
concerning tenders notified in response to the invitation to tender for the export of barley issued
in Regulation (EC) No 901/2002

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Having regard to Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules for the application of Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals ⁽³⁾, as last amended by Regulation (EC) No 1163/2002 ⁽⁴⁾, as amended by Regulation (EC) No 1324/2002 ⁽⁵⁾, and in particular Article 4 thereof,

Whereas:

- (1) An invitation to tender for the refund for the export of barley to all third countries except the United States of America, Canada, Estonia and Latvia was opened pursuant to Commission Regulation (EC) No 901/2002 ⁽⁶⁾, as amended by Regulation (EC) No 1230/2002 ⁽⁷⁾.

- (2) Article 7 of Regulation (EC) No 1501/95, allows the Commission to decide, in accordance with the procedure laid down in Article 23 of Regulation (EEC) No 1766/92 and on the basis of the tenders notified, to make no award.
- (3) On the basis of the criteria laid down in Article 1 of Regulation (EC) No 1501/95 a maximum refund should not be fixed.
- (4) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

Article 1

No action shall be taken on the tenders notified from 22 to 28 November 2002 in response to the invitation to tender for the refund for the export of barley issued in Regulation (EC) No 901/2002.

Article 2

This Regulation shall enter into force on 29 November 2002.

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

Done at Brussels, 28 November 2002.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 193, 29.7.2000, p. 1.

⁽³⁾ OJ L 147, 30.6.1995, p. 7.

⁽⁴⁾ OJ L 170, 29.6.2002, p. 46.

⁽⁵⁾ OJ L 194, 23.7.2002, p. 26.

⁽⁶⁾ OJ L 127, 9.5.2002, p. 11.

⁽⁷⁾ OJ L 180, 10.7.2002, p. 3.

COMMISSION REGULATION (EC) No 2115/2002
of 28 November 2002
concerning tenders notified in response to the invitation to tender for the export of rye issued in
Regulation (EC) No 900/2002

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Having regard to Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules for the application of Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals ⁽³⁾, as last amended by Regulation (EC) No 1163/2002 ⁽⁴⁾, as amended by Regulation (EC) No 1324/2002 ⁽⁵⁾, and in particular Article 7 thereof,

Whereas:

- (1) An invitation to tender for the refund for the export of rye to all third countries excluding Hungary, Estonia, Lithuania and Latvia was opened pursuant to Commission Regulation (EC) No 900/2002 ⁽⁶⁾, as amended by Regulation (EC) No 1632/2002 ⁽⁷⁾.

- (2) Article 7 of Regulation (EC) No 1501/95 allows the Commission to decide, in accordance with the procedure laid down in Article 23 of Regulation (EEC) No 1766/92 and on the basis of the tenders notified, to make no award.
- (3) On the basis of the criteria laid down in Article 1 of Regulation (EC) No 1501/95 a maximum refund should not be fixed.
- (4) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for cereals,

HAS ADOPTED THIS REGULATION:

Article 1

No action shall be taken on the tenders notified from 22 to 28 November 2002 in response to the invitation to tender for the refund for the export of rye issued in Regulation (EC) No 900/2002.

Article 2

This Regulation shall enter into force on 29 November 2002.

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

Done at Brussels, 28 November 2002.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 193, 29.7.2000, p. 1.

⁽³⁾ OJ L 147, 30.6.1995, p. 7.

⁽⁴⁾ OJ L 170, 29.6.2002, p. 46.

⁽⁵⁾ OJ L 194, 23.7.2002, p. 26.

⁽⁶⁾ OJ L 142, 31.5.2002, p. 14.

⁽⁷⁾ OJ L 247, 14.9.2002, p. 3.

**COMMISSION REGULATION (EC) No 2116/2002
of 28 November 2002**

**concerning tenders notified in response to the invitation to tender for the export of common
wheat issued in Regulation (EC) No 899/2002**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Having regard to Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules for the application of Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals ⁽³⁾, as last amended by Regulation (EC) No 1163/2002 ⁽⁴⁾, as amended by Regulation (EC) No 1324/2002 ⁽⁵⁾, and in particular Article 4 thereof,

Whereas:

- (1) An invitation to tender for the refund for the export of common wheat to all third countries, with the exclusion of Poland, Estonia, Lithuania and Latvia was opened pursuant to Commission Regulation (EC) No 899/2002 ⁽⁶⁾, as amended by Regulation (EC) No 1520/2002 ⁽⁷⁾.

- (2) Article 7 of Regulation (EC) No 1501/95 allows the Commission to decide, in accordance with the procedure laid down in Article 23 of Regulation (EEC) No 1766/92 and on the basis of the tenders notified, to make no award.
- (3) On the basis of the criteria laid down in Article 1 of Regulation (EC) No 1501/95 a maximum refund should not be fixed.
- (4) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

Article 1

No action shall be taken on the tenders notified from 22 to 28 November 2002 in response to the invitation to tender for the refund for the export of common wheat issued in Regulation (EC) No 899/2002.

Article 2

This Regulation shall enter into force on 29 November 2002.

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

Done at Brussels, 28 November 2002.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 193, 29.7.2000, p. 1.

⁽³⁾ OJ L 147, 30.6.1995, p. 7.

⁽⁴⁾ OJ L 170, 29.6.2002, p. 46.

⁽⁵⁾ OJ L 194, 23.7.2002, p. 26.

⁽⁶⁾ OJ L 133, 16.5.2001, p. 3.

⁽⁷⁾ OJ L 228, 24.8.2002, p. 18.

COMMISSION REGULATION (EC) No 2117/2002**of 28 November 2002****fixing the export refunds on cereals and on wheat or rye flour, groats and meal**

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⁾, and in particular Article 13(2) thereof,

Whereas:

- (1) Article 13 of Regulation (EEC) No 1766/92 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 in the Community may be covered by an export refund.
- (2) The refunds must be fixed taking into account the factors referred to in Article 1 of Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules under Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals ⁽³⁾, as last amended by Regulation (EC) No 1163/2002 ⁽⁴⁾, as amended by Regulation (EC) No 1324/2002 ⁽⁵⁾.
- (3) As far as wheat and rye flour, groats and meal are concerned, when the refund on these products is being calculated, account must be taken of the quantities of cereals required for their manufacture. These quantities were fixed in Regulation (EC) No 1501/95.

- (4) 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.
- (5) The refund must be fixed once a month. It may be altered in the intervening period.
- (6) It follows from applying the detailed rules set out above to the present situation on the market in cereals, and in particular to quotations or prices for these products within the Community and on the world market, that the refunds should be as set out in the Annex hereto.
- (7) 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(a), (b) and (c) of Regulation (EEC) No 1766/92, excluding malt, exported in the natural state, shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 29 November 2002.

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

Done at Brussels, 28 November 2002.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 193, 29.7.2000, p. 1.

⁽³⁾ OJ L 147, 30.6.1995, p. 7.

⁽⁴⁾ OJ L 170, 29.6.2002, p. 46.

⁽⁵⁾ OJ L 194, 23.7.2002, p. 26.

ANNEX

to the Commission Regulation of 28 November 2002 fixing the export refunds on cereals and on wheat or rye flour, groats and meal

Product code	Destination	Unit of measurement	Amount of refunds	Product code	Destination	Unit of measurement	Amount of refunds
1001 10 00 9200	—	EUR/t	—	1101 00 11 9000	—	EUR/t	—
1001 10 00 9400	—	EUR/t	—	1101 00 15 9100	C01	EUR/t	0
1001 90 91 9000	—	EUR/t	—	1101 00 15 9130	C01	EUR/t	0
1001 90 99 9000	C01	EUR/t	0	1101 00 15 9150	C01	EUR/t	0
1002 00 00 9000	C06	EUR/t	0	1101 00 15 9170	C01	EUR/t	0
1003 00 10 9000	—	EUR/t	—	1101 00 15 9180	C01	EUR/t	0
1003 00 90 9000	C07	EUR/t	0	1101 00 15 9190	—	EUR/t	—
1004 00 00 9200	—	EUR/t	—	1101 00 90 9000	—	EUR/t	—
1004 00 00 9400	C06	EUR/t	0	1102 10 00 9500	C01	EUR/t	22,00
1005 10 90 9000	—	EUR/t	—	1102 10 00 9700	C01	EUR/t	17,25
1005 90 00 9000	C07	EUR/t	0	1102 10 00 9900	—	EUR/t	—
1007 00 90 9000	—	EUR/t	—	1103 11 10 9200	C06	EUR/t	0 ⁽¹⁾
1008 20 00 9000	—	EUR/t	—	1103 11 10 9400	C06	EUR/t	0 ⁽¹⁾
				1103 11 10 9900	—	EUR/t	—
				1103 11 90 9200	C06	EUR/t	0 ⁽¹⁾
				1103 11 90 9800	—	EUR/t	—

⁽¹⁾ No refund is granted when this product contains compressed meal.

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

The other destinations are as follows:

C01 All destinations except for Poland, Lithuania, Estonia, Latvia and Hungary.

C06 All destinations except for Lithuania, Estonia, Latvia and Hungary.

C07 All destinations except for Estonia, Latvia and Hungary.

COMMISSION REGULATION (EC) No 2118/2002
of 28 November 2002
fixing the corrective amount applicable to the refund on cereals

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 organization of the market in cereals ⁽¹⁾, as last amended by Regulation (EC) No 1666/2000 ⁽²⁾, and in particular Article 13(8) thereof,

Whereas:

- (1) Article 13(8) of Regulation (EEC) No 1766/92 provides that the export refund applicable to cereals on the day on which application for an export licence is made must be applied on request to exports to be effected during the period of validity of the export licence. In this case, a corrective amount may be applied to the refund.
- (2) Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules under Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the cereals and the measures to be taken in the event of disturbance on the market for cereals ⁽³⁾, as last amended by Regulation (EC) No 1163/2002 ⁽⁴⁾, as amended by Regulation (EC) No 1324/2002 ⁽⁵⁾, allows for the fixing of a corrective amount for the products listed in Article 1(1)(c) of Regulation (EEC) No 1766/92. That corrective amount must be calculated taking account of the factors referred to in Article 1 of Regulation (EC) No 1501/95.

- (3) The world market situation or the specific requirements of certain markets may make it necessary to vary the corrective amount according to destination.
- (4) The corrective amount must be fixed at the same time as the refund and according to the same procedure; it may be altered in the period between fixings.
- (5) It follows from applying the provisions set out above that the corrective amount must be as set out in the Annex hereto.
- (6) 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 corrective amount referred to in Article 1(1)(a), (b) and (c) of Regulation (EEC) No 1766/92 which is applicable to export refunds fixed in advance except for malt shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 December 2002.

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

Done at Brussels, 28 November 2002.

For the Commission
Franz FISCHLER
Member of the Commission

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 193, 29.7.2000, p. 1.

⁽³⁾ OJ L 147, 30.6.1995, p. 7.

⁽⁴⁾ OJ L 170, 29.6.2002, p. 46.

⁽⁵⁾ OJ L 194, 23.7.2002, p. 26.

ANNEX

to the Commission Regulation of 28 November 2002 fixing the corrective amount applicable to the refund on cereals

(EUR/t)

Product code	Destination	Current 12	1st period 1	2nd period 2	3rd period 3	4th period 4	5th period 5	6th period 6
1001 10 00 9200	—	—	—	—	—	—	—	—
1001 10 00 9400	—	—	—	—	—	—	—	—
1001 90 91 9000	—	—	—	—	—	—	—	—
1001 90 99 9000	A00	0	-0,93	-1,86	-2,79	-3,72	—	—
1002 00 00 9000	C03	-20,00	-20,00	-20,00	-20,00	-20,00	—	—
	A05	0	0	0	0	0	—	—
1003 00 10 9000	—	—	—	—	—	—	—	—
1003 00 90 9000	A00	0	-0,93	-1,86	-2,79	-3,72	—	—
1004 00 00 9200	—	—	—	—	—	—	—	—
1004 00 00 9400	A00	0	-0,93	-1,86	-2,79	-3,72	—	—
1005 10 90 9000	—	—	—	—	—	—	—	—
1005 90 00 9000	A00	0	0	0	0	0	—	—
1007 00 90 9000	—	—	—	—	—	—	—	—
1008 20 00 9000	—	—	—	—	—	—	—	—
1101 00 11 9000	—	—	—	—	—	—	—	—
1101 00 15 9100	A00	0	0	0	0	0	—	—
1101 00 15 9130	A00	0	0	0	0	0	—	—
1101 00 15 9150	A00	0	0	0	0	0	—	—
1101 00 15 9170	A00	0	0	0	0	0	—	—
1101 00 15 9180	A00	0	0	0	0	0	—	—
1101 00 15 9190	—	—	—	—	—	—	—	—
1101 00 90 9000	—	—	—	—	—	—	—	—
1102 10 00 9500	A00	0	0	0	0	0	—	—
1102 10 00 9700	A00	0	0	0	0	0	—	—
1102 10 00 9900	—	—	—	—	—	—	—	—
1103 11 10 9200	A00	0	0	0	0	0	—	—
1103 11 10 9400	A00	0	0	0	0	0	—	—
1103 11 10 9900	—	—	—	—	—	—	—	—
1103 11 90 9200	A00	0	0	0	0	0	—	—
1103 11 90 9800	—	—	—	—	—	—	—	—

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 as follows:

C03 Switzerland, Liechtenstein, Poland, Czech Republic, Slovak Republic, Norway, Faroe Islands, Iceland, Russia, Belarus, Bosnia and Herzegovina, Croatia, Slovenia, former Republic of Yugoslavia with the exception of Slovenia, Croatia and Bosnia and Herzegovina, Albania, Romania, Bulgaria, Armenia, Georgia, Azerbaijan, Moldova, Ukraine, Kazakhstan, Kyrgyzstan, Uzbekistan, Tajikistan, Turkmenistan, Morocco, Algeria, Tunisia, Libya, Egypt, Malta, Cyprus and Turkey.

**COMMISSION REGULATION (EC) No 2119/2002
of 28 November 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 9 264 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 9 264 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 29 November 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, 28 November 2002.

For the Commission
Franz FISCHLER
Member of the Commission

ANNEX

to the Commission Regulation of 28 November 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	120	1006 30 65 9100	R01	EUR/t	150
1006 20 13 9000	R01	EUR/t	120		R02	EUR/t	146
1006 20 15 9000	R01	EUR/t	120		R03	EUR/t	151
1006 20 17 9000	—	EUR/t	—		064 and 066	EUR/t	153
1006 20 92 9000	R01	EUR/t	120		A97	EUR/t	146
1006 20 94 9000	R01	EUR/t	120	1006 30 65 9900	021 and 023	EUR/t	146
1006 20 96 9000	R01	EUR/t	120		R01	EUR/t	150
1006 20 98 9000	—	EUR/t	—		064 and 066	EUR/t	153
1006 30 21 9000	R01	EUR/t	120		A97	EUR/t	146
1006 30 23 9000	R01	EUR/t	120	1006 30 67 9100	021 and 023	EUR/t	146
1006 30 25 9000	R01	EUR/t	120		064 and 066	EUR/t	153
1006 30 27 9000	—	EUR/t	—		A97	EUR/t	146
1006 30 42 9000	R01	EUR/t	120	1006 30 67 9900	064 and 066	EUR/t	153
1006 30 44 9000	R01	EUR/t	120		064 and 066	EUR/t	153
1006 30 46 9000	R01	EUR/t	120	1006 30 92 9100	R01	EUR/t	150
1006 30 48 9000	—	EUR/t	—		R02	EUR/t	146
1006 30 61 9100	R01	EUR/t	150		R03	EUR/t	151
	R02	EUR/t	146		064 and 066	EUR/t	153
	R03	EUR/t	151	1006 30 92 9900	064 and 066	EUR/t	153
	064 and 066	EUR/t	153		A97	EUR/t	146
	A97	EUR/t	146		021 and 023	EUR/t	146
	021 and 023	EUR/t	146	1006 30 94 9100	021 and 023	EUR/t	146
1006 30 61 9900	R01	EUR/t	150		R01	EUR/t	150
	A97	EUR/t	146		A97	EUR/t	146
	064 and 066	EUR/t	153	1006 30 94 9900	064 and 066	EUR/t	153
1006 30 63 9100	R01	EUR/t	150		R01	EUR/t	150
	R02	EUR/t	146	1006 30 96 9100	R02	EUR/t	146
	R03	EUR/t	151		R03	EUR/t	151
	064 and 066	EUR/t	153		064 and 066	EUR/t	153
	A97	EUR/t	146		A97	EUR/t	146
	021 and 023	EUR/t	146	1006 30 96 9900	021 and 023	EUR/t	146
1006 30 63 9900	R01	EUR/t	150		R01	EUR/t	150
	064 and 066	EUR/t	153		A97	EUR/t	146
	A97	EUR/t	146	1006 30 98 9100	064 and 066	EUR/t	153
					021 and 023	EUR/t	146
				1006 30 98 9900	—	EUR/t	—
				1006 40 00 9000	—	EUR/t	—

(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: 1 389 t,
 all destinations R02 and R03: 930 t,
 destinations 021 and 023: 590 t,
 destinations 064 and 066: 6 055 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, 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.

DIRECTIVE 2002/84/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL
of 5 November 2002
amending the Directives on maritime safety and the prevention of pollution from ships
(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 80(2) thereof,

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

Having regard to the opinion of the Economic and Social Committee ⁽²⁾,

Having regard to the opinion of the Committee of the Regions ⁽³⁾,

Acting in accordance with the procedure laid down in Article 251 of the Treaty ⁽⁴⁾,

Whereas:

- (1) The Directives in force in the field of maritime safety make reference to the committee set up by Council Directive 93/75/EEC of 13 September 1993 concerning minimum requirements for vessels bound for or leaving Community ports and carrying dangerous or polluting goods ⁽⁵⁾ and, in certain cases, to an ad hoc committee set up by the pertinent directive. These committees were governed by the rules set out in Council Decision 87/373/EEC of 13 July 1987 laying down the procedures for the exercise of implementing powers conferred on the Commission ⁽⁶⁾.
- (2) Decision 87/373/EEC has been replaced by Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission ⁽⁷⁾. The measures required to implement the Directives in force in the field of maritime safety should be adopted in accordance with Council Decision 1999/468/EC.
- (3) Regulation (EC) No 2099/2002 of the European Parliament and of the Council of 5 November 2002, establishing a Committee on Safe Seas and the Prevention of Pollution from Ships (COSS) ⁽⁸⁾ centralises the tasks of the committees established under the pertinent Community legislation on maritime safety, the prevention of

pollution from ships and the protection of shipboard living and working conditions.

- (4) Council Directives 93/75/EEC, 94/57/EC ⁽⁹⁾, 95/21/EC ⁽¹⁰⁾, 96/98/EC ⁽¹¹⁾, 97/70/EC ⁽¹²⁾, 98/18/EC ⁽¹³⁾, 98/41/EC ⁽¹⁴⁾, 1999/35/EC ⁽¹⁵⁾, and Directives 2000/59/EC ⁽¹⁶⁾, 2001/25/EC ⁽¹⁷⁾ and 2001/96/EC ⁽¹⁸⁾ of the European Parliament and of the Council in the field of maritime safety should therefore be amended in order to replace the existing committees by COSS.
- (5) The aforementioned Directives should also be amended in order to apply to them the amendment procedures laid down by Regulation (EC) No 2099/2002 and the relevant provisions of that Regulation designed to facilitate their adaptation to take account of changes to the international instruments referred to in Community legislation in the field of maritime safety,

HAVE ADOPTED THIS DIRECTIVE:

Article 1

Purpose

The purpose of this Directive is to improve the implementation of Community legislation on maritime safety, the prevention of pollution from ships and shipboard living and working conditions:

- (a) by making reference to the COSS;
- (b) by accelerating the update and facilitating the amendment of such legislation in the light of developments in the international instruments applicable in the field of maritime safety, prevention of pollution from ships and shipboard living and working conditions, pursuant to Regulation (EC) No 2099/2002.

⁽¹⁾ OJ C 365 E, 19.12.2000, p. 280.

⁽²⁾ OJ C 139, 11.5.2001, p. 21.

⁽³⁾ OJ C 253, 12.9.2001, p. 1.

⁽⁴⁾ Opinion of the European Parliament of 13 February 2001 (OJ C 276, 1.10.2001, p. 44), Council Common Position of 27 May 2002 (OJ C 170 E, 16.7.2002, p. 98) and Decision of the European Parliament of 24 September 2002 (not yet published in the Official Journal).

⁽⁵⁾ OJ L 247, 5.10.1993, p. 19. Directive as last amended by Commission Directive 98/74/EC (OJ L 276, 13.10.1998, p. 7).

⁽⁶⁾ OJ L 197, 18.7.1987, p. 33.

⁽⁷⁾ OJ L 184, 17.7.1999, p. 23.

⁽⁸⁾ See page 1 of this Official Journal.

⁽⁹⁾ OJ L 319, 12.12.1994, p. 20. Directive as last amended by European Parliament and Council Directive 2001/105/EC (OJ L 19, 22.1.2002, p. 9).

⁽¹⁰⁾ OJ L 157, 7.7.1995, p. 1. Directive as last amended by European Parliament and Council Directive 2001/106/EC (OJ L 19, 22.1.2002, p. 17).

⁽¹¹⁾ OJ L 46, 17.2.1997, p. 25. Directive as last amended by Commission Directive 2002/75/EC (OJ L 254, 23.9.2002, p. 1).

⁽¹²⁾ OJ L 34, 9.2.1998, p. 1. Directive as last amended by Commission Directive 2002/35/EC (OJ L 112, 27.4.2002, p. 4).

⁽¹³⁾ OJ L 144, 15.5.1998, p. 1. Directive as amended by Commission Directive 2002/25/EC (OJ L 98, 15.4.2002, p. 1).

⁽¹⁴⁾ OJ L 188, 2.7.1998, p. 35.

⁽¹⁵⁾ OJ L 138, 1.6.1999, p. 1.

⁽¹⁶⁾ OJ L 332, 28.12.2000, p. 81.

⁽¹⁷⁾ OJ L 136, 18.5.2001, p. 17.

⁽¹⁸⁾ OJ L 13, 16.1.2002, p. 9.

Article 2

Amendment to Directive 93/75/EEC

Directive 93/75/EEC is hereby amended as follows:

1. in Article 2, points (e), (f), (g), (h) and (i) shall be replaced by the following:

- (e) "Marpol 73/78" means the International Convention for the Prevention of Pollution from Ships, 1973, as amended by the Protocol of 1978 relating thereto, in their up-to-date versions;
- (f) "IMDG Code" means the International Maritime Dangerous Goods Code, in its up-to-date version;
- (g) "IBC Code" means the IMO International Code for construction and equipment of ships carrying dangerous chemicals in bulk, in its up-to-date version;
- (h) "IGC Code" means the IMO International Code for the construction and equipment of ships carrying liquefied gases in bulk, in its up-to-date version;
- (i) "INF Code" means the IMO code for the safe carriage of irradiated nuclear fuel, plutonium and high-level radioactive wastes in flasks on board ships, in its up-to-date version;

2. the following subparagraph shall be added to Article 11:

'The amendments to the international instruments referred to in Article 2 may be excluded from the scope of this Directive, pursuant to Article 5 of Regulation (EC) No 2099/2002 of the European Parliament and of the Council of 5 November 2002 establishing a Committee on Safe Seas and the Prevention of Pollution from Ships (COSS) (*).

(*) OJ L 324, 29.11.2002, p. 1.;

3. Article 12 shall be replaced by the following:

Article 12

1. The Commission shall be assisted by the Committee on Safe Seas and the Prevention of Pollution from Ships (COSS) created by Article 3 of Regulation (EC) No 2099/2002.

2. Where reference is made to this paragraph, Articles 5 and 7 of Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (*) shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at two months.

3. The Committee shall adopt its rules of procedure.

(*) OJ L 184, 17.7.1999, p. 23.'

Article 3

Amendment to Directive 94/57/EC

Directive 94/57/EC is hereby amended as follows:

1. in Article 2(d), the words 'in force on 19 December 2001' shall be replaced by 'in its up-to-date version';
2. in Article 7, point 1 shall be replaced by the following:

'1. The Commission shall be assisted by the Committee on Safe Seas and the Prevention of Pollution from Ships (COSS) created by Article 3 of Regulation (EC) No 2099/2002 of the European Parliament and of the Council of 5 November 2002 establishing a Committee on Safe Seas and the Prevention of Pollution from Ships (COSS) (*).

(*) OJ L 324, 29.11.2002, p. 1.;

3. the following subparagraph shall be added to Article 8(2):

'The amendments to the international instruments referred to in Article 2(d) and Article 6 may be excluded from the scope of this Directive, pursuant to Article 5 of Regulation (EC) No 2099/2002.'

Article 4

Amendment to Directive 95/21/EC

Directive 95/21/EC is hereby amended as follows:

1. Article 2 shall be amended as follows:

- (a) in point 1, the words 'in force on 19 December 2001' shall be replaced by 'in its up-to-date version';
- (b) in point 2, the words 'as it stands on 19 December 2001' shall be replaced by 'in its up-to-date version';

2. in Article 18, point 1 shall be replaced by the following:

'1. The Commission shall be assisted by the Committee on Safe Seas and the Prevention of Pollution from Ships (COSS) created by Article 3 of Regulation (EC) No 2099/2002 of the European Parliament and of the Council of 5 November 2002 establishing a Committee on Safe Seas and the Prevention of Pollution from Ships (COSS) (*).

(*) OJ L 324, 29.11.2002, p. 1.;

3. Article 19 is hereby amended as follows:

- (a) point (c) shall be replaced by the following:

'(c) update, in Article 2(1), the list of international conventions which are relevant for the purposes of this Directive.'

- (b) the following subparagraph shall be added:

'The amendments to the international instruments referred to in Article 2 may be excluded from the scope of this Directive, pursuant to Article 5 of Regulation (EC) No 2099/2002.'

Article 5

Amendment to Directive 96/98/EC

Directive 96/98/EC is hereby amended as follows:

1. in Article 2, points (c), (d) and (n), the words 'in force on 1 January 2001' shall be replaced by 'in its up-to-date version';
2. Article 17 shall be replaced by the following:

'Article 17

This Directive may be amended in accordance with the procedure laid down in Article 18(2), in order:

- to apply subsequent amendments of international instruments for the purposes of this Directive,
- to update Annex A, both by introducing new equipment and by transferring equipment from Annex A.2 to Annex A.1 and vice versa,
- to add the possibility of using modules B and C and module H for equipment listed in Annex A.1, and by amending the columns for the conformity assessment modules,
- to include other standardisation organisations in the definition of "testing standards" in Article 2.

The conventions and testing standards referred to in points (c), (d) and (n) of Article 2 shall be understood without prejudice to any measures taken in application of Article 5 of Regulation (EC) No 2099/2002 of the European Parliament and of the Council of 5 November 2002, establishing a Committee on Safe Seas and the Prevention of Pollution from Ships (COSS) (*).

(* OJ L 324, 29.11.2002, p. 1.;

3. Article 18 shall be replaced by the following:

'Article 18

1. The Commission shall be assisted by the Committee on Safe Seas and the Prevention of Pollution from Ships (COSS) created by Article 3 of Regulation (EC) No 2099/2002.
2. Where reference is made to this paragraph, Articles 5 and 7 of Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (*) shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at two months.

3. The Committee shall adopt its rules of procedure.

(* OJ L 184, 17.7.1999, p. 23.'

Article 6

Amendment to Directive 97/70/EC

Directive 97/70/EC is hereby amended as follows:

1. the following subparagraph shall be added to Article 8:

'The amendments to the international instrument referred to in Article 2(4) may be excluded from the scope of this Directive, pursuant to Article 5 of Regulation (EC) No 2099/2002 of the European Parliament and of the Council of 5 November 2002 establishing a Committee on Safe Seas and the Prevention of Pollution from Ships (COSS) (*).

(* OJ L 324, 29.11.2002, p. 1.;

2. Article 9 shall be replaced by the following:

'Article 9

Committee

1. The Commission shall be assisted by the Committee on Safe Seas and the Prevention of Pollution from Ships (COSS) created by Article 3 of Regulation (EC) No 2099/2002.

2. Where reference is made to this paragraph, Articles 5 and 7 of Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (*) shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at two months.

3. The Committee shall adopt its rules of procedure.

(* OJ L 184, 17.7.1999, p. 23.'

Article 7

Amendment to Directive 98/18/EC

Directive 98/18/EC is hereby amended as follows:

1. in Article 2, points (a), (b), (c), (d) and (f) shall be replaced by the following:

'(a) "International Conventions" means the 1974 International Convention for the Safety of Life at Sea (the 1974 Solas Convention), and the 1966 International Convention on Load Lines, together with Protocols and amendments thereto, in their up-to-date versions;

(b) "Intact Stability Code" means the "Code on Intact Stability for all types of ships covered by IMO Instruments" contained in IMO Assembly Resolution A.749(18) of 4 November 1993, in its up-to-date version;

(c) "High Speed Craft Code" means the "International Code for Safety of High Speed Craft" contained in IMO Maritime Safety Committee Resolution MSC 36 (63) of 20 May 1994, in its up-to-date version;

(d) "GMDSS" means the Global Maritime Distress and Safety System as laid down in Chapter IV of the 1974 Solas Convention, in its up-to-date version;

(...)

(f) "a high speed passenger craft" means a high speed craft as defined in Regulation X/1 of the 1974 Solas Convention, in its up-to-date version, which carries more than 12 passengers; passenger ships engaged on domestic voyages in sea areas of Class B, C or D shall not be considered as high speed passenger craft when:

- their displacement corresponding to the design waterline is less than 500 m³, and
- their maximum speed, as defined in paragraph 1.4.30 of the High Speed Craft Code, is less than 20 knots;

2. in Article 6(1), points (b) and (c), Article 6(2), point (a)(i), and Article 6(3), point (a), the words as amended at the date of adoption of this Directive shall be replaced by in its up-to-date version;
3. Article 8 shall be replaced by the following:

'Article 8

Adaptations

In accordance with the procedure laid down in Article 9(2):

- (a) (i) the definitions in Article 2(a), (b), (c), (d) and (t); and
- (ii) the provisions relating to procedures and guidelines for surveys referred to in Article 10;
- (iii) the provisions concerning the Solas Convention and the International Code of Safety of High Speed Craft, and including its subsequent amendments laid down in Articles 4.3, 6.4, 10.3 and 11.3; and
- (iv) the specific references to the "International Conventions" and IMO resolutions referred to in Articles 2(f), (k) and (o), 3.2(a), 6.1(b) and (c), 6.2(b) and 11.3,

may be adapted in order to take account of developments at international level, in particular within IMO;

- (b) Annexes may be amended in order to:
 - (i) apply, for the purpose of this Directive, amendments made to international conventions;
 - (ii) improve the technical specifications thereof, in the light of experience.

The amendments to the international instruments referred to in Article 2 may be excluded from the scope of this Directive, pursuant to Article 5 of Regulation (EC) No 2099/2002 of the European Parliament and of the Council of 5 November 2002 establishing a Committee on Safe Seas and the Prevention of Pollution from Ships (COSS) (*).

(*) OJ L 324, 29.11.2002, p. 1.;

4. Article 9 shall be replaced by the following:

'Article 9

Committee

1. The Commission shall be assisted by the Committee on Safe Seas and the Prevention of Pollution from Ships

(COSS) created by Article 3 of Regulation (EC) No 2099/2002.

2. Where reference is made to this paragraph, Articles 5 and 7 of Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (*) shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at two months.

3. The Committee shall adopt its rules of procedure.

(*) OJ L 184, 17.7.1999, p. 23.'

Article 8

Amendment to Directive 98/41/EC

Directive 98/41/EC is hereby amended as follows:

1. in Article 2, third indent, the words 'as in force at the time of the adoption of this Directive' shall be replaced by the words 'in its up-to-date version';
2. the following subparagraph shall be added to Article 12:

'The amendments to the international instruments referred to in Article 2 may be excluded from the scope of this Directive, pursuant to Article 5 of Regulation (EC) No 2099/2002 of the European Parliament and of the Council of 5 November 2002 establishing a Committee on Safe Seas and the Prevention of Pollution from Ships (COSS) (*).

(*) OJ L 324, 29.11.2002, p. 1.;

3. Article 13 shall be replaced by the following:

'Article 13

1. The Commission shall be assisted by the Committee on Safe Seas and the Prevention of Pollution from Ships (COSS) created by Article 3 of Regulation (EC) No 2099/2002.

2. Where reference is made to this paragraph, Articles 5 and 7 of Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (*) shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at two months.

3. The Committee shall adopt its rules of procedure.

(*) OJ L 184, 17.7.1999, p. 23.'

Article 9

Amendment to Directive 1999/35/EC

Directive 1999/35/EC is hereby amended as follows:

1. in Article 2, points (b), (d), (e) and (o) shall be replaced by the following:

'(b) "High Speed Passenger Craft" shall mean a high speed craft as defined in Regulation X/1 of the 1974 Solas Convention, in its up-to-date version, which carries more than 12 passengers;

(...)

(d) "1974 Solas Convention" shall mean the International Convention for the Safety of Life at Sea, together with Protocols and amendments thereto, in its up-to-date version;

(e) "High Speed Craft Code" shall mean the "International Code for Safety of High Speed Craft" contained in IMO Maritime Safety Committee Resolution MSC 36 (63) of 20 May 1994, in its up-to-date version;

(...)

(o) "company" shall mean a company operating one or more ro-ro ferries to which a document of compliance has been issued in compliance with Article 5(2) of Council Regulation (EC) No 3051/95 of 8 December 1995 on the safety management of roll on roll off passenger ferries (ro-ro ferries) or a company operating high speed passenger craft, to which a document of compliance has been issued in accordance with Regulation IX/4 of the 1974 Solas Convention, in its up-to-date version';

2. Article 16 shall be replaced by the following:

'Article 16

Committee

1. The Commission shall be assisted by the Committee on Safe Seas and the Prevention of Pollution from Ships (COSS) created by Article 3 of Regulation (EC) No 2099/2002 of the European Parliament and of the Council of 5 November 2002 establishing a Committee on Safe Seas and the Prevention of Pollution from Ships (COSS) (*).

2. Where reference is made to this paragraph, Articles 5 and 7 of Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (**) shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at two months.

3. The Committee shall adopt its rules of procedure.

(*) OJ L 324, 29.11.2002, p. 1.

(**) OJ L 184, 17.7.1999, p. 23.;

3. the following subparagraph shall be added to Article 17:

'The amendments to the international instruments referred to in Article 2 may be excluded from the scope of this Directive, pursuant to Article 5 of Regulation (EC) No 2099/2002';

4. Annex I is hereby amended as follows:

in point 7, the words 'MSC Resolution... (70)' shall be replaced by the words 'IMO Assembly Resolution A.893(21)'.

Article 10

Amendment to Directive 2000/59/EC

Directive 2000/59/EC is hereby amended as follows:

1. in Article 2(b) the words 'as in force at the date of adoption of this Directive' shall be replaced by 'in its up-to-date version';

2. Article 14(1) shall be replaced by the following:

'1. The Commission shall be assisted by the Committee on Safe Seas and the Prevention of Pollution from Ships (COSS) created by Article 3 of Regulation (EC) No 2099/2002 of the European Parliament and of the Council establishing a Committee on Safe Seas and the Prevention of Pollution from Ships (COSS) (*).

(*) OJ L 324, 29.11.2002, p. 1.;

3. the following paragraph shall be added to Article 15:

'The amendments to the international instruments referred to in Article 2 may be excluded from the scope of this Directive, pursuant to Article 5 of Regulation (EC) No 2099/2002.'

Article 11

Amendment to Directive 2001/25/EC

Directive 2001/25/EC is hereby amended as follows:

1. in Article 1, points 16, 17, 18, 21, 22, 23 and 24 shall be replaced by the following:

'16. "chemical tanker" shall mean a ship constructed or adapted and used for the carriage in bulk of any liquid product listed in Chapter 17 of the International Bulk Chemical Code, in its up-to-date version;

17. "liquefied-gas tanker" shall mean a ship constructed or adapted and used for the carriage in bulk of any liquefied gas or other product listed in Chapter 19 of the International Gas Carrier Code, in its up-to-date version;

18. "Radio Regulations" shall mean the revised radio regulations, adopted by the World Administrative Radio Conference for the Mobile Service in their up-to-date version;

(...)

21. "STCW Convention" shall mean the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers as it applies to the matters concerned taking into account the transitional provisions of Article VII and Regulation I/15 of the Convention and including, where appropriate, the applicable provisions of the STCW code, all being applied in its up-to-date version;

22. "radio duties" shall include, as appropriate, watch-keeping and technical maintenance and repairs conducted in accordance with the Radio Regulations, the International Convention for the Safety of Life at Sea (1974), (Solas Convention) and, at the discretion of each Member State, the relevant recommendations of the International Maritime Organisation (IMO), in their up-to-date versions;
23. "ro-ro passenger ship" shall mean a passenger ship with ro-ro cargo spaces or special-category spaces as defined in the Solas Convention, in its up-to-date version;
24. "STCW Code" shall mean the Seafarers' Training, Certification and Watchkeeping (STCW) Code as adopted by Resolution 2 of the 1995 STCW Conference of Parties, in its up-to-date version';
2. the following paragraph shall be added to Article 22:
- '4. The amendments to the international instruments referred to in Article 1 may be excluded from the scope of this Directive, pursuant to Article 5 of Regulation (EC) No 2099/2002 of the European Parliament and of the Council of 5 November 2002 establishing a Committee on Safe Seas and the Prevention of Pollution from Ships (COSS) (*).
- (*) OJ L 324, 29.11.2002, p. 1.'
3. in Article 23, point 1 shall be replaced by the following:
- '1. The Commission shall be assisted by the Committee on Safe Seas and the Prevention of Pollution from Ships (COSS) created by Article 3 of Regulation (EC) No 2099/2002.'

Article 12

Amendment to Directive 2001/96/EC

Directive 2001/96/EC is hereby amended as follows:

1. in Article 3(2), the words 'in force on 4 December 2001' shall be replaced by 'in its up-to-date version';
2. in Article 14, point 1 shall be replaced by the following:
- '1. The Commission shall be assisted by the Committee on Safe Seas and the Prevention of Pollution from Ships (COSS) created by Article 3 of Regulation (EC) No 2099/2002 of the European Parliament and of the Council of 5

November 2002 establishing a Committee on Safe Seas and the Prevention of Pollution from Ships (COSS) (*).

(*) OJ L 324, 29.11.2002, p. 1.;

3. the following paragraph shall be added to Article 15:

'3. The amendments to the international instruments referred to in Article 3 may be excluded from the scope of this Directive, pursuant to Article 5 of Regulation (EC) No 2099/2002.'

Article 13

Implementation

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive no later than 23 November 2003. They shall forthwith inform the Commission thereof.

When Member States adopt those measures, they shall contain a reference to this Directive or shall be accompanied by such reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

2. Member States shall notify to the Commission the main provisions of their national law which they adopt in the field governed by this Directive.

Article 14

Entry into force

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

Article 15

Addressees

This Directive is addressed to the Member States.

Done at Brussels, 5 November 2002.

For the Parliament

The President

P. COX

For the Council

The President

T. PEDERSEN

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 22 October 2002

on the conclusion of an Additional Protocol to the Europe Agreement establishing an Association between the European Communities and their Member States, of the one part, and the Czech Republic, of the other part, laying down the trade arrangements for certain fish and fishery products

(2002/931/EC)

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal from the Commission,

Whereas:

- (1) It is desirable to complete, by means of an Additional Protocol, the Europe Agreement establishing an Association between the European Communities and their Member States, of the one part, and the Czech Republic, of the other part ⁽¹⁾, so as to provide for preferential conditions for the importation into the Community of certain fish and fishery products originating in the Czech Republic, and into the Czech Republic of certain fish and fishery products originating in the Community.
- (2) To that end a new Protocol laying down the trade arrangements for certain fish and fishery products should be added to the said Europe Agreement.
- (3) The Protocol should be approved,

HAS DECIDED AS FOLLOWS:

Article 1

The Additional Protocol to the Europe Agreement establishing an Association between the European Communities and their Member States, of the one part, and the Czech Republic, of the other part, laying down the trade arrangements for certain fish and fishery products is hereby approved on behalf of the Community.

The text of the Protocol is attached to this Decision.

Article 2

1. From the date of entry into force of the Protocol, the tariff quota for live trout (order number 09.5261) and the tariff quota for live carp (order number 09.5263) as mentioned in Regulation (EC) No 965/97 ⁽²⁾ shall cease to apply for products originating in the Czech Republic.

⁽¹⁾ OJ L 360, 31.12.1994, p. 2.

⁽²⁾ OJ L 141, 31.5.1997, p. 1.

2. From the date of entry into force of the Protocol, a tariff quota with order number 09.5263 for three annual quota periods for live carp falling under CN subheading 0301 93 00 shall be opened at a duty rate of 0 %. For the first quota period starting from the date of entry into force of this Protocol to 31 December 2002 the quota volume shall be 2 840 tonnes, for the second quota period from 1 January to 31 December 2003 the quota volume shall be 4 500 tonnes and for the third quota period from 1 January to 31 December 2004 the quota volume shall be 5 000 tonnes. This quota shall be administered by the Commission in accordance with Articles 308a, 308b and 308c of Regulation (EEC) No 2454/93 ⁽¹⁾.

Article 3

The President of the Council is hereby authorised to designate the person empowered to sign the Protocol in order to bind the Community.

Done at Luxembourg, 22 October 2002.

For the Council
The President
P. S. MØLLER

⁽¹⁾ OJ L 253, 11.10.1993, p. 1; Regulation as last amended by Regulation (EC) No 993/2001 (OJ L 141, 28.5.2001, p. 1).

ADDITIONAL PROTOCOL**to the Europe Agreement establishing an Association between the European Communities and their Member States, of the one part, and the Czech Republic, of the other part, laying down the trade arrangements for certain fish and fishery products**

THE EUROPEAN COMMUNITY, hereinafter referred to as 'the Community',
of the one part, and

THE GOVERNMENT OF THE CZECH REPUBLIC,
of the other part,

WHEREAS the Europe Agreement establishing an Association between the European Communities and their Member States, of the one part, and the Czech Republic, of the other part, hereinafter referred to as 'the Europe Agreement', was signed in Brussels on 4 October 1993 and entered into force on 1 February 1995,

WHEREAS Chapter III of Title III of the Europe Agreement provides for negotiations to conclude reciprocal tariff concessions in the fisheries sector,

WHEREAS technical negotiations based on Article 21(5) of the Europe Agreement were carried out and successfully concluded between the Community and the Czech Republic to agree on reciprocal tariff concessions in the fisheries sector,

WHEREAS the negotiated concessions in the fisheries sector will affect the bilateral concessions granted under the Europe Agreement, which should, therefore, be amended by means of a Protocol adjusting the trade aspects of that Agreement,

WHEREAS the Community and the Czech Republic also agreed on an administratively simple procedure for implementing the negotiated tariff concessions as soon as possible on a gradual basis,

HAVE AGREED AS FOLLOWS:

Article 1

From the date of entry into force of this Protocol for fish and fishery products as defined in Article 1 of Council Regulation (EC) No 104/2000, which replaces Regulation (EC) No 3687/91 that is referred to in Article 23 of the Europe Agreement, both Parties shall apply a one-third reduction of the tariff duties applied by the Community and the Czech Republic respectively for all fish and fishery products with the exception of products mentioned in Article 2.

On 1 January 2003, both Parties shall apply a further one-third reduction of the tariff duties as they were at the time of the entry into force of this Protocol.

On 1 January 2005, or if commonly agreed earlier, full free trade of all fish and fishery products with the exception of those mentioned in Article 2 shall be applied. Any such agreement on earlier application of full free trade of all fish and fishery products shall be implemented in accordance with Article 6.

Article 2

On entry into force of this Protocol the Community shall eliminate the tariff quota for live trout (CN code 0301 91 90) mentioned in the Europe Agreement and the Community shall apply full free trade for this product originating in the Czech Republic.

Article 3

On entry into force of this Protocol, the Community shall increase the duty-free tariff quota for products falling under CN subheading 0301 93 00 (live carp) to 4 000 tonnes. On 1 January 2003, the quota shall be increased to 4 500 tonnes. On 1 January 2004, the quota shall be increased to 5 000

tonnes. On 1 January 2005, or earlier by common accord, the quota shall be eliminated. Any such agreement on earlier elimination of the quota shall be implemented in accordance with Article 6.

For quantities imported into the Community above the tariff quotas, the provisions of Article 1 shall apply.

Article 4

The reductions referred to in Article 1 shall be calculated using common mathematical principles taking into account that:

- (a) all the figures less than 50 (inclusive) after the decimal point should be rounded down to the nearest whole number;
- (b) all the figures more than 50 after the decimal point should be rounded up to the nearest whole number;
- (c) all the tariffs below 2 % should automatically be fixed at 0 %.

The Parties shall exchange information on those cases where the above principles apply.

Article 5

This Protocol shall enter into force on the first day of the month following the date on which the Parties have notified each other of the completion of the internal procedures necessary for that purpose.

Article 6

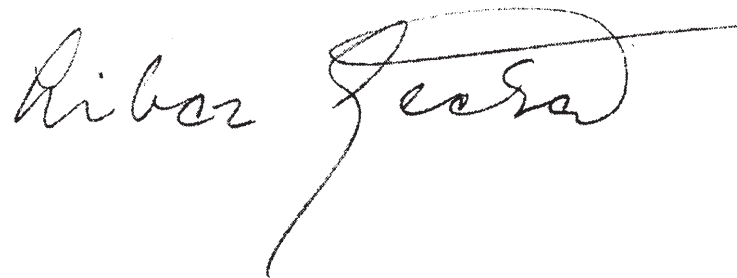
This Protocol may be amended by decision of the Association Council.

Hecho en Bruselas, el veintinueve de octubre del dos mil dos.
Udfærdiget i Bruxelles den niogtyvende oktober to tusind og to.
Geschehen zu Brüssel am neunundzwanzigsten Oktober zweitausendundzwei.
Έγινε στις Βρυξέλλες, στις είκοσι εννέα Οκτωβρίου δύο χιλιάδες δύο.
Done at Brussels on the twenty-ninth day of October in the year two thousand and two.
Fait à Bruxelles, le vingt-neuf octobre deux mille deux.
Fatto a Bruxelles, addì ventinove ottobre duemiladue.
Gedaan te Brussel, de negenentwintigste oktober tweeduizendtwee.
Feito em Bruxelas, em vinte e nove de Outubro de dois mil e dois.
Tehty Brysselissä kahdentenäkymmenentenäyhdeksäntenä päivänä lokakuuta vuonna kaksituhattakaksi.
Som skedde i Bryssel den tjugonionde oktober tjugohundratvå.
Dáno v Bruselu dne dvacátého devátého října roku dva tisíce dva.

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



Por la República Checa
For Den Tjekkiske Republik
Für die Tschechische Republik
Για την Τσεχική Δημοκρατία
For the Czech Republic
Pour la République tchèque
Per la Repubblica ceca
Voor de Tsjechische Republiek
Pela República Checa
Tšekin tasavallan puolesta
För Republiken Tjeckien
za Českou republiku



Information relating to the entry into force of the Additional Protocol laying down the trade arrangements for certain fish and fishery products to the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and the Czech Republic, of the other part

The Additional Protocol to the Europe Agreement with the Czech Republic, on trade in certain fish and fishery products, which the Council decided to conclude on 22 October 2002, entered into force on 1 November 2002, since notification of the accomplishment of the procedures specified in Article 5 of that Protocol was completed on 29 October 2002.

COMMISSION

COMMISSION DECISION of 26 November 2002

on the Community's financial contribution to a programme for the control of organisms harmful to plants and plant products in the French overseas departments for 2002

(notified under document number C(2002) 4541)

(Only the French text is authentic)

(2002/932/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1452/2001 of 28 June 2001 introducing specific measures for certain agricultural products for the French overseas departments ⁽¹⁾, amending Directive 72/462/EEC and repealing Regulations (EEC) No 525/77 and (EEC) No 3763/91 (Poseidom), and in particular Article 20(3),

Having regard to the programmes submitted by France for the control of organisms harmful to plants or plant products in the French overseas departments,

Whereas:

(1) Commission Decision 93/522/EEC of 30 September 1993 on the definition of the measures eligible for Community financing in the programmes for the control of organisms harmful to plants or plant products in the French overseas departments, in the Azores and in Madeira ⁽²⁾, as last amended by the Commission Decision 96/633/EC ⁽³⁾ defines the measures eligible for Community financing under programmes for the control of organisms harmful to plants and plant products in the French overseas departments, the Azores and Madeira.

(2) Specific growing conditions in the French overseas departments call for particular attention; measures concerning crop production, in particular plant health measures, must be adopted or strengthened in those regions.

(3) The plant health measures to be adopted or strengthened are particularly costly.

(4) A programme of measures has been presented to the Commission by the competent French authorities; this programme specifies the objectives to be achieved, the operations to be carried out, their duration and their cost with a view to a possible Community financial contribution.

(5) According to Article 20(4) of Regulation (EC) No 1452/2001 the Community's financial contribution may cover up to 60 % of eligible expenditure, protective measures for bananas being excluded.

(6) The plant protection operations in the French overseas departments provided for in the Single Programme Documents for the period 2000 to 2006 in application of Council Regulations (EC) No 1257/1999 ⁽⁴⁾ and (EC) No 1260/1999 ⁽⁵⁾ cannot be the same as those contained in this programme.

(7) The operations provided for in the European Community Framework Programme for Research and Technological Development cannot be the same as those contained in this programme.

(8) In accordance with Article 3(2) of Council Regulation (EC) No 1258/1999 ⁽⁶⁾, veterinary and plant health measures undertaken in accordance with Community rules shall be financed under the Guarantee section of the European Agricultural Guidance and Guarantee Fund. Financial control of these measures comes under Articles 8 and 9 of the above Regulation.

(9) The technical information provided by France has enabled the Standing Committee on Plant Health to analyse the situation accurately and comprehensively.

(10) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Plant Health,

⁽¹⁾ OJ L 198, 21.7.2001, p. 11.

⁽²⁾ OJ L 251, 8.10.1993, p. 35.

⁽³⁾ OJ L 283, 5.11.1996, p. 58.

⁽⁴⁾ OJ L 160, 26.6.1999, p. 80.

⁽⁵⁾ OJ L 161, 26.6.1999, p. 1.

⁽⁶⁾ OJ L 160, 26.6.1999, p. 103.

HAS ADOPTED THIS DECISION:

Article 5

Article 1

A Community financial contribution to the official programme for the control of organisms harmful to plants and plant products in the French overseas departments presented by France for 2002 is hereby approved.

Article 2

The official programme shall consist of four subprogrammes:

1. a subprogramme of pest risk analysis for harmful organisms relevant to the French overseas departments (Martinique, Guadeloupe, Guyana, La Réunion);
2. a subprogramme drawn up for the department of Martinique in two parts:
 - plant health evaluation and diagnostics,
 - information and discussion with interested parties to prevent the occurrence, introduction and spread of harmful organisms;
3. a subprogramme drawn up for the department of Guadeloupe in two parts:
 - plant health evaluation and diagnostics,
 - assistance to the control of harmful organisms;
4. a subprogramme drawn up for the department of Guyana in one part:
 - plant health evaluation and diagnostics, good agricultural practices.

Article 3

The Community's financial contribution to the programme in 2002 presented by France shall be 60 % of expenditure related to eligible measures as defined by Decision 93/522/EEC, with a maximum of EUR 200 000 (VAT excluded).

The schedule of programme costs and their financing is set out as Annex I to this Decision.

Article 4

An advance of EUR 100 000 shall be paid to France.

1. The Community assistance shall relate to expenditure on eligible measures associated with the operations covered by the programme for which provisions are adopted by France and for which the necessary financial resources are committed between 1 October and 31 December 2002.

2. No payment in connection with the operations shall be entitled to Community financing if they are made by the French authorities after 30 September 2003.

3. By derogation from paragraph 2, Community financing shall be provided in respect of payments for which a duly justified request for an extension of the deadline for payment is submitted by the competent official authorities to the Commission before 30 September 2003.

Article 6

France shall ensure compliance with the provisions on the financing of the programme, with Community policies and the information to be supplied to the Commission set out in Annex II.

Article 7

Any public contracts connected with investments covered by this Decision shall be subject to Community law.

Article 8

This Decision is addressed to the French Republic.

Done at Brussels, 26 November 2002.

For the Commission

David BYRNE

Member of the Commission

ANNEX I

FINANCIAL TABLE FOR 2002

(in euro)

	Eligible Expenditures 2002		
	EC	National	Total
Pest risk analysis	100 000	66 833	166 833
Martinique	37 000	25 000	62 000
Guadeloupe	37 000	24 000	61 000
Guyana	26 000	17 500	43 500
Total	200 000	133 333	333 333

ANNEX II

I. PROVISIONS ON THE IMPLEMENTATION OF THE PROGRAMME

A. PROVISIONS ON FINANCIAL IMPLEMENTATION

1. The Commission's intention is to establish real cooperation with the authorities responsible for the implementation of the programme. In line with the programme these authorities are those indicated below.

Commitment and payments

2. France shall guarantee that, all public and private bodies involved in the management and implementation of all operations part-financed by the Community shall keep suitable accounting records of all transactions in order to facilitate the verification of expenditure by the Community and the national inspection authorities.
3. The initial budgetary commitment shall be based on an indicative financial plan; this commitment shall be made for one year.
4. The balance shall be paid upon the presentation to the Commission of the final report of activity and the detailed total expenditure incurred and after the report has been approved by the Commission.

Authorities responsible for the implementation of the programme:— Central administration:

Ministère de l'agriculture, de l'alimentation, de la pêche et des affaires rurales
Direction générale de l'alimentation
Sous-direction de la protection des végétaux
251, rue de Vaugirard
F-75732 Paris Cedex

— Local administration:

— Guadeloupe:

Ministère de l'agriculture, de l'alimentation, de la pêche et des affaires rurales
Direction de l'agriculture et de la forêt
Jardin Botanique
F-97169 Basse-Terre Cedex

— Martinique

Ministère de l'agriculture, de l'alimentation, de la pêche et des affaires rurales
Direction de l'agriculture et de la forêt
Jardin Desclieux
BP 642
F-97262 Fort-de-France Cedex

— Guyana:

Ministère de l'agriculture, de l'alimentation, de la pêche et des affaires rurales
Direction de l'agriculture et de la forêt
Cité Rebard
BP 5002
F-97305 Cayenne Cedex

— La Réunion:

Ministère de l'agriculture, de l'alimentation, de la pêche et des affaires rurales
Direction de l'agriculture et de la forêt
Parc de la Providence
F-97489 Saint-Denis-de-la-Réunion Cedex

5. The actual expenditure incurred shall be notified to the Commission broken down by type of action or subprogramme in a way demonstrating the link between the indicative financial plan and expenditure actually incurred. If France keeps suitable computerised accounts this will be acceptable.
6. All payments of aid granted by the Community under this Decision shall be made to the authority designated by France, which will also be responsible for repayment to the Community of any excess amount.
7. Payment shall be made to the following account:

Ministère de l'économie, des finances et de l'industrie
Direction de la comptabilité publique
Agence comptable centrale du Trésor
139, rue de Bercy
F-75572 Paris Cedex 12
N° E 478 98 Divers

Financial control

8. Inspections may be carried out by the Commission or the Court of Auditors should it so request. France and the Commission shall immediately exchange all relevant information in regard to the outcome of an inspection.
9. For three years following the last payment relating to the assistance, the authority responsible for implementation shall keep available to the Commission all documentary evidence of expenditure incurred.

Reduction, suspension and withdrawal of aid

10. France shall declare that Community funds are used for the intended purposes. If implementation of a measure appears to require only part of the financial assistance allotted the Commission shall immediately recover the amount due. In cases of dispute the Commission shall examine the case, asking France or the other authorities designated by France for implementation of the measure to submit their comments within two months.
11. The Commission may reduce or suspend aid for a measure if the examination confirms the existence of an irregularity, in particular of a substantial modification affecting the nature or conditions of implementation of the measure for which approval by the Commission has not been sought.

Recovery of undue payments

12. All sums unduly paid must be reimbursed to the Community by the designated authority indicated in point 8. Interest may be levied on sums not reimbursed. If for any reason the designated authority indicated in point 8 does not reimburse the Community, France shall pay the amount to the Commission.

Prevention and detection of irregularities

13. The partners (France and French local authorities or contractants) shall observe a code of conduct drawn up by France in order to ensure that any irregularity in the provision of assistance programme is detected. France shall ensure that:
 - suitable action is taken in this area,
 - any amount unduly paid as a result of an irregularity is recovered,
 - action is taken to prevent irregularities.

B. MONITORING AND ASSESSMENT**B.I. Monitoring Committee****1. *Establishment***

Independent of the financing of this action, a monitoring committee for the programme shall be set up, composed of representatives of France and the Commission. It shall review implementation of the programme regularly and, in appropriate cases, propose any adjustments required.

2. The Committee shall establish its own internal procedures within one month of the notification of the present decision to France.

3. *Competence of Monitoring Committee*

The Committee:

- shall have as its general responsibility the satisfactory progress of the programme towards attainment of the objectives set. Its competence shall embrace the programme measures within the limits of the Community aid granted. It shall keep watch with respect to the regulatory provisions, including those on eligibility of operations and projects,
- shall, on the basis of information on the selection of projects already approved and implemented, reach an opinion on application of the selection criteria set out in the programme,
- shall propose any action required to accelerate implementation of the programme should the information furnished periodically by the interim monitoring and assessment indicators reveal a delay,
- may, in agreement with the Commission representative(s), adjust the financing plans within a limit of 15 % of the Community contribution to a subprogramme or measure for the entire period, and 20 % for any financial year, provided that the total amount scheduled in the programme is not exceeded. Care must be taken to see that the main objectives of the programme are not thereby compromised,
- shall give its opinion on the adjustments proposed to the Commission,
- shall issue an opinion on technical assistance projects scheduled in the programme,

- shall give its opinion on the final report,
- shall report regularly, and at least twice during the relevant period, to the Standing Committee on Plant Health on the progress of the programme and expenditure incurred.

B.II. Monitoring and assessment of the programme during the implementation period (continuous monitoring and assessment)

1. The national agency responsible for implementation shall also be responsible for continuous monitoring and assessment of the programme.
2. By 'continuous monitoring' is meant an information system on the state of progress of the programme. Continuous monitoring will cover the measures contained in the programme. It involves reference to the financial and physical indicators structured so as to permit assessment of the correspondence between expenditure on each measure and predefined physical indicators showing the degree of realisation.
3. Continuous assessment of a programme will involve analysis of the quantitative results of implementation on the basis of operational, legal and procedural considerations. The purpose is to guarantee correspondence between measures and programme objectives.

Implementation report and scrutiny of programme

4. France shall notify to the Commission, within one month of adoption of the programme, the name of the authority responsible for compilation and presentation of the final implementation report.

The final report shall contain a concise evaluation of the entire programme (degree of achievement of physical and qualitative objectives and of progress accomplished) and an assessment of the immediate phytosanitary and economic impact.

The final report on the present programme will be presented by the competent authority to the Commission on 30 September 2003 at the latest and shall thereafter be presented to the Standing Committee on Plant Health as soon as possible after that date.

5. The Commission may jointly with France call in an independent assessor who shall, on the basis of the continuous monitoring, carry out the continuous assessment referred to in point 3. He may submit proposals for adjustment of the subprogrammes and/or measures, and amending the selection criteria for projects, etc., in the light of difficulties encountered in the course of implementation. On the basis of monitoring of management he shall give an opinion on the administrative measures to be taken.

C. INFORMATION AND PUBLICITY

In the framework of this action, the agency appointed as responsible for the programme shall ensure that it is adequately publicised.

It shall in particular take action to:

- make potential recipients and professional organisations aware of the possibilities offered under the programme measures,
- make the general public aware of the Community's role in the programme.

France and the agency responsible for implementation shall consult the Commission on initiatives envisaged in this area, possibly through the Monitoring Committee. They shall regularly notify the Commission of information and publicity measures adopted, either by a final report or through the Monitoring Committee.

The national legal provisions on confidentiality of information shall be complied with.

II. COMPLIANCE WITH COMMUNITY POLICIES

The programme shall be implemented in accordance with the provisions on coordination of and compliance with Community policies. The following information must be supplied by France.

1. Award of public contracts

The 'public contracts' ⁽¹⁾ questionnaire must be completed for:

- public contracts above the ceilings set by the 'supplies' and 'works' Directives that are awarded by contract-awarding authorities as defined in these Directives and are not covered by the exemptions specified therein,
- public contracts below these ceilings where they constitute components of a single piece of work or of uniform supplies of a value above the ceiling. By 'a single piece of work' is meant a product of building or civil engineering works intended in itself to fulfil an economic or technical function.

The ceilings will be those in force on the date of notification of this Decision.

⁽¹⁾ Notice C(88) 2510 to the Member States on monitoring compliance with public procurement rules in the case of projects and programmes financed by the Structural Funds and financial instruments (OJ C 22, 28.1.1989, p. 3).

2. Protection of the environment

(a) General information:

- description of the main environmental features and problems of the region concerned, giving, *inter alia*, a description of the important conservation areas (sensitive zones),
- a comprehensive description of the major beneficial and harmful effects that the programme, given the investments planned, is likely to have on the environment,
- a description of the action planned to prevent, reduce or offset any serious harmful effects on the environment,
- a report on consultations with the responsible environmental authorities (opinion of the Ministry for the Environment or its equivalent) and, if there were any such consultations, with the public concerned.

(b) Description of planned activities:

For programme measures liable to have a significantly harmful effect on the environment:

- the procedures which will be applied for assessing individual projects during implementation of the programme,
 - the mechanisms planned for monitoring environmental impact during implementation, assessing results and eliminating, reducing or offsetting harmful effects.
-

COMMISSION DECISION

of 28 November 2002

amending Decision 2002/69/EC concerning certain protective measures with regard to the products of animal origin imported from China

(notified under document number C(2002) 4583)

(Text with EEA relevance)

(2002/933/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

- (1) Commission Decision 2002/69/EC of 30 January 2002 concerning certain protective measures with regard to the products of animal origin imported from China ⁽²⁾, as last amended by Decision 2002/768/EC ⁽³⁾, was adopted following the identification during a Community inspection visit to China of serious shortcomings as regards veterinary medicines regulation and the residue control system in live animals and animal products, and following the presence of harmful residues, including chloramphenicol, in products intended for human or animal consumption, presenting a risk to their health.
- (2) Decision 2002/69/EC was to be reviewed on the basis of the information provided by the Chinese competent authorities of any results from the increased monitoring and testing carried out by Member States on consignments arriving before 14 March 2002 and, if necessary, of the results of an on-the-spot inspection visit by Community experts.
- (3) In view of the information provided by the Chinese authorities as regards the control and the production conditions of crayfish of the species *Procambrus clarkii* and surimi obtained from the fishery species listed in Decision 2002/69/EC, imports of these products from China should be authorised. However, since the presence

of chloramphenicol was detected in surimi and crayfish, it is necessary, in order to ensure their safety, to carry out intensified monitoring and testing of imports of these products applying to 20 % of the consignments arriving at the Community border inspection posts.

- (4) Decision 2002/69/EC should therefore be amended accordingly.
- (5) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS DECISION:

Article 1

Annex II to Decision 2002/69/EC is replaced by the text in the Annex to this Decision.

Article 2

This Decision shall apply from 2 December 2002.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 28 November 2002.

For the Commission

David BYRNE

Member of the Commission

⁽¹⁾ OJ L 24, 30.1.1998, p. 9.

⁽²⁾ OJ L 30, 31.1.2002, p. 50.

⁽³⁾ OJ L 260, 28.9.2002, p. 31.

ANNEX

'ANNEX II

List of products of animal origin intended for human consumption or animal feed use authorised to be imported into the Community, subject to a chemical test under the conditions of Article 3

- Casings
 - Crayfish of the species *Procambrus clarkii* caught in natural fresh waters by fishing operations.
 - Surimi obtained from the fish species authorised in the list in the Annex I.'
-

COMMISSION DECISION

of 28 November 2002

approving the TSE monitoring programmes of certain Member States for 2003 and fixing the level of the Community's financial contribution*(notified under document number C(2002) 4592)*

(2002/934/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

- (1) Decision 90/424/EEC provides for the possibility of a financial contribution by the Community in the eradication and monitoring of certain animal diseases.
- (2) Certain Member States have submitted programmes for the monitoring of transmissible spongiform encephalopathies (TSEs) in bovine, ovine and caprine animals for 2003.
- (3) After examination, the programmes submitted by the concerned Member States for monitoring TSEs (the TSE monitoring programmes) were found to comply with Council Decision 90/638/EEC of 27 November 1990 laying down Community criteria for the eradication and monitoring of certain animal diseases ⁽³⁾, as amended by Council Directive 92/65/EEC ⁽⁴⁾.
- (4) Those programmes appear on the priority list of programmes for the eradication and surveillance of animal diseases which can benefit from financial participation from the Community in 2003 and which was established by Commission Decision 2002/798/EC ⁽⁵⁾.
- (5) Regulation (EC) No 999/2001 of the European Parliament and of the Council of 22 May 2001 laying down rules for the prevention, control and eradication of certain transmissible spongiform encephalopathies ⁽⁶⁾, as last amended by Regulation (EC) No 1494/2002 ⁽⁷⁾, provides for annual programmes for monitoring transmissible spongiform encephalopathies (TSEs) in bovine, ovine and caprine animals.
- (6) In the light of the importance of the TSE monitoring programmes for the achievement of Community objectives in the field of animal and public health, it is appropriate in this case to reimburse 100 % of the costs incurred by the concerned Member States for the

purchase of test kits and reagents up to a maximum amount per test kit and TSE monitoring programme.

- (7) Council Regulation (EC) No 1258/99 of 17 May 1999 on the financing of the common agricultural policy ⁽⁸⁾, provides that programmes for the monitoring and eradication of animal diseases are to be financed under the Guarantee Section of the European Agricultural Guidance and Guarantee Fund; for financial control purposes, Articles 8 and 9 of Regulation (EC) No 1258/99 apply.
- (8) The Community's financial contribution should only be granted provided that the TSE monitoring programmes are carried out efficiently and the concerned Member States supply all the necessary information within the specified time limits.
- (9) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS DECISION:

Article 1

1. The TSE monitoring programme submitted by Belgium is hereby approved for the period from 1 January 2003 to 31 December 2003.
2. The Community's financial contribution shall not exceed EUR 4 719 000.

Article 2

1. The TSE monitoring programme submitted by Denmark is hereby approved for the period from 1 January 2003 to 31 December 2003.
2. The Community's financial contribution shall not exceed EUR 2 977 000.

Article 3

1. The TSE monitoring programme submitted by Germany is hereby approved for the period from 1 January 2003 to 31 December 2003.

⁽¹⁾ OJ L 224, 18.9.1990, p. 19.

⁽²⁾ OJ L 203, 28.7.2001, p. 16.

⁽³⁾ OJ L 347, 12.12.1990, p. 27.

⁽⁴⁾ OJ L 268, 14.9.1992, p. 54.

⁽⁵⁾ OJ L 277, 15.10.2002, p. 25.

⁽⁶⁾ OJ L 147, 31.5.2001, p. 1.

⁽⁷⁾ OJ L 225, 22.8.2002, p. 3.

⁽⁸⁾ OJ L 160, 26.6.1999, p. 103.

2. The Community's financial contribution shall not exceed EUR 20 723 000.

Article 4

1. The TSE monitoring programme submitted by Greece is hereby approved for the period from 1 January 2003 to 31 December 2003.

2. The Community's financial contribution shall not exceed EUR 975 000.

Article 5

1. The TSE monitoring programme submitted by Spain is hereby approved for the period from 1 January 2003 to 31 December 2003.

2. The Community's financial contribution shall not exceed EUR 5 984 000.

Article 6

1. The TSE monitoring programme submitted by France is hereby approved for the period from 1 January 2003 to 31 December 2003.

2. The Community's financial contribution shall not exceed EUR 30 554 000.

Article 7

1. The TSE monitoring programme submitted by Ireland is hereby approved for the period from 1 January 2003 to 31 December 2003.

2. The Community's financial contribution shall not exceed EUR 9 577 000.

Article 8

1. The TSE monitoring programme submitted by Italy is hereby approved for the period from 1 January 2003 to 31 December 2003.

2. The Community's financial contribution shall not exceed EUR 6 952 000.

Article 9

1. The TSE monitoring programme submitted by Luxembourg is hereby approved for the period from 1 January 2003 to 31 December 2003.

2. The Community's financial contribution shall not exceed EUR 198 000.

Article 10

1. The TSE monitoring programme submitted by the Netherlands is hereby approved for the period from 1 January 2003 to 31 December 2003.

2. The Community's financial contribution shall not exceed EUR 6 312 000.

Article 11

1. The TSE monitoring programme submitted by Austria is hereby approved for the period from 1 January 2003 to 31 December 2003.

2. The Community's financial contribution shall not exceed EUR 2 455 000.

Article 12

1. The TSE monitoring programme submitted by Portugal is hereby approved for the period from 1 January 2003 to 31 December 2003.

2. The Community's financial contribution shall not exceed EUR 1 059 000.

Article 13

1. The TSE monitoring programme submitted by Finland is hereby approved for the period from 1 January 2003 to 31 December 2003.

2. The Community's financial contribution shall not exceed EUR 1 402 000.

Article 14

1. The TSE monitoring programme submitted by Sweden is hereby approved for the period from 1 January 2003 to 31 December 2003.

2. The Community's financial contribution shall not exceed EUR 440 000.

Article 15

The Community's financial contribution for the TSE monitoring programmes referred to in Articles 1 to 14 shall be at the rate of 100 % of the cost (value added tax excluded) of the purchase of test kits and reagents subject to a maximum amount of EUR 10,50 per test for tests carried out from 1 January to 31 December 2003 in animals referred to in Annex III to Regulation (EC) No 999/2001.

Article 16

1. The Community's financial contribution for the TSE monitoring programmes referred to in Articles 1 to 14 shall be granted provided that their implementation shall be in conformity with the relevant provisions of Community law, including rules on competition and on the award of public contracts, and subject to the concerned Member State complying with the following conditions:

- (a) bringing into force by 1 January 2003 the laws, regulations and administrative provisions for implementing the TSE monitoring programme;
- (b) forwarding a report to the Commission every month on the progress of the TSE monitoring programme and the costs incurred; the report shall be forwarded at the latest four weeks after the end of each month;
- (c) forwarding a final report, by 1 June 2004 at the latest, on the technical execution of the TSE monitoring programme accompanied by proof of the costs incurred and the results attained during the period from 1 January to 31 December 2003;
- (d) implementing the TSE monitoring programme efficiently.

2. In case the Member state does not comply with those rules, the Commission shall reduce the contribution of the community having regard to the nature and gravity of the infringement, and to the financial loss suffered by the Community.

Article 17

This Decision shall apply from 1 January 2003.

Article 18

This Decision is addressed to the Member States.

Done at Brussels, 28 November 2002.

For the Commission
David BYRNE
Member of the Commission

CORRIGENDA**Corrigendum to Council Joint Action 2002/921/CFSP of 25 November 2002 extending the mandate of the European Union Monitoring Mission**

(Official Journal of the European Communities L 321 of 26 November 2002)

On the inside front cover, in the title, and
on page 51, in the title, and
on page 51, in the closing formula:

for: '25 November 2002',
read: '26 November 2002';

on page 52, signatory:

for: 'For the Council
The President
T. PEDERSEN',
read: 'For the Council
The President
B. BENDTSEN'.

Corrigendum to Council Decision 2002/922/CFSP of 25 November 2002 extending the mandate of the Head of Mission of the European Union Monitoring Mission (EUMM)

(Official Journal of the European Communities L 321 of 26 November 2002)

On the inside front cover, in the title of the Decision, and
on page 53, in the second citation, and
on page 53, in the closing formula:

for: '25 November 2002',
read: '26 November 2002';

on page 53, signatory:

for: 'For the Council
The President
T. PEDERSEN',
read: 'For the Council
The President
B. BENDTSEN'.
